
Appeal Decision

Site visit made on 26 November 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2026

Appeal Ref: APP/P5870/W/25/3371477

79-85 Beddington Lane, Beddington, Sutton CR0 4TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Suez Recycling and Recovery (UK) LTD against the decision of the London Borough of Sutton.
 - The application Ref is DM2023/01839.
 - The development proposed is described as 'Proposed Development of the Beddington Lane Anaerobic Digestion Facility including associated infrastructure and highway improvement works.'
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Decision

1. The appeal is allowed, and planning permission is granted for an Anaerobic Digestion Facility including associated infrastructure and highway improvement works, at 79-85 Beddington Lane, Beddington, Sutton CR0 4TH, in accordance with the terms of the application, Ref DM2023/01839, and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Suez Recycling and Recovery (UK) LTD against the London Borough of Sutton. This application is the subject of a separate Decision.

Procedural Matters and Background

3. I have reverted to the original description of development set out in the application form to avoid unnecessary detail. Slight amendments are made in the decision to avoid duplication of the address.
4. The Site Layout drawing ref 5218 – D01 appended to the appellant's transport statement differs from that which formed the basis of the London Borough of Sutton's (LBS) original decision on this application. The changes shown on this image are confined to the addition of Armco Barriers. The site layout is unchanged in all other respects, and the description of development is not altered.
5. Barriers are a matter that could be conditioned. Given this factor and that no significant amendments have been advanced in this appeal, I am satisfied that the proposal before me is not substantially different to that originally considered by LBS at the application stage and what was assessed pursuant to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) in that process.
6. Interested parties have had an opportunity to comment on this matter during this appeal. Accordingly, I find that considering these minor changes in this decision would not be procedurally unfair.

7. The appellant submitted a 'Preliminary Hazard Identification and Mitigation Report' as part of the final comments. It is said to support the Environmental Permit (EP) application and focused on operational matters, the document does not seek to introduce changes to the original scheme. That said, it is a sizeable new report, and the late stage of its submission allows very limited opportunity for interested parties to comment. For these reasons I find it is unfair to consider this information in this appeal.

Appeal Site and Surrounds

8. The appeal site comprises hardstanding, a disused building and very few green features. Largely vacant, the site is set within a predominately commercial and industrial area, with a wastewater treatment plan (WWTP) to the south, the Wandle Valley Regional Park to the west and commercial and industrial units to the east and north. The closest residential properties are located approximately 170m to 200m away, respectively Portland Cottages on Therapia Lane and at 73 – 77 Beddington Lane.
9. The site includes Mile Road, which is understood to be a private road. While this connects to the highway, it is currently closed by concrete blocks, and its length is overgrown with vegetation.
10. There is suburban development in the wider area. However, the immediate setting of the appeal site is dominated by existing industrial development, which include waste management uses.

Status of Appeal Site

11. The appeal site is designated as Strategic Industrial Land in the London Plan. It is also allocated for waste uses in the South London Waste Plan (Waste Plan). The planning history shows that planning permission¹ was granted in 2020 for a Resource Recovery Facility (RRF). The main parties agree that conditions of the RRF permission have been discharged and material works have occurred on site such that the extant permission has been implemented.
12. The proposal subject of this appeal has been advanced to address a change in legislation related to the management of food waste. This is a matter to which I will return later in the decision. Although there are circumstances that have driven this proposal, this does not necessarily indicate that there is no longer a need for a RRF in this waste management sub region, or that there is no longer a reasonable prospect that the RRF will not be completed if this appeal was unsuccessful. Given these factors this extant permission presents a legitimate fallback position for the appellant to which I attach considerable weight.

The Proposal

13. The proposed development comprises an Anaerobic Digestion (AD) Facility with a capacity to manage and process 100,000 tonnes of food waste per annum. The process would generate 20,000 tonnes of digestate per annum, to be exported from the site. Biogas would also be a product of the food waste processing, and two options for the management of this have been advanced. The first is the separation of methane and carbon dioxide (CO₂), with methane used in the onsite Combined Heat and Power unit (CHP) to power the AD facility and residual biogas would be injected to the gas grid and the liquified CO₂ exported for manufacturing uses. The second approach is burning the biogas in the CHP unit to produce electricity to export to the national grid.

¹ Ref: DM2018/01865

14. The proposed main process building, to be accessed from Mile Road, would serve as the reception hall for the food waste, where this waste would be pre-treated. This building would also store digestate. The digester, buffer, Sodium Hydroxide, fuel and storage tanks, an odour control unit, CHP unit, gas flare and carbon capture equipment would form the core of the site behind the reception hall (tank farm area). An admin/amenity block and parking would be at the front of the site, served by a separate access onto Beddington Lane.
15. This proposal is an EIA type development and therefore accompanied by an Environmental Statement (ES). Significant additional information was submitted under Regulation 25 of the EIA Regs during the application stage, and following this the Council indicated that the ES was acceptable in the terms set out in Regulation 18 and Schedule 4 of the EIA Regs. Temple Group, appointed by LBS to review the ES, are suitably qualified in this matter. Although this review was funded by the appellant, no substantive evidence is advanced to lead me to question the independence of LBS's ES review.
16. A Regulation 25 request was also made during the appeal process, regarding gas production and expected end use of the digestate, and the assessment of likely significant indirect effects on the environment from this product of the AD process. The consultation on the response to this was extended to allow interested parties additional time to comment on this matter. This and other matters relating to the approach to the EIA and the findings in the ES are addressed below.

Main Issues

17. The main issues are:
 - whether the proposal would provide safe access and egress for Heavy Goods Vehicles (HGVs) to and from the site, and the effect on highway safety in the area;
 - whether the proposal would provide safe movement for HGVs in the site; and
 - the effect of the proposal on sensitive receptors in this area, with particular regards to odour.

Reasons

Access and Highway Safety

Access

18. The proposed facility would have two site accesses, with Mile Road improved to accommodate HGVs and refuse trucks. This private road would be upgraded to facilitate two way traffic movements. Thames Water has rights over this road. However, that neighbouring WWTP already has a separate dedicated access for staff and maintenance vehicles. Indeed, evidence suggests that Mile Road has been closed to traffic for some time, and regardless the WWTP has continued to function.
19. HGVs entering the site would do so at the end of the Mile Road access road, where they would proceed to deposit waste in the reception building and leave the site at a separate exit point lower down Mile Road near the highway. There would also be spaces by the main process building for HGVs to park for periods if necessary. Even if a group of HGVs arrived, they could be safely accommodated along this access road and at the front of the building thereby avoiding congestion on the highway. The submitted drawings shows that the layout would provide for good intervisibility between road users on this HGV access, and the circular

flow for traffic proposed in the site, would ensure that lorries could safely access and egress the main process building.

20. LBS suggest several occupiers would use Mile Road. But the evidence points to there being only two groups of users; those accessing the new AD facility and those for the WWTP/Thames Water land to the rear. The submitted drawings show that a barrier would be installed across Mile Road near the highway under this scheme. This feature would control the type of vehicles accessing and exiting Mile Road. This along with other measures such as the installation of CCTV could be conditioned to prevent unauthorised vehicles using Mile Road, thereby limiting its use to vehicles accessing the AD facility or WWTP facility.
21. The Transport Assessment (TA) indicates that there would be around 314 HGV movements on the Mile Road daily as a result of the AD facility. This is over a period of 24 hours, with most of these traffic movements occurring between 0700 – 1800. However, given the nature of waste collections, vehicles using Mile Road would likely do so intermittently during this daytime period. Indeed, a delivery and service plan (DSP) is proposed in part to ensure this outcome once the AD facility is operational. A conditioned DSP gives certainty of this and on the stated delivery times.
22. Also, the proposal includes a ghost lane on Beddington Lane, and this would allow HGVs to queue safely before crossing the carriageway to turn into Mile Road. The legal agreement could secure these improvements. Not only would the proposal ensure that Mile Road is upgraded to cater for large vehicles, but the improvements on Beddington Lane would provide safe access and egress to the new facility in this regard. Moreover, with a separate access for staff and visitors, the proposal would segregate HGV movements and other motorised vehicles accessing and leaving the site.
23. Considering the factors and circumstances outlined, the access and egress for HGVs would be safe under this scheme. Consequently, there would not be an unacceptable impact on current highway conditions in this immediate locale, subject to the proposed carriageway improvements and other mitigation measures stated being secured by condition and legal agreement.

