


Supplementary Agenda

Planning and Regulatory Committee



<u>Date and Time</u>	<u>Place</u>	<u>Contact</u>	<u>Web:</u>
Wednesday, 27 November 2024 10.30 am	Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF	Joss Butler joss.butler@surreycc.gov.uk	Council and democracy Surreycc.gov.uk <u>Twitter:</u> @SCCdemocracy 

SUPPLEMENTARY AGENDA

- | | | |
|----------|--|--------------------|
| 2 | MINUTES OF THE LAST MEETING | (Pages
1 - 4) |
| | Responses to supplementary questions from the previous meeting. | |
| 4 | PUBLIC QUESTION TIME | (Pages
5 - 6) |
| | Five public questions were submitted. The questions and responses are attached to this supplementary agenda. | |
| 5 | MEMBERS' QUESTION TIME | (Pages
7 - 8) |
| | One Member question was submitted. The question and response is attached to this supplementary agenda. | |
| 7 | SURREY COUNTY COUNCIL PROPOSAL RE24/00533/CON -
FORMER CARE HOME, PARK HALL ROAD, REIGATE RH2 9LH | (Pages
9 - 12) |
| | Update sheet. | |
| 8 | SURREY COUNTY COUNCIL PROPOSAL RU.23/1759 -
MEADOWCROFT COMMUNITY INFANT SCHOOL, LITTLE GREEN
LANE, CHERTSEY KT16 9PT | (Pages
13 - 16) |
| | Update sheet. | |

Terence Herbert
Chief Executive
Published: 26 November 2024

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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Thank you for your co-operation.

QUESTIONS AND PETITIONS

Cabinet and most committees will consider questions by elected Surrey County Council Members and questions and petitions from members of the public who are electors in the Surrey County Council area.

Please note the following regarding questions from the public:

1. Members of the public can submit one written question to a meeting by the deadline stated in the agenda. Questions should relate to general policy and not to detail. Questions are asked and answered in public and cannot relate to “confidential” or “exempt” matters (for example, personal or financial details of an individual); for further advice please contact the committee manager listed on the front page of an agenda.
2. The number of public questions which can be asked at a meeting may not exceed six. Questions which are received after the first six will be held over to the following meeting or dealt with in writing at the Chairman’s discretion.
3. Questions will be taken in the order in which they are received.
4. Questions will be asked and answered without discussion. The Chairman or Cabinet members may decline to answer a question, provide a written reply or nominate another Member to answer the question.
5. Following the initial reply, one supplementary question may be asked by the questioner. The Chairman or Cabinet members may decline to answer a supplementary question.

Planning and Regulatory Committee

30 October 2024

WRITTEN RESPONSES TO SUPPLEMENTARY QUESTIONS**PUBLIC QUESTIONS****1. Deborah Elliott asked the following supplementary question:**

In UK Oil & Gas PLC's (UKOG) recent statements, they say there have been in talks with Surrey County Council since June. Could you confirm and provide evidence of this? If this is true, why has drilling been permitted by the Council in the interim without any planning permission in place?

In response, officers stated that they could not provide evidence while in the meeting but confirmed that there had been an ongoing dialogue with the operator. As per the published public question responses, the council had not permitted drilling and that it was the council's position that the extraction of oil at the site is unlawful. Officers agreed to provide a written response outside the meeting.

Response:

As per the verbal response at the meeting, SCC has not permitted the continued drilling and extraction at the site since the quashing of the planning permission in June 2024. The continued extraction has been at the operator's own risk of formal enforcement action given it is continuing in breach of planning control.

Following the Supreme Court Decision, the Council entered into correspondence with the applicant's planning agent in June 2024. The Council sent an email dated 21 August 2024 stating that the development is unlawful and therefore at risk of formal enforcement action, thereby putting the operator on notice of this fact. Subsequent correspondence between the Planning Development Manager and Applicant's agent from August to October 2024 related to when the applicant intended to submit additional information to set out their position in relation to the development and redetermination of the planning application.

