

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 26 July 2023
Time 10.30 am
Place: Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF

Contact: Joss Butler
Tel: 07929 745197
Email: joss.butler@surreycc.gov.uk

[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [11]

| | |
|------------------------------|------------------------------------|
| Ernest Mallett MBE | West Molesey; |
| Jeffrey Gray | Caterham Valley; |
| Victor Lewanski | Reigate; |
| Scott Lewis | Woodham and New Haw; |
| Catherine Powell | Farnham North; |
| Jeremy Webster | Caterham Hill; |
| Edward Hawkins (Chairman) | Heatherside and Parkside; |
| Colin Cross | Horsleys; |
| John Robini | Haslemere; |
| Richard Tear (Vice-Chairman) | Bagshot, Windlesham and Chobham; |
| Jonathan Hulley | Foxhills, Thorpe & Virginia Water; |

EX OFFICIO MEMBERS (NON-VOTING) [4]

| | | |
|-----------------------|---|---------------------------------|
| Saj Hussain | Chair of the Council | Knaphill and Goldsworth West; |
| Tim Oliver | Leader of the Council | Weybridge; |
| Tim Hall | Vice-Chair of the Council | Leatherhead and Fetcham West; |
| Denise Turner-Stewart | Deputy Leader and Cabinet Member for Communities and Community Safety | Staines South and Ashford West; |

APPOINTED SUBSTITUTES [09]

| | |
|--------------------|--------------------------------------|
| Stephen Cooksey | Dorking South and the Holmwoods; |
| Nick Darby | The Dittons; |
| Amanda Boote | The Byfleets; |
| David Harmer | Waverley Western Villages; |
| Trefor Hogg | Camberley East; |
| Riasat Khan | Woking North; |
| Mark Sugden | Hinchley Wood, Claygate and Oxshott; |
| Buddhi Weerasinghe | Lower Sunbury and Halliford; |
| Fiona White | Guildford West; |
| Keith Witham | Worplesdon; |
| Luke Bennett | Banstead, Woodmansterne & Chipstead; |
| Harry Boparai | Sunbury Common & Ashford Common; |

Register of planning applications: <http://planning.surreycc.gov.uk/>

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<https://surreycc.public-i.tv/core/portal/home>

If you would like to attend and you have any special requirements, please email Joss Butler on joss.butler@surreycc.gov.uk. Please note that public seating is limited and will be allocated on a first come first served basis.

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 8)

To confirm the minutes of the meeting held on 7 June 2023.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

7 PLANNING ADVISORY SERVICE REVIEW OF THE PLANNING AND REGULATORY COMMITTEE

(Pages 9 - 52)

To inform the Committee of the outcome of a review of the Planning and Regulatory Committee (P&R) that was undertaken by the Planning Advisory Service (PAS). The review was commissioned by the County Council to consider the effectiveness of the committee processes and conduct and to suggest ways in which the operation of the committee could be improved.

8 ENFORCEMENT & MONITORING UPDATE REPORT

(Pages 53 - 66)

This report highlights Planning enforcement and monitoring work during the period from 1 April 2022 – 31 March 2023.

9 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 27 September 2023.

Joanna Killian
Chief Executive
14 July 2023

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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Anyone is permitted to film, record or take photographs at Council meetings. Please liaise with the committee manager prior to the start of the meeting so that the meeting can be made aware of any filming taking place.

The use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to any Council equipment or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

Thank you for your co-operation.

NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written

representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.

5. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Democratic Services Officer for further advice.
6. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Democratic Services Officer for further advice.
7. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The [National Planning Policy Framework](#) (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

HUMAN RIGHTS ACT 1998 GUIDANCE FOR INTERPRETATION

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions

and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 June 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:

Ernest Mallett MBE
 Jeffrey Gray
 Victor Lewanski
 Scott Lewis
 Catherine Powell
 Jeremy Webster
 Edward Hawkins (Chairman)
 Colin Cross
 Rachael Lake
 John Robini
 Richard Tear (Vice-Chairman)

30/23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

None received.

31/23 MINUTES OF THE LAST MEETING - 29 MARCH 2023 [Item 2]

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

32/23 PETITIONS [Item 3]

There were none.

33/23 PUBLIC QUESTION TIME [Item 4]

There were none.

34/23 MEMBERS' QUESTION TIME [Item 5]

There were none.

35/23 DECLARATIONS OF INTERESTS [Item 6]

There were none.

36/23 SURREY COUNTY COUNCIL PROPOSAL RU.21/1521 - A320 ROAD GUILDFORD ROAD JUNCTION, CHERTSEY, SURREY [Item 7]

Officers:

Janine Wright, Principal Planning Officer
 Tim Dukes, Principal Transport Development Planning Officer

Speakers:

None.

Key points raised during the discussion:

1. The Principal Planning Officer introduced the item and noted that the application was for highway improvements including a new roundabout, junction, access, pedestrian/cycle connections and crossings; including landscaping and associated infrastructure and engineering works. Full details could be found from page 9 of the meeting agenda. An update sheet was published within a supplementary agenda.
2. The Chairman noted that a site visit was held for Planning and Regulatory Committee Members.
3. In regard to operating hours, a Member noted that the proposed hours were from 7am – 1pm on a Saturday. Due to the proximity of housing, the Member asked whether a later start time had been considered. Officers stated that the operating hours were suggested in conjunction with the County Noise Consultant as well as the Applicant and was considered to be acceptable. The officer added that any out-of-hours working was required to be included in the Construction Management Plan.
4. Members noted that officers believed that the applicant would be undertaking community involvement with local residents.
5. A Member asked whether the proposed new roundabout could cause traffic issues elsewhere. The Principal Transport Development Planning Officer explained that there was a theory that changing one junction could move an issue, such as a bottleneck, elsewhere however the proposal was a part of a wider scheme along the A320 and potential improvements to Junction 11 of the M25. The Officer said that officers had worked to the best of their ability to prevent traffic issues from moving into the surrounding area.
6. A Member asked that a condition be included which stated that, during discussions with residents, that local ward councillors were used as a conduit to transfer information. The Member stated that involving local councillors would aid conversations with developers throughout the development. The officer highlighted an informative which stated that the applicant was required to include details of the safe use of existing road diversions during the construction period in the Construction Transport Management Plan. Further to this, Officers agreed to include an additional informative to state that consultation with residents included the local ward councillors.
7. Members noted that the applicant was required to submit a landscaping plan and within this would be provisions that state that if any of the planted trees were to die within a five year period then they would need to be replanted. Members also noted that Condition 11 included provision for failed retained trees.
8. Members noted that paragraph 245 of the officer's report provided detail related to night working.
9. The Chairman moved the recommendation, including the additional informative discussed during the debate, which received unanimous support.

Actions / further information to be provided:

None.

Resolved:

The Committee agreed that the application be referred to the Secretary of State under paragraph 10 of the Town and Country Planning (Consultation) (England) Direction 2021, and in the absence of any direction by the Secretary of State, to PERMIT subject to the conditions and informatives set out in the report and agreed during the committee meeting. .

37/23 SURREY COUNTY COUNCIL PROPOSAL WO/2022/0923 - LAND AT THE FORMER MANOR SCHOOL, MAGDALEN CRESCENT, BYFLEET, KT14 7SR [Item 8]

Officers:

Chris Turner, Senior Planning Officer
Dawn Horton-Baker, Planning Development Team Leader

Speakers:

The Local Member, Amanda Boote, made the following comments:

1. Stated that she contacted the Property Estates Team in February 2019, as the former Manor School had been identified for development by the Asset and Strategy Board, and stated that the land did not belong to Surrey County Council as the land was bequeathed by a local benefactor to the Children of Sanway.
2. That page 81 of the report highlighted resident objections to the application on the basis that the land belonged to the children of Sanway.
3. That the issue related to the children of Sanway was a potential public relations disaster for the county.
4. That the Local Member had visited the site with the former Cabinet Member for Adults and Health in 2021 and explained the situation. A compromise was agreed which was that half the land would be used for assisted living units for adults and half would be made available for the children of Sanway and it was agreed that a small community building would be funded and built at the same time. The plan moved forward for a full public consultation and all were happy with the compromise. Following this the Cabinet Member notified that Local Member that the agreement would not go ahead.
5. Woking Borough Council had objected on several factors related to the layout of the proposal, parking, design, and Policy CS19 of the Woking Core Strategy 2012.
6. That there was a strong need to use the land for community use as the area was over developed.
7. Urged the committee to reject the application to prevent the threat of legal action and a PR disaster. It was further asked that work continue on the agreed compromise.

Key points raised during the discussion:

1. The Chairman introduced the item and noted that a site visit was held for Members of the Planning and Regulatory Committee. The Senior Planning Officer introduced the report and noted that the application was for erection of an apartment block comprising 6 x 1 bed self-contained flats and two 5 bed townhouses for supported independent living, and associated bin stores, cycle stores and hard and soft landscaping. Full details could be found from page 77 of the meeting agenda. An update sheet was published within a supplementary agenda.
2. A Member of the Committee asked for clarification on the ownership issues noted by the Local Member. The Senior Planning Officer explained that the issue had been raised as an objection and so officers spoke with the applicant to request clarification. The applicant provided land registry documents and officers were satisfied that the land was owned by Surrey County Council and was purchased in 1962. There was no agreement to build a community facility on the land. The officer reiterated that from a technical planning point of view they were satisfied that the correct certificate of ownership was served with the planning application.
3. A Member stated that they were confused as the officer's report did not include reference to the purchase of the land in 1962 and raised concern that no information had been provided on an agreement between the former Cabinet Member and the Local Member as stated by the Local Member. The Senior Planning Officer stated that reference to the purchase of the land was included within the report's background documents. Further to this, the officer stated that they were not aware of any agreement between the Cabinet Member and the Local Member and that the application needed to be considered as submitted. The Chairman also stated that the issue was a civil matter and that the application had to be determined on its own merits.
4. A Member of the Committee stated that he was concerned with the issue raised regarding an agreement with the Cabinet Member and felt that, if correct, an agreement should be addressed and renegotiated. The Member also stated that the report should have included reference to this issue.
5. A Member stated that the National Planning Policy Framework (NPPF) outlined that a site should have the maximum development possible and that he was concerned the application was not making the best use of the site as more units could be included within the design. In regard to the density of the development, the Senior Planning Officer stated that, within paragraph 96 of the report, detail was provided which stated that the design of the scheme was informed by guidelines set out within the Care Quality Commission (CQC) guidance 'Registering the right support' and the NHS England plan 'Building the right support' and so the design was set to provide the best possible facilities for the residents rather than to maximise density on site. The Member went on to question whether the CQC had the authority to set the criteria for this. The Planning Development Team Leader added that the site was too small for the extra care provision because it would not be able to achieve the number of units that would be a viable use.
6. In regard to the land ownership issue, the Planning Development Team Leader stated that the issue was separate from the planning application as planning applications can be submitted on any piece of

land and if, following determination, an issue was raised then it did not need to be implemented. The officer reiterated that officers were assured that Surrey County Council owned the land and so the application needed to be determined on its merits.

7. The Chairman asked that an informative be included which outlined that provision be included on site to allow the disposal of food waste. A Member of the Committee said that they agreed with this proposal.
8. A Member stated that they were concerned that a community space would not be included on site as it was a needed facility in the area. The Chairman stated that Members could only consider what was included within the application submitted.
9. A Member asked for detail on why Woking Borough Council's parking standards had not been met within the design of the site. The Senior Planning Officer stated that the officer report acknowledged that the application did not meet Woking's parking standards and highlighted that the site was located close to bus stops and was a 10 – 15 minute walk from the Byfleet Centre. Further to this, due to the nature of the residents on site, it was not expected that there would be a need for a high number of car parking spaces. Due to the reasons outlined, and because on-street parking was available outside the site, officers were comfortable that parking would not result in an unacceptable situation. Further to this, the Transport Development Management Team had reviewed the parking situation and anticipated movements and had not raised any issues, subject to conditions. The Member stated that they were not confident that the site would accommodate any future uses of the building. In response the Chairman stated that any change of use would need to be considered by the Committee and that it was not always possible to anticipate future uses when making a decision.
10. A Member stated that the site was not in keeping with the local area, that the parking situation was not up to standard and that it should not be assumed that the residents of the site would not use a car. The Member also stated that he had concerns related to the land ownership issue. In regard to parking, the Senior Planning Officer highlighted that there was no specific standard for parking for the category of accommodation proposed.
11. A Member of the Committee stated that they supported the application and that they did not believe the issues related to land ownership to be a planning matter. Further to this the Member stated that the application should be considered on its own merits.
12. The Chairman agreed to make contact with the relevant Cabinet Member to outline the concerns raised by the committee during the item's discussion.
13. The Chairman moved the recommendation and informative agreed which received nine votes for, zero against and two abstentions.

