

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 29 June 2020 as a Remote meeting.

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

Members:

*= in attendance

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

1/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Mary Angell. Yvonna Lay substituted for Mary Angell.

2/20 MINUTES OF THE LAST MEETING [Item 2]

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

3/20 PETITIONS [Item 3]

There were none.

4/20 PUBLIC QUESTION TIME [Item 4]

There were none.

5/20 MEMBERS' QUESTION TIME [Item 5]

There were none.

6/20 DECLARATIONS OF INTERESTS [Item 6]

Andrew Povey declared a non-pecuniary interest as a trustee of the Surrey Hills Society.

Edward Hawkins declared that he had received a number of letters from residents relating to item 7 on the agenda and confirmed that no responses were sent. The Chairman noted that this was likely to be the case for the whole Committee.

7/20 MINERALS & WASTE APPLICATION WA/2019/0796 - LOXLEY WELL SITE - LAND SOUTH OF DUNSFOLD ROAD AND EAST OF HIGH LOXLEY ROAD, DUNSFOLD, SURREY [Item 7]

Officers:

David Maxwell, Senior Planning Officer
Caroline Smith, Interim Planning Group Manager
Stephen Jenkins, Interim Planning Development Manager
Richard Cooper, Transport Development Planning Officer
Nancy El-Shatoury, Principal Lawyer
Joss Butler, Committee Manager

Speakers:

Sarah Goodwin made representations in objection to the application. The speech presented to the Committee is attached to these minutes as Annex 1.

Tom Gordon made representations in objection to the application. The speech presented to the Committee is attached to these minutes as Annex 2.

The Chairman was informed that the live stream of the meeting had stopped and therefore adjourned the meeting from 10:47am to 10:47am when it was resumed. The Chairman asked Tom Gordon to repeat his representation in objection to the application.

Ashley Herman made representations in objection to the application. The speech presented to the Committee is attached to these minutes as Annex 3.

Chris Britton made representations in objection to the application. The speech presented to the Committee is attached to these minutes as Annex 4.

John Gray made representations in objection to the application. The speech presented to the Committee is attached to these minutes as Annex 5.

The Chairman was informed that the live stream of the meeting had intermittently stopped and therefore adjourned the meeting from 11:11am to 11:28am to allow officers to investigate the issue. Once the meeting was resumed, the Chairman asked John Gray to repeat his representation in objection to the application and Nigel Moore to restart his response.

The Planning Agent / Applicant, Nigel Moore, Matt Cartwright and Stephen Sanderson made the following comments in response:

- That the remoteness of the site was key to mitigating noise, sounds or air emissions and that the wellsite would be enclosed by new native tree planting and areas of rewilding.
- That there would be no more than 10 Heavy Goods Vehicles (HGVs) per day which would add up to one HGV movement per hour and Banksman would be used where possible. During construction and movement of a drilling rig, temporary traffic lights would be used with wait times of up to 90 seconds.

- No HGVs would be used on a Saturday afternoon, Sunday or bank holiday which meant that High Loxley road would be kept free for any events at High Billingham Farm.
- That County Planning Officers find the proposal acceptable as outlined in the report.
- That exploration at Loxley would help the United Kingdom to rein in overextended supply chains and return vital raw materials needed for the country's economy.
- That achieving net-zero emissions in 2050 required economic resilience in 2020 which would only come if British businesses were backed.
- That the same construction techniques and site operations used at the Horse Hill Well Site would be used at Loxley.
- Local residents had been briefed on the planned activities and environmental practices of UKOG and that the site would be fully restored at the end of the planning period.

The Chairman was informed that the live stream of the meeting had stopped and therefore adjourned the meeting from 11:39am to 11:40am. Once the meeting was resumed, the Chairman asked Matt Cartwright to begin from his last main point which was regarding local residents being briefed on UKOG's planned activities.

- As far as possible, local manufacturers and service providers would be used to ensure economic benefits were kept in the local community.
- That UKOG were in regular contact with the Environment Agency, the health and safety executive and the Oil and Gas Authority.
- That the Environment Agency had recently approved the permit for Loxley.
- That UKOG wanted to be a positive force in the community.
- That a review of recent small earthquakes by the Oil and Gas Authority, British geological survey and academic experts concluded that they were naturally caused.
- The wellsite would be installed to the highest standard.
- That the country controlling its own supply of gas would help control local prices and address fuel poverty and ensure manufacturing was globally competitive.
- That Loxley was a sensible and sustainable development in the public interest.
- That UKOG was a Surrey company employing mostly local people.
- That UKOG's practices met the high standards of the Environment Agency.
- That Loxley could help fund a post Covid-19 recovery
- That using indigenous gas had several benefits compared to using imported gas.
- That oil and gas had helped the country survive the pandemic via Personal Protective Equipment (PPE), incubators, ventilator pipes, drip tubes and more which were made from petroleum products.
- That future Loxley gas would be fully compliant with net zero and Surrey's climate emergency.