Officers from the Enforcement and Monitoring Team also made contact with the operator to arrange a visit to the site as part of the on-going investigation into what development had taken place at site. This visit took place on 16 October 2024. Following this there were further exchanges with the operator and representatives to set out that the development was unlawful and that it was operating in breach of planning control. Further exchanges took place over the following 2 weeks which resulted in a meeting on 25 October 2024 at which the operator set out their intention to cease production at the site. A site visit was carried by the Enforcement and Monitoring team on 31st October. On the same date a formal request was made to the operator for information regarding what development has occurred at the site and details necessary to progress the Council's on-going consideration of formal action.

The Enforcement and Monitoring team remain in regular communication with the operator in order to bring the situation to a resolution. This is in relation to the voluntary cessation of

principal production and removal of the associated infrastructure. In addition, officers are liaising with colleagues at the Environment Agency and Health and Safety Executives regarding their roles as regulators and to obtain technical understanding of the necessary steps involved in cessation. Regular monitoring visits will be undertaken to ensure that the cessation and removal of associated infrastructure is being done.

No decisions have been taken regarding whether further formal enforcement action may also be required and this remains an on-going consideration following review of the information provided by the operator in response to the formal request made on 31st October.

2. Jackie Macey asked the following supplementary question:

The delayed action from Surrey County Council has led Chris Coghlan MP to say Surrey County Council owe residents of a full explanation of their conduct over the last four months. You state in your response that you UKOG has been put on notice. When did this happen and exactly what does this mean?

Officers stated that, as mentioned in the previous response, 'put on notice' meant that UKOG had been informed the extraction was considered unlawful and that there had been ongoing dialogue over the past four months. Officers agreed to provide a written response outside the meeting.

Response:

As per the verbal response at the meeting, SCC has not permitted the continued drilling and extraction at the site since the quashing of the planning permission in June 2024. The continued extraction has been at the operator's own risk of formal enforcement action given it is continuing in breach of planning control.

Following the Supreme Court Decision, the Council entered into correspondence with the applicant's planning agent in June 2024. The Council sent an email dated 21 August 2024 stating that the development is unlawful and therefore at risk of formal enforcement action, thereby putting the operator on notice of this fact. Subsequent correspondence between the Planning Development Manager and Applicant's agent from August to October 2024 related to when the applicant intended to submit additional information to set out their position in relation to the development and redetermination of the planning application.

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3. Neville Kemp asked the following supplementary question:

On 2 October 2024, thanks to the dedicated journalism of Ruth Hayhurst of Drill or drop, it was revealed that, until last week, when, curiously, the company announced a suspension of their operations, Horse Hill Development Limited were continuing to extract oil in flagrant disregard of the Supreme Court judgement in June, which had found against the Council's decision allowing continued production. In its failure to uphold this judgement over the past four months, and moreover, to honour its declaration of a climate emergency in 2019, are we to infer a Council bias in favour of the oil and gas industry?

In response, the Chairman acknowledged that part of the question was outside the remit of the Planning and Regulatory Committee. The Chairman agreed to provide a written response outside the meeting.

Response:

As noted at the meeting, this question goes wider than the remit of the Planning and Regulatory Committee. However, regarding the work of the Committee and officers within the Planning Teams, relevant investigations, assessments and decision are dealt with on the basis of the relevant planning issues and are not impacted by the identity of an applicant or other interested party. The other written responses provided in this note set out the reasons why the current investigation has taken time. This is due to the nature of the process and not any other factors.

MEMBER QUESTIONS

1. Cllr Jonathan Essex asked the following supplementary question:

As this relates to a decision of the Supreme Court and the activities pursuant have continued for the past five years, it would seem unreasonable to think the courts would anyway not support such immediate enforcement, so it's unclear why prior investigation appears to have been undertaken first rather than first taking immediate formal enforcement action. The supplementary question is to ask whether the Surrey County Council will now, if not already, formally issue and publish a stop notice to ensure that continued operations at the Horse Hill site do now cease and immediately instead commence clearance and full restoration of the site.