Highway Safety in the Wider Area

24. The TA is supported by traffic counts on various sections of Beddington Lane and nearby 'A' roads. This data, which gives annual average daily two-way link traffic flows, has been amended to forecast 2025 and 2030 traffic conditions respectively, using the relevant growth factors for the borough.
25. Transport for London (TfL) highlights its preference for London specific forecasting as opposed to TEMPro which has been adopted by the appellant in this case. However, TfL acknowledges applying TEMPro growth factors appears to show an overestimate of background traffic growth. The worst case assumptions on this baseline matter appears to underpin the TA accordingly.
26. Existing and committed development has been factored into the assessment, including the increased capacity at the Energy Recovery Facility (ERF) in the wider industrial estate. The TA methodology appears sufficiently robust in establishing current and future traffic flows and highway conditions surrounding the appeal site. Moreover, no substantive evidence has been advanced that the forecasted baseline is inaccurate.
27. The appeal site could not physically accommodate the RRF and the proposed AD facility at the same time. Therefore, although the RRF may be considered a committed development for

the EIA process, given this fact, it is logical to assess a scenario that excludes the RRF in this case. The appellant has addressed this during the application stage, submitting an addendum to the TA that assesses potential transport impacts of this proposal against a highways baseline that excludes the RRF vehicle movements.

28. The TA also establishes the sensitivity of eleven road links in the local highway network around the site, in terms of changes in traffic flows. Congestion was not found to be a significant factor at any of the links considered.
29. As outlined the proposed capacity of this AD facility would be 100,000 tonnes per annum (tpa) of food waste and would generate 20,000 tpa of digestate which would need to be transported from the site by HGVs. CO₂ could also be exported from the site and even with the proposed travel plan (to be secured by legal agreement), it is likely that some staff would drive to the facility given the 24 hour operation necessary for an AD facility. Consequently, under this scheme, the number of vehicles using Beddington Lane and the roads in this vicinity would inevitably increase over the current baseline position as the appeal site is presently vacant.
30. Although originally failing to take account of the construction phase traffic, traffic impacts of this phase now form part of the TA. During the construction phase, the daily traffic movements, which would include HGVs, would result in just 2% increase in total vehicles in the assessment area, and this would equate to a 3% increase of HGV movements on the 2025 baseline conditions. Consequently, there would be negligible effects on existing traffic flows and conditions in this locale.
31. In reaching this finding, it was assumed that all construction traffic would approach the site from the north. LBS appear to have made a commitment to implement a 7.5t vehicle ban on HGV movements on the southern section of Beddington Lane. But this does not appear to be currently in place. It is suggested by TfL that the Construction Logistics Plan (CLP) could control lorry routing on the network. However, while this may have some effect on controlling when vehicles enter the construction site, construction vehicles would likely be owned by third parties, and the route these vehicles take would be largely outside the control of the appellant.
32. This aside, as already outlined, construction is a temporary period. The evidence indicates that the increase in HGVs during this period would be very small and using a road network which has capacity to accommodate this small increase. Even with concerns about the assumptions and mitigation, given these factors, I find nothing that would lead me to a different finding to that of the appellant's transport evidence.
33. Turning to the operational phase of the AD facility, there would be an increase of 356 vehicle movements daily, with 314 of these being HGVs. Similar to the construction phase, the appellant's transport evidence clarifies that it is assumed that most vehicles would approach from the north, with vehicles from the south limited to refuse trucks making local waste collections.
34. Once again, I have reservations about the effectiveness of the suggested DSP for the operational phase with regards lorry routing. However, relatively low payloads for waste vehicles entering the site have been assumed in the TA (2.2t). Also, it is assumed that all deliveries would be direct, following waste collection as opposed to some traffic movements comprising bulk deliveries from waste transfer stations. The worst case scenario has been tested in this regard.

35. The TA takes account of impacts on pedestrians and cyclists, including the potential for severance. The Institute of Environmental Management and Assessment (IEMA) Guidance advises that severance effects are considered 'slight' with changes in traffic flows of over 30%. The increase in traffic flows as a result of this proposal would be considerably lower than this threshold. The TA conclusion that the proposal would not result in a harmful sense of severance has been substantiated in this case.
36. The appellant also states that traffic generated by the proposal would not be the cause of significant delay to pedestrians and cyclists. Given the relatively low increase in traffic resulting from the development during construction and once operational, I find no reason to contest this. Moreover, no other changes to the local highway network in terms of physical barriers are proposed.
37. As already covered, there are proposals to incorporate highway improvements to Mile Road and Beddington Lane, which would include pedestrian access and crossing. The TA concludes that there would be a negligible effect on pedestrians and those using non-motorised vehicles in this area, in terms of delay or increased sense of fear and intimidation resulting from traffic increase related to the AD facility. Given the factors outlined and the setting of this site, I find nothing that would lead me to disagree with this TA finding.
38. Regarding the potential for queuing delivery vehicles, this is a densely populated urban area, and the immediate vicinity of the appeal site is distinctly industrial. Therefore, this road network supports relatively heavy traffic flows. EIMA guidance advises, that projected changes in total traffic flow of less than 10% creates "no discernible environmental impact". In this case the increase in traffic flows at assessed links in the area, when taking account of total vehicles, would be considerably lower than a 10% increase, above the current and forecasted baseline traffic flow, during the construction and operational phase of this development.
39. There would be a 13% increase in HGVs on local roads, but this is in an industrial setting designed to accommodate HGVs. Moreover, when considered in the context of total traffic flows, there would only be a 3% increase of total vehicles against the baseline once the facility is operational.
40. While LBS assert that this increase would have a significant and unacceptable impact on the road network, this has not been substantiated by any compelling evidence. This aside, the magnitude of change in traffic flows indicated above is relatively low, and even at the more sensitive road links, the TA evidence shows that the roads have capacity to absorb the additional traffic without significant adverse impact on the local highway network. Moreover, a DSP could ensure that vehicles would access the site on an intermittent basis and outside of peak times. This measure would minimise the potential for queuing vehicles and consequently traffic movement would not be harmfully affected in this immediate vicinity.
41. The TA shows that the vehicle movements associated with that extant RRF permission would be around 50% higher than would be the case with the AD facility. While traffic assessments for that extant permission was conducted a few years ago, nevertheless, a much higher level of traffic generation than that which would occur in this case was found to be acceptable at this location.
42. The National Planning Policy Framework (the Framework) clarifies that development should only be prevented on highways grounds if there would be unacceptable impact in highway safety, or the residual cumulative impacts on the road network following mitigation would be severe, taking into account all reasonable scenarios. As already outlined, the TA takes

account of existing and committed development in this locale; I am content that cumulative transport effects have been assessed in this regard.

43. The findings of the TA show the development would result in a low increase in traffic in the area in all scenarios. The significance of the effect on existing traffic flows, pedestrians and other road users in the area would be negligible to low, subject to securing the mitigation outlined. In turn, the existing highway conditions would not harmfully alter as a consequence of this development.
44. In light of the above, I find that the proposal would provide safe access and egress for Heavy Goods Vehicles (HGVs) to and from the site and would not have a harmful effect on highway safety in the area. In these regards the proposal would accord with Policies T4 and T7 of the London Plan, Policy 36 of the Sutton Local Plan (Local Plan) and Policy WP5 of the Waste Plan. These Policies collectively, among other things, require proposals be assessed for their impact on the highway and public transport network, should be located so as to minimise any adverse impact on the highway network and should facilitate safe, clean, and efficient deliveries and servicing.

Vehicle Movements within the Site

45. As set out, waste vehicles arriving at the facility would access the reception hall via Mile Road and leave the site using the one way traffic flow system on that access road. Staff and visitors' vehicles would use the separate direct access from Beddington Lane. Therefore, only a limited number of vehicles would need to move around the tank farm area.
46. The site is a good size, but the proposed layout shows limited space between the structures that would comprise the tank farm and the CHP and grid connection plant. The swept path analysis confirms that there would be space for a 16.5t articulated lorry to turn in the tank farm area. Nevertheless, the arrangement of buildings in the tank farm would be tight. Addressing this, the appellant has listed the measures to protect units storing potentially explosive substances in the tank farm area, including reinforced concrete tanks, site speed limits and the use of banksmen to guide turning vehicles. But even with these measures, human error could occur in the tight margins that would be available for turning HGVs in the site.
47. Armco barriers are designed to absorb impacts from vehicles and can protect sensitive areas from structural damage. The addition of these features could protect the sensitive equipment and structures in the tank farm area from HGV collisions. Manoeuvring around the site would be made considerably safer in this regard in my view. This could be secured by condition and is necessary for the reasons stated.
48. There would only be space sufficient for one HGV in the tank farm area. However, this is a matter that can be controlled by the site operator. With the referenced safeguards in place, I am content that the proposed site layout would protect against vehicle collisions in this part of the site.
49. Accordingly, I find that the proposal would provide safe movement for HGVs in the site. In this regard the proposal would accord with Policies T7 and D11 of the London Plan and Policy WP5 of the Waste Plan. These Policies collectively, among other things, require regard to the safety and security of the site and that proposals should maximise building resilience and minimise potential physical risks.