Actions / further information to be provided:

None.

Resolved:

The Committee agreed that, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. WO/2022/0923 be PERMITTED subject to the conditions outlined within the report and the informative agreed during the meeting.

38/23 SURREY COUNTY COUNCIL PROPOSAL EL/2022/2251 - COVEHAM HOSTEL, ANYARDS ROAD, COBHAM KT11 2LJ [Item 9]

Officers:

Chris Turner, Senior Planning Officer

Key points raised during the discussion:

1. The Chairman introduced the item and noted that a site visit was held for Members of the Planning and Regulatory Committee. The Senior Planning Officer introduced the report and noted that the application was for the Erection of 2x two storey buildings comprising 6 x 1 bed self-contained flats (12x1 bed flats total) for supported independent living, new substation and associated bin stores, cycle stores and hard and soft landscaping. Full details could be found from page 113 of the meeting agenda. An update sheet was published within a supplementary agenda.
2. A Member asked whether there was scope for greater clarity about vehicular movement on the site and whether it would be appropriate to not allow entrance from vehicles from Oakfield Road. Officers explained that access from Anyards Road was wide enough to allow entrance and exit. Officers further said that the access from Oakfield Road was considered to be narrow and that it was highly unlikely to be used to enter the site.
3. A Member asked that an informative be included which outlined that provision be included on site to allow the disposal of food waste.
4. Members noted that the applicant had agreed to amend the colour of the brick to a red brick to allow it to be more in keeping with the surrounding area. Further to this, a condition had been included which stated that building materials needed to be submitted prior to construction.
5. Members noted that the bin store was located adjacent to the neighbours to the east of the site. Officers had consulted the Environmental Health Officer and they did not raise any objections.
6. A Member stated that they supported the application.
7. The Chairman moved the recommendation and the informative agreed during the discussion which received unanimous support.

Actions / further information to be provided:

None.

Resolved:

The Committee agreed that, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. EL/2022/2251 be PERMITTED subject to the conditions outlined in the report and the informative agreed during the discussion of the item.

39/23 WASTE APPLICATION REFERENCE WO/2020/0993 - ELM NURSERY, SUTTON GREEN ROAD, SUTTON GREEN, GUILDFORD, SURREY GU4 7QD [Item 10]

Officers:

Jessica Darvill, Planning Officer

Key points raised during the discussion:

1. The Chairman introduced the item and officers noted that the item was previously deferred to allow a site visit to be held for Members of the Planning and Regulatory Committee. The application was for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective). Full details could be found from page 153 of the meeting agenda. An update sheet was published within a supplementary agenda.
2. Members noted that the storage bay was for the use of storing wood chip.
3. The Chairman moved the recommendation which received unanimous support from the committee.

Actions / further information to be provided:

None.

Resolved:

The Committee that planning permission ref: WO/2020/0993 be GRANTED subject to conditions and informatives.

40/23 MINERALS AND WASTE APPLICATION MO/2017/0953/SCC - AUCLAYE BRICKWORKS, HORSHAM ROAD, CAPEL, SURREY, RH5 5JH [Item 11]

Officers:

Samantha Murphy, Principal Development Team Leader

Key points raised during the discussion:

1. The Principal Development Team Leader introduced the item and noted that the application was for review of planning permission ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995

so as to determine full modern working and restoration condition. Full details could be found from page 229 of the meeting agenda.

2. A Member asked whether it was possible to mitigate the risk of the site remaining dormant for the foreseeable future due to the impact on local residents. Officers explained that a date of 21 February 2042 was set in legislation and so that was the date the applicant should be working to. Members noted that the operators had committed to establishing a community liaison committee to update local residents on any progress. The Member stated that they remained uncomfortable with the arrangement.
3. Members noted that a condition was included to prevent material from the site from entering the public highway.
4. The Chairman moved the recommendation which received unanimous support.

Actions / further information to be provided:

None.

Resolved:

The Committee agreed that following the identification of a new material consideration, the removal of the previous Condition 3 and previous Reason 3 from the list of Conditions and the APPROVAL of new modern conditions as set out in the report and be subject to a Section 106 Legal Agreement as specified in Annex 1.

41/23 DATE OF NEXT MEETING [Item 12]

The date of the next meeting was noted.

Meeting closed at 12.15 pm

Chairman

TO: PLANNING & REGULATORY COMMITTEE**DATE:** 26 JULY 2022**BY:** PLANNING GROUP MANAGER**DISTRICT(S)** All**ELECTORAL DIVISION(S):** All**PURPOSE:** FOR INFORMATION AND REVIEW**GRID REF:** N/A

TITLE: PLANNING ADVISORY SERVICE REVIEW OF THE PLANNING
AND REGULATORY COMMITTEE

Purpose of the Report:

To inform the Committee of the outcome of a review of the Planning and Regulatory Committee (P&R) that was undertaken by the Planning Advisory Service (PAS). The review was commissioned by the County Council to consider the effectiveness of the committee processes and conduct and to suggest ways in which the operation of the committee could be improved.

Recommendation:

1. The Committee is asked to note the recommendations in the report, in particular those relating to committee processes.

Introduction:

2. The Planning Advisory Service was asked to review the operation and effectiveness of the Planning and Regulatory Committee, to compare it against national best practice and to identify possible improvements. The implementation of these improvements is expected to result in improved decision making by the committee.
3. The review was carried out by an experienced PAS consultant with extensive knowledge of County Council planning matters. It included observing webcasts of the committee; interviewing officers, Members, applicants and members of the public who have participated in recent meetings; reviewing the rules and procedures of the committee and analysing performance data.
4. The report concludes that in general terms the committee was well run and functions effectively. Many of the practices undertaken are in line with best practice in other local authorities. The committee is generally doing well and the recommendations in the report are therefore based on sharpening up processes,

improving performance, developing and enhancing awareness of the role of planning and strengthening training.

5. The report of the review is attached to this report as Annex 1.

Recommendations

6. The recommendations of the report cover a broad range of matters, including reporting performance, an annual committee monitoring visit, rapid publication of committee decisions, Reg 3 training for officers and Members involved in promoting planning applications, clarifying the delegation definition, clarification of the processes for speaking at committee, changing the running order at committee, clarification of protocol on member site visits, officer reports, officer presentations to committee and committee training. These are detailed as follows:
7. **Recommendation 1: Reporting Performance.** It is recommended that consideration be given to reporting the planning activities and performance to the Planning and Regulatory Committee in line with the AMR so that they can be better informed and understand their role in the process and the wider planning functions that officers undertake on behalf of the Council.
8. **Recommendation 2: Annual Planning Committee Monitoring Visit.** It is recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy.
9. **Recommendation 3: Publish Planning Committee Decisions.** It is recommended that to assist in openness and transparency and to inform those interested in the outcome of Planning and Regulatory Committee decisions, it would be helpful to publish on the Planning and Regulatory Committee web site a list of decisions (ideally the next day) so that people can see what has been decided quickly and clearly.
10. **Recommendation 4: Regulation 3 Planning Applications.** It is recommended that Members and officers of Surrey County Council that are responsible for applying for planning permission be offered planning awareness training to better understand planning performance matters and the role of the Planning and Regulatory Committee and the officers that support it. Any such training should be endorsed by the leadership of the Council.
11. **Recommendation 5: Review Delegation Definition.** It is recommended that the delegation threshold criteria of 5 objections within the Council's Scheme of Delegation should include an explicit definition of the nature of the objections so that there is greater clarity about when the matters need to be considered by the Planning and Regulatory Committee.
12. **Recommendation 6: Speaking at Committee Process.** It is recommended that the following be addressed:
 - 6.1. Reference to the County Council's public speaking process should be made more prominent in the acknowledgement letter sent to those making representations on planning applications;
 - 6.2. The guidance about what speakers can talk about should be clarified and

couched in more advisory terms and should be reflected in Standing Orders.

6.3. The web page on the public speaking process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to *“the first five registered being entitled to speak.”* 86.6 implies 5 of each but is not explicit);

6.4. Applicant to be allowed to speak regardless of whether there are objectors/supporters (which will need to be reflected in Standing Orders [86.7]);

6.5. Consider whether 10 speakers for 30 minutes as a maximum is the appropriate number to allow in the light of experience;

6.6. Insert an explanation on the County Council’s web page for public speaking of the role of the Local Member at the Planning and Regulatory Committee (as set out in the County Council’s Constitution and Planning Code of Best Practice).

6.7. Consider how representations made on a planning application being determined by the County Council are made more accessible on their planning application web site.

13. **Recommendation 7: Running Order at Planning Committee.** It is recommended that the running order of the Planning and Regulatory Committee follows the proposed order as follows:

- 7.1. Chairman introduces the item
- 7.2. Introduction of item by officer(s)
- 7.3. Representations by objector(s)
- 7.4. Points of clarification from Members
- 7.5. Representations from supporter(s)
- 7.6. Points of clarification from Members
- 7.7. Representations by applicant or agent
- 7.8. Points of clarification from Members
- 7.9. Representation by local Member(s)
- 7.10. Points of clarification from Members
- 7.11. Consideration of application by committee

14. **Recommendation 8: Site Visit Conduct and Reporting.** It is recommended that:

- 8.1. the County Council’s guidance on site visits should contain a section that emphasises the importance of attending site visits;
- 8.2. a procedure protocol be agreed as how site visits be conducted;
- 8.3. a report of the site visit will be added as an addendum to the Planning and Regulatory Committee papers. Such a report would include who attended, what particular things were pointed out to Members, questions raised and answers given.

15. **Recommendation 9: Officer Reports.** It is recommended that:

- 9.1. The Chair’s agenda briefing should be used to get feedback on Members’ thoughts about officer reports as an ongoing learning process;
- 9.2. Use Member training to review the officer reports so that Members can better understand why reports are the way they are and why information is included and Members can give their feedback;
- 9.3. Encourage Members of the Planning and Regulatory Committee to ask questions of officers in advance of the Planning and Regulatory Committee meeting;
- 9.4. Minor formatting to embolden the recommendation in the summary part of the report.

16. Recommendation 10: Officer Presentations. It is recommended that:

10.1. Officers presentation skills by developed and enhanced though appropriate training focusing on consistency and confidence in conveying complex information clearly and succinctly;

10.2. Review the webcast system explanatory guide to make it clearer how to see presentation slides at the same time as the speaker and consider enabling direct slide presentation control to the presenter.

17. Recommendation 11: Training. It is recommended that a programme of Planning and Regulatory Committee Member training is delivered between the annual mandatory training. Such training should be agile, short, frequent and focused on relevant issues that develop key themes from the annual mandatory training such as technical issues, important case law, material considerations, conduct and probity.

| |
|--------------------|
| Next steps: |
|--------------------|

18. The County Council's Code of Best Practice Planning has been under review since late 2021. This was paused to await the outcome of the PAS review. The Code of Best Practice was adopted in 2014 and is in need of updating. The review will be re-started and the recommendations of the PAS review will be incorporated as appropriate. This and any other changes to the Constitution necessary as a result of review will be reported to full Council in due course.

19. In conjunction with the Committee Chairman, Planning and Committee Services officers will work to implement the other changes that do not require formal Council approval.

