

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 10 July 2019 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

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

Members Present:
(* present)

- *Mr Tim Hall (Chairman)
- *Mr Edward Hawkins (Vice-Chairman)
- *Mr Saj Hussain
- *Mrs Bernie Muir
- *Dr Andrew Povey
- *Mr Keith Taylor
- *Mrs Rose Thorn
- *Mr Stephen Cooksey
- *Mr Ernest Mallett MBE
- *Mrs Penny Rivers
- Mrs Mary Angell

12/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Ms Mary Angell.

13/19 MINUTES OF THE LAST MEETING [Item 2]

The Minutes were APPROVED as an accurate record of the previous meeting.

14/19 PETITIONS [Item 3]

There were none.

15/19 PUBLIC QUESTION TIME [Item 4]

There were none.

16/19 MEMBERS' QUESTION TIME [Item 5]

A question was received from Cllr Ernest Mallett. A response was tabled at the meeting and also circulated to the committee in advance of the meeting. The question and response is attached as Annex 1.

Cllr Mallett stated that the redundant house was not being used as a visitors centre as per the original plan. It was also understood in the original application that the public would be able to walk around the site but both the viewing platforms are within the permissive path and this path has yet to be opened to the public. It was agreed that the Planning Development Manager would take back Cllr Mallett's comments to the relevant officer. The Chairman agreed that the issue needed to be progressed as a matter of urgency.

17/19 DECLARATIONS OF INTERESTS [Item 6]

Cllr Edward Hawkins declared a non-pecuniary interest in that he knew one of the applicants whom had previously reported to a Planning Committee he was a member off.

18/19 MINERALS APPLICATION REF. SP12/01487: LAND AT WATERSPLASH FARM, GASTON BRIDGE ROAD AND FORDBRIDGE ROAD, SHEPPERTON, SURREY, TW16 6AU [Item 7]

An update sheet was tabled at the meeting and is attached as Annex 2 to the minutes.

Officers:

Caroline Smith, Planning Development Manager
Stephen Jenkins, Deputy Planning Development Manager
Nancy El-Shatoury, Principal Lawyer
Mike Burch, Senior Flood Risk and Network Resilience Officer
Richard Thomas, Peter Brett Associates

Speakers:

Mr John Douglass, made representations in objection to the application. The following key points were made:

- Chartered electrical engineer and a representative from the Shepperton against Watersplash Group.
- EA originally objected to the application on various grounds and as a result Cemex withdrew and amended the application.
- EA originally objected to proposals on flood risk grounds but following discussions with applicant the EA withdrew objections but planning officers failed to tell you why objections were with withdrawn. These were withdrawn because ground water flooding was not within the remit of the EA anymore and was now a responsibility of the lead flooding authority, Surrey County Council.
- Anomalies in the planning officers report with serious consequences for water supply at Fordbridge Park.

Mr John Fennell, made representations in objection to the application. The following key points were made:

- Explained that he was an engineer.
- Planning officers conclusions mask flaws of a catastrophic flooding event in Shepperton.
- Experts consultants used by the council have applied old government guidelines to predict flood events to approximately 1 in 30,000 years. Despite the site being in a EA flood zone 3A. We believe that a flood event could occur approximately 1 in 20 years using the most updated guidelines from government.
- Believe there is a chance that low lying Shepperton could be flooded, which is 5ft below Watersplash farm.

Mr Derek Langridge, made representations in objection to the application. The following key points were made:

- Manager at Fordbridge Park, a residential development with 35 homes for a retirement community. Many residents are elderly and will be adversely impacted if this application goes ahead.
- Have objected to the application on the following grounds; water supply pollution, flood risk, congestion, noise, air quality, pollution from dust and impact on quality of life for residents living at the Park.
- The biggest concern relates to freshwater supply to the park which is obtained from an aquifer fed borehole which flows beneath Watersplash Farm and is the only drinking water supply and there is no alternative water supply available to the Park. Confirmed that a new mains water supply could not be obtained.
- This aquifer fed borehole must remain and be regularly tested for possible contamination especially if the gravel is going to be extracted and filled with clay or other materials.