Sensitive Receptors – Odour

50. The facility would manage a putrescible waste stream; odour impacts are therefore a consideration in this case. Addressing this factor, the Air Quality Assessment (AQA) of the ES includes an assessment of odour impacts arising from the operational phase of the development.
51. Regarding the odour assessment, the appellant adopted a benchmark for the 'most offensive odours' consistent with the approach set out in Environment Agency (EA) guidance. Similar to the assessment of other air pollutants, local and national data has informed the baseline, as have meteorological and terrain data and other land uses in the area. The approach to the odour assessment appears sound in these regards.
52. The main reception building would have an odour management system. Other embedded mitigation underpinning the odour assessment, include ensuring only covered refuse vehicles enter the site, vehicles being contained in the building when unloading waste, fast action doors, waste reception building being held at negative air pressure and preventing waste being stored outside of buildings. With embedded mitigation, the dispersion modelling demonstrates that there is no risk of a significant effect due to odour emissions from the odour extraction system.
53. The EP would include environmental management systems for the facility. However, the air quality evidence illustrates that site layout, infrastructure and other physical features of the AD Facility have a role in controlling and preventing fugitive odours from emitting beyond the installation's site boundary. Conditions giving certainty of these land-use mitigation measures will be necessary in this case. I will return to the EP and planning conditions on this matter shortly.
54. The Council's only concern about odour appears to relate to that emitted from refuse vehicles travelling to the site and very little evidence has been presented to substantiate this concern. The ES odour assessment predominately focuses on potential odour emissions resulting for the operation of the AD facility. However, as outlined in the appellant's Odour Statement, waste deliveries to the site was a consideration, albeit that this matter was scoped out of the assessment process.
55. It is stated that there would be a degree of control over waste vehicles using the site given that this facility would be used to manage household food waste as part of the South London Waste Partnership (the partnership) contracts. While this may be the case now, during the life of the development, site operators may change. Similar to construction traffic, there is a possibility that vehicles accessing the facility, once operational, would be owned by third parties and this limits the scope to control these vehicles when on the highway.
56. That said, drivers are required to safely contain materials being transported on the highway network under other regimes and covering waste loads on lorries and containment of waste in refuse vehicles is an industry standard. Moreover, conditions could be imposed, requiring approval of a DSP to ensure that any waste vehicle entering the appeal site would have the waste suitably contained such that odour emissions from vehicles travelling to the site would be minimised.
57. As already covered, I am unpersuaded that lorry routing could be enforced for the reasons stated, such a condition may not satisfy the national tests in respect of that particular aim. However, as outlined, the increase in vehicles on the local network would be relatively low and as this would be a sub-regional facility it is reasonable to assume that a proportion of HGVs would approach from the north. Moreover, the DSP could control the timings of refuse

vehicles entering the facility and this would ensure that trips would be suitably spaced out through the day.

58. While some deliveries would likely come from the south and travel by schools, local refuse vehicles already use these routes. Furthermore, assessments indicate that the road network has capacity to safely accommodate the increase in HGVs without harmfully effecting traffic flows at any of the links assessed. Accordingly, even if some vehicles were odorous, the evidence points to refuse trucks not being stalled in traffic for prolonged periods. In any event, as outlined the waste would likely be safely contained and while delivery hours would be limited to the daytime, waste deliveries would be intermittent and this is a matter which could be controlled by the DSP.
59. Taking these factors into consideration alongside the mitigation outlined, I am content that refuse vehicles travelling to the proposed facility would not give rise to unacceptable residual odour impacts on the road network such that this would be harmful to those living and working near the site.
60. I therefore find that the proposal would not have a harmful effect on sensitive receptors in this area, with particular regards to odour. The proposal in this respect would accord with Policy SI 8 of the London Plan, Policy 29 of the Local Plan and Policy WP5 of the Waste Plan. These Policies collectively require proposals should facilitate safe, clean, and efficient deliveries and servicing and should not impact on amenity in surrounding areas.

Other Air Quality Matters

61. In addition to potential odour emissions already addressed, the AQA also takes account of the principal pollutants that would arise from the combustion of gas in the CHP engine or the flare, and from vehicles transporting materials to and from the facility. These include oxides of nitrogen; Sulphur dioxide; Carbon monoxide; and Volatile Organic Compounds (VOCs) and particulate matter. The initial AQA was expanded during the application process to take account of potential air quality impacts during the construction phase of the development.
62. In terms of ambient air quality in this locale, the borough is covered by an area wide Air Quality Management Area (AQMA). The pertinent air quality objectives of this designation are PM₁₀ Annual (Mean and 24-Hour Mean) and NO₂ (Annual Mean and 1-Hour Mean). Accordingly, LBS has adopted an Air Quality Action Plan (AQAP) which identifies that controls on future development in the borough is necessary to achieve air quality objectives. I will return to this shortly.
63. The appellant's AQA confirms the ambient air quality with reference to national air quality data and data collected at local automatic and dispersion tube monitoring locations within 3 km of the site. Annual mean concentration for Nitrogen dioxide (NO₂), PM₁₀ and PM_{2.5} concentrations applied in the initial AQA was based on data collected in monitoring locations in 2021. This showed concentrations of these pollutants to be considerably lower than national air quality standards and objectives (AQO). Data also indicated that pollutant concentrations have been declining for a number of years before 2021. The appellant assumes that this is a trend that will continue.
64. Whether the baseline data was as up to date as possible and the potential effect of the Covid pandemic on the data used in the initial AQA was queried at the application stage. In response, the appellant updated traffic flows, factoring up 2022 data and took account of the latest published local air quality monitoring data (available at the time of the Council's Regulation 25 request).

65. One of the Beddington Lane monitoring locations recorded a significant increase in NO₂ concentrations in the monitoring period 2022. The appellant suggested that this was an anomaly, and recent local AQ data appears to support this position. Moreover, LBS's most recently published Air Quality Annual Status Report for 2024, generally shows a slight decline in the concentration of pollutants at the locations highlighted in the appellant's AQA since 2021. This appears to support the appellant's assertion that the ambient local air quality will continue to improve.
66. Moreover, the annual mean concentration of PM₁₀ AQO was met across all monitoring sites in the borough in the 2024 period. Indeed, national AQO and standards are generally being met in this area. In any event, while recent trends generally show an improvement with regards the above concentrations of emissions, the appellant has not assumed this decline in background air quality conditions for the purposes of their AQA; the assessment applies a worst-case approach in this regard.
67. In terms of establishing the background with regards VOCs, the nearest monitoring location is 17km from the appeal site. The appellant has consequently assumed the maximum mapped background concentration of benzene within the modelling domain which again appears to be a conservative approach.
68. When assessing air quality impacts during construction, the AQA assumes embedded mitigation that generally accord with the advice set out in the London Plan's Dust and Emissions during Construction and Demolition Supplementary Planning Guidance (SPG 2014). This includes dust screens to protect sensitive receptors during this phase, and this could form part of the Construction Environmental Management Plan (CEMP) required by condition. For the operational phase, I have already dealt with the matter of odour from the facility. The principal mitigation to limit air pollutants would be a DSP.
69. The sensitive receptors identified for the AQA include schools and residential properties in the area. The closest of which are the Cottages at Therpia Road. The local wildlife site and public open space at the boundary of the site has also been assessed in this process. The sensitivity of these receptors are judged to be medium in terms of air quality changes.
70. Additional ecological sensitive receptors were identified during the application and the AQA was supplemented accordingly. This additional assessment work considered the potential pollutants from traffic emissions on Mitcham Common in the wider area. I am satisfied that the most sensitive human and habitat receptors have been identified for the purposes of the AQA in this case.
71. The AQA sets the potential emissions from the respective stages of the development against the established baseline and ambient air quality. The assessment methodology for the construction phase generally reflects the approach set out in the SPG 2014. In terms of process emissions, the assessment includes dispersion modelling, which was verified during the application process.
72. Additional evidence submitted during the application process ensured that the baseline for the assessments took account of cumulative air quality effects including the ERF and its recently expanded capacity, the former landfill and WWTP gas and CHP engines, and emergency measures to ensure continual energy supply to the nearby data centre.
73. The evidence demonstrates that the concentration of emissions arising at all stages of development would be low in an area where the ambient air quality is well below the standards and objectives for all the potential pollutants relevant in this case. The AQA concludes that construction and process emissions would not have a significant adverse

impact on local air quality at all stages of the development subject to mitigation measures being secured. It also indicates that there would not be a significant adverse impact on the critical load of the habitats assessed in the EIA process in terms of changes to air quality under this scheme, subject to mitigation.