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REVIEW OF THE EFFECTIVENESS OF SURREY COUNTY COUNCIL'S PLANNING AND
REGULATORY COMMITTEE PROCESSES AND CONDUCT

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**REVIEW OF THE EFFECTIVENESS OF SURREY
COUNTY COUNCIL'S PLANNING AND
REGULATORY COMMITTEE PROCESSES AND
CONDUCT**

**REPORT BY LW PLANNING
ON BEHALF OF
THE PLANNING ADVISORY SERVICE
FOR
SURREY COUNTY COUNCIL**

JUNE 2023

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SURREY COUNTY COUNCIL - REVIEW OF THE EFFECTIVENESS OF THE PLANNING AND REGULATORY COMMITTEE'S PROCESSES AND CONDUCT

INTRODUCTION

1. Surrey County Council commissioned the Planning Advisory Service to review the effectiveness of the Council's Planning and Regulatory Committee ("the planning committee") processes and conduct in order to suggest ways in which the operation of the planning committee might be improved.
2. This work has been prompted by Surrey's performance in the speed of decision making (for County Matter planning applications) and the potential future threat of designation¹ by government².
3. This review is based on:
 - a. observing the operation of the planning committee via its webcasts (**ANNEXE 3**);
 - b. capturing the views and experiences of members of the public who have participated in recent planning committee meetings, elected Members of the planning committee, applicants and officers (**ANNEXE 3 & ANNEXE 4**);
 - c. reviewing the rules and procedures of the planning committee in the light of national best practice;
 - d. analysis of key performance (speed of decision making) data related to potential designation in relation to the planning committee decisions to see if that tells us anything about the need to consider changes to planning committee processes;
 - e. consideration of the extent to which any potential changes to the operation of the planning committee processes could have a positive bearing on the speed of determining planning applications (related to potential designation)
4. The expected benefit of this review is improved decision making at the Planning and Regulatory Committee, in terms of not only speed to meet government targets but also to making sound, defensible, confident and transparent decisions that contributes to the

¹ S62A Town and Country Planning Act 1990 ("the 1990 Act")

² By the Secretary of State for Levelling Up, Housing and Communities

Council's ambitions for Surrey as a place³ and improve public perception of how the planning committee works.

7

PERFORMANCE CONTEXT – DESIGNATION AND SPEED OF DECISIONS

5. Local planning authorities' performance is assessed on the speed and quality of their decisions on applications for major and non-major development⁴. The speed of decision making (the proportion of applications that are dealt with within the statutory time or an agreed extended period) is measured over a two-year period based on nationally published quarterly returns. The government specifies the criteria (currently 60% for County Matters) and the assessment period (October 2021-September 2023) for designating local authorities as underperforming. Where an authority is designated as underperforming, applicants have had the option of submitting their applications directly to the Planning Inspectorate for determination and the authority is expected to prepare an improvement plan identifying actions that address the areas of weakness that led to the designation.
6. County matter applications can be controversial, unpopular, technically complex, have significant environmental impacts but are often necessary to meet economic demands and social needs. Surrey County Council invests a considerable amount of time and effort in processing these types of planning applications, produce comprehensive assessments and reports to advise the Members of the planning committee on the issues and give clear and robust recommendations for decisions to be made. It is important, therefore, that the effort is rewarded with better outcomes in terms of performance, making defensible and reasoned decisions and providing a positive, inclusive and transparent experience for applicants and citizens that may get involved in the planning process and who are potentially affected by these decisions.
7. This review has been prompted in part by the threat of designation relating to the speed of decision making. Surrey's performance level was 62.8% at the last assessment period point in September

³ Surrey's 2050 Place Ambition ([link](#))

⁴ [Improving planning performance Criteria for designation DLUHC October 2022](#)

2022 and has improved since to 66.7% (March 2023). There is no immediate threat to designation in the current designation period, but it is important to ensure that performance is maintained and improved if designation is to be avoided in September 2023.

Figure 1 below shows Surrey's performance in relation to the threshold criteria and assessment periods.

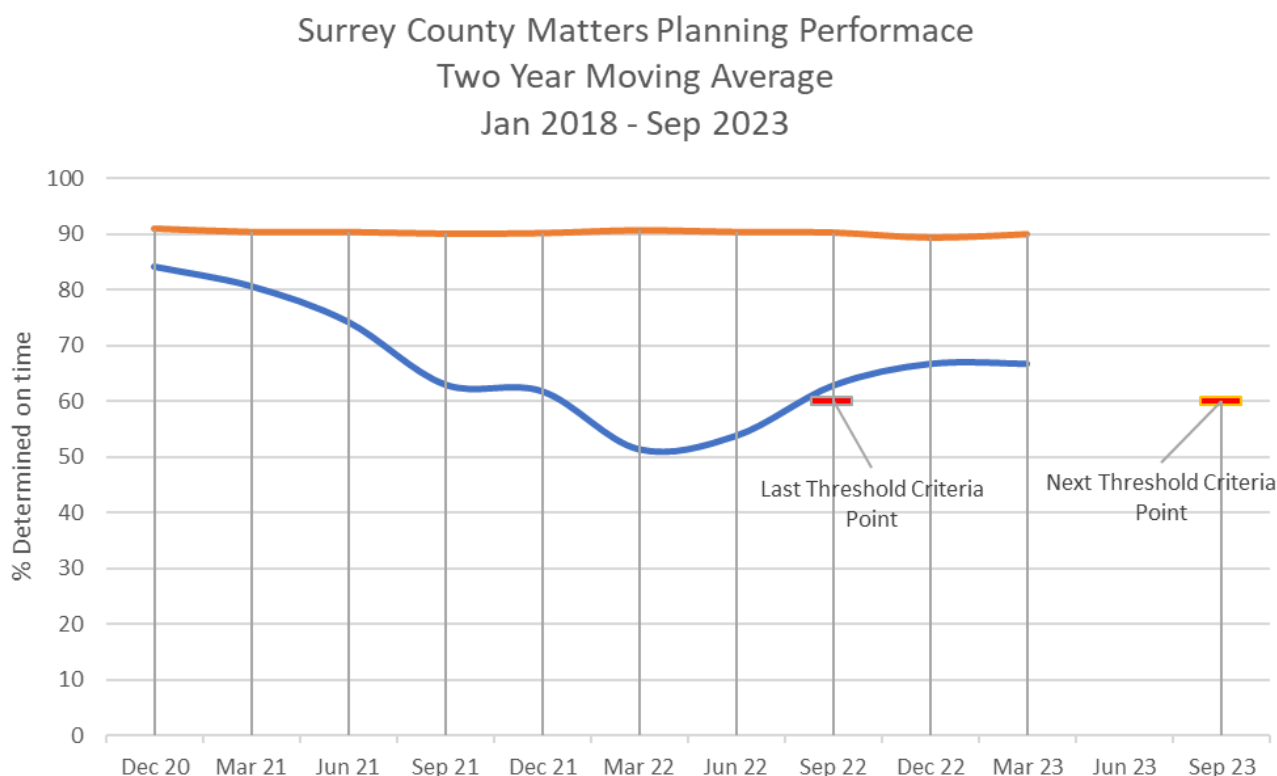


Figure 1. Performance Measures

8. Of the decisions made that achieved the March 2023 performance level, 30 decisions were made under delegated authority and 15 decisions were made by the planning committee. Table 1 below shows the difference in the speed of determination between delegated and committee decisions. Planning committee decisions performance is significantly lower in comparison to delegated and the overall decisions.

| Table 1: County Matters speed of determination, by mode of decision | | |
|--|--------|-------------|
| 2 YEAR PERIOD ENDING MARCH 2023 | | |
| Decision Mode | Number | Performance |
| All | 45 | 66.7% |
| Committee | 15 | 27.0% |
| Delegated | 30 | 73.0% |

9. Understandably, planning committee only consider those applications that are more complex, controversial or have attracted objections that warrant a planning committee decision (as set out in the Scheme of Delegation⁵). Most (if not all) of the applications had extension of time agreements in place with the applicant (as stated in the planning committee reports).
10. Performance is measured against whether a decision was issued within those agreed timescales. It is noted that some decisions issued after the planning committee resolution failed to meet the agreed deadline. It was not possible within the constraints of the project brief to undertake a detailed analysis of the reasons why this was the case within the overall development management process. However, Surrey County Council is fully aware of the need to review its internal development management processes related to, amongst other things, the speeding up of issuing decisions. It is noted that the County Council has already embarked on this review process. Notwithstanding that, the PAS Development Management Challenge Toolkit may assist in this process⁶
11. Delegated decisions are reported on a monthly basis and published on the County Council's web site under "Planning and Regulatory Committee – Action under Delegation". The reports are for information only and give very brief details.

⁵ [Constitution of the Council – Part 3 Responsibility for Functions and Scheme of Delegation - Section 3, Part 3A Specific Delegation to Officers May 2023](#), page 81

⁶ [Development Management Challenge Toolkit PAS](#)

12. No performance data on planning application or other related performance measures (such as scheduled or required⁷ monitoring visits) is reported to planning committee on a regular basis.
13. Although the County Council's planning service produces an Annual Monitoring Report, the specific details related to the functions of the planning committee would be informative for Members to understand their part in the process and to have an opportunity to debate and comment on the discharge of their responsibilities.
14. **It is recommended that consideration be given to reporting the planning activities and performance to the Planning and Regulatory Committee in line with the AMR so that they can be better informed and understand their role in the process and the wider planning functions that officers undertake on behalf of the Council.**
15. Also, it is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of their decisions, ideally on an annual or more frequent basis. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
16. **It is recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy.**
17. In terms of decision making, as is normal practice minutes of committees are confirmed and agreed at the next formal meeting but once a decision has been made on a planning application a planning decision is ready to be issued. Anyone looking at the County Council's Planning and Regulatory Committee web pages will not know what the decision was unless they visit the planning

⁷ The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2017; The Waste (England and Wales) Regulations 2012

application site and even then, given the delay that sometimes happens in issuing the decision or wait for the minutes at the following meeting.

18. **It is recommended that to assist in openness and transparency and to inform those interested in the outcome of Planning and Regulatory Committee decisions, it would be helpful to publish on the Planning and Regulatory Committee web site a list of decisions (ideally the next day) so that people can see what has been decided quickly and clearly.** This is not a substitute for the formal minutes which will be dealt with in the normal way.

REGULATION 3 PLANNING APPLICATIONS

19. The County Council also has an important duty to determine planning applications for its own development⁸. There is no nationally collated or published performance measure for this type of application. Nevertheless, Regulation 3 applications are determined in the same way as any other planning application except that there is no appeal or enforcement mechanisms as the County Council would be appealing and enforcing against itself. Great care needs to be taken when the County Council is determining its own planning applications to ensure that there is no appearance of or actual bias. There should be no expectation that County Council proposals should get preferential treatment.
20. Performance of Regulation 3 planning applications has averaged at about 60% over the past 5 quarters. None of the Regulation 3 applications considered by the planning committee were determined within the agreed timescales. Part of this stems from 'applicants' within the County Council often do not agree to extensions of time for determination. This is clearly a matter that needs to be considered in terms of internal corporate processes. These corporate processes are outside the remit of this project.