Mr Robin Sider, made representations in objection to the application. The following key points were made:

- Explained that he was a resident and also a Shepperton Borough Councillor.
- Local roads cannot cope with an increase in traffic this application will generate especially as 30,000 vehicles travel across Walton bridge onto Walton bridge road every day.
- A number of HGVs are also travelling to the waste transfer station close to the application site. This will be six years of misery to local residents with traffic and noise issues. The traffic would be detrimental to air quality in the area.
- 283 objections to this application and also from Spelthorne Bough Council. Please defer the application for further investigation under current legislation.

Mr Mark Kelly, the Applicant, raised the following key points:

- A great amount of information has been supplied alongside this application with preparation for the application starting in 2009. It has taken over 40 years to get to where we are today.
- Permission will still be required from the EA before work can begin and if the application is approved a great amount of work will be required before commencement. The site will be supplying materials to Cemex concrete plants based in the UK.
- No objections have been received from statutory consultees and the site will be providing wealth to the local economy and has been identified in the Surrey minerals plan.
- The site is temporary and will be restored and enhanced. Extensive traffic modelling has been undertaken and there will a marginal increase in traffic along the A244.

The Local Member, Richard Walsh registered to speak on the item and made the following points:

- Raised concerns around the update to conditions 12 and 20 as included in the update sheet which was distributed before the start of the meeting. The Chairman explained that providing update sheets before the start of the meeting was common practice.
- Speaking on behalf of his residents and is fully supported by Cllr Tim Evans. Objectors speaking at today's meeting have studied the application for the last 2 years.
- Challenge application on basis of possible flooding of local area which has been demonstrated by previous flooding events of 2014.
- Proposals would tip the balance of serious flooding in Shepperton. World's climate is dramatically changing and the potential damage to residents is catastrophic. Quality of life for local residents is extremely impacted by this application and urges to refuse or defer application on the basis of impact to quality of life.

Key points raised during the discussion:

1. The report was introduced by the Deputy Planning Development Manager who gave an overview and history of the application site. It was explained that 1.2 million tonnes of gravel and sand would be extracted from the site over a six year period. It was further explained that it would take at least two years to get the s106 agreement completed and pre-commencement conditions discharged before commencement of the development.
2. A Member of the committee queried what the implications of flooding would be on the site and the impact of backfilling clay and imported waste material on drainage on site. It was queried what the traffic management in place was and specifically the traffic movement numbers. It was further queried the archaeological elements of the pathway that goes through the site and if testing would take place on this. Reference was made to two planning applications that were refused in the 1950s and 1960s.
3. The Deputy Planning Development Manager explained that perimeter swales would be used for surface water drainage. Modelling had been undertaken and further detail would be required in the form of surface water and groundwater management schemes which would require sign off by officers. Planners are satisfied there are necessary mitigation measures in place. The cumulative impact of HGV movements has been assessed and vehicle numbers are greater than 200 but HGV traffic numbers are at 200. Traffic movements to the Eco-Park have also been assessed in the road traffic assessment. Pollution matters will be controlled by the EA but the council has duplicate measures in place and conditions around contamination which will be closely monitored. All phases for noise have been assessed and conditions 16-18 cover noise requirements. An archaeology scheme will need to be submitted as part of a condition which will identify any archaeological elements on the site. With regards to why the applications had been turned down previously, it was commented that the Committee must deal with the application in front of them.
4. A Member of the Committee queried what the legal position was on the freshwater supply to the Fordbridge Park which was obtained from