74. Also, the AQA demonstrates that the air quality standards that seek to protect human health would not harmfully change in the local area as a consequence of this development. No significant adverse effect on human health would arise when considered against the existing AQ baseline, taking account of other development in the area. While interested parties may be fearful with regards this matter, there is nothing substantive that would support that perception.
75. Air Quality Neutrality Assessment for the non-waste processing infrastructure, consistent with London Plan policies supports this proposal. The imbedded mitigation relating to non-road mobile machinery (NRMM) compliance, CLP, DSP and controls of the CHP components are matters that could be secured by conditions. In addition to addressing London Plan policies this is also in keeping with the measures in the Sutton AQAP to ensure that emissions from developments in the borough are controlled in order to achieve national and local air quality objectives and standards.
76. Potential fugitive dust emissions during the construction phase was also assessed. But as stated, a dust management plan could be a component of the CEMP and conditioned to prevent and reduced potential local effects from this potential source of emissions during this phase.
77. Given the factors outlined above, I find that the AQ evidence supporting this proposal satisfy EIA Regs. Moreover, this evidence demonstrates that there would not be conflict with local and regional policies related to air quality in this case.
78. Mitigation relating to land use and planning matters would be secured by conditions and legal agreement. The AD facility also requires a bespoke EP to operate. The Environmental Agency (EA) has confirmed that the scope of this includes techniques for pollution control, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring, emission benchmarks for combustion products, temperature and pH and air quality impact assessment, including odour and habitat assessment.
79. The EP is not currently in place. Be this as it may, the written evidence in this case demonstrates that the proposal would not have an unacceptable impact on ambient air quality, and that pollution control matters in so far as they should be considered in land-use planning terms can be made acceptable under this scheme. This evidence is robust for the reasons outlined and consequently, I find it sufficient to dispel local concerns on this matter. I will address other fears and concerns later in this decision.
80. Returning to air quality matters, it is highlighted that the nearby ERF has breached its EP conditions. I have limited information to consider that matter. This aside, in the case before me, the effectiveness of the EA and the EP regime have been questioned. However, Planning Practice Guidance (PPG) advises, in the context of waste management development, that there are a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively.
81. It is suggested that account has not been taken of air quality impact on local schools in the context of other waste proposal in the area. Be this as it may, the AQA for this proposal takes account of ERF emissions. Moreover, five local schools including Hackbridge have been

identified as sensitive receptors for the purposes of this assessment and no significant harmful impact relating to air quality has been found at these receptors.

82. I therefore find that the proposal would not have a significant harmful effect on local air quality, subject to mitigation being secured. In this respect the proposal would accord with Policy SI 1 of the London Plan and Policy 34 of the Local Plan which collectively seek to protect and enhance air quality.

Other ES and EIA Regulations Matters

83. The ES supporting this proposal also assesses noise, visual, ecology and climate change impacts and alternatives. Reference is made to qualifications and expertise of the individuals who prepared the ES. The competency of the individuals carrying out the assessments has been demonstrated in this case. The ES is submitted with a non-technical summary which has been updated during the application and appeal process to reflect the information submitted in response to the Regulation 25 requests. The ES accords with EIA Regs in these respects.
84. LBS acknowledges that it does not have inhouse resources or expertise to review an EIA. Temple Group was consequently instructed to review the EIA/ES on behalf of LBS. While the appellant paid for this review, information shows that Temple Group reported directly to the Council. The written evidence demonstrates that Temple Group carried out a detailed review of the ES against the EIA Regs and significant further information was sought at the application stage. The approach to the review was open minded and rigorous in my opinion. I have already addressed concerns regarding impartiality.
85. Assessment findings with regards likely significant adverse effects of the proposal in respect of these other matters and the measures to avoid, prevent, reduce or offset the effects identified are summarised below with reference to consultee responses where appropriate:

Noise

86. The noise assessment (NA) is underpinned by the ambient sound levels monitored near noise sensitive receptors to the site. The NA found that the potential increase from noise sources during the construction phase and when the AD facility is operational would be negligible at residential, commercial, recreational and ecological sensitive receptors around the appeal site. Vibration during the construction or in the operational period was also assessed. It was found again that this would have a negligible impact at the nearest residential receptor.
87. The LBS pollution control officer is satisfied with the acoustic report and its methodology, and I see nothing that would lead me to dispute this. The NA findings are subject to securing mitigation to avoid and minimise impacts of noise at all stages of the proposal. This includes sound level limits on fixed and mobile plant, enclosure of equipment and acoustic screens. I am content these measures can be conditioned. I find that the proposal could be made acceptable in respect of noise impacts on the local area and this would accord with Policy D14 of the London Plan and Policy 29 of the Local Plan.

Landscaping and Visual Effects

88. The site layout plan shows that most of the site would be covered by hardstanding, sizeable tanks and CHP equipment. The facility would have a distinctly industrial appearance in this regard. However, the new structures would be set against existing commercial and industrial development that already characterises this part of Beddington Lane.

89. The Landscape and Visual Impact Assessment found that there would be some visual disturbance during construction, but this would be temporary. In terms of the life of the development, this sizeable development would be seen within the existing industrial envelope when viewed from within Beddington Lane. Moreover, with significant green features, to be secured by condition, and resolving the current sense of dereliction at the site, the proposal would have a positive visual impact in this street scene.
90. The proposed landscape buffer on the site's western boundary could be conditioned and would soften the visual effect when viewed from Wandle Valley Regional Park. That said, green features would not completely screen the new structures. However, as already indicated, the built form would have an industrial aesthetic such that it would not be out of character with other buildings in this setting.
91. The few existing trees would be retained on the site, and this would be supplemented by soft landscaping secured by condition. The landscaping scheme would also provide a green buffer adjacent to the Beddington Farmlands Site of Importance for Nature Conservation (SINC).
92. In summary, while visual effects cannot be excluded, the proposals would remediate some existing dereliction and would result in some limited enhancement with regards green features. Moreover, the built forms proposed in this case would not be out of keeping with the existing industrial aesthetic context that partially frames the site. For these reasons the proposal would be acceptable in terms of character and appearance.

Ecology and Biodiversity

93. The ecology assessment is supported by habitat and species survey work of sufficient scope to assess all likely significant effects on habitats and species. The Beddington Farmlands SINC is partially located on the appeal site and extends off-site to the west. This SINC habitat supports bird assemblage.
94. The part of the appeal site that overlaps the SINC is very small, and it is asserted that it does not include the habitats likely to support birds. As already outlined the appeal site comprises mainly hardstanding with few green features and accordingly, I find no substantive reason to challenge this assertion.
95. The assessment goes on to conclude that given these factors, the loss of this small parcel of land to part of this development would not significantly impact on the integrity of the SINC. Also, measures in the CEMP could reduce construction effects, on the SINC adjacent to the appeal site, and this could be secured by condition.
96. Air quality emissions from the AD process and from vehicle emissions could impact on habitats. The AQA found that potential adverse impacts on the SINC in the area cannot be screened out, due to potential effects arising largely from the increase in process emissions from the AD facility and that potential adverse effects on Mitcham Common SINC (in the wider area) could not be screened out due to an increase in vehicle emissions alone.
97. The sensitivity of Beddington Farmlands SINC, and other SINC in the wider local area, to impacts from the development are judged to be low, with an impact expected to be, in the long term, minor in magnitude. While the ES suggests that the low impact of AD process emissions would likely be insignificant, nonetheless it is concluded that there would be a minor adverse on the SINC during the life of the development. That said, with regards the adjacent SINC, the landscape buffer in the site would minimise this potential impact. Moreover, as already indicated, air quality assessments demonstrate that the critical load of

ecological sites in the area would not be significantly harmed in terms of pollution deposition during all phases of the development.

98. Turning to biodiversity in the site, dominated by areas of hardstanding it has limited ecological value. The mature trees, which are of higher ecological value, would be retained in this scheme. There will be some loss of tall ruderal vegetation and scrub, but this is considered of low significance when taking account of the habitat to be created as part of this proposal. The site has limited scope to support protected species, such that there would be no significant impacts in this regard.
99. Although not mandatory, the proposal is supported by a Biodiversity Net Gain (BNG) assessment. Conditions and legal agreement can provide certainty that the 10% net gain could be achieved at the site and as such this appears to compensate for the loss of a small part of the Beddington Farmlands SINCS, and the minor adverse impact identified above.
100. Concerns were raised by LBS's biodiversity officer regarding inconsistency in information, queries about baseline data, details of surveys and assumptions made in the ecology chapter of the ES. The appellant submitted additional information in response, which included clarification about surveys, revisions to the Landscape Design (Rev E), a revised BNG Report and Green Space Factor (GSF) Score Calculation. Submitted evidence indicates that LBS has no outstanding objections, so long as conditions are imposed for the biodiversity enhancement plan, a CEMP and the control of lighting.
101. The mitigation identified above and in the air quality and noise assessments would ensure that habitats and the species they support would be largely protected from significant adverse impacts at all stages of development. Moreover, where there are adverse effects, it would be small and there would be some compensation within the site, with significant biodiversity enhancement.