Officers stated that the investigation was ongoing and agreed to provide a written response outside the meeting.

Response:

Planning practice guidance states "Effective enforcement action relies on accurate information about an alleged breach of planning control". This is vitally important to ensure that any formal

action taken is robust and not open to challenge. It is particularly necessary to ensure that the breach of planning control that is being alleged is accurately described.

In the case of Horse Hill, the nature of the development is complex and there is lengthy planning history to the site. The Supreme Court decision quashed the planning permission for “the retention and extension of an existing well site, and vehicular access to allow: the drilling of four new hydrocarbon wells and one water reinjection well; the construction of a process and storage area and tanker loading facility; new boundary fencing; well maintenance workovers and sidetrack drilling; and ancillary development enabling the production of hydrocarbons from six wells for a period of 25 years”. The quashing of that planning permission meant that there is no planning permission covering development at the site. However, the development that has occurred at the site is not the same as that described in the quashed planning permission. A robust investigation is necessary to fully and accurately describe the development that constitutes the breach of planning control at the site. This includes a full review of the planning history.. A failure to assess whether or not this may be applicable to any of the development at site would leave any formal action potentially vulnerable on appeal.

The complex nature of the development at site, including all the individual elements of equipment, and the planning history, alongside the other demanding work of the Council’s Planning Enforcement and Monitoring Team mean that the investigation has taken time. Although the operator states they have ceased production, this work remains on-going and the investigation is still live.

Officers from the Enforcement and Monitoring Team also made contact with the operator to arrange a visit to the site as part of the on-going investigation into what development had taken place at site. This visit took place on 16 October 2024. Following this there were further exchanges with the operator and representatives to set out that the development was unlawful and that it was operating in breach of planning control. Further exchanges took place over the following 2 weeks which resulted in a meeting on 25 October 2024 at which operator set out their intention to cease production at the site. A site visit was carried by the Enforcement and Monitoring team on 31st October. On the same date a formal request was made to the operator for information regarding what development has occurred at the site and details necessary to progress the Council’s on-going consideration of formal action.

The Enforcement and Monitoring team remain in regular communication with the operator in order to bring the situation to a resolution. This is in relation to the voluntary cessation of principal production and removal of the associated infrastructure. In addition, officers are liaising with colleagues at the Environment Agency and Health and Safety Executives regarding their roles as regulators and to obtain technical understanding of the necessary steps involved in cessation. Regular monitoring visits will be undertaken to ensure that the cessation and removal of associated infrastructure is being done.

No decisions have been taken regarding whether further formal enforcement action may also be required, and this remains an on-going consideration following review of the information provided by the operator in response to the formal request made on 31st October.

Edward Hawkins
Chairman of the Planning and Regulatory Committee

Planning and Regulatory Committee

27 November 2024

PROCEDURAL MATTERS – PUBLIC QUESTIONS

4

1. Question submitted by Jackie Macey

This week the government's approval of the Rosebank oil field will be challenged in court, however following the Supreme Court's ruling on the need to assess downstream emissions within EIAs the government has withdrawn its defence. Will the planning committee also now recognise the significance of this ruling and issue an enforcement notice to UKOG to ensure no future unlawful activity occurs at the Horse Hill site?

Reply:

The Council is aware of other on-going court cases and will consider the implications of any future decisions in relation to our own work, including whether or not formal enforcement action is taken at Horse Hill. The consideration of formal action at Horse Hill remains a live matter with the Council's Enforcement and Monitoring team.

2. Question submitted by Deborah Elliott

Following the questions raised by the public at the last planning meeting can you advise if an enforcement or stop notice has now been served on the Horse Hill oil extraction site?

Reply:

No formal enforcement or stop notice has been issued to date at the site. The matter remains subject to on-going review alongside the work necessary to review the voluntary cessation by the operator.

3. Question submitted by Neville Kemp

Has the council set dates for UKOG to restore the site and if so, how will this be monitored?