- an aquifer adding that he was not concerned about the traffic to and from the site as the number was normal in comparison to similar sites.
5. A Member of the Committee expressed the need for planning reasons to be used before any refusal or deferral is recommended. Paragraphs 68-69 include a summary of flooding evidence submitted by the relevant experts.
 6. The Chairman asked what work and research the Local Lead Flood Authority (LLFA) had undertaken and what safeguards were in place for the aquifer and possible flooding incidents. The Senior Flood Risk and Network Resilience Officer explained that he did not initially assess the application which was approved by a colleague. It was felt that high level surface water was acceptable under the NPPF and non-statutory technical standards. The surface water flooding is what the council assessed and the proposal would be for a swale surrounding the site with the capacity of the proposed swales being over 3000 m³ and the requirement for surface water run off being 1800m³. There is a large difference in what is being proposed and what was actually required. The Senior Flood Risk and Network Resilience Officer was content with the proposals. Bespoke conditions had been set and additional information would be required if permission was granted.
 7. The Project Manager from Peter Brett Associates (PBA) explained that he had been involved with the site since 2012. With regards to groundwater, the applicant produced a groundwater model which was challenged and tested by PBA and at each stage of the process parameters were tweaked. It was explained that every parameter was chosen to be conservative as possible. On that basis, there was a predicted increase of groundwater level of 230mm on the north-west of the site. The Project Manager was satisfied modeling was good and based on mathematics. The predicted increase of groundwater level of 230mm on the north-west of the site was of concern and hence a recommendation has been imposed on groundwater monitoring. The Project Manager advised Surrey that he was content with the groundwater monitoring work.
 8. It was stated that Surrey had recently declared a climate emergency and if this application could be deferred in light of this under current rules and regulations. It was explained that the application was in accordance with the development plan and there were no grounds to refuse.
 9. Another Member of the committee was concerned that 45 conditions had been listed in the report and was of the opinion that if flooding was to occur this would ruin people's lives. Following this a committee Member stated that he was comforted that there were 45 conditions in place and would be concerned if there were any less.
 10. Concerns were raised in relation to the aquifer which supplied water to Fordbridge Park and how this would be dealt with going forward. The Deputy Planning Development Manager stated that pollution fell within the remit of the EA and controls were in place to monitor contamination, groundwater and surface water. It was explained that details of these schemes could come back to the Committee for consideration if the Local Member wished. The Project Manager added that placing clay in the aquifer had the potential to divert the water flow and water would need to find its way around the site which has been shown in the applicants modelling. The Project Manager believes the model is conservative and explained that PBA had suggested that a groundwater monitoring borehole should be placed

on the site boundary nearest to the park. The Deputy Planning Development Manager explained that there is no requirement to provide an alternative water supply.

11. There was a discussion if this application could be deferred on emerging policies. The Deputy Planning Development Manager stated that the application was in accordance with the development plan.
12. The Chairman explained that decisions made had to be based on planning decisions and asked Members if they had any planning reasons for deferring or refusing this application. A Member of the Committee stated that she was concerned that the water supply to the Park would be adversely effected by this application.
13. The Planning Development Manager suggested that there was a potential to add a clause to the Section 106 agreement which would need to be agreed with the applicant but would read 'for the applicant to provide an alternative water supply to the park in the event that it could be demonstrated that their activities had caused an impact to the quality of the drinking water'. The applicant whom attended the meeting agreed and accepted this clause by nodding their head from the public gallery.
14. The Chairman moved the recommendation to permit the application subject to the amended conditions in the update sheet and the inclusion of an additional clause in the Section 106 agreement. There were five votes for, three votes against and two abstentions. Therefore the application was permitted.

RESOLVED:

That planning application no. **SP12/01487** is **PERMITTED** subject to conditions and informatives on pages 97-110 of the report including the amended conditions in the update sheet and subject to the prior completion of a section 106 legal agreement to secure: a) the long term landscape and ecological management, maintenance and aftercare of part of the land at Watersplash Farm; b) the long term monitoring of the groundwater and c) for the applicant to provide an alternative water supply to the park in the event that it could be demonstrated that their activities had caused an impact to the quality of the drinking water.