Flood Risk

102. The appeal site is in Flood Zone 1, with a low or very low annual probability of flooding from all sources. The site is unlikely to flood except in very extreme conditions.
103. In terms of this proposal, the AD Facility is classified as 'essential infrastructure'; an appropriate use in this Flood Zone. The specific flood risk assessment clarifies that flooding sources could inundate the appeal site, but this would be in very extreme cases, and the depth of flooding would be relatively low, as would the water velocity. Also, this would be for short time periods and would not impact on the whole of the AD Facility. Moreover, the proposal would include mitigation to manage and reduce the overall flood risk at the site, a matter which can be conditioned.
104. In terms of effects in the wider area, the development would increase impermeable surfaces on the site, which when combined with the predicted effects of climate change on rainfall intensifying over the lifetime of the development, would increase surface water runoff from the site. Regarding this matter, details satisfying the drainage hierarchy, drainage calculations and maintenance schedules for surfaces runoff were provided in response to queries from the Lead Local Flood Authority. No objection was raised subject to detailed drainage and maintenance which can be secured by condition.
105. Responding to the ES, Thames Water was unable to agree an approach to foul water infrastructure for the development. Reinforcement works may be necessary in order to avoid sewage flooding and/or potential pollution incidents. However, it has advised that this matter could be conditioned, and I find no reason to dispute this approach.

106. The evidence therefore demonstrates that subject to conditions the proposal would not have likely significant adverse effects on flood risk or water quality in the area.

Climate Change and Circular Economy

107. The impacts of the AD Facility in relation to greenhouse gas emissions have been assessed in line with the IEMA Guidance. The proposal is supported by a Carbon Assessment, and this evidence concludes that there could be a carbon benefit from the AD Facility, compared to the baseline, throughout its lifetime between 2026 and 2051. The worst case scenario assessed indicates a negligible effect on baseline conditions, which is judged to be insignificant in relation to the UK Net Zero trajectory.
108. It is assumed that the development would be certified BREEAM very good - excellent depending on the part of the site. There would be energy efficiencies in construction and low carbon energy measures would be incorporated into the development and the Whole Life Carbon Assessment (WLCA) indicates how carbon savings could be achieved. An initial circular economy statement has also been submitted showing potential compliance with Policy SI 7 of the London Plan, and the principle of reducing waste. This would be updated through the development. Conditions could be imposed to secure these benefits.
109. In short there would be a significant benefit with regard carbon savings and sustainable waste management. In turn the AD Facility would be resilient to the effects of climate change and sustainable in terms of directing waste away from landfill and improving local recycling rates.

Indirect Effects of Digestate

110. Water courses in the UK have been harmed by the runoff of excessive nutrients and the digestate produced by AD facilities is a nutrient rich product. That said, as a fertilizer, it is a useful for farming and other uses. The product would need to be transported from site, and the appellant indicates that no contracts are in place to manage this as yet. This is reasonable given the early stage in the development process.
111. There would likely be a market for this product at existing farms in the wider south. But the appellant concedes that there are innumerable decisions and variables relating to the downstream use of digestate. Be this as it may, the appellant goes on to clarify, that even if a relatively high level of generality is applied it should be recognised that there are a wide range of domestic regulatory regimes which can contribute to tackling the issue of pollution. Based on the management of digestate in line with these regimes, it is reasonable to conclude that it is unlikely that significant effects could occur.

Planning Obligation Matters

112. A legal deed pursuant to S106 of the Town and Country Planning Act has been submitted with this appeal. Signed, dated and supported by a land title, this deed obligates those with interest in the appeal site to pay contributions for BNG monitoring (£20,000 to cover a 30 year period), to agree and complete a bus stop and highway improvements outside the site and to produce and implement a travel plan. These are all mitigation measures identified in the EIA process and are necessary to make the development acceptable. They also directly relate and are fair and reasonable in kind and scale to the development proposed in this case.
113. The deed also includes an obligation related to employment skills. This matter is supported by local plan policy and like the obligations outlined above, this would satisfy the tests for planning obligations.

114. The legal agreement has an inconsistency relating to the biodiversity net gain condition, in Schedule 6 and the definition section of the deed. A letter signed by the main parties seeks to correct the error, but this is not legally binding. However, this is a very minor drafting error. Moreover, the relevant planning condition, appended to this decision, matches the condition number stated on the obligation set out in Schedule 6 of the legal agreement. Accordingly, the interpretation of this obligation is clear, such that the minor drafting error should not present issues in enforcing that obligation. I am satisfied that the legal agreement is complete and that these necessary obligations would be secured.

Other Matters

Suitability of Location, Cross Boundary Matters, Waste Hierarchy and Need

115. As already mentioned, the appeal site may be vacant but, historically, it has been used for waste management processes, and it also benefits from an extant permission for waste development. Moreover, the site is safeguarded for waste management uses in the Waste Plan. At the time that the Waste Plan was adopted permission was being sort for the RRF. However, the type of facility indicated for the allocation includes 'treatment'. Also, the waste type to be accepted at the site should be household and commercial, with a maximum throughput of around 300 000 tonnes per annum.
116. The development subject of this appeal is for the biological treatment of predominately household food waste, and the capacity of the facility falls well below that which is stated as a maximum throughput for this site. The use of the site in the manner proposed in this case accords with site allocations of the Waste Plan in these regards.
117. Concern has been raised about the proximity of dwellings to the site, and it is asserted that an urban setting is not suitable for an AD facility. However, as outlined the site is previously developed land in a largely industrial setting. These site features have support in national guidance and regional and local policy for waste uses. Also, as evidenced in the ES supporting this proposal, the development would not have an unacceptable adverse effect on sensitive receptors having regards to noise, odour, air quality, traffic or visual impacts subject to mitigation measures.
118. Regarding cross boundary issues, the London Borough of Sutton is one of the waste authorities of the South London Waste Partnership (the partnership). This partnership has been set up to deliver effective waste planning, applying, amongst other things, the principles of self-sufficiency and proximity.
119. In the context of Greater London, London Plan policies require that boroughs should strive for net self- sufficiency. Focusing on achieving these aims, the partnership highlights that planning over a larger area [than a single borough] such as that covered by the Waste Plan, provides for a more strategic and sustainable approach to waste management in this area.
120. To this end, safeguarded and allocated waste sites across the four boroughs of South London have been identified in this joint development plan. The appeal site is one of these safeguarded sites, and as already stated, I find no conflict with the requirements and considerations set out in the Waste Plan policies for this site in respect of the proposed scheme.
121. Responding to the asserted concentration of industrial activity in this locale, the site is part of the Beddington Lane Industrial area, which is a SIL. Policy E5 of the London Plan states that SILs should be managed proactively to sustain them as London's largest concentrations of industrial, logistics and related capacity for use that support the functioning of London's

economy. Amongst other matters, local policies should protect and intensify the function of SILs and explore opportunities to intensify and make more efficient use of [this] land.

122. The development would make use of PDL which is allocated for the use proposed in this case. While there may well be financial benefits to the local authority with regards resultant business rates, this would be as a consequence of development that would be consistent with all of the above locational policy aims.
123. It is suggested that this proposal would result in an unfair concentration of waste management facilities for those living in the area, particularly as these facilities are processing waste from outside the borough. Focusing on the source of waste, as a strategic designation close to two other borough boundaries, the appeal site has the potential to address the waste management needs of the authorities comprising the partnership.
124. The capacity of the extant RRF at the appeal site will address waste management needs wider than that of the borough of Sutton. Moreover, given the size of this site any alternative waste facility at this location would likely be larger than that necessary to serve a single borough. These appear to me factors in this case as opposed to matters being used to justify an unacceptable proposal in this location.
125. Also, although the principles of self-sufficiency and proximity direct waste authorities to deal with their own waste, local policy, reflective of national guidance, does not prescribe that each local authority should deal solely with its own waste. Indeed, in keeping with London Plan waste policy aims, an objective of the Waste Local Plan is to have sufficient waste management facilities to be net self-sufficient in this waste management sub region.
126. In terms of concentration of use, while noting the ERF a few hundred metres away, neighbouring Beddington Farm landfill is at the end of its life and largely restored as open green space. Its impacts are now largely limited to methane; a cumulative factor considered in the appellant's ES and found to be acceptable in terms of air quality and impacts on the local environment and public health.
127. In any event, this proposal if allowed would replace the already permitted waste management facility at this site. A significant increase in the concentration of waste management facilities in this area would not occur as a result of this scheme given the factors outlined.
128. It is suggested that biological treatment falls under '*other recovery*' and is towards the bottom of the Waste Hierarchy. However, the Waste Management Plan for England 2021 confirms that AD treatment, which turns waste into a new substance or product, is considered '*recycling*' and this is above '*other recovery*' in the Waste Hierarchy. Dealing with waste food in this manner would ensure that it is managed at the highest level of the hierarchy possible and the proposal would support the circular economy in this regard.
129. Furthermore, one of the ambitions of the Our Waste, Our Resource: A Strategy for England 2018 is to work towards eliminating food waste to landfill by 2030. Related to this the Environment Act 2021 requires the separate collection of household waste. Food waste is defined as a recyclable waste stream for the purposes of this 2021 Act, and provisions of this statute require that household waste must be collected for recycling or composting. This proposal could address this statutory requirement in this waste management sub region.
130. It is argued that the proposed capacity of this facility would be larger than that required to manage municipal food waste arising in the sub region. Addressing this, the evidence shows that around 20,000 tpa of household food waste in the sub region is already segregated, of

which only 5,000 tpa is managed at a facility in Merton. The remaining segregated food waste is transported to facilities outside Greater London.

