

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 25 January 2023 at Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

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

Members Present:

Tim Hall (Chairman)
Ernest Mallett MBE
Penny Rivers
Jeffrey Gray
Jonathan Hulley (Vice-Chairman)
Victor Lewanski
Scott Lewis
Catherine Powell
Jeremy Webster
Edward Hawkins

Apologies:

Harry Boparai

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

Apologies for absence were received from Harry Boparai.

2/23 MINUTES OF THE LAST MEETING [Item 2]

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

3/23 PETITIONS [Item 3]

There were none.

4/23 PUBLIC QUESTION TIME [Item 4]

There were none.

5/23 MEMBERS' QUESTION TIME [Item 5]

There were none.

6/23 DECLARATIONS OF INTERESTS [Item 6]

Jeffrey Gay declared that he was a Member of Tandridge District Council and noted that he was not in attendance to the meeting at the district council related to Item 7 of the agenda.

**7/23 SURREY COUNTY COUNCIL PROPOSAL TA/2021/1983 - PENDELL
TRANSIT CAMP, LAND OFF MERSTHAM ROAD, MERSTHAM, SURREY
[Item 7]**

Officers:

Caroline Smith (Planning Group Manager)
Nancy El-Shatoury (Principal Solicitor)
Sonia Sharp (Senior Highways and Planning Solicitor)
Stephen Jenkins (Planning Development Manager)
Chris Turner (Senior Planning Officer)
Dawn Horton Baker (Planning Development Team Leader)
Samantha Murphy (Planning Development Team Leader)

The Chairman asked the Principal Solicitor to provide an overview of the procedure for the application. The Principal Solicitor explained that the application to be considered was a Regulation 3 application, which was an application by the county council to the county council, and therefore there was no normal right of appeal should the application be refused. The Committee noted that, if Members were to come to the view to follow the officer recommendation to refuse, then the application would be referred back to the applicant with the grounds for refusal which would apply were the application to be determined. It is then open to the applicant to return the application to committee for determination with revisions or without revisions, or to withdraw the application.

Speakers:

Angela Balfour made representations in objection to the application. The following key points were made:

1. That both Tandridge and Surrey officers recommend refusal as there was insufficient need to override the protection of the Green Belt and area of outstanding natural beauty.
2. The applicant states that there was a clear need for a transit camp in the east of Surrey despite reporting 390 unauthorised encampments in the west of Surrey and only 142 in the east.
3. Asked why there was a need to spend millions to move travellers to a site where they don't want to be.
4. That a landowner hoped to open a private transit camp near Guildford which would cost the county nothing but the council had only considered sites on its own land.
5. That apparently the Met Police could move travellers to the site, at the council's cost, which could block use of the site by Surrey.
6. That national planning policy for travellers required authorities to provide a settled based which would reduce the number of unauthorised encampments and ensure that Travellers' children could attend school. The resident further said that the council had originally said that there would be no access to schools or GPs, but now claimed that internet sessions with a teacher, and drop in sessions with a healthcare provider could be arranged.
7. Asked why detail on the number of people of the waiting list for permanent sites had not been released.
8. That Surrey had closed 21 pitches locally and asked where these families had been relocated to.

9. That Tandridge had a shortfall of permanent sites and that money would be better spent on providing small, permanent family sites.
10. That experience showed that large sites or mixing transit travellers with permanent residents did not work.
11. That the existing residents were appalled that they were not consulted.
12. That there was no access to the local highway network as access roads were narrow, liable to floods and through residential areas.
13. Noted that the site had air quality and noise issues.
14. Asked Members to refuse the application.

Jack Ayres made representations in support of the application. The following key points were made:

1. That he was in support of the application.
2. That he was a Romany Gypsy from Surrey.
3. That travellers had a right and often a need to travel.
4. There was an urgent need for places to stop and that there were no temporary stopping places in Surrey so people's only option was to pull up on the roadside. This could lead to conflicts with the local people.
5. That a transit site with basic amenities, where people can stay legally, would stop travellers from having to move on constantly and would reduce community tension.
6. That lots of people agree with the need for transit sites but often object to the actual place chosen.
7. That he hoped the planning committee would pass the much needed development.
8. That for over 30 years there had been no transit sites built in Surrey. This was a problem as in other areas and in Europe there are transit sites, with amenities, in every local authority area.
9. That travellers needed access to education and health care.
10. That having dedicated sites would ease tensions with local community members as travellers would have somewhere to go.