19/19 PROPOSED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) NO. 137 (EFFINGHAM) AND (WOTTON) TRAFFIC REGULATION ORDER (TRO) [Item 8]

Officers:

Debbie Prismall, Senior Countryside Access Officer
Joanne Porter, Countryside Access Assistant

Key points raised during the discussion:

1. The report was introduced by the Senior Countryside Access Officer who explained that reports of this nature usually go to Local Committees for decision but had come to the Planning and Regulatory Committee as the byway open to all traffic in question falls within the remit of two boroughs. It was further added that since the installation of the barriers there had been no complaints of flytipping.

2. The Committee unanimously approved the recommendation to publish the Notice of Intention to make a Traffic Regulation Order.

RESOLVED:

The Planning & Regulatory Committee **APPROVE** the publication of a Notice of Intention to make a Traffic Regulation Order prohibiting vehicles exceeding 7ft in width, with a barrier and a gap at points A (grid ref. 511436 149706), B (grid ref. 511453 149709) and C (grid ref. 512013 149984) as shown on Drawing. No. 3/1/58/H18.

20/19 REVISED STATEMENT OF COMMUNITY INVOLVEMENT [Item 9]

Officers:

Caroline Smith, Planning Development Manager

Key points raised during the discussion:

1. The Planning Development Manager explained that the Statement of Community Involvement sets out how people can be involved in the process of planning and sets out the councils approach to public consultation with residents on planning applications and local plans. The Statement of Community Involvement is a statutory requirement.
2. Proposals will allow for focus on major substantive applications. It is proposed that changes will streamline the development management process, making the best use of resources and targeting resources to major applications.
3. The changes to simplify publicity were explained to the Committee.

RESOLVED:

The Planning and Regulatory Committee noted the proposed revised Statement of Community Involvement.

The Planning Development Manager gave the Committee a brief update on the Oxted Chalkpit application which was considered by the Committee in November 2018. At this meeting a condition around vehicle movements was amended by the Committee. The Planning Development Manager informed the Committee that the site operator had appealed the decision on the number of HGVs condition, the condition that vehicles do not leave the site at school pick up and drop off times and the condition requiring the operator to undertake regular surveys the highway for damage. A hearing will be organised for the autumn and in Tandridge so local residents can attend this. [Since the committee meeting, the latest information we have is that the inquiry is likely to be in early 2020.]

21/19 DATE OF NEXT MEETING [Item 10]

The date of the next meeting was noted.

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Item 5- Members Question Time**1. Question submitted by Mr Ernest Mallett**

Can an update on 'Molesey Wetlands' 106 planning conditions be given, particularly in respect of the car park, visitor centre, partial opening to the public and the proposed 25 year Trust Care & Maintenance?

Reply:

The site has been restored and the final phase is in its final year of aftercare, expiring at the end of this year. The site is exceeding the nature conservation benefits that it was designed to provide.

The site is owned by Thames Water, and was operated by Island Barn Aggregates (a Joint Venture between Cemex & Lafarge). The site will pass back to Thames Water on cessation of the aftercare to enter the Longer Term Management phase, as set out in the Section 106 Agreement. Thames Water indicated many years ago that they would like a third party conservation body to take on the management of the site, and eventually they settled on Surrey Wildlife Trust, who were/are very keen to take on the site. Indeed, by involving the Wildlife Trust early in the process, the restoration design was amended to meet their requirements, including the provision of an onsite car park, which has been delivered.

However, it has taken a considerable period of time for the terms of the agreement between Thames Water and Surrey Wildlife Trust to be agreed, and indeed they have still yet to be agreed. Strictly speaking this is not directly a planning matter, or something we have jurisdiction or control over, but the County Council's Principal Enhancement Officer has constantly cajoled and pushed for a resolution and that is ongoing.