131. Also, waste composition analysis indicates that 29% of residential waste collected in this sub region is food waste, and this equates to in excess of 80,000 tpa. As such, the proposed capacity in this case does not appear excessive.
132. Even if household food waste was lower than the evidence currently suggests, food waste also arises from non-domestic sources in south London, and this too needs to be managed in the most sustainable manner possible. The information submitted in this case shows that existing AD facilities in the wider area are unable to deal with this amount of waste; additional capacity is required to achieve local and regional policy aims and to satisfy legislative requirements. I am therefore unpersuaded that allowing this proposal would lead to an oversupply of management capacity for this waste stream in this part of London.
133. This development would replace an extant waste use at the site. However, rather than simply bulking and transferring waste, this facility would process a waste stream in a sustainable manner, thereby diverting it from landfill or recovery facilities. This would be a significant improvement over the current waste management arrangements for this waste stream in the sub region, and in turn this factor works considerably in favour of this proposal.
134. The proposal would accord with London and Local Plan policies in addressing waste management capacity needs in a suitable location. Moreover, these strategic waste policies are qualified, requiring waste management development to protect amenity and be acceptable in potential impacts such as transport and air quality. As outlined, the ES and other supporting information demonstrates that the proposal would accord with local and regional policies in this regard.

Metropolitan Open Land, Green Chain and Open Space

135. The officer's report states that part of the appeal site is in Metropolitan Open Land (MOL). However, this appears largely limited to the Mile Road, which is shown outside the boundary of the S12 safeguarded site of the Waste Plan. As described above, this road would be upgraded for access to the AD facility. Although this lane is currently blocked to traffic, it remains a distinct road comprising some hard standing, it is previously developed in this regard.
136. MOL is given protection equivalent to Green Belt in the London Plan. Indeed, Policy G3 of the London Plan states that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
137. Paragraph 154 of the Framework states that development is inappropriate unless, amongst other matters, it involves partial or complete redevelopment of PDL, whether redundant or in continuing use, which would not cause substantial harm to openness.
138. As already stated, Mile Road is overgrown but nevertheless there is evidence of its former use as an access road. This proposal would result in some widening of this road, and it would comprise a two way, made carriageway with markings. However, the expansion would be within the part of the site that does not appear to be in MOL.
139. That said, Mile Road appears relatively open where it connects to the former landfill. Under this scheme that section would alter to an improved access road. Moreover, once the facility is operational this upgraded access would be available to two way traffic and would be predominantly used by HGVs and refuse trucks.

140. Although it would be used regularly, this is a relatively narrow and short strip of road such that the resultant visual and spatial changes would be limited and localised. The proposal would not have a substantially harmful effect on the openness of this part of the MOL. It would satisfy the requirements of the Framework paragraph 154 g) in this regard. Accordingly, this proposal would not be inappropriate development in the MOL and consequently I find no conflict with London Plan Policy G3 with regards this matter.
141. Figures in the ES show that part of the site, which shares the boundary with Beddington Farmland (Wandle Valley Regional Park) is designated Metropolitan Green Chain (MGC). This is defined in the Local Plan as areas of open space which are interlinked and for use by walkers and pedestrians.
142. As described, the site is enclosed by boundary treatment, and no compelling evidence has been advanced that public access is permitted in the majority of the site. This aside, Mile Road is unbounded at its connection with the Beddington Farmland. Forming part of the 'made' road with access to the WWTP, as already stated, the existing sense of openness would be slightly eroded. However, proposed access improvements would also improve the connection to the footpaths which cross this part of the Regional Park. I therefore agree with the appellant's conclusion in Chapter 7 of the ES, that the proposal would not be inconsistent with the aims of Policy 25 of the Local Plan relevant to MGC. Nor would it conflict with Policy G4 of the London Plan which seeks to protect public open spaces for the reasons stated.

Fire Safety, Avoidance of Spills and Related Matters

143. Concern has been expressed about explosions caused by lightning strike and resultant fires and the potential for harmful spillages. My attention is drawn to five incidents at AD facilities around the country. There is limited information to allow detailed consideration of this matter, but I note the cause of lightning applies in three of those cases and that those incidents occurred over a 10 year time frame.
144. Regardless, as already outlined the AD process produces gas. In addition to the tanks containing gas, chemicals would be stored on the site to optimise the AD process. Site safety is therefore an important feature in this scheme. However, the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control of processes, health and safety issues or emissions themselves where these are subject to approval under other regimes.
145. Addressing safety matters insofar as they fall in the scope of planning, as already set out, barriers would be in place to protect sensitive equipment from vehicle collisions. The submitted drawings show reinforced concrete tanks with lightning rods, as well as hard standing and concrete bunding. Not only would this protect against fire risk but would ensure that any spillage would be contained within the site boundary such that the neighbouring SINC and any nearby watercourses would be protected. Site safety is a matter which has evidently informed the site layout and design of the development from the outset in this case.
146. Focusing on fire prevention and management, this proposal is supported by a fire statement, specific to this development. Amongst other matters this outlines the fire safety measures to be incorporated into the fabric of the buildings, an escape and evacuation strategy and fire detection and suppression measures. The appeal is also supported by drawings that show fire appliances could access the whole site in the event of a fire.
147. The evidence states that most of the measures in the fire statement would be required by Building, Health and Safety and EP Regulations. However, the London Fire Brigade has indicated a requirement for a new hydrant on the site. As this is a site layout matter and given

the nature and the scale of the facility proposed in this case, I find it reasonable and necessary to require this by condition.

148. Policy D12 of the London Plan seeks the highest standards of fire safety in buildings and that this matter should be considered throughout the lifecycle of the proposed asset. Where changes occur, the fire strategy and the protective measures within the asset should not be compromised. The ability to monitor the fire safety systems over the course of the development, by condition, would ensure that this regional policy aim is achieved at this site. Such a condition would also be reasonable to alleviate local residents' fears and to provide confidence that appropriate features would always be in place to help prevent and manage fire incidents in this locale.
149. In summary on this matter, the site layout would minimise the potential for collisions and provide space and infrastructure for fire management. The facility would also include other physical measures that would protect against incidents. While some measures and systems may be governed by other regimes, I am content, based on the evidence submitted, in so far as they relate to planning, that the appropriate safeguards would be in place for the life of this development. In turn, the measures outlined above, in my view address the fears and concerns raised by interested parties with regards these matters.
150. Consequently, I find that the proposal would accord with Policies D11 and D12 of the London Plan which collectively, amongst other things, seeks developments that maintain a safe and secure environment in London that are resilient against emergencies including fire.

Other Issues

151. There is concern that putrescible waste managed at the facility would attract vermin. The EP would have conditions which would control the operation of this facility, but ensuring where waste would be dealt with, in the site, would help with the control of pests and this can be conditioned.
152. It is asserted that the proposal would not offer community benefits. However, as previously mentioned, this facility would allow the management of a waste stream arising in the sub region and would contribute to recycling targets and net self-sufficiency in waste management. It would have significant community benefit in this regard in my view.
153. Comments have been made about the decision making process at the planning committee, the function of LBS's enforcement service and potential impacts on property values. However, these are all matters outside the scope of this decision.

Conditions

154. In addition to the statutory time limit, the development should accord with approved plans for certainty. Also, external surface materials to be approved in the interest of appearance.
155. Requirement for CEMP which accords with matters and mitigation outlined in appendix 4-1 and chapter 5 of the ES, CLP, NNRM Registration, fire hydrant, drainage and foul water management strategies, Mile Road access upgrade details and a BNG plan are necessary for the reasons stated in the decision. Clear justification exists for these prior to development, given the nature of the matters covered. Written agreement has been provided by the appellant.
156. Restricting noise generating construction activities to certain hours of the day is necessary to protect sensitive ecology and residential receptors.