Lisa Gavin made representations in support of the application. The following key points were made:

1. That she was present in her capacity as a member of the public however was also the lead for Children and Family Health for the NHS health inclusion team.
2. Part of the health inclusions team's work was outreach to gypsies and travellers across Surrey.
3. That she supported the proposal and would like to speak about the importance of the transit site as it would provide unmet health needs found within the community. Health needs included pregnancies, access to pregnancy care, management of chronic illness, access to medication, treatment, advice and support to manage ill health, disabilities and urgent medical needs.
4. That Gypsy, Roma Traveller health outcomes were some of the worst in the United Kingdom and addressing the issues was part of the core aims of the Gypsy, Roma Traveller Strategy of the council's Public Health team, and was also one of the NHS's priorities.
5. That she saw benefits to the proposal as it would address the significant health inequalities. Some benefits include health advice,

- access to GP services, drop-in clinics, better access to clean water, washing facilities and quality of life for travellers who are travelling.
6. That benefits for local residents included reduced anti-social behaviour associated with some unauthorised encampments, reduced litter, improved tolerance of the traveller way of life and less incidents of unauthorised encampments.
 7. Asked that Members approve the application.

Jim Alexander made representations in support of the application. The following key points were made:

1. That he was also the Gypsy and Traveller Team Manager at East Sussex County Council.
2. That there was a traveller site near Lewes, East Sussex, which had been successfully run since 2009. There were three transit sites in Sussex in total.
3. That the site in East Sussex was so successful that officers were looking for land to develop a further transit site.
4. That the transit site in East Sussex had seen the number of encampments reduce within the county. Residents were allowed to stay on the site for up to 12 weeks under licence conditions and attendees paid rent plus water and electricity rates. This reduced issues as travellers wanted a place to reside where they are not at threat of eviction.
5. Travellers had access to a GP and were able to register at a local school whilst residing at the East Sussex site.
6. Provided details of the community room at the East Sussex site.
7. That he believed Surrey should have a transit site as he believed it limited the options for travellers.
8. That a site would allow security for travellers and the local community.
9. CCTV was present at the East Surrey site and the identification of each resident was collected.
10. That he fully supported the application.

The applicant's agent, Darren Humphreys, spoke in response to the objector's comments. The following key points were made:

1. That there were currently no transit sites located within Surrey which meant it was harder for Surrey police to prevent unauthorised encampments as there was no suitable 'move on' accommodation.
2. That there had been over 555 unauthorised encampments in Surrey in the last four years.
3. That Surrey tax payers were currently paying £5,000 per year on unauthorised encampments.
4. That unauthorised encampments were occurring in a number of Green Belt locations.
5. That the site was previously developed as Pendell Army Camp in the 1940s, and later to house workers building the M23.
6. That the choice of site followed a robust search and that the officer report confirms that the criteria used was reasonable and that no alternative was found following a countywide assessment.
7. That the neighbouring site was not suitable for the identified need.
8. That the former Downs Caterham site was ruled out due to human health risk.

9. That all local authorities have the duty to allocate sites for travelling communities through local plans and district and boroughs had been unable to deal with this requirement.
10. That the proposal would meet and unmet need in the county.
11. That there was also a clear need in the west of the county.
12. That any Green Belt harm had been mitigated through design and landscape mitigation. Any harm was outweighed by the benefits of the application.
13. That the proposal would decrease disruption to Surrey residents.
14. That they recommended the application for approval.