⁸ Regulation 3 Town & Country Planning General Regulations 1992 (as amended)

21. However, it is understood that Surrey County Council has significant ambitions in its education programme which will require engagement in the planning process. As part of the planning training, it might be prudent to consider some awareness training for those within the County Council charged with developing land for council services to better understand the Regulation 3 process and the delicate and difficult position that Members of the planning committee and planning officers are in when dealing with these matters, particularly when there is public interest and objection. As this is an important aspect corporately and potentially affects significant financial and political issues, it should be endorsed by the Leader and Chief Executive of the Council to ensure it has the appropriate status.
22. **It is recommended that Members and officers of Surrey County Council that are responsible for applying for planning permission be offered planning awareness training to better understand planning performance matters and the role of the Planning and Regulatory Committee and the officers that support it. Any such training should be endorsed by the leadership of the Council.**

DELEGATION SCHEME

23. In common with most local planning authorities, Surrey County Council operates a Scheme of Delegation⁹ for dealing with planning decisions. The scheme is up to date (March 2023) and appears to function well. Some questions were raised during the interviews about whether the threshold of 5 objections is too low, leading to a greater number of applications being considered by the planning committee than is necessary.
24. Table 2 below shows that nearly 80% of County Matters and almost 90% of Regulation 3 applications were determined under delegated authority. Surrey County Council determines nearly 80% of its County Matters through delegation compared to the national average of just over 67%. This would indicate that the

⁹ [Constitution of the Council – Part 3 Responsibility for Functions and Scheme of Delegation - Section 3, Part 3A Specific Delegation to Officers May 2023](#), page 81

delegation scheme is working effectively. The effectiveness is also demonstrated through the frequency of planning committee meetings which is governed by the scale and nature of business requiring decisions. The schedule in **ANNEXE 2** illustrates this. It shows that 22 planning committee meetings were scheduled between April 2021 and March 2023, but only 15 actually took place (i.e. 7 were cancelled or postponed).

| Table 2. SCC speed of determination - Committee Vs Delegated Decisions | | | |
|---|------------------------------------|---------------------|--------------|
| Period April 2021 – March 2023 | County Matters¹⁰ | Regulation 3 | Total |
| No. considered at committee | 23 | 10 | 43 |
| % considered at committee | 20.5% | 11.2% | 16.4% |
| No. delegated decisions | 89 | 79 | 168 |
| % delegated decisions | 79.5% | 88.8% | 83.6% |
| TOTAL | 112 | 89 | 201 |
| England | | | |
| % delegated decisions | 67.2% | - | - |
| Source: Surrey County Council data; DLUHC Planning Statistics - Reference Table 3 CPS1 England totals April 2021 – March 2023 | | | |

25. Notwithstanding this, there may be scope to better define the nature of the 5 objections received. Surrey's current Scheme of Delegation does not define the nature of objections, and this could be something that may help clarify which proposals should be considered by the planning committee. Local authorities have different schemes of delegation to decide which decisions need the scrutiny of Members and need to be held in public. The Scheme of Delegation needs to be clear, transparent and unambiguous. Many local authorities define the nature of representations contrary to the officer recommendations to ensure planning applications are

¹⁰ Includes all county matter applications excluded from the performance measures statistics (e.g. minor matters such as non-material amendments) as defined by government [CPS1/2 Guidance Notes](#)

dealt with in the most appropriate and efficient way. For example, representations must relate to material planning considerations, or be irresolvable by amendment to the scheme or imposition of planning conditions or proposals need to be of a certain size or nature.

26. **It is recommended that the delegation threshold criteria of 5 objections within the Council's Scheme of Delegation should include an explicit definition of the nature of the objections so that there is greater clarity about when the matters need to be considered by the Planning and Regulatory Committee.**

PUBLIC SPEAKING AT COMMITTEE

27. Allowing objectors to and supporters of a planning proposal to address the planning committee is a well-established practice for most local authorities. Surrey County Council has a well established and clear process for objectors / supports to attend and speak to the planning committee. Everyone that was interviewed agreed that public speaking was a good thing and should continue. From the perspective of objectors that took part in this process, the experience was mixed. There was some confusion with the process and understanding of what was going. There was particular concern about the onus being on the objectors/supporters to find out when the item was to be considered, the short notice of planning committee date at which the item was to be considered, the meeting being held in school holidays, the time the meeting (i.e. during the working day), and the ability to absorb late addendum items, all added to the feeling of it being difficult for working people to make sufficient arrangements to attend.
28. There was also frustration and apparent lack of understanding about the time limits on speaking and the balance between objectors and supporters, and some annoyance at the one minute "bell" warning, which some say was difficult to hear.

29. With regard to the content of what speakers can say, the current procedure (as set on the County Council's web site¹¹ but not reflected in the Standing Orders¹²) specifies that those speaking should only talk about what is in their written submission. Some applicants were concerned that they did not know who the objectors were until very often on the day of planning committee which they said made it extremely difficult to respond to objectors' comments, particularly if objectors raised issues not in their submissions. Comments were also expressed that 5 speakers objecting / supporting is quite high (i.e. this means up to 10 speakers).
30. There does not appear to be any mechanism in place to monitor the content of what the speakers say in relation to their written submission. Also, applicants would like to be able to address the planning committee even if there are no other speakers, such as if the recommendation was for a refusal. It was also pointed out that representations received by the County Council were not published on the County Council's planning application file pages but instead are passed to the district council to hold on their web pages. This is confusing and unhelpful for anyone looking at the application files for that proposal if information is not in one place. The County Council should consider how this can be improved or rectified to improve ease of access to information.
31. Some speakers did say that they had a more positive experience, understood the process and thought the planning committee handled proposals in a fair and balanced way.
32. It was clear from the interviews that speakers held strong views about the particular development they had an interest in and this understandably influenced their experience. Despite the comments made, Surrey County Council has clear procedures about public speaking at planning committee. As mentioned above, public speaking at planning committees at most councils is now a normal practice. Councils do vary in how they do this. Sometimes Members are allowed to ask questions of the speakers and at other committees speakers are simply allowed to speak for

¹¹ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

¹² Standing Order 86.1-86.11 – Part 4 Standing Orders December 2022

a set time (normally 3 - 5 minutes) and then cannot take any further part in the debate. Whichever option is chosen, it is important that this is clear and transparent.

33. From the analysis, it would seem that Surrey County Council's public speaking process is generally well aligned to current best practice (with the exception of the running order – see later). The main issues that the Council may want to consider are:

- a. The County Council informs those making representations of the availability of speaking at the planning committee in the acknowledgement letter. There is a link address to the County Council's relevant web page within the body of the letter which should be made clearer and more prominent (e.g. perhaps by a sub-heading or bold font).
- b. If speakers are to be limited to speaking on matters that they have previously raised in writing then this should be reflected in Standing Orders¹³. However, the difficulty of monitoring and enforcing speakers comments to relate to their written representations opens the Council to some risk of potential challenge. The web page advice is flexibly worded except for the last sentence in paragraph 7 which states: "*You should not make new points when addressing the committee.*" A more flexible wording reflecting what actually happens would be more appropriate.
- c. The web page on the public speaking¹⁴ process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to "*the first five registered being entitled to speak.*" 86.6 implies 5 of each but is not explicit).
- d. Also, the Standing Orders (86.7) refer to the applicant being able to speak only if there are objectors speaking. This maybe something that Surrey County Council may wish to

¹³ Standing Order 86.1-86.11 – Part 4 Standing Orders December 2022

¹⁴ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

reconsider. It would seem appropriate to allow the applicant to address the planning committee. An officer recommendation to refuse permission may be a clear case for allowing the applicant to speak but as it is open to the planning committee to make a decision as they see fit, there is a case to allow the applicant to speak if they so wish in any event.

- e. There is no hard and fast rule about how many speakers there should be. Many authorities have fewer speakers than Surrey currently allow (sometimes only one for and one against). This is a matter of judgement for Surrey to decide whether having potentially 10 speakers for 30 minutes is a reasonable level of participation in the light of experience.
- f. There is nothing on the council's web page for public speaking¹⁵ that explains the role of the local Member who is not a member of the planning committee. This is part of the County Council's Constitution and Planning Code of Best Practice¹⁶ and should be reflected in the public guide for speaking at planning committee.
- g. Consideration should be given to practical and effective ways of being able to access the representations made on a planning application being determined by the County Council on their planning application web site.

34. It is recommended that the following be addressed (as set out in paragraph 33 above):

- a. **Reference to the County Council's public speaking process should be made more prominent in the acknowledgement letter sent to those making representations on planning applications;**

¹⁵ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

¹⁶ The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

- b. **The guidance about what speakers can talk about should be clarified and couched in more advisory terms and should be reflected in Standing Orders¹⁷.**
- c. **The web page on the public speaking¹⁸ process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to "*the first five registered being entitled to speak.*" 86.6 implies 5 of each but is not explicit).**
- d. **Applicant to be allowed to speak regardless of whether there are objectors/supporters (which will need to be reflected in Standing Orders [86.7])**
- e. **Consider whether 10 speakers for 30 minutes as a maximum is the appropriate number to allow in the light of experience.**
- f. **Insert an explanation on the County Council's web page for public speaking¹⁹ of the role of the Local Member at the Planning and Regulatory Committee (as set out in the County Council's Constitution and Planning Code of Best Practice²⁰).**
- g. **Consider how representations made on a planning application being determined by the County Council are made more accessible on their planning application web site**

¹⁷ Standing Order 86.1-86.11 – Part 4 Standing Orders December 2022

¹⁸ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

¹⁹ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

²⁰ The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

RUNNING ORDER OF PLANNING APPLICATION ITEMS

35. The planning committee agenda is very similar to many planning authorities around the country and is executed effectively. However, the current running order in relation to planning applications has been raised in the interviews as a matter for review. Each agenda item the subject of a planning application is accompanied by a detailed and comprehensive officer report, available in advance for everyone to read. The working assumption is that Members of the planning committee and others interested in it have read the report. Nevertheless, it is common good practice that the planning officer introduces the item at its start in summary form, including any updates, so that everyone participating in the meeting is made familiar with the proposal and the issues it raises from a planning point of view.
36. From the interviews conducted and observation, the majority of respondents agreed that the current running order was not logical and that public speakers should follow the planning officer's introduction as it would set the scene for Members of the planning committee and members of the public observing and following the proceedings. Also, the current running order does not reflect best practice. The table in **ANNEXE 1** sets out the current and suggested new running order. In essence, the new order is suggested as follows:
 - a. The chair announces the item;
 - b. The Chair invites the planning officer to summarise the proposal, key issues, updates and set out the recommendation;
 - c. The Chair invites public speakers to speak, with objectors first, followed by supporters / applicants and then divisional Member²¹;

²¹ The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

- d. The Chair invites Members of the planning committee to seek points of clarification from the speakers, if necessary, on what they have said – but not to cross-examine speakers, engage in debate, or challenge point of view put forward;
 - e. The Chair invites the planning officer (and/or legal officer) to comment on anything that has been said in order to correct any factual errors or issues of policy, law or other relevant planning matters that need clarification;
 - f. The Chair invites the planning committee to ask questions, debate and vote on the item in the normal way.
37. One of the advantages of allowing points of clarification is that it not only allows Members of the planning committee to better understand the views of those wishing to speak but it also addresses the point that public speakers did not feel sufficiently engaged in the process.
- 38. It is recommended that the running order of the Planning and Regulatory Committee follows the proposed order as set out in ANNEXE 1 of the report, namely:**
- a. **Chairman introduces the item**
 - b. **Introduction of item by officer(s)**
 - c. **Representations by objector(s)**
 - d. **Points of clarification from Members**
 - e. **Representations by supporter(s)**
 - f. **Points of clarification from Members**
 - g. **Representations by applicant or agent**
 - h. **Points of clarification from Members**
 - i. **Representation by local Member(s)**
 - j. **Points of clarification from Members**
 - k. **Consideration of application by committee**

SITE VISITS

39. The planning committee is scheduled to meet on a 4-5 week monthly cycle, normally on a Wednesday. Members of the

planning committee have site visits reserved in the diary on the Friday before the planning committee meeting on the following Wednesday should they be needed. This is good practice and helps the smooth operation of processing planning applications and pre-empts deferring items for a site visit at the planning committee meeting.

40. Surrey's current practice²² is that the need for a site visit will be determined by the Planning Manager in consultation with the Chair of the planning committee in advance of the application being considered by the planning committee. Site visits are not part of the formal consideration of the planning application. Most people who were interviewed about this aspect considered it a very important part of understanding the proposal under consideration. Some considered that all planning application sites under consideration should be visited by all members of the planning committee, whilst others took a more pragmatic view that only those that were necessary to visit because some aspect could only be appreciated on site.
41. Generally, Surrey's site visit arrangements work well and the process is clear. Site visits are limited to Members and officers only, and the land owner if access to the site is required. This is common practice across local authorities.
42. A concern raised by many of those interviewed was about poor Member attendance at site visits. Attendance by Members has been patchy, with occasions when only 4 or 5 Members were able to attend. This is a concern for the quality of decision making and also for the reputation of Council. When Members of the Planning Committee do attend site visits, they reflect how beneficial such visits are.
43. The key issue for Surrey is how to encourage better attendance at a site visit where they are deemed to be necessary. Whilst there are slots in Members diaries to attend a site visit there are often competing demands on Councillors time, and for experienced and long serving Councillors, it may be a site that they are already familiar with. Unless site visits are a formal part of the decision-making process, it is not normal for local authorities to prevent

²² The Surrey Code of Best Practice in Planning Procedures – April 2013

Members from voting on an item if they do not attend a site visit. Surrey County Council's site visits are not part of the formal decision making process nor is it recommended that it should be.

