

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 23 September 2015 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

**Members Present:**

Mr Tim Hall (Chairman)  
Mr Keith Taylor (Vice-Chairman)  
Mr Ian Beardsmore  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr David Munro  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Mr Richard Wilson

**Apologies:**

Mr Steve Cosser  
Mrs Carol Coleman  
Mr George Johnson

**23/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Steve Cosser, George Johnson and Carol Coleman.

David Ivison attended as a substitute for Steve Cosser and Daniel Jenkins substituted for George Johnson.

**24/15 MINUTES OF THE LAST MEETING [Item 2]**

The minutes of the previous meeting were agreed as an accurate record of the meeting.

**25/15 PETITIONS [Item 3]**

No petitions were received.

**26/15 PUBLIC QUESTION TIME [Item 4]**

No public questions were received.

**27/15 MEMBERS' QUESTION TIME [Item 5]**

No Member questions were received.

**28/15 DECLARATIONS OF INTERESTS [Item 6]**

The Chairman noted that he had been mentioned a number of times in the report on the application for Village Green status for Leach Grove Wood and so would be stepping down as Chairman for Item 9 and leaving the room after exercising his right to speak as Local Member, to avoid any perception of bias.

There were no other Declarations of Interest.

**29/15 MINERALS / WASTE - TA/2014/1884: NORTH PARK QUARRY, NORTH PARK LANE, GODSTONE, SURREY, RH9 8ND. [Item 8]**

The Committee decided to take item 8 first as a speaker for item 7 had given notification that he would not be arriving until later in the morning.

**Officers:**

Stephen Jenkins, Deputy Planning and Development Team Manager  
Mark O'Hare, Senior Planning Officer  
Nancy El-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Team Manager

**Speakers:**

The Local Member, Helena Windsor registered to speak and made the following points in reference to the application:

- Noted that 12 standardised letters supporting the application had been received from staff at North Park Quarry
- Stated an objection to the delay in restoring the green belt land
- Expressed concern about cumulative dust from three sites in close proximity.
- Informed the Committee that there had previously been reserves in place for four years, this had since increased to 11 years with no figures to support this.
- Expressed a condition should be in place to undertake restoration as soon as possible, also expressed that the route for the horse society should be retained.

**Key points raised during the discussion:**

1. The Deputy Planning and Development Team Manager introduced the report and informed the Committee that processing and access had been permitted in 2012 for the site. Objections had been received from local Parishes and groups. Standardised letters on company headed paper expressing support for the application had been received from employees at North Park Quarry. These would not be acknowledged as individual representations. He informed the Committee that a time extension was required to work the remaining reserves of silica sand, which had been assessed and identified as being of different variations/types for different industrial uses. The western area of the site would likely be ready to be restored in 2016. It was noted that there was an effective dust management plan in place and that the County Air Quality Consultants were satisfied with the air quality mitigation in place and the extraction of sand was considered acceptable. The rights of way network was still required to be diverted but would be restored as soon as possible, it was added that Surrey County Council (SCC) Rights of Way officers were satisfied with this.

2. It was clarified that different areas of the site would be worked on at the same time until 2020 as each area held different grades of sand that need to be extracted until they ran out.
3. The Committee questioned how much liaison with the local community had been undertaken. Officers confirmed that a liaison group had been implemented with the community to monitor dust impacts and officers suggested widening the remit of the group to address restoration. It was agreed to add this as an informative.
4. The Committee was informed that the northern area of the site had already been restored back to agricultural use.
5. It was noted that the site, along with Pendell quarry, was the only area of Surrey which contains silica sand, which meant benefits outweigh any harm due to the need for sand. A Member added that the operation is critical to the economy.
6. Officers commented that parts of the site will be restored as soon as they are able. The Committee expressed that a condition should be added to 'restore site when possible'. It was suggested and agreed that Condition 2 be amended to ensure restoration as soon as possible.

#### **RESOLVED:**

The Committee agreed to **PERMIT** the application, ,subject to conditions, including an amended Condition 2 and subject to an additional informative, for the reasons set out in the report.

#### **Condition 2**

The restoration of minerals shall cease by 31 December 2020 and restoration of the site shall be completed by 31 December 2022, *or earlier on cessation of extraction*, strictly in accordance with the final restoration scheme and Drawing Nos R01/P27/007A dated 02.04.15.

#### **Informative**

The liaison group should consider extending its remit to cover issues such as restoration of the site.

#### **Action/further information to be provided:**

None.

#### **30/15 MINERALS/WASTE MO/2014/1006/SCC: LAND AT BURY HILL WOOD, OFF COLDHARBOUR LANE, HOLMWOOD, SURREY. [Item 7]**

*Chairman informed the committee that the applicant had notified of their intention to film the discussion.*

#### **Officers:**

Stephen Jenkins, Deputy Planning and Development Team Manager  
Mark O'Hare, Senior Planning Officer  
Nancy El-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Team Manager

#### **Speakers:**

Max Rosenberg, a local resident, made representations in objection to the application. The following points were made:

- Informed the Committee that he is a retired Technology Teacher and is an amateur geologist
- Noted that there was a risk to ground water and principal aquifer
- Expressed a concern regarding potential contamination of aquifers that could affect the public water supply. *A worst case scenario could affect 70,000 properties in the surrounding villages.*
- *Requested members to consider a financial bond ensuring an appropriate sum of money was ring-fenced in the event of environmental pollution.*
- *Expressed that Europa did not have the appropriate means to comply with the Environment Agencies requirements to prevent contamination.*

Janet Housden, a local resident, made representations in objection to the application. The following points were made:

- Expressed to the Committee that the Highways Management plan had not been assessed on site
- Expressed a lack of due diligence and questioned whether comprehensive monitoring would take place
- No safety for cyclists in the areas surrounding the site.