157. Tree protection measures during construction, completion of site remediation, watching brief for contamination during construction and verification of the remediation works are necessary to protect the environment.
158. A finalised scheme of landscaping is necessary to enhance the environment, comply with local landscape policies and for certainty that the stated GSF would be secured. A scheme of onsite enhancement features to support protected species is necessary to protect wildlife in the area. Boundary treatments are necessary for security and for appearance.
159. Drainage maintenance is necessary to protect the environment and prevent flooding. Certainty regarding the location of electrical vehicle charge points and provision of cycle parking spaces, site accesses and carparking spaces and Armco barriers are necessary for site and highway safety. Making good redundant crossovers is necessary in the interest of highways safety and appearance.
160. Ensuring that the approved tanks are constructed with safety features described in evidence is necessary for safety.
161. The appellant's Energy Report (RPS 2023) shows the proposal's compliance with the Mayor's Cooling Hierarchy and confirms that TM52 dynamic thermal modelling is not appropriate in this case. In any event, this modelling is advisory in respect of major development, and not a requirement of Local Policy. The condition suggested is unreasonable in this regard. That aside, the Energy Report outlines mitigation measures to satisfy the aims of the local and London Plans with regards managing heat risk. Requiring this mitigation is necessary to secure this policy aim.
162. Energy efficiencies and incorporated low carbon features such as photovoltaics is necessary for certainty of positive outcomes with regards climate change. Once constructed, a review of the Whole Life Carbon Assessment, Circular Economy Assessment and BREEAM certification is necessary to ensure the embedded mitigation assumed for the ES and for certainty of stated outcomes.
163. During the operational stage, noise and lighting controls are necessary to safeguard living conditions and nearby wildlife habitats. Mile Road access management and a DSP are necessary to control delivery hours and the condition of vehicles accessing the facility, for safe access and to protect the environment and local air quality. The ability to monitor fire prevention measures is necessary for safety reasons.
164. Only one operational phase noise condition is required. I am satisfied that the embedded mitigation and recommendations in Noise Chapter 6 of the ES are addressed by the condition in the schedule below.
165. Consultees advised that conditions of the RRF 2020 permission should be attached in this case, however that is a distinctly different development. As already set out ensuring waste is contained inside to minimise odour and pests is necessary in the interest of living conditions. Fast action doors and negative air pressure are necessary for the same reason.
166. Some amendments have been made to the suggested conditions to ensure that the national tests are satisfied. Most notably, it was asserted that 'tail pieces' improved some conditions. However, in my view, this increases the risk that significant changes to the development would be sought without the benefit of interested parties' comments. Also, I am not persuaded that the addition of this wording would be used just for minor changes.

Conclusion

167. The proposal would accord with the London, South London Waste and Local Plan policies which support the circular economy and seek sustainable waste management capacity in suitable locations. Moreover, the environmental evidence and other information indicates that the proposal would also accord with relevant development plan policies, requiring waste management facilities to protect amenity and human health and be acceptable in terms of potential impacts on transport, ecology and air quality.
168. The ES supporting this proposal accords with the EIA Regs, and this along with other supporting evidence, demonstrates that the proposal would not have significant adverse effects on sensitive receptors when considering transport, air quality, human health, odour, noise, flood risk and climate change impacts, subject to mitigation. A minor adverse effect has been identified in terms of the impact on SINCs, but this effect would be reduced as far as possible with mitigation measures including a landscape buffer and operational controls. Also, there would be a significant biodiversity net gain in this site as a result of this development which would compensate for the small negative impact identified.
169. This scheme would utilise a previously developed site allocated for the use proposed in this case and the submission shows that there would be considerable benefit in terms of carbon savings and diverting a waste stream from landfill and recovery facilities. These matters weigh considerably in favour of this proposal in my view. Also, there are sufficient controls in place to ensure the facility would operate safely during its lifetime.
170. The proposal accords with the development plan, and material considerations, including the Framework, do not indicate a decision otherwise in this case. Therefore, the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 1452 PL099 Site Location Plan
 - 1452 PL101 Rev B Proposed Site Layout Fencing and Gating Strategy
 - 1452 PL102 Rev C Proposed Site Layout
 - 1452 PL120 Main Processing Building Proposed Floor Plan
 - 1452 PL121 Main Processing Building Proposed Roof Plan
 - 1452 PL122 Admin Amenity Building Proposed Floor Plans
 - 1452 PL200 Rev A Proposed Site Elevations North and East
 - 1452 PL201 Rev A Proposed Site Elevations South and West
 - 1452 PL210 Proposed Site Sections
 - 1452 PL300 Main Process Building Proposed Elevations Sheet 1 of 2
 - 1452 PL301 Main Process Building Proposed Elevations Sheet 2 of 2
 - 1452 PL302 Admin Amenity Building Proposed Elevations
 - 1452 PL303 Rev A Digester SBR and Storage Tank Plans and Elevations
 - 1452 PL304 Rev A Buffer PDST SBR Feed and NaOH Tank Plans and Elevations
 - 1452 PL305 CHP Engine Gas Upgrading and Propane Tanks Plans and Elevations
 - 1452 PL306 Pasteurisation Plant Gas Flare and Boiler Plans and Elevations
 - 1452 PL307 Rev A Fuel Tank, Ferric Store, Gas to Grid & Substations Plans and Elevations
 - 1452 PL308 Carbon Capture Plant Plans and Elevations
 - 1452 PL309 Weighbridge Office Plans and Elevations
 - 1452 PL310 Cycle Store, Bin Store & Smoking Shelter Plan and Elevations
 - 1452 PL311 Gates Elevations
 - 1452 PL312 Fencing Elevations
 - 3452-01-01 Landscape Design Rev E.
- 3) No development above base level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples and retained as such thereafter.
- 4) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall address all mitigation set out in appendix 4 – 1 and paragraph 5.6.1 of Chapter 5.0 - Air Quality and Odour of the Beddington Lane Anaerobic Digestion Facility

Environmental Statement - Volume 1 (Nov 2023), and shall accord with BS42020:2013 and include the following:

- a) A risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works;
- e) The times during construction when a specialist ecologist need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities of the on-site ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) construction lighting to ensure it is in accordance with Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust) and that there is no horizontal or vertical spill, particularly to the adjacent (western) site. Details to confirm this will be provided.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; and (f) means to prevent deposition of mud on the highway, have been submitted to and approved in writing by the local planning authority.

The approved CLP shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until 79 – 85 Beddington Lane has been registered on the Greater London Authority's (GLA)NRMM Register and details of any non-road mobile machinery (NRMM) to be used on this site during the construction phase of the development, with the net power between 37kW and 560kW, have been registered on the GLA's NRMM database to demonstrate compliance with the standards of the Low Emission Zone for NRMM.
- 7) No development shall take place until details of a new fire hydrant and its location in the site has been submitted to and approved in writing by the local planning authority. The fire hydrant shall be installed according to the approved details prior to the first use of the development and retained thereafter for the purpose intended.
- 8) No development shall take place until the following drainage details are submitted to and approved in writing by the local planning authority:
 - a) revised sustainable drainage strategy with discharge rates restricted to the greenfield runoff rates if possible (and an explanation why it is not possible if so);
 - b) final surface water drainage layout drawing (aligned with the drainage strategy) that confirms the invert levels of the proposed discharge point. The layout must also

show pipe numbers, gradients and pipe sizes complete. Where discharge by gravity as is currently proposed is not feasible, then a pump based drainage system should be provided together with pump mitigation measures (for instance, the use of a twin pump, alert system) in the event of its failure; and

c) Timescale for implementation of the drainage system.

The drainage strategy shall be implemented in accordance with the approved timescales and details.

- 9) No development shall take place until details of foul water capacity necessary to serve the development shall be submitted to and approved in writing by the local planning authority. The development shall not be used until the approved details for foul water management have been completed. The foul drainage system will thereafter be maintained in accordance with the approved details.
- 10) No development shall take place until details of the improvement works of Mile Road access road, in keeping with that shown on the 145 PL 102 Rev C Proposed Site Layout drawing, has been submitted to and approved in writing by the local planning authority. The Mile Road access road shall be completed according to the approved details prior to the first use of the development and retained thereafter for the purpose intended.
- 11) Any works during the demolition and construction phases that generate noise beyond the site boundary shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and at no time whatsoever on Bank Holidays and Sundays.
- 12) All tree(s) on and adjacent to the site shown on Drawing Ref 145 PL 102 Rev C Proposed Site Layout, to be retained shall be protected in accordance the Arboricultural Method Statement (GSDA Ltd dated 2020) and recommendations in British Standard BS 5837: Trees in Relation to Design, Demolition and Construction - Recommendations (2012). No materials will be stored within the Construction Exclusion Zone, and the Tree Protection Fencing and other measures shall only be removed on completion of development. On completion of development, photographic evidence of compliance with BS5837:2012 shall be submitted to and approved in writing by the local planning authority.
- 13) Prior to the construction of the super structure of the building, the site remediation works in respect to contaminated land in the site shall be completed in accordance with the measures and timescale contained in the approved Geoenvironmental Investigation (Ref Clarkebond, ref: WE04484/R1).
- 14) If, during the course of implementing and completing the approved development, land contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority.