Reply:

The current position is that the development at site is unlawful and the operator should therefore be remedying the situation as soon as possible. No formal date has been agreed by the Council by which the restoration of the site must have been completed. On-going monitoring of the situation, both in discussion with the operator and by site visit, is taking place.

4. Question submitted by Sarah Freeman

How will Surrey County Council clearly inform the public that they have endorsed the Supreme Court's 'Finch' ruling on EIAs, by their action in closing UKOG's Horse Hill oil extraction site?

Reply:

The Supreme Court Decision relates to the need for downstream greenhouse gas emissions to be considered as part of an Environmental Statement submitted in support of the (now) undetermined planning application. As previously confirmed, the Council will ensure that

information is submitted with any new documentation in support of the planning application and will fully consider it as part of the assessment of that planning application.

The enforcement related issues stem from the Supreme Court's quashing of the previous permission rendering what has occurred at site unlawful. The subsequent considerations regarding whether or not formal enforcement action are separate matters.

5. Question submitted by Cllr Bob Barnes (Parish)

Can you please confirm what Surrey County Council's enforcement policy is for managing timescales for illegal waste dumping on a major scale which has been allowed to continue for over 30 days when planning enforcement team were notified on the first day of activity when HGV waste was brought onto site? Specifically, can you please confirm what policy Surrey County Council has to not expediently action enforcement to cease activity on site and what is the policy for no enforcement/ temporary stop notice being served and action taken to collectively ensure that work does not then recommence again immediately after the period of the stop notice has ended?

Reply:

Enforcement action has been undertaken at this site. In recognition of the ongoing harm SCC has served a Temporary Stop Notice and a Stop Notice together with an Enforcement Notice, which remains extant. Regrettably it is not possible to extend the time period after such a Temporary Stop Notice has expired.

Whilst a Temporary Stop Notice can temporarily seek the cessation of the activity it is clear that in order to achieve full compliance with the enforcement notice to both cease the activity and remediate the site, further action is required. As a consequence, Officers are actively progressing this case to apprehend the unauthorised waste activity occurring at the Site whilst also working to ensure that any action the County Planning Authority take will be sufficiently robust to ensure an immediate remedy of the most harmful aspects of the unlawful development. Once authorisation and documentation regarding proposed formal action has been agreed, a further update will be provided to all interested parties.

Edward Hawkins
Chairman of the Planning and Regulatory Committee
27 November 2024

Planning and Regulatory Committee

27 November 2024

PROCEDURAL MATTERS – MEMBER QUESTIONS**1. Question submitted by Cllr Helyn Clack**

On behalf of the Norwood Hill Resident's Association in Sidlow and Charlwood, Surrey, which represents the community of Norwood Hill and Horsehills, across both my own division of Dorking Rural as well as my colleague C.Cllr Andy Lynch, Horley West, Salfords and Sidlow Division, I would like to ask the Planning Officers and Committee questions relating to the activity at Crosswinds on Collendean Lane in Norwood Hill, Surrey which has seen hundreds of lorries, offloading tonnes of soils and materials on this site since 1st October 2024. During this time residents tell me that the level of land on this site has been raised by over one metre on this multi acre field in the greenbelt.

Can I please ask Officers:

Does this site have planning permission from the planning and environmental authorities to accept waste in this manner, if so when was this granted and what are the terms and conditions. If no permission or licence has been granted, what enforcement action has Surrey County Council taken to stop this activity?

If there is no permission or licence, why did Surrey County Council not extend the temporary Stop notice of 56 days.

Residents are also concerned about the impact of this activity on road safety on the public highway in accordance with Section 161 of the Highway Act.

Are Officers working with Surrey Police and Surrey Highways to address the dangerous road conditions, caused by lorries exiting the site after off-loading, as they are covered in mud and this is then driven over the local road network.