44. However, Surrey's site visit protocol would benefit from being updated and enhanced with some explicit inclusion of the importance and benefits of site visits (backed up in training) and also some description of what the conduct on site should look like, i.e. the chair to run proceedings, explanation of the purpose, the officer explanation, questions from Members, what can be asked of the applicant if they are present, etc.. Some authorities do allow members of the public to attend the site visit and sometimes it is difficult to prevent members of the public being there, but it should be so arranged that at no time during the site visit will the applicant, their agent, any objector or any other member of the public be allowed to debate the merits of the proposal with Members.
45. It may be useful for a short report of the site visit to be prepared as an addendum paper for the planning committee, explaining who was present, what aspects Members looked and in particular to record any questions and answers that arose at the site visit for the benefit of whole planning committee. This would create a transparent public record. Such a report is not, and should not be seen as, a substitution for Members visiting the site.
46. **It is recommended that:**
 - a. **the County Council's guidance on site visits should contain a section that emphasises the importance of attending site visits;**
 - b. **a procedure protocol be agreed as how site visits be conducted such as:**
 - i. **the Chair will oversee the conduct of site visits and will formally open and close the organised site visit;**

- ii. **planning officer will describe the proposals and indicate matters of fact in relation to the proposal and surrounding land;**
 - iii. **Members may ask the planning officer for factual clarification of any planning matter relating to the proposal or surrounding land;**
 - iv. **Members will not debate or comment on the planning merits or otherwise of a proposal;**
 - v. **In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the chair and the planning officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.**
- c. **A report of the site visit will be added as an addendum to the Planning and Regulatory Committee papers. Such a report would include who attended, what particular things were pointed out to Members, questions raised, and answers given.**

OFFICER REPORTS

47. Officer reports are a critical part of the decision-making process. They can also be difficult to write, as officers have to grapple with complex and technical information²³. Conclusions and recommendations can be finely balanced.
48. County matter applications are very often technical in nature and require specialist expertise. The presentation of this information in the report is important – along with the availability of any background papers. Officer reports can be fertile ground for judicial review challenges so reports need to be carefully crafted

²³ [Probity in planning - Advice for councillors and officers making planning decisions – LGA/PAS December 2019](#)

and checked. The Courts are generally reluctant to interfere in the exercise of planning judgement, but the risk of challenge may be increased where decision makers have relied on some inadvertent flaw in the officers' report.

49. Surrey County Council's reports are very comprehensive, thorough, and supported by relevant documentation. They are drafted carefully, quality checked by senior planning officers/managers and reviewed by the Council's legal team. During the interviews, there was a mixed view on the length of the reports both from the perspective of the ability of Members having the time to read and absorb them but also from the perspective of the considerable task of writing them. Some concerns were raised that the length of time it takes to write major reports impacts on how quickly a particular planning application can be dealt with.
50. There is no doubt that the officer reports can be very long. The average page length of reports²⁴ is about 69 pages, ranging in length between 13 and 165 pages. This has an impact on the overall planning committee agenda if there are several items to consider. On occasions the overall agenda has exceeded 480 pages but is more typically in the region of 150 to 250 pages. Members of the planning committee have therefore an unenviable task to find time in their busy schedules to get to grips with such a large amount of information. Having said that, there was a general view that reports need to be proportionate to the task in hand and this is evidenced by the wide range of length of reports. From the discussions no obviously apparent solution emerged as to where and in what way reports could be shortened, if indeed that was necessary.
51. The County Council operates a draft agenda briefing with the Chair and Vice Chair (about 2 weeks before the formal planning committee meeting) to help in agenda setting and forward workload planning. Officers are asked to supply draft reports for this meeting. Some concerns were raised about the impact of this lengthening lead time. Having such informal meetings is helpful to manage planning committee business. These meetings are an opportunity to gather feedback from Members thoughts on officer reports and for officers to explain why they are the way they are.

²⁴ Measured of meetings held between April 2021 and March 2023

If necessary, future training may consider focussing on the officer reports.

52. One of the key elements of the reports which to some degree offsets the concern about report length is the inclusion of a summary at its beginning. This is very helpful. A short summary of what is proposed, where and who by, the key issues, level of objection and a clear recommendation are all key components. A minor suggestion would be to embolden the recommendation in the summary so that it stood out more clearly. The downside of a clear summary is the risk that is all that will be read but on balance the summary is an excellent introduction to the overall report and helpful to all readers.

53. **It is recommended that:**

- a. **The Chair's agenda briefing should be used to get feedback on Members thoughts about officer reports as an ongoing learning process;**
- b. **Use Member training to review the officer reports so that Members can better understand why reports are the way they are and why information is included and Members can give their feedback;**
- c. **Encourage Members of Planning and Regulatory Committee to ask questions of officers in advance of the Planning and Regulatory Committee meeting;**
- d. **Minor formatting to embolden the recommendation in the summary part of the report.**

OFFICER PRESENTATION AT COMMITTEE

54. From observation and interview feedback, officer presentation at the planning committee summarising the proposal and the issues is seen as not only very helpful but essential in setting the scene for the planning committee and others present at the meeting. Some of the commentary focussed on the consistency of approach.

Surrey's practice is to encourage the case officer to introduce the report to the planning committee. This is to be welcomed as a means of professional development, upskilling of staff and enhancing Member/officer relations. As a consequence, the relative experience and skill of any particular planning officer has a bearing on how the presentation is delivered and received. Case officers are supported by senior planners / managers and the Planning Group Manager at the committee so Members of the planning committee should have confidence in the quality of advice available to them in decision making.

55. Staff themselves recognise that there is a skill to presenting information in a succinct, clear, and understandable way. One of the key attributes of good professionals is the ability to convey technical and complex matters in a straight forward and easily understood way. The use of clear and relevant illustrative material in a judicious way is vital to understanding development proposals. It might be helpful for managers to consider some staff development in this area.
56. From a technical point of view, a minor point is that the webcast does not broadcast the illustrative slide material coincidentally with the narrative of the speaker unless the slide tab is clicked. Some clearer explanation of how this can be accessed by the viewer would be helpful. Also, it would be useful if the presenter had direct control of the presentation through a remote controller.
57. **It is recommended that:**
 - a. **Officers' presentation skills be developed and enhanced through appropriate training focussing on consistency and confidence in conveying complex information clearly and succinctly (e.g. such as [PAS planning committee officer training](#));**
 - b. **Review the webcast system explanatory guide to make it clearer how to see the presentation slides at the same time as the speaker and consider enabling direct slide presentation control to the presenter.**

OFFICER RESPONSE TO MEMBER QUESTIONS

58. An important role of officers at the planning committee is to assist the Chair in answering questions from Members about the proposal or other matters. The 4 key areas are planning, legal, committee administration and any technical specialist matters (e.g. highways). The role of the planning officer is key to guiding Members in their deliberations and so it is important that the planning officer is able to answer questions and advice members with confidence, supported by legal and other officers.
59. Generally, officers are well respected by the Members of the planning committee, applicants and other participants. Descriptions of officers and their reports were couched in terms of "good", "excellent", "outstanding", "amazing". Most of those interviewed thought officers were on top of the case information and responded well to questions. The planning officers that were interviewed expressed that they enjoy that interactive part of the planning committee process most but on occasions some questions were difficult to understand or answer.
60. They also expressed that there is very little interaction with Members in advance of the planning committee meeting, particularly if there were detailed technical or complex questions that needed addressing. If these questions are raised for the first time at the planning committee it may not always be possible to give as full and comprehensive answers as might have been the case. It is good practice that Members be encouraged to raise any concerns in advance of the planning committee meeting so that officers can provide the Members with the advice they need to make sound decisions.
61. Overall, officers perform well but could benefit from some greater opportunities to interact with Members, perhaps at joint training events.

TRAINING

7

62. It is a mandatory requirement that Members of the planning committee have appropriate training in planning. Surrey County Council provides this training annually and to new Members as well taking the opportunity to do ad hoc training on topical or gap issues. Interviewees when asked thought that the Members conduct displayed a knowledgeable approach to decision making that was transparent and fair. The general perception was that the Members of the planning committee seemed to know what they were doing. Having said that, Members interviewed acknowledged that there was always room for improved learning and more training.
63. Many Members of the planning committee are experienced in this area and will understand probity and conduct issues, which also forms part of their training. Members will also appreciate the role that officers play and that they have their own professional standards of integrity and behaviour.
64. Planning officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct²⁵, breaches of which may be subject to disciplinary action by the Institute. The RTPI provides advice for planning professionals on matters of probity aimed at supporting planners in exercising their independent professional judgement and promoting public confidence in the planning system. In addition, officers must always act impartially and in a politically neutral manner. RTPI members must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding and this is something that needs to be clearly understood by Members of the planning committee, particularly if Members want to make decisions contrary to their advice. Whilst this is normally covered in general Member planning training, it is an area that would benefit from further exploration in future Member and officer training in order to cement the trust and mutual respect between officers and Members.

²⁵ [Code of Professional Conduct – Royal Town Planning Institute, February 2023](#)

65. **It is recommended that a programme of Planning and Regulatory Committee Member training is delivered between the annual mandatory training. Such training should be agile, short, frequent and focused on relevant issues that develop key themes from the annual mandatory training such as technical issues, important case law, material considerations, conduct and probity.**

CHAIRING THE PLANNING COMMITTEE

66. The general consensus from those interviewed and from the webcasts is that the planning committee is generally well chaired. Views were expressed as to what constituted a good chair of planning. The attributes included the need for a clear sense of direction, be skilful at active listening, an ability to be firm and assertive but fair and diplomatic, understand planning and the difference between planning and non-planning matters, give space for Members to have their say, focus Members on the need to make a decision, be inclusive and encourage engagement of public if they are speaking, seek appropriate advice from officers when required. As new Chair has been appointed for this Council year it is important that he is well supported by officers and the new Vice Chair.

CONCLUSIONS AND LIST OF RECOMMENDATIONS

7

67. In general terms Surrey County Council's Planning and Regulatory Committee is well run and functions effectively with experienced and knowledgeable Councillors. The planning committee is supported by professional officers who have been highly praised.
68. Much of the practices undertaken are in line with best practice in other local authorities. As a county planning authority, the planning committee deals with complex, technical, controversial county matter planning applications (i.e. for mineral and waste development). It also deals with planning applications for its own development (Regulation 3) which can also be controversial but that need to be and have been determined on planning merits despite potential internal conflicts of the council being both developer and planning authority.
69. Surrey County Council's Planning and Regulatory Committee are generally doing well. As a consequence, the recommendations in this report are relatively modest and are based on sharpening up processes, improving performance, developing and enhancing awareness of planning roles and functions and strengthening training.
70. The recommendations are listed below. The relevant paragraph number relating to the report above is shown in parenthesis after the recommendation for ease of reference.