The Local Member, Chris Farr, made the following comments:

1. That the site was in the Green Belt, an Area of Outstanding Natural Beauty (AONB), and an area of Green Landscape.
2. The proposal was wholly inappropriate development in the Green Belt and without very special circumstances.
3. Tandridge District Council also agreed that the proposal was inappropriate for the Green Belt.
4. That the proposal would erode the openness and visual amenities of the area and cause significant harm to the Green Belt, the AONB, the great landscape value, and the countryside as a whole.
5. That the site was not previously developed land and the proposal would have an urbanising effect.
6. That the existing view on Merstham Road was of open countryside with post and rail fencing and tree forming field boundaries. The proposal would alter these views. The proposed harm standing, amenity block and manager's office would also alter these views. The security fencing would be another solid structure, and together with the vehicle movements at the site, would add harm to the openness.
7. The serious harm was contrary to the district's planning policies and national policies.
8. That the site could only be accessed by private car as there was no public transport links.
9. A key issue was that the location was adjacent to the M23 so there would be significant noise and air pollution issues for future occupants which was unreasonable.
10. That children and animals could easily access the motorway via the service access to the rear of the site.
11. That he understood why the council wished to proceed with transit traveller sites in Surrey however the site was in the wrong place.
12. Urge Members to agree with the officer recommendation.

Key points raised during the discussion:

1. Officers introduced the report and update sheet and provided a brief overview. Members noted that the application for the use of the land as a ten-pitch transit site for the Gypsy, Roma and Traveller community, including the erection of amenity blocks and site manager's office, creation of a vehicular access, landscaping, parking and refuse storage and associated works. Members were provided with a presentation of photographs and plans which were included within the published agenda. Members noted the reasons for the

officer recommendation as noted within the officer report and update sheet.

2. A Member asked whether officers would consider the presence of the M23 motorway as urbanisation of the area. Officers stated that the M23 was a major piece of infrastructure that runs through the countryside and that they would not consider this to be urbanisation of the location and consider it to be undeveloped. Officers added that appropriate infrastructure in the Green Belt could be a form of transport infrastructure required.
3. A Member asked for clarification on how the proposal would assist the police. Officers explained that having an authorised site available would add weight to the powers of the police when moving unauthorised encampments on. The Principal Solicitor further explained that the Criminal Justice and Public Order Act gives the Police the power to direct members of the travelling community to leave land where there is a suitable pitch available on another site. This also created a new offence for those that are found to be residing on land without consent or with a vehicle.
4. A Member said they were conflicted on the proposal as they understood the need for the transit developments and the benefits to the local community however they were concerned with the potential to create good living standards at the site due to noise and vehicle movements.
5. A Member said that the site was previously developed as it was Pendell Army Camp. The Member further stated that any harm would be outweighed by outcomes to the Gypsy Traveller and Romany Traveller communities and would manage unauthorised encampment occurring. The Member stressed that there was a need to support traveller communities as they needed access to medical facilities and education opportunities. It was further stated that councillors were corporate parents and that he believed that councillors were therefore responsible for the children of travellers and so provision should be made to ensure travellers had a safe and secure space to reside. The Member said that he believed there were very special circumstances for the proposal that outweigh the perceived damage to the Green Belt, and that they did not agree with the recommendation provided within the report.
6. A Member said that they believed that reason two and three for refusal lacked integrity. In regard to reason two, which stated that the proposal would result in an urbanising impact on the character of the Local Area, however the Member stated that, if the proposal was in an already urbanised area, then the local community would be extremely against. In regard to proposal three, which stated that due to the proximity of the site to the adjacent motorway (M23) and its elevated position, the proposal would fail to provide a satisfactory living environment to future occupants, the Member said that there were a number of developments in London which faced the same issues but were still developed. The Member said again that he felt that reasons two and three were both invalid. The Member went on to say that the committee had a responsibility to treat all people equally and address the residential issues of the travelling community. Further to this, the Member stated, although there were objections related to the Green Belt, that Surrey was 77% Green Belt and so he believed that there was reason to accept the relatively small proposal.