Regarding the visitor centre, the original plan was that the redundant house in the south west corner of the site would provide an ideal location for that. However, Surrey Wildlife Trust would like to see a purpose built structure at the entrance to the site, acknowledging that this would involve further facilities than that required by the Section 106 and which they would have to fund themselves. The old mess 'hut' has been relocated here as an interim measure.

Regarding opening to the public, the site is designed as a sanctuary nature reserve, where the public look into the site, rather than enter and walk around. This was necessitated as part of the original planning permission, specified by Natural England, which would not otherwise have been granted.

There has been an issue in respect of the opening of the permissive path that was created between the Thames pathway and Hurst Road. Thames Water insisted on this being put in a palisade fenced corridor for security reasons, and the Police have subsequently advised that they have concerns about its safety for users. So it has, to date, never been opened. As this is a requirement of the Section 106 Agreement, rather than the planning permission, the only way we could enforce compliance is

Item 5- Members Question Time

through the courts and the Minerals Planning Authority have taken the view that it would not be expedient to pursue this.

There is a requirement under both the planning permission (condition 16) and Section 106 Agreement to provide a long term management plan for the site. This is in the process of being finalised and submitted for approval, to be in place for the end of the year, when aftercare formally ceases.

The Principal Enhancement Officer will continue to keep the local Member updated, as he does on a regular basis.



Mr Tim Hall

Chairman of the Planning and Regulatory Committee

UPDATE SHEET - AGENDA ITEM 7

Planning & Regulatory Committee 10 July 2019

Minerals & Waste Application: SP12/01487

Land at Watersplash Farm, Gaston Bridge Road and Fordbridge Road, Shepperton, Surrey, TW16 6AU

Proposed extraction of concreting aggregate from land at Watersplash Farm together with the erection of processing plant and associated mineral infrastructure, the provision of a new access from the Gaston Bridge Road/Green Lane roundabout, restoration involving the importation of inert restoration materials to agriculture, flood meadows, lake and reed beds with public access, on a site of 28 ha, and temporary diversion of public footpath 53 for the duration of operations.

Please note the Committee Report should be amended / corrected as follows:

CONSULTATIONS AND PUBLICITY

Para. 89 *Officer Comment – the total number of representations is now 284, as a further representation was received.*

CONDITIONS

Conditions to be amended as follows:

New Condition 12 (amendments in bold)

Before any operations which involve the movement of materials (aggregate and/or waste) in bulk to or from the site are commenced, details of facilities to be provided to ensure the public highway is kept clean and free of debris shall be submitted to and approved in writing by the County Planning Authority. **The details of the facilities shall include treatment of effluent resulting from such activities and mode of discharge.** The approved facilities shall thereafter be installed prior to the movement of materials, retained and used whenever the said operations are carried out and no vehicles used in connection with the development hereby permitted shall deposit mud, debris, waste or aggregate on the public highway when leaving the site onto the Gaston Bridge Road (A244) / Green Lane (B3366) roundabout.

New Condition 20 (amendments in bold)

Prior to the commencement of extractive operations in working phases (1-4), as shown on Drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016, the following information, where applicable to the phase, shall be submitted to and approved in writing by the County Planning Authority:

- a) Where infiltration based swales and/or soakaways are proposed, the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;
- b) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change for the post-restoration phase) storm, during all stages of the development (pre, post, and during);
- c) Detailed drainage design drawings and calculations (**with due regard to the infiltration rate at the base of the soakaway and ground water levels**) to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
- d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage is operational;
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
- f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

The approved details shall be implemented and maintained for the duration of the development.

BACKGROUND PAPERS

Other Documents

Officer comment – the noise guidance for minerals and waste development in Surrey is not the 1994 guidance as stated, but the updated 2019 guidance: ‘Guidelines for Noise and Vibration Assessment and Control - Minerals, Waste and Other County Development’ March 2019. The 2019 guidance is correctly referred to in the noise section of the report (para. 264).