1. RECOMMENDATION 1: REPORTING PERFORMANCE. It is recommended that consideration be given to reporting the planning activities and performance to the Planning and Regulatory Committee in line with the AMR so that they can be better informed and understand their role in the process and the wider planning functions that officers undertake on behalf of the Council. (14)

2. RECOMMENDATION 2: ANNUAL PLANNING COMMITTEE MONITORING VISIT. It is recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help

improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy. (16)

- 3. RECOMMENDATION 3: PUBLISH PLANNING COMMITTEE DECISIONS.** It is recommended that to assist in openness and transparency and to inform those interested in the outcome of Planning and Regulatory Committee decisions, it would be helpful to publish on the Planning and Regulatory Committee web site a list of decisions (ideally the next day) so that people can see what has been decided quickly and clearly. (18)
- 4. RECOMMENDATION 4: REGULATION 3 PLANNING APPLICATIONS.** It is recommended that Members and officers of Surrey County Council that are responsible for applying for planning permission be offered planning awareness training to better understand planning performance matters and the role of the Planning and Regulatory Committee and the officers that support it. Any such training should be endorsed by the leadership of the Council. (22)
- 5. RECOMMENDATION 5: REVIEW DELEGATION DEFINITION.** It is recommended that the delegation threshold criteria of 5 objections within the Council's Scheme of Delegation should include an explicit definition of the nature of the objections so that there is greater clarity about when the matters need to be considered by the Planning and Regulatory Committee. (26)
- 6. RECOMMENDATION 6: SPEAKING AT COMMITTEE PROCESS.** It is recommended that the following be addressed (as set out in paragraph 33 in the report):
 - 6.1. Reference to the County Council's public speaking process should be made more prominent in the acknowledgement letter sent to those making representations on planning applications;**

6.2. The guidance about what speakers can talk about should be clarified and couched in more advisory terms and should be reflected in Standing Orders²⁶;

6.3. The web page on the public speaking²⁷ process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to "*the first five registered being entitled to speak.*" 86.6 implies 5 of each but is not explicit);

6.4. Applicant to be allowed to speak regardless of whether there are objectors/supporters (which will need to be reflected in Standing Orders [86.7]);

6.5. Consider whether 10 speakers for 30 minutes as a maximum is the appropriate number to allow in the light of experience;

6.6. Insert an explanation on the County Council's web page for public speaking²⁸ of the role of the Local Member at the Planning and Regulatory Committee (as set out in the County Council's Constitution and Planning Code of Best Practice²⁹).

6.7. Consider how representations made on a planning application being determined by the County Council are made more accessible on their planning application web site. (34)

7. RECOMMENDATION 7: RUNNING ORDER AT PLANNING COMMITTEE. It is recommended that the running order of

²⁶ Standing Order 86.1-86.11 – Part 4 Standing Orders December 2022

²⁷ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

²⁸ [Have Your Say - Speaking at the Planning and Regulatory Committee Procedure](#)

²⁹ The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

the Planning and Regulatory Committee follows the proposed order as set out in ANNEXE 1 of the report, namely:

- 7.1. Chairman introduces the item**
- 7.2. Introduction of item by officer(s)**
- 7.3. Representations by objector(s)**
- 7.4. Points of clarification from Members**
- 7.5. Representations by supporter(s)**
- 7.6. Points of clarification from Members**
- 7.7. Representations by applicant or agent**
- 7.8. Points of clarification from Members**
- 7.9. Representation by local Member(s)**
- 7.10. Points of clarification from Members**
- 7.11. Consideration of application by committee (38)**

8. RECOMMENDATION 8: SITE VISIT CONDUCT AND REPORTING. It is recommended that:

- 8.1. the County Council's guidance on site visits should contain a section that emphasises the importance of attending site visits;**
- 8.2. a procedure protocol be agreed as how site visits be conducted such as:**
 - 8.2.1. the Chair will oversee the conduct of site visits and will formally open and close the organised site visit;**
 - 8.2.2. planning officer will describe the proposals and indicate matters of fact in relation to the proposal and surrounding land;**
 - 8.2.3. Members may ask the planning officer for factual clarification of any planning matter relating to the proposal or surrounding land;**
 - 8.2.4. Members will not debate or comment on the planning merits or otherwise of a proposal;**

8.2.5. In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the Chair and the planning officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.

8.3. A report of the site visit will be added as an addendum to the Planning and Regulatory Committee papers. Such a report would include who attended, what particular things were pointed out to Members, questions raised, and answers given. (46)

9. RECOMMENDATION 9: OFFICER REPORTS – It is recommended that:

9.1. The Chair’s agenda briefing should be used to get feedback on Members thoughts about officer reports as an ongoing learning process;

9.2. Use Member training to review the officer reports so that Members can better understand why reports are the way they are and why information is included and Members can give their feedback;

9.3. Encourage Members of Planning and Regulatory Committee to ask questions of officers in advance of the Planning and Regulatory Committee meeting;

9.4. Minor formatting to embolden the recommendation in the summary part of the report. (53)

10. RECOMMENDATION 10: OFFICER PRESENTATIONS – It is recommended that:

10.1. Officers’ presentation skills be developed and enhanced through appropriate training focussing on consistency and confidence in conveying complex information clearly and succinctly (e.g. such as [PAS planning committee officer training](#));

10.2. Review the webcast system explanatory guide to make it clearer how to see presentation slides at the same time as the speaker and consider enabling direct slide presentation control to the presenter. (57)

11. RECOMMENDATION 11 – TRAINING. It is recommended that a programme of Planning and Regulatory Committee Member training is delivered between the annual mandatory training. Such training should be agile, short, frequent and focused on relevant issues that develop key themes from the annual mandatory training such as technical issues, important case law, material considerations, conduct and probity. (65)

ANNEXE 1

7

RUNNING ORDER OF PLANNING APPLICATION ITEMS AT PLANNING AND REGULATORY COMMITTEE

| Current running order | Proposed running order |
|---------------------------------------|--|
| Chairman introduces the item | Chairman introduces the item |
| | Introduction of item by officer(s) |
| Representations by objector(s) | Representations by objector(s) |
| | Chair invites points of clarification of objector(s) from Members |
| Representations by supporter(s) | Representations by supporter(s) |
| | Chair invites points of clarification of supporter(s) from Members |
| Representations by applicant or agent | |
| | Chair invites points of clarification of applicant or agent from Members |
| Representation by local Member(s) | Representation by local Member(s) |
| | Chair invites points of clarification of local Member(s) from Members |
| Introduction of item by officer(s) | |
| | Chair invites officers to respond to matters raised |
| Committee debate and decision | Committee debate and decision |

ANNEXE 2

FREQUENCY OF PLANNING AND REGULATORY COMMITTEE MEETINGS

| YEAR | DATE | MONTH | COMMENTS | Number of items | | |
|------|------|-----------|----------------------|-----------------|----|-------|
| | | | | Reg 3 | CM | Other |
| 2023 | 7 | JUNE | | 3 | 2 | 0 |
| | | MAY | NO MEETING SCHEDULED | | | |
| | 26 | APRIL | CANCELLED | | | |
| | 29 | MARCH | | 1 | 4 | 0 |
| | 22 | FEBRUARY | | 1 | 0 | 1 |
| | 25 | JANUARY | | 1 | 0 | 0 |
| 2022 | 7 | DECEMBER | | 2 | 0 | 0 |
| | 16 | NOVEMBER | CANCELLED | | | |
| | 26 | OCTOBER | | 0 | 5 | 1 |
| | 14 | SEPTEMBER | POSTPONED | | | |
| | | AUGUST | NO MEETING SCHEDULED | | | |
| | 27 | JULY | | 1 | 0 | 0 |
| | 27 | JUNE | | 0 | 0 | 1 |
| | 25 | MAY | | 0 | 2 | 0 |
| | 27 | APRIL | | 0 | 1 | 1 |
| | 23 | MARCH | | 0 | 2 | 0 |
| | 23 | FEBRUARY | | 1 | 1 | 1 |
| | 26 | JANUARY | | 2 | 1 | 0 |
| 2021 | 8 | DECEMBER | CANCELLED | | | |
| | 17 | NOVEMBER | CANCELLED | | | |
| | 13 | OCTOBER | | 0 | 4 | 0 |
| | 8 | SEPTEMBER | | 1 | 0 | 1 |
| | 4 | AUGUST | CANCELLED | | | |
| | 7 | JULY | CANCELLED | | | |
| | 16 | JUNE | | 0 | 3 | 0 |
| | | MAY | NO MEETING SCHEDULED | | | |
| | 14 | APRIL | CANCELLED | | | |
| | 25 | MARCH | | 2 | 1 | 0 |
| | 17 | FEBRUARY | CANCELLED | | | |
| | 22 | JANUARY | CANCELLED | | | |

ANNEXE 3

7

WEBCASTS & INTERVIEWS WITH RELEVANT PARTICIPANTS ENGAGED IN THE PLANNING & REGULATORY COMMITTEE

Webcasts

The Planning and Regulatory Committee is webcast and 2 meeting were watched as part of this study. These were the meetings held on 29 March 2023 and 25 January 2023.

Interviews

Surrey County Council provided a suggested list people who have experienced attending the Planning and Regulatory Committee in 2023. In total 20 people were interviewed by telephone between 6 June 2023 and 14 June 2023. They included:

- 3 Councillors - Members of the Planning & Regulatory Committee
- 4 Objectors – members of the public
- 4 Applicants
- 4 Planning Officers
- 2 Legal Officers
- 1 Committee Officer
- 1 Technical Officer
- 1 Highway Officer

The interviews were based on a questionnaire (**ANNEXE 4**) which was used as a guideline to structure the interview.

ANNEXE 4

7

GUIDELINE QUESTIONS FOR INTERVIEWS

Conducting the meetings

1. What is your view on how the Committee is run?
2. What do you like to see in a Chair of a planning committee?
3. Do you believe that the Planning Committee considers each proposal fairly on its planning merits?
 - a. (Is it perceived that way?)

APPLICANTS

- b. How do you think the committee handled your proposal?
- c. Do you feel you had a fair hearing and understood the reasons for the decision taken?
- d. Did you feel you had a fair opportunity to address the committee directly?

REPORTS

4. What is your view about the officer reports? (helpful, clear, comprehensive, too long, short, etc..)
 - a. *For officers: report writing process – who comments and signs off and when?*
5. Do you think it is helpful to have the planning officer summarise the proposals at meeting?
 - a. How do you think the officers present and summarise the development proposals upon which the committee had to make a decision on?
 - b. How easy was it to follow the officer presentation in relation to the plans, drawings and maps that were used? (helpful for public, etc..)
6. How did you think the officers' answered questions from the committee?

PUBLIC SPEAKING

7. What do you think of the public speaking element of the committee?
8. Do you think the public speaking process works well or should it be done differently? If so how?

TRAINING

9. Do you think that the councillors on the planning committee have sufficient training to enable them to make informed and reasonable decisions?

COUNCILLORS

- a. What sort of training in planning training do you get?
- b. Does it equip you sufficiently to be able to participate in the meeting?
10. What do you expect from your officers at the committee?
(relationships/trust)

GENERAL

11. What aspect of the planning committee work do you enjoy the most / least?
12. Is there any aspect of how the planning committee is run that you would like to see done differently? If so, what and why?
(e.g. the running order?)

SITE VISITS

13. What circumstances dictate that the committee should conduct a visit prior to making a decision?
14. Do you think committee site visits are helpful?
15. If a site visit is deemed necessary, do think all members of the planning committee should attend? (affect on decision making)
16. How are they be conducted and who attends? (e.g. public, developer, protocol, discussion)

OFFICERS

17. What do you think your role is at the committee?
18. Do you think that members of the planning committee trust and respect your role and what you say?
19. If members disagree with your report / advice, how do you think you should respond?

OBJECTORS/SUPPORTERS

20. Did you understand the process and what was going on?
21. Did you get enough support from the Council in helping you to get your message across to members of the committee?
22. Did you feel that you had a fair hearing of the points that you wanted to make?

ITEM NO.**TO:** PLANNING & REGULATORY COMMITTEE**DATE:** 26 July 2023**BY:** PLANNING ENFORCEMENT TEAM LEADER**DISTRICT(S):** ALL**ELECTORAL DIVISION (S):****PURPOSE:** FOR INFORMATION**GRID REF:****TITLE:** ENFORCEMENT & MONITORING UPDATE REPORT**SUMMARY**

This report highlights Planning enforcement and monitoring work during the period from 1 April 2022 – 31 March 2023.