7. A Member said that he felt the officer report was well made and provided a good overview of the different issues.
8. A Member said that the proposal was in the AONB and Green Belt and so he did not believe the proposal should be accepted.
9. A Member asked for clarification on the officer's comment that there would be no way to reinstate the land if the proposal was to fail. The officer explained that his comment related to there being no enforcement powers to make someone reinstate after five years. The Principal Lawyer clarified that while there were no formal enforcement powers as a Regulation 3 application was the council's own application, then conversations between Services would seek to address any planning breaches.
10. A Member stated that travelling was a way of life and that it was concerning that Surrey did not currently have an authorised transit camp.
11. The officer clarified that officers had not considered the land as previously developed as there was no previous evidence on site that it was developed.
12. In regard to reason for refusal 4, which stated that the proposed site was not located within a sustainable location, the Chairman asked for clarification on how officers measured sustainability, as he stated that Merstham, which included a primary school and medical centre, was within a reasonable distance. The officer explained that there was no way to access the facilities through sustainable methods of transport.
13. A Member stated that they sometimes felt that councillors had failed the travelling community when acting as a corporate parent. The Member went on to say that there was a great need for a transit site and that Members should act to support the children and families that travel to Surrey. West Sussex had done a great job in providing 3 transit sites. The Member went on to say that he supported the application.
14. A Member asked whether there was a waiting list for the proposed site. The officer said that he was not aware of a specific waiting list for transit sites.
15. A Member asked for clarity on whether there was a four week maximum stay limit on the site. Officers confirmed that the application stated that accommodation on the site was restricted to four weeks.
16. A Member stated that they were confused with the AONB designation of the site as the photographs did not seem to show an area of outstanding natural beauty. Officers said that the AONB designation was a large landscape designation and that the AONB officer was consulted and raised objections due to harm to the AONB.
17. A Member stated that the report had not acknowledged that Bletchingley Road was a part of National Cycling Route 21 and asked whether officers had taken it into consideration. The officer stated that they were not aware that the road was a part of the cycling network, however due to there being no public transport or walking routes, the officer would still not consider the site to be sustainably located. The Member said that it was difficult to understand why the cycle route had not been considered.
18. The Member went on to ask whether the Head of Equalities, Diversity and Inclusion had been consulted on the proposal as it was her role to represent travelling communities. The officer explained that the Head of Equalities, Diversity and Inclusion was not a statutory consultee.

The officer went on to say that if the application was deferred then it could be something to consider.

19. The Vice-Chairman said that, in their view, there was a clear need for a transit site in the county, however the question was whether the proposed site was the right site. The Vice-Chairman went on to say that some of the issues could be addressed through conditions, which would require further thought from planning officers, and that more detail could be provided on biodiversity, infrastructure and drainage. The Member proposed that the application was deferred so that further consideration could be given to the points raised.
20. A Member said that they had recently driven to Merstham Road and could see that the facilities in Merstham were a long way from the site.
21. A Member asked for the reason why the committee visit to the site had been cancelled. Officers stated that the reason was due to concerns around access to the site and so a decision was taken to cancel on this occasion. The Chairman added that there were also issues with security and that officers were informed that committee members' access to the site could be prevented.
22. A Member said that, in regard to reasons 3 and 5, he had concerns that the site would not provide satisfactory amenity for its residents, and that there was potential for conflict between the potential site and the neighbouring site.
23. A Member said that he would support a deferral of the application so that Members could visit the site on a committee site visit. The Chairman agreed that a site visit would be sensible.
24. The Vice-Chairman moved a motion for deferral, which was seconded by Cllr Mallet, which received 9 votes for, 1 against and 0 abstentions. Therefore the motion was carried.
25. A Member asked that the Head of Equalities, Diversity and Inclusion was included on the site visit attendance. The Principal Solicitor clarified that the Head of Equalities, Diversity and Inclusion was not a statutory consultee and so was not consulted within the report. The Solicitor further said that, the applicant may have consulted them informally, it was necessarily something that could be reported on.
26. Members noted that, due to the deferral, the applicant would be asked to extend the time for determination of the application.
27. The Committee agreed that the reasons for deferral were:
 - a. to allow a site visit to be completed
 - b. for officers to provide a better understand on the local amenities for the proposed site
 - c. to consider further the sustainable transport links, in particular the cycling route, when accessing the site and when accessing medical facilities in Merstham
 - d. to provide clarification on whether the site was brownfield land
 - e. to provide detail on where other similar transit sites are located within different authorities.

Actions / Further information to be provided:

None.

Resolved:

The Committee agreed to defer the application.

8/23 DATE OF NEXT MEETING [Item 8]

The date of the next meeting was noted.

Meeting closed at 12.14 pm

Chairman