What is the status of the application of the EIA Screening Opinion Request for Unauthorised waste development on land known as 'Crosswinds' situated to the north-west of the junction of Ironsbottom and Collendean Lane near Hookwood in the borough of Reigate and Banstead. Land Parcel At Junction Of Ironsbottom And Collendean Lane Horley Surrey which was validated on 16th September 2021 (21 /02475/SCREEN).

Reply:

The site does not have planning permission for the importation or deposit of waste. The current activity at the site is unlawful and Enforcement action has been undertaken at this site. In recognition of the ongoing harm Surrey County Council has served a Temporary Stop Notice and a Stop Notice together with an Enforcement Notice, which remains extant.

Whilst a Temporary Stop Notice can temporarily seek the cessation of the activity it is clear that in order to achieve full compliance with the enforcement notice to both cease the activity and remediate the site, further action is required. As a consequence, Officers are actively progressing this case to apprehend the unauthorised waste activity occurring at the Site whilst also working to ensure that any action the County Planning Authority take will be sufficiently robust to ensure an immediate remedy of the most harmful aspects of the unlawful development. Once authorisation and documentation regarding proposed formal action has been agreed, a further update will be provided to all interested parties.

Planning Officers have liaised with both the Highway Authority and the Police in relation to the highway issues and are aware of the severity of the harm this is causing.

The reference given above relates to an Environmental Impact Assessment Screening Report that was carried out in relation to previous enforcement action regarding unlawful development at the site. The conclusion was that the unauthorised development did not meet the threshold to be considered as EIA development. A similar exercise will be carried out to inform any further formal action.

Edward Hawkins
Chairman of the Planning and Regulatory Committee
27 November 2024

UPDATE SHEET

SURREY COUNTY COUNCIL PROPOSAL RE24/00533/CON

DISTRICT(S) REIGATE & BANSTEAD

7

Former Care Home, Park Hall Road, Reigate RH2 9LH

Demolition of a vacant single storey building formerly used as elderly persons accommodation and erection of a part single, part two storey building to provide new classroom support accommodation for primary and secondary pupils; staff facilities; construction of a Multi-Use Games Area; car parking spaces; associated hard and soft landscaping and associated works.

CONSULTATIONS AND PUBLICITY

Amendment to Paragraph 32 of the officer report, at the time of publication a total of **330** letters of representation had been received in response to the application. Of these **274** raised objection and 56 in support.

Parish/Town Council and Amenity Groups

Further correspondence has been received from the RH29 Community Group comprising an email with 22 photos of the local road network and a document setting out the details of the concerns with the application raised to date (PHR Facts 12.11.24). This information was sent by the RH29 Community Group to the Leader of the Council, the Chief Executive, the Director of Planning and Placemaking and the County Councillors. The content of the information provided, whilst addressed to the different audiences, is not raising anything materially different to that already submitted direct to the planning team. The comments of the RH29 Community Group have therefore already been reflected and addressed within the officer report.

The RH29 Community Group has also submitted comments on the content of the published Officers Report, on review of these comments it is not considered that any additional matters are being raised that have not already been reflected within the officer report and discussed. Further, the RH29 Community Group request that should planning permission be granted, Condition 10 (Car Parking Management Plan) should be made a pre-commencement condition and that additional conditions should be included to limit the pupil admission number of the School to 72, to limit hours of operation of the School as stated at paragraph 6 within the officer report and during term time only, and for no use of the School or facilities by other groups outside of School hours. Officers have considered the suggested conditions, and no changes are proposed to the conditions or recommendation in this regard.

The comments on the RH29 Community Group are accompanied by a report from a Senior Clinical Lecturer in Paediatric Environmental Health and Paediatric Respiratory Consultant at the Queen Mary University of London. The report concludes that the proposed site is to be located closer to a main road than the existing site, and therefore air quality is expected to be worse. This is not based on any modelling data and the WHO limits are quoted as exceeded as previously raised within representations. Air Quality has been assessed in detail in the officer report at paragraphs 136 to 155.