1 MONITORING OF AUTHORISED MINERAL & WASTE SITES AND THE COUNTY COUNCIL'S OWN DEVELOPMENT

- 1.1 Surrey County Council as the County Planning Authority (CPA) has had a proactive system of monitoring authorised Mineral and Waste (M&W) sites for over 30-years. This includes monitoring development at the site and pursuing outstanding requirements of planning conditions, such as every day operational requirements as well as reminding operators of their requirement to submit details pursuant schemes, the latter being the mainstay of the monitoring input on the County Council's own development (Reg 3).
- 1.2 In April 2019, the system for monitoring was changed and site monitoring transferred from two dedicated Monitoring Officers (MO) to the planning officers in the Planning Development Team, in order to increase both individual's experience and the future resilience of the Planning Development team by improving their knowledge of working sites. Additional planning officers were recruited to provide extra capacity to facilitate this change.
- 1.3 Unfortunately this change was only partially successful, and despite the considerable long term benefits that come with Planning Development Officers' practical understanding of the mineral and waste sites improving significantly, a decision was taken to return to the previous approach with two dedicated monitoring officers. Problems arose as a result of a combination of the unforeseeable impact of the pandemic over 2 years (which initially prevented, and subsequently reduced significantly the number of site visits undertaken between 2020 – 2022 and speed at which matters were addressed), as well as having underestimated the impact of the site

monitoring on a relatively inexperienced team with Planning Development officers having to prioritise their application casework, and having to deal with new ways of working during the pandemic and then following the relocation from County Hall to Quadrant Court.

1.4 Site monitoring visits have been significantly affected:

80% of the scheduled site visits being completed in 2018/19

61% of the scheduled site visits being completed in 2019/20

* 18% of the scheduled site visits being completed in 2020/21

40% of the scheduled site visits being completed in 2021/22

39%* of the scheduled site visits being completed in 2022/23

*May increase slightly as not all site visits recorded as yet.

The target for 2023/24 will be to resume the 80% achieved prior to 2019/20.

1.5 As of 1 April 2023, this work will revert back to sites being monitored principally by two Monitoring Officers, plus several Planning Development officers who are keen to maintain an ongoing participation in this area of work to improve their understanding of the minerals and waste industry. This is actively encouraged for continuity and personal development reasons. Rachel Coburn our Environment Enhancement (EE) Officer will assist officers monitoring sites subject to progressive restoration and deal wholly with annual visits to sites in aftercare.

1.6 Enforcement Officers will continue to deal with wholly unauthorised waste development on sites with no planning permission, working in partnership with both the Environment Agency and the relevant Local Planning Authority at all times, plus other regulators as and when appropriate.

2. Enforcement and Monitoring Team updates

2.1 In October 2022, John Gregory joined our team as our Planning Enforcement Technician, which has provided much needed support in logging complaints/enquiries, undertaking Land Registry searches, producing enforcement plans, and developing the Team's use of the MasterGov system.

2.2 In addition, Amanda Curtis joined the team in late January 2023 as a second dedicated Monitoring Officer and will work with Emma Chaplin. Whilst the monitoring performance in terms of the number of site visits undertaken will improve significantly over the next 12-months, getting on top of breaches will inevitably take a little longer.

2.3 Mitchel Pugh joined the team as a Principal Planning (Enforcement) Officer, which will mean that in time, the Enforcement Team will be more self sufficient in terms of obtaining planning policy input to notices, but to the involvement of planning officers in enforcement cases will continue, as this will continue to improve their knowledge and improve the resilience of the wider Planning Development Team.

- 2.4 Legal have also sought to recruit a Senior Lawyer to prioritise planning enforcement work as a result of the expected increase in enforcement cases due to the additional resources that have been made available, but unfortunately this position has not been filled to date. Legal will appoint external contractors as and when required to deal with Enforcement work if the current legal team are unable to provide sufficient resource.

3 ADDRESSING ISSUES AT AUTHORISED MINERAL & WASTE SITES

3.1 Former NJB/Skip It site, Epsom Chalk Pit, College Road, Epsom:

The Secretary of State decided no call in was necessary and the CPA's decision to give planning permission has been the subject of a Kides Report. Once issued, the permission requires that all waste processing involving the use of any mechanical screeners (screener, trommel and picking station), for materials recycling has to cease. This does not mean the site will close down during construction, it does mean that the site will revert to separation only by use of a 360 excavator, JCB or by hand as being ancillary to the waste transfer station, as it did before mechanical screeners were introduced.

- 3.1.1 The former operator, NJB Recycling, is no longer in charge of the site. Skip It took over the site after the planning application was submitted but have expressed a desire to set up their Picking Station in Building 1 from which materials will be exported from the site, rather than have all mechanical processing taking place in Building 2, in which waste will be received, prior to pre-sorting and loading into the trommel, which leads to the picking station. This is not permitted under the planning permission and will require a new planning application.
- 3.1.2 Many complaints regarding use of mechanical screening plant, noise, dust and operating outside of their consented hours at Skip It's materials recycling facility (MRF), were received after planning permission was issued on 2nd May 2023. The breaches of condition that took place were resolved through discussion and clarification, however complaints continue in relation to HGV movements and noise arising from operations that take place within the Epsom Chalk Pit that are not directed at the three SCC consented/authorised sites that the CPA monitor, which may ultimately require investigation by Epsom & Ewell Borough Council: through either their Planning (Enforcement) or Environmental Health teams.

3.2 Addlestone Quarry, Byfleet Road, Addlestone:

Two Planning Contravention Notices (PCNs) were issued in April 2020 in relation to unauthorised development involving contractor's plant storage area, materials storage areas, new buildings and erection of large gabion walls and access gates. These matters are the subject of ongoing discussions between Planning Development officers and the site operator and retrospective applications will be required to address any unauthorised development.

3.3 **D&E Roberts Recycling Yard, Plough Industrial Estate, Kingston Road, Leatherhead:**

Further to the previous report on this site in April 2022, it has been agreed with the complainant that a noise survey will be undertaken from another neighbour's property which is also close to the site if and when noise levels are believed by the complainant to be in breach, in order that potential breaches of noise levels from the area benefitting from that part of the site that the CPA monitors can be assessed.

4 **ACTION AT UNAUTHORISED SITES INVOLVING WASTE DEVELOPMENT**

5 **Sites subject to compliance with Enforcement Notices:**

5.1. **Brick Kiln Farm, Old Lane, Ockham:**

Following a planning application being withdrawn after the applicant was told it was going to be refused, an Enforcement Notice (EN) was issued in September 2020 to address a material change of use of land to a mixed use comprising a soil and aggregate treatment facility involving the importation, deposit, storage and processing (sorting, separation, screening, crushing) of inert waste and non-hazardous waste material for recovery and sale as soil, soil substitute, hardcore and recycled aggregate; the parking of vehicles and storage of plant and machinery, and the siting of waste containers associated with the recovery and sale of soil, soil substitute, hardcore, and recycled aggregate; the siting of concrete blocks, a timber sentry post, a large green structure for office and welfare purposes with related green concrete base and protective rail and block barrier and associated operational development comprising the creation of soil bunds; and the erection of two metal gates all to facilitate the recovery and sale of soil, soil substitute, hardcore, and recycled aggregate.

5.2 An appeal was lodged and was scheduled to take place in November 2021. But this was suspended by the Planning Inspectorate(PINS) following a review of the appellant's submission after concerns were raised by the County Planning Authority in respect of the adequacy of the appellants Environmental Statement (ES). PINS subsequently gave notice to the appellant requesting the submission of a revised ES to correctly assess the alleged breach. Ultimately, due to the applicant's failure to submit on time, PINS dismissed the appeal in August 2022.

5.3 Monitoring of the site when compliance dates are due has subsequently taken place and compliance with the steps of the EN is now taking place. Plant and vehicle storage and car park construction involving the crushing of concrete on areas of the site beyond the scope of the extant EN are concerns that have been brought to the attention of both Guildford Borough Council and the Environment Agency.

5.4 Ongoing monitoring for compliance with the EN continues at key compliance dates and further to neighbour concerns. Officers recently met with the operator's current planning agent to ensure clarity on compliance

requirements and also highlight several matters that are due to be investigated by Guildford Borough Council and possibly the Environment Agency. Officers continue to work with local councillors and residents moving forward.

6 Sites where Appeals have been lodged against Enforcement Notices:

6.1 The Paddocks, Rose Lane, Ripley:

Unauthorised landraising and burning of imported waste: Enforcement Notice (EN) issued March 2022 and withdrawn due to recognition of error on plan, re-issued in June 2022 and written reps appeal decision awaited from the Planning Inspectorate (PINS).

7 Sites where Enforcement Notices have been issued but where effective service has been complicated by a lack of Land Registry details:

7.1 Crosswinds, northwest of junction of Ironsbottom and Collendean Road, Norwood Hill:

The importation of inert waste soils to raise land levels and create a boundary bund resulted in a PCN being issued in August 2021, a Temporary Stop Notice (TSN) in August 2021 and an EN & SN in September 2021 to address the unauthorised importation and disposal of waste soils and soils; resulting in the subsequent raising of land levels between October 2020 to December 2020 inclusive, and again between May 2021 to July 2021 inclusive; the unauthorised importation, deposit, disposal and burial of non-soil waste materials on the land prior to being covered with imported waste soils and soils; and the unauthorised importation, deposit and disposal by burning of timber, green waste and mixed waste building materials on the land.

7.2 The EN was not complied with and has not been acknowledged. None of the 9 landowners (based on Land Registry searches), have responded to the notification of the EN that were sent to them, all letters have been returned unopened.

7.3 However, since no appeal was lodged, it meant compliance with the requirements of the extant EN was required, but this may only be pursued if the EN has been properly registered, which is done by R&B BC as the LPA, not the CPA.

7.4 Prosecution for non-compliance with the EN is limited to the registered landowners, 9 of them in this instance, none of whom had replied to the EN as issued. We are therefore unable to prove, to a criminal burden of proof, which of them was responsible.

7.5 Subsequently, a s16 notice was issued by Legal under the Local Government Act 1976 in July 2022. The subsequent response confirmed that the wife of the man who the CPA believe to be responsible for the unauthorised

development and for breaching the EN & SN as issued was a co-owner of the land and lived at the same postal address.

- 7.6 When the EN & SN had been issued, we had also served a copy on the husband of this landowner, as the operator who we believed to be responsible for the unauthorised development, and who was named as the landowner on a planning application made to Reigate & Banstead Borough Council (R&B BC).
- 7.7 Counsel's advice was sought in relation to the CPA potentially seeking to pursue a prosecution of a non-registered landowner for non-compliance with the EN and were advised it was limited to the registered landowners. However, a non-landowner/operator may be prosecuted for breaching the terms of the EN once it became effective in late October 2021.
- 7.8 In order to proceed, we sought confirmation from R&B BC that correct registration of the EN had taken place, but whilst it was confirmed that it had been recorded on their Local Land Charges register, it had not been added to their EN register in good time.
- 7.9 Since it appears that the EN has not been properly recorded, prosecution could not be pursued, so service of the EN would need to be repeated. Counsel opinion on this matter is to be sought before progressing further,

8 Sites for which Enforcement Notices are anticipated:

- 8.1 **Birchenwood Farm, West Park Road, Newchapel:**
Unauthorised waste import and deposit took place, allegedly in spite of access gates having been left secured by a landowner living in Spain, who had claimed he was trying to sell the land and had nothing to do with what happened. The landowner has previously been involved in unauthorised development on his land.
- 8.2 A PCN was issued in February 2021 to address the unauthorised importation and disposal of waste, comprising but not limited to mixed soils, hardcore and rubble for the purpose of waste disposal causing the raising of land levels, between May 2020 to August 2020 inclusive and from mid-January 2021 to February 2021 inclusive, plus the importation, deposit, storage, and disposal of mixed and shredded waste in October which was burnt in March 2022.
- 8.3 EN instructions were first drafted in April 2021 and trial pits were subsequently arranged by SCC and dug by a contractors at the CPA's request in in September 2021 to establish the depth of the waste tipped by August 2021.
- 8.4 Subsequently, 3 loads of shredded waste fines were tipped on site in October 2021. Access was subsequently re-secured with concrete block behind the access gates.