Steven Kosky, the applicant, spoke in support of the application. The following points were made:

- Re-iterated that the item being discussed was solely in relation to the underground drilling corridor, a wider range of issues had already been addressed and agreed.
- Noted that there was a tangible need for development on the site, this had been established in principle by the inspector.
- Noted that hydrology noise was the only issue that needed action, all other issues had been addressed by the Secretary of State and mitigation was judged to be fully acceptable.
- Risk of ground water contamination had been fully considered and mitigated
- The Committee were lastly informed that the Environment Agency (EA) were completely satisfied with the plans and accepted the mitigation plans.

The Local Member, Hazel Watson, registered to speak and made the following points in reference to the application:

- Noted her objection to the application
- Expressed concern of the risk of pollution and contamination to the aquifer which provides water to 70,000 households.

A Member of an adjoining division,, Stephen Cooksey, registered to speak and made the following points in reference to the application:

- Noted his objection to the application
- Informed the Committee that Surrey and Sussex Water had raised concern of the aquifer
- Expressed that there would be major highways implications
- Understood that rejection of the application was harder because of the Appeal decision but that the committee had to make the final decision.

**Key points raised during the discussion:**

1. The Senior Planning Officer introduced the report and informed the committee the EA raised an objection to the application due to the risk to the water supply. A risk assessment has since been provided and the objection was removed. He highlighted that the applicant could not continue unless all conditions had been met.
2. The committee expressed that further mitigation should be given to the risk of damage to the aquifer resulting in contaminated water. Officers noted that experience had been gained from working on previous sites. A Member commented that the service had a good understanding of these matters.
3. The committee noted that a Traffic Management Scheme was required as a condition of the permission for construction of an exploratory drillsite. A Member gave notice that he would be requesting that the Scheme is determined by the committee

**RESOLVED:**

The Committee agreed to **GRANT** subject to conditions, for the reasons set out in the report.

**Action/further information to be provided:**

None.

*The committee adjourned from 12.15pm to 12.25pm for a short break. Upon reconvening the Chairman stood down from the committee and the Vice-Chairman took the Chair.*

**31/15 APPLICATION FOR VILLAGE GREEN STATUS: LAND AT LEACH GROVE WOOD, LEATHERHEAD [Item 9]**

**Officers:**

Helen Gilbert, Commons Registration Officer  
Stephen Jenkins, Deputy Planning and Development Team Manager  
Mark O'Hare, Senior Planning Officer  
Nancy El-Shatoury, Principal Lawyer

**Speakers:**

The Local Member, Tim Hall, registered to speak and made the following points in reference to the application:

- Expressed he knows the area well and the green space gets a lot of public use.
- Expressed that an area does not need to have shops to be considered a neighbourhood. It does have sheltered housing, a scout hut and other community facilities.
- The area is a cohesive community and has proved the green space is used
- Commended the application for village green status to the committee.

*Tim Hall then left the room at 12.28pm.*

**Key points raised during the discussion:**

1. The Commons Registration Officer introduced the report and informed the Committee that a neighbourhood must have some coherence to be acknowledged. The officer's recommendation was to reject the application.
2. The Principal Lawyer explained that the Commons Act 2006 was specific about the criteria which need to be met in order for a piece of land to be granted Village Green status. However, the terms locality and neighbourhood are not defined. Case law has developed which must be considered when seeking to define the terms. The Inspector had found that there was little to differentiate the claimed neighbourhood from the surrounding area and little to suggest cohesiveness. The only appeal available to either side following the committee's decision would be Judicial Review.
3. Members felt that an area did not require a particular type of building to be considered a neighbourhood. It could be considered that way if residents wish it to be. It simply required a sense of place. It was pointed out that many recent developments were not built with shops but this should not mean that they could not become a neighbourhood or locality. Members queried whether the Inspector's judgement would result in other urban areas being rejected as neighbourhoods, with only rural areas being judged to have met the necessary criteria. Members highlighted that the plans indicated that there was an infant school, recreation ground, allotment and parking area within the claimed neighbourhood. The Chairman countered that different people will have different definitions of neighbourhoods and that the Inspector had used case law to come to his conclusion.
4. It was noted that the application had met all the other criteria set by the Commons Act 2006.
5. It was noted that the land owner would not be able to develop or sell the land if it were to gain village green status.
6. The Committee was informed that there was a recreation ground close to the proposed village green, it was noted that this did not affect the application under consideration.

**RESOLVED:**

Members rejected the officer recommendation to **REJECT** the application. It went on to **APPROVE** the application to register the land at Leach Grove Wood as a Village Green for the following reason:

- Notwithstanding the Inspector's view, Members formed a different impression. Having considered all the evidence before them they came to the view that the criteria laid down by the Commons Act 2006 had been satisfied by the applicant.

**Action/further information to be provided:**

None.

**32/15 DATE OF NEXT MEETING [Item 10]**

The next Planning and Regulatory Committee will be held on Wednesday 14 October 2015 at 10.30am.

Meeting closed at 1.10 pm

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**Chairman**