Additional key issues raised by public

Since the publication of the officer report on 19 November 2024, 33 further letters of representation have been received. Of these 23 express support for the application (including 16 new letters of representation and seven from people who had previously made representations on the application) and 10 raise objection (including three new representations and seven letters from those who have previously made representations on the application).

The content of the additional representations received do not raise any new matters in relation to the application that have not already been discussed or addressed within the officer report. One representation, includes the submission of the report of the Senior Clinical Lecturer in Paediatric Environmental Health and Paediatric Respiratory Consultant at the Queen Mary University of London as discussed above and wishes to draw the County Council's attention to the potential private law implications of moving children from three locations where air pollution is at lower levels than the proposed site. With reference to the Supreme Court in *Tindall & Anor v Chief Constable of Thames Valley Police* UKSC 2023/0059: namely, that "a person owes a duty to take care not to expose others to unreasonable and reasonably foreseeable risks of physical harm created by that person's own conduct" (para.44(iv)). A further representation reflects the views as stated above with regard to the need for additional conditions should planning permission be granted to limit pupil numbers and use of the site outside of School hours.

CONDITIONS

Condition 8

Amend condition wording to move the details of the Traffic Regulation Order process into an informative.

8. The development hereby permitted shall not be first occupied unless and until waiting restrictions have been provided within Park Hall Road, Brokes Road, and Brokes Crescent in accordance with the approved Drawing No: RVC-VTP-ZZ-XXX-DR-H-0017, rev P01 Proposed Parking Restrictions, dated 24 January 2024 as submitted with the application at Appendix H Transport Assessment Ref: RVC-VTP-XX-XX-RP-G-0001, Version P02, dated February 2024. ~~The final details of waiting restrictions, including the full extent and use of single or double yellow lines, shall be subject to the Traffic Regulation Order (TRO) public consultation process and detailed design review by the County Highway Authority. The final details of waiting restrictions, including the full extent and use of single or double yellow lines, shall be subject to the Traffic Regulation Order (TRO) public consultation process and detailed design review by the County Highway Authority.~~

Condition 27

Amend the condition wording to include reference to relevant Bat Survey.

27. Prior to the commencement of any of the development hereby permitted including demolition, a loft inspection **for bats as recommended in the Bat Emergence and Re-Entry Surveys (BERS) dated 24 July 2024 submitted with the application** should be undertaken by a suitably qualified ecologist and the results submitted to the County Planning Authority.

New Informatives 15 and 16

15. The final details of the parking restrictions as required under Condition 8, including the full extent and use of single or double yellow lines, shall be subject to the Traffic Regulation Order (TRO) public consultation process and detailed design review by the County Highway Authority.
16. Bats are a European Protected Species (EPS) which means disturbance of a bat roost is illegal. If bats are found during the loft inspection as required under Condition 27, then

works cannot commence on site until a European Protected Species Licence (Bat mitigation Licence) is obtained from Natural England.

END

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Planning & Regulatory Committee 27 November 2024 Item No 8

UPDATE SHEET

SURREY COUNTY COUNCIL PROPOSAL RU.23/1759

DISTRICT(S) RUNNYMEDE

Meadowcroft Community Infant School, Little Green Lane, Chertsey KT16 9PT

Extension to existing school and new classroom building following demolition of existing caretaker's accommodation, alteration to parking layout, and alteration to external areas including multi-use games area to enable increase in pupil numbers from 90 to 210.

CONSULTATIONS AND PUBLICITY

Key issues raised by public

Two further representations have been received since the agenda was published.

The first expresses gratitude for addressing concerns over surface water flooding in the Officer Report, claims that the report accurately describes the surface water drainage issue outside the school and the neighbouring property to the west on Little Green Lane, references enforcement action commenced and subsequently abandoned by the SCC Flood Risk and Climate Resilience Team against the owners of Greenacres Mobile Home Park on Bittams Lane due to the overgrown and blocked drainage ditches and culvert entrance along Bittams Lane not being properly maintained, and queries whether the recommendation could be conditional on the enforcement of the proper clearance of the overgrown and blocked drainage ditches and culvert entrance along Bittams Lane adjacent to Greenacres.