- 8.5 Ground works commenced in March 2022 in relation to the erection of an agricultural barn, previously accepted by Tandridge DC as agricultural permitted development, but later challenged by them.
- 8.6 EN instructions were re-drafted to incorporate the shredded waste and incorporate requirements to restore the site to pre-tipping levels, based on ground levels of areas of adjacent woodland.
- 8.7 Instructions to issue an Enforcement Notice to require the clearance of waste and restoration of the field were with Legal for processing and effecting service but have had to again be amended to incorporate substantiated allegations regarding the resumption of landraising and the burning of imported mixed waste material.
- 8.8 **Land south of Newchapel Road and west of Rowlands Farm, Eastbourne Rd, Newchapel:**
Several hundred tonnes of inert waste comprising soils and hardcore were tipped within a field without the landowner's consent. It is considered that the landowner was a victim of crime. The tipping ceased after a site visit had been made.
- 8.9 A PCN issued and TSN were issued in March 2021. The landowner was given considerable time to clear the site, but unfortunately the waste has not been removed. Instructions to issue an Enforcement Notice to require the clearance of waste and restoration of the field are being prepared for authorisation before sending to Legal for processing and effecting service.
- 8.10 **Hades Wood Farm, Cogmans Lane, Smallfield:**
Allegations of sporadic importation and burning of mixed waste causing smoke nuisance to neighbours. A PCN was issued on 2 June 2016 which initially led to a cessation of complaints for several years.
- 8.11 However, a further PCN and a TSN were issued in April 2021 to address the importation, deposit, and disposal by burning of mixed waste materials. The fires again stopped but resumed again in late September 2021 and have taken place sporadically since.
- 8.12 There remains an undetermined planning application with Tandridge DC, and clarification as to the status of this has been sought but has not been forthcoming. As a result, instructions to issue an Enforcement Notice to require the clearance of waste and restoration of the field are being prepared for authorisation before sending to Legal for processing and effecting service.
- 9 **Sites where Enforcement Notices involving landowners who are believed to have been victims of organised crime:**
- 9.1 **Land off of Bones Lane, Newchapel:**
In mid-July 2021 concerns of waste tipping were investigated and the inert waste disposal was ceased by a man who had claimed to be the landowner.

Subsequent investigations were delayed due to ill health of the Officer leading on this, and later Land Registry revealed the landowners to live in the northeast of the country.

9.2 A PCN was issued in October 2022 and the landowner has indicated they were completely unaware of any works on the land and have subsequently advised they cannot afford removal and would like to discuss a retrospective planning application. They have been advised to seek independent planning and legal advice.

9.3 Communications are ongoing and whilst the issue of an EN is likely in due course, pursuing compliance may not be considered expedient in the circumstances.

9.4 **Upper Gages Farm, Capel:**

In March 2022 officers received concerns that considerable landraising had taken place on agricultural land, albeit some time before we were alerted to it having taken place. The site was visited and subsequent investigation revealed an EA exemption had been registered in July 2020, in the middle of the Covid pandemic.

9.5 A PCN was issued in November 2022, as the site was not a priority as no active importation was taking place, and the response to the PCN revealed that the landowner had appointed two ladies who share Lasting Power of Attorney.

9.6 It had transpired that the exemption was made in the landowner's name, but by a transport manager of a haulage company. Importation of 1,780 loads (35,600T), of waste soils onto the land took place between July 2020 to January 2021. No complaints had been received by either the CPA or Mole Valley District Council or the EA.

9.7 The landowner apparently has none of the waste transfer tickets, as all were returned to the hauliers, but did receive some income as a result of the waste that was imported and deposited on his land. The EA have apparently issued warnings to 3 different hauliers, but no further action is planned by the EA. Officers have raised concerns with the EA in respect of this approach.

9.8 Officers obtained 2 quotes which were sent to those with lasting power of attorney for the landowner, so they were aware of the financial implications of this breach of planning control that the landowner had implicated himself in. The 2 waste hauliers have cited minimum costs of £650K, subject to testing of the waste soils, for the removal of the waste from the land which is located on land outside of the Green Belt.

9.9 A planning consultant has now been engaged by those with lasting power of attorney for the landowner, who had indicated that they are likely to submit a retrospective planning application for the retention of the waste soils on the land.

- 9.10 If an EN is issued in due course by the CPA, the compliance period is likely to be longer than usual due to the circumstances of this case, and pursuing compliance may not be considered expedient in the circumstances.

10 Sites where unauthorised development led to retrospective planning applications.

10.1 Dean Oak Cottage, Deanoak Lane, Leigh, Reigate:

Unauthorised landraising took place in April 2019 and importation was stopped by the landowner after a visit from CPA Officers, after which the imported waste soils were re-profiled. A retrospective planning application seeking to regularise the development was submitted and is soon due for determination.

10.2 Land between Hathersham Lane and M23, Hathersham Lane, Smallfield –

Unauthorised inert waste recycling yards and an adjacent scrapyard were identified by CPA officers in 2018 and a retrospective planning application has been awaited since 2019. Delays to survey submissions due to Covid, subsequent changes of use (including at times concrete crushing and scrap metal storage), site layout changes and changes to operating companies have all delayed progress considerably.

- 10.3 An invalid planning application was received in 2021, but further details were sought so it could be validated and processed, but changes on site continued. Enforcement action was considered if the submission was not forthcoming due to the passing of time, whilst remaining mindful that enforcement should be a last resort.

- 10.4 Validation of a retrospective application that was eventually submitted in January 2023 was not possible, as the uses and areas of the site had once again changed. As a result, a PCN was issued in March 2023 and a response is now awaited. Pending the response received, the issue of an Enforcement Notice will be considered.

10.5 MFC Skips @ Paddock Farm off Caterham By-Pass, Caterham:

Unauthorised use of the land as a skip waste transfer yard. Site meeting and discussions with operator and agent has resulted in a CLUED being issued by the CPA.

11 Sites where unauthorised development has resulted in pre-application communications taking place and retrospective planning applications being awaited.

11.1 Land north of M25 & south of Surrey Crest, Roughets Lane, Bletchingly

– Unauthorised land raising with imported waste soils led to a PCN being issued and the accompanying response from the landowner's planning consultant has advised that a retrospective planning application is likely once 2 x surveys have been completed to enable a valid submission to be made.

- 11.2 **1 Lyne Lane, Lyne:** Landraising with screened soils derived from both site derived stockpiles of soil plus imported inert waste soils was identified.

Breaches were raised with the landowner and importation subsequently ceased. A site visit and meeting with the landowner's representative in August 2021 resulted in communications with their planning consultant and a retrospective planning application is now under discussion but has yet to be progressed by the landowner's planning agent.

11.3 North End Paddock, Church Lane, Burstow:

The unauthorised importation and disposal of mixed inert and non-inert waste and creation of a track took place. A PCN has been issued and a response is awaited. The landowner's planning consultant has indicated that a retrospective planning application is likely to be submitted.

12 Updates on Sites Where Enforcement Action Was Previously Taken:

- 12.1 **Land at Stoney Castle Ranges, Grange Road, Pirbright** – Following the issue of an EN, and successful prosecutions for both breaching the EN and a subsequent Proceeds of Crime Act (POCA) conviction, the waste remains on site in breach of the extant EN as was previously advised in September 2021.
- 12.2 The site has since been the subject of suggestions by the landowner's son in early 2022, whilst the landowner remains in the Philippines, that the site should be given status as a transit traveller site. In the autumn of 2022, the removal of the waste on the land was initiated by contractors and deposited on adjacent land, that was already the subject of unauthorised tipping in the early 1990s, which was never cleared and which had become vegetated over the intervening years.
- 12.3 The land has now had a rough hardstand put in place over the land and new close board fencing installed around the whole site with new access gates. Concerns as to potential traveller incursion of the site have been raised with Gu BC who remain mindful of the situation.

13 Sites where Enforcement Action is not possible or is not considered expedient to pursue at present:

- 13.1 **Hedgehog Field, Dowlands Lane, Copthorne:**
Unauthorised development involving the construction of screening bunds and land raising of enclosed field involving imported inert waste, the storage of arboricultural waste and construction of timber gates was the subject of a PCN in August 2019 and an EN in March 2021.
- 13.2 A retrospective planning application was not encouraged. In 2021, compliance with the remedial steps of the EN which requires the removal of surrounding bunds and the reduction of the field level to original levels became overdue, the compliance period was extended to July 2022.
- 13.3 Compliance with the extant EN was not achieved, and whilst surrounding bunds were reduced in height and pulled into the inner area of the site, no

materials were removed. Prosecution for non-compliance was not considered expedient at present in light of other work priorities.

13.4 Acre Farm, Hare Lane, Blindley Heath:

Allegations of the importation and deposit on inert waste and the import and burning of non-inert mixed waste in a field used for grazing were investigated and resulted in a PCN being issued in March 2021 and an EN & SN issued in June 2021.

13.5 The EN was partially complied with as waste import and burning ceased, but a stockpile of waste which should have been removed by early February 2022 has been spread on the land. The site has been made more secure through the erection of fencing and a new field gate.

13.6 With no further breaches reported and the land remaining secure, it was deemed not expedient to pursue a prosecution of the landowners.

14 Examples of successful negotiation and ongoing challenges include:

14.1 Land forming part of Bullhousen Farm off Shaftesbury Road, Bisley, Surrey, GU24 9EW:

Unauthorised land raising works involving the import of inert waste soils and small scale burning of waste. Following investigation, a site visit and liaison with the EA & SuH BC, a Planning Contravention Notice was issued in 2022. Negotiations have led to the landowner agreeing with the CPA to the clearance of the 77 loads of imported waste, which has allegedly commenced but stopped due to ground conditions. Liaison with both the landowner and the LPA continues, and further site visits are planned to check the land after the landowner advises the imported waste has been removed which will be expected to be completed by no later than the end of June. Enforcement action will be considered if clearance has not been achieved by this date.

15 For Information:

15.1 Future changes in legislation that would affect Planning & Planning Enforcement:

15.2 Draft Levelling Up and Regeneration Bill:

Additionally, officers wish to bring to your attention to the following link to a draft Levelling Up and Regeneration Bill, which may be of interest:

[Levelling Up and Regeneration: further information - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/bills-2023/levelling-up-and-regeneration-bill)

15.3 In the view of some of the more experienced Planning & Enforcement Officers at SCC, the Bill does not go far enough and is a bit weak, as we believe there should be improved powers to move things on more swiftly. We appreciate that this is a draft at present and contains some useful aspirations, such as

the excerpt below, though fear it and others may be watered down by the time the Bill is actually adopted.

‘The scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively;’

15.4 Officers believe that the existing planning legislation and guidance is very much in favour of developers who purposefully seek to exploit the system. Whilst accepting the Town & Country Planning Act and assorted guidance has been written for the majority of developers who do not actively seek to exploit the system, it unfortunately leaves gaping holes for the criminal fraternity involved with waste tipping to exploit the juxtaposition of expediency and reasonableness having to be applied. LPAs are left seeking information from people that do not willingly give it and balancing that before initiating costly and protracted formal action through taking formal enforcement action.

15.5 The bill is of course a matter for MPs to address and discuss, but any support for positive change from County & Borough/District councillors would always be appreciated.

15.6 Wider improvement to planning procedures.

The digital transformation of planning services, alongside wider improvements to speed up procedures and deter breaches of planning control:

In the Bill:

The Bill includes a number of measures which will allow a transformation in the use of high-quality data and modern, digital services across the planning process, including powers to set common data standards and software requirements. It also provides for several technical changes to the processes of planning, to make them work more efficiently and effectively, whilst reducing the administrative burdens felt by local authorities, statutory consultees, and other users of the system. These include:

- *Ensuring that planning enforcement works effectively by: extending the period for taking enforcement action to ten years in all cases; introducing enforcement warning notices; increasing fines associated with certain planning breaches; doubling fees for retrospective applications; extending the time period for temporary stop notices from 28 to 56 days; and giving the Planning Inspectorate the power to dismiss certain appeals where the appellant causes undue delay. The scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively;*
- *Enabling temporary relief to be given for enforcement action against prescribed planning conditions, where it is necessary to lift constraints on operations (e.g. for construction and delivery times);*
- *Making permanent existing temporary powers to require pre-application engagement with communities before a planning application is submitted for specified forms of development;*

- *The Bill will also create a new power to amend planning permissions in limited circumstances to provide greater post-permission flexibility following recent caselaw;*
- *Speeding up the planning appeals process by giving Planning Inspectors the power to change the procedure for determining a planning appeal if an alternative would be more suitable;*
- *Reforming existing powers to provide a faster and more effective route for urgent and nationally important Crown development; and*
- *We will seek to bring forward powers to charge developers and promoters for statutory consultee advice in certain circumstances.*

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BACKGROUND PAPERS:

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