The remediation strategy shall then be implemented as approved. Prior to the first use of the development, verification reports pursuant to the approved remediation strategies required by this condition and condition 13 above shall be submitted to and approved in writing by the local planning authority.
- 15) Prior to the first use of the development, full details of hard and soft landscaping, which includes details of the green roof and walls and that demonstrates that the green space factor indicated in appendix 4.4 of the planning application will be achieved, shall be submitted to and approved in writing by the local planning authority. All hard and soft

landscaping and tree planting shall be carried out in accordance with the approved details.

The approved landscaping details shall be completed prior to the first use of the development or in accordance with the timetable agreed with the local planning authority.

Any tree(s) or plants that (within a period of five years after planting) are removed, die, or (in the opinion of the local planning authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved.

- 16) Prior to the first use of the development a scheme for wildlife and nesting features shall be submitted to and approved in writing by the local planning authority. The scheme will include details, type and location (plan and elevation views) of each feature and the numbers of:

- Swift bricks
- Hirundine nests
- Starling boxes
- Bat bricks/boxes
- Insect habitats

The features shall be installed in accordance with the approved scheme and timescales and thereafter retained for 30 years.

- 17) Prior to the first use of the development, the fencing, gates and other boundary treatments shall be installed in accordance with details shown on approved drawings Refs 1452 PL101 Rev B Proposed Site Layout Fencing and Gating Strategy, 1452 PL311 Gates Elevations and 1452 PL312 Fencing Elevations. The approved fences, gates and boundary treatments shall be retained thereafter.

- 18) No building shall be occupied until the following has been submitted to and approved in writing by the local planning authority:

(a) an updated drainage maintenance plan confirming who shall be responsible for the maintenance of the proposed drainage system (and pump mitigation measures and maintenance plan if required); and,

(b) evidence (e.g. photographs and installation contracts, street works permit to make a connection to an agreed water sewer) demonstrating that the sustainable drainage scheme for the site, completed in accordance with the approved details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

- 19) Prior to the first use of the development details about the location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority. The EVCPs, staff/visitor entrance, and car, motorcycle and cycle parking areas shall be completed in accordance with the approved EVCP details and with the details shown on drawing Refs 1452 PL102 Rev C Proposed Site Layout and 1452 PL310 Cycle Store Bin Store & Smoking Shelter Plan and Elevations prior to the first use of the site.

These features shall be retained according to the approved details for the intended purpose thereafter.

- 20) Prior to the first use of the development, the ARMCO barriers shall be installed in full accordance with the details shown on drawing Ref 5218-D01 Site Layout (Statement of Case – Transport Appendix A). The Armco barriers shall be retained according to the approved details thereafter.
- 21) Prior to the first use of the development, details of works to address redundant accesses and crossovers and for the reinstatement of kerbs shall be submitted to and approved in writing by the local planning authority. The works shall be completed according to the approved details and timescales.
- 22) Prior to the first operation of the facility, tanks shall be completed according to the details shown in approved drawings Refs 1452 PL303 Rev A Digester, SBR and Storage Tank – Plans and Elevations and 1452 PL304 Rev A Buffer, PDST, SBR Feed & NaOH Tanks – Plan and Elevations, and retained according to details of these approved drawings thereafter.
- 23) Prior to the first use of the development, cooling and heating measures shall be incorporated into buildings in accordance with the details outlined in section 4 of the Energy Report (RPS – November 2023). These approved measures shall be retained thereafter.
- 24) Prior to the first use of the admin/amenity block, documentary evidence including ‘as-built’ BRUKL outputs prepared under the Simplified Building Energy Model, demonstrating that the energy strategy has been implemented in accordance with the approved Energy Report (RPS - November 2023) shall be submitted to and approved in writing by the local planning authority.

If the development is unable to meet the required reduction in CO₂ emissions stated in the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures, the details of which shall be submitted to and approved in writing by the local planning authority. The approved energy efficiencies and low carbon measures shall be implemented according to the agreed timescale and retained thereafter.

- 25) Prior to the first use of the development, a finalised Carbon Assessment together with an ‘as-built’ Whole Life Carbon Assessment (WLC), demonstrating that the completed Anaerobic Digestion facility will achieve a net carbon benefit over its assumed 25 year lifetime compared to the stated baseline scenarios (Ref Energy Report – RPS November 2023) taking account of cumulative emissions arising from the construction, operation and demolition, shall be submitted to and approved in writing by the local planning authority.

The Carbon Assessment and WLC Assessment must reflect the outcome of the detailed design stage, be prepared in accordance with the relevant Mayoral Guidance and be accompanied by a completed Greater London Authority WLC Assessment Template for the Post Construction stage.

- 26) The development hereby approved shall be constructed in accordance with the approved Circular Economy Statement (3452-01-CES01) (Axis PED Ltd -November 2023).

Prior to the first use of the development, documentary evidence, that demonstrates that all proposed circular economy measures stated in the Circular Economy Statement have been met in line with the approved details, shall be submitted to and approved in writing by the local planning authority.

- 27) Prior to the first use of the development, a BREEAM New Construction 2014 Final (Post-Construction) Certificate demonstrating that an 'Excellent' rating has been achieved for the admin / office block and 'Very Good' has been achieved for the main processing building, issued by the BRE, shall be submitted to and approved in writing by the local planning authority. All the measures integrated in the development shall be retained thereafter.
- 28) No development shall take place until a Biodiversity Enhancement and Management Plan (BEMP) for habitat creation and enhancements shall be submitted to and approved in writing by the local planning authority.

The BEMP shall set out how the net gain stated in the Biodiversity Net Gain Report Rev A (FPCR Environment dated February 2025) shall be achieved.

The approved BEMP shall be strictly adhered to and implemented in full. Work shall be undertaken in accordance with the approved scheme and thereafter retained for 30 years.

- 29) The development will be built in accordance with noise management standards and mitigation stated in para 6.5.4 of Chapter 6 Noise of the Environmental Statement Volume 1 Main Report Ref. 3452-01-ES06 and these approved measures and standards shall be maintained thereafter.

Within 1 month of the Anaerobic Digestion (AD) Facility being commissioned an acoustic report shall be submitted to and approved in writing by the local planning authority to show compliance with the following noise limits:

Operational noise from the approved development at the nearest pre-existing residential receptor property, as identified in the Noise Impact Assessment (Chapter 6 of the Environmental Statement Volume 1 Main Report Ref. 3452-01-ES06 – Table 6.13), shall not exceed the maximum permissible rating noise levels of the cumulative noise emissions of the plant detailed below when assessed at the property boundary:

Daytime (07:00 – 23:00): Representative Background LA90,1 h +0dB.

Night (23:00 – 07:00): Representative Background LA90,15mins +0dB.

The above noise limits are to be determined either by way of direct measurement at the stated locations, or where extraneous ambient noise precludes this, by way of a combination of measurement and calculation in accordance with BS4142:2014+A1:2019. The site shall operate according to these noise limits thereafter.

- 30) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. External lighting shall be installed in accordance with the approved details and retained as such thereafter.
- 31) Prior to the first use of the AD facility, details of a scheme to prevent unauthorised access along the Mile Road access shall be submitted to and approved in writing by the local planning authority. The scheme should include CCTV monitoring to prevent unauthorised access and the unlawful dumping of waste. Prior to the first use of the development the scheme shall be implemented and retained thereafter in accordance with the approved details.
- 32) Prior to the first use of the AD facility, a Delivery and Servicing Plan (DSP) shall be submitted to, and approved in writing by, the local planning authority. The approved DSP shall be implemented at the first use of the development and permanently thereafter.

- 33) The operator of the approved AD facility shall maintain up-to-date records demonstrating ongoing implementation of the fire safety measures described in Section 7.1 of the document Fire Statement-London Plan (784-B060385 Issue 1 dated December 2023). These records shall be made available for inspection by the local planning authority within 30 working days of a written request.
- 34) Prior to the first use of the AD facility, fast action roller doors shall be installed on the Main Process Building in accordance with approved drawings Refs 1452 PL300 Main Process Building Proposed Elevations Sheet 1 of 2 and 1452 PL301 Main Process Building Proposed Elevations Sheet 2 of 2, and these doors shall be retained thereafter.
- 35) During the operational phase of the development, the Reception Hall and Pre-treatment sections of the Main Process Building will be maintained at negative air pressure at all times and waste imported to the site shall only be unloaded, deposited, stored and processed inside enclosed buildings on the site for the lifetime of the development.

End Schedule.