The second requests that the size of the site, flooding concerns and the proximity of existing dwellings are given due consideration prior to the decision being made, points out that the majority of the site is within an indicative area of flooding, and draws attention to the following points:

1. That 18 trees will be lost on-site and there will be a net-loss of biodiversity on-site.
2. As mature trees help to soak up moisture, the planting of 125 small trees off-site around 2 miles away is not beneficial to any potential localised flooding at and around the school.
3. Tree loss will have a detrimental effect on air quality with the site being close to an Air Quality Management Area (AQMA), and
4. A Thames Water Sewage Pumping Station lies around 15m from the western boundary which is contrary to Thames Water Best Practice and is likely to periodically impact in terms of odour, light, vibration and/or noise.

Officer Response

In response to the first representation, Officers consider that it would be unreasonable to amend the recommendation along the lines suggested. This is because the maintenance of drainage ditches and the culvert entrance on Bittams Lane is not the responsibility of the applicant and a matter beyond their control. Further, the applicant has already demonstrated that the application would not increase surface water flooding and would improve the current situation. Further,

proposed Condition 16 would ensure that the off-site highway works would not increase surface water flooding elsewhere.

The second representation does not raise any new issues that are not already covered in the Officer Report.

CONDITIONS

Condition 16

Amend Condition 16 (clause [a] and final sentence revised) to read as follows:

Within 6 months of the commencement of the development hereby permitted, details of the off-site highway works shall be submitted to the County Planning Authority for approval in writing. The submitted details shall demonstrate:

- a) that the proposed highway works including any raised tables and excavation works on the existing grass verge would not increase surface water flooding elsewhere.
- b) measures to manage and control root pruning and disruption to Tree 36 (English Oak), as shown on Drawing No. SJA TCP 23447-011 Tree Constraints Plan dated September 2023, during the carrying out of excavation works within the Root Protection Area of the tree.

The approved highway works shall be implemented prior to the first occupation of the development hereby permitted in accordance with the approved details.

Condition 17

Amend Condition 17 (references to root protection area inserted into clause [b] and Tree Protection Plan inserted into clause [c]) to read as follows:

Prior to the commencement of the development hereby permitted, including demolition works, an updated detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the County Planning Authority. The AMS shall include:

- a) evidence that the paths and parking bays can be constructed without loss of tree roots over 25mm.
- b) profile plans with heights showing the batters and soil build up within the root protection area (RPA) of retained trees requiring above soil surfacing.
- c) measures to mitigate the impact on Tree 24 (Norway Maple), as shown in Appendix 4 (Drawing No. SJA TPP 23447-041 Tree Protection Plan dated October 2023) of the Arboricultural Implications Report ref: SJA air 23447-01 dated October 2023, to ensure that any over dig into the root protection area is avoided and any harm to roots encountered is avoided or minimised with all work to take place under the direct supervision of an approved arboricultural consultant.

The development shall be implemented in accordance with the approved AMS.

Condition 20

Amend Condition 20 (revision to clause [d]) to read as follows:

Prior to the commencement of the development hereby permitted, including demolition works, a detailed Landscape and Ecological Management Plan (LEMP) for both the on-site, and off-site habitats at Almnerns Farm Smallholding, 110 Almnerns Road, Lyne, Surrey shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall include:

- a) habitat specifications (planting lists) and precise management prescriptions demonstrating how habitats will reach 'good' condition.

- b) clear referencing of the condition criteria for each habitat.
- c) an updated habitat baseline for Almnerns Farm as the number of hedgerows in the off-site mitigation area is inconsistent between the Biodiversity Metric 4.0 - Calculation Tool v3 dated 23 September 2024 and the Biodiversity Net Gain Baseline Report for Almnerns Farm Smallholding V1, AIDash, dated 16 August 2024.
- d) details of the management and maintenance of the proposed on and off-site provisions for a 30 year period.

The development shall be implemented in accordance with the approved details.

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