The Local Member, Victoria Young, spoke for three minutes and made the following comments:

- That she was speaking on behalf of all other local residents including those soon to move to Dunsfold Park Garden Village.
- That local residents most valued the beauty and tranquillity of the environment.
- That the local community would be deeply affected by the proposed development.
- That the local Gypsy and Traveller community had not been consulted and only became aware of the proposal in the previous week.
- That the loss of the local wedding venue would have a significant effect on local businesses that service it.
- That a Cancer Awareness Festival which works to support the NHS would no longer be feasible in Surrey if the development takes place.
- That the site was an Area of Great Landscape Value (AGLV) location.
- That the impact of large vehicles on rural roads cannot be underestimated.

Key points raised during the discussion:

1. David Maxwell, Senior Planning Officer, introduced the report and provided Members with a brief summary. A supplementary agenda was published on 29 June 2020 which included an update sheet for the item. Additional representations are attached to these minutes as Annex 6, 7, 8, 9, 10, 11, 12 & 13. Members noted that the proposal for the construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley-1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture. Members noted that the County Highway Authority had raised no objections to the application subject to conditions. Over 600 representations had been received of which 84% were in objection to the development. The full report and annexes are located from pages 7 of the meeting's agenda.
2. Members felt that the local highway was incompatible for the vehicle movements required for both the local events business and the proposed development. Members went on to raise concerns related to the quantity and nature of the vehicles required for the local event company and when they would be used. Officers highlighted that the local events company had previously produced a transport assessment which had been recently updated and indicated that there would be 120 arrivals over the actual day of the event, with five to ten movements the day before and after the event. Officers further stated that the number of movements on the highway on days without any events was extremely low. Members noted further details on the vehicle movements included within the proposal and the localised widening to the lane as conditioned in the report.

3. Members asked for further detail on the process of enforcement and consequences to sites not following agreed travel plans. Officers confirmed that the breach of condition notice could be issued to the operator which could lead to prosecution.
4. Members stated that they felt the report underplayed the importance of the site being designated as part of the AGLV.
5. Members asked for clarification on the current situation following the council previously agreeing that AGLV designation would be treated the same as Area of Outstanding Natural Beauty (AONB) designation. Officers highlighted that this matter had been assessed in the officers report in paragraphs 335 – 340 and that the adverse impact would be moderate and not significant.
6. Officers confirmed that they had taken the view that informing the Surrey Gypsy and Traveller Forum was suitable for notifying the local Gypsy and Traveller community. A site notice was also placed 300m to the south of the entrance to the traveller site for one year. Officers further stated that the impact on the Gypsy and Traveller community had been assessed in the report and considered acceptable.
7. In regards to the visual aspects of the proposal, officers confirmed that they felt they were acceptable due to the significant mitigation measures which would be put in place which would ensure the impact would not be significant.
8. Members raised further concerns that HGVs would not follow the approved route agreed with officers. Officers reassured Members that there were a number of options available to monitor this which included the use of CCTV and vehicle trackers.
9. Members stated that they believed there should be some form of air quality management due to the emissions which would be produced from the site. Officers stated that the Air Quality consultant had raised no objections to the proposals and therefore no conditions were in place regarding air quality.
10. Members felt it was required to secure a substantial bond for the use of road repairs following the use of narrow lanes by HGVs from the site and the risk of damage. Officers stated that if damage is caused to the local highway by the proposals then the council can require the applicant to repair it.
11. Members highlighted that there was a large pool of water on the way to the site and asked whether, if not properly removed, a wheel wash facility would be required. Officers confirm that this was not usual practice for these types of proposals and given the length of the proposed access track, they did not consider a wheel wash facility to be necessary.
12. Regarding local traffic, Members highlighted that the site's hours of operation may interfere with the busy school drop off and pick up hours. Officers confirmed that the applicant had stated that HGV movements would avoid peak periods and would be spread out across the 12-hour day.
13. A Member of the Committee stated that before consent was granted the Committee needed a definitive traffic management plan to fully understand the impacts of the proposal.
14. Members asked how considerable the impact of the proposal would be on the local economy. Officers stated that the report did take into

account the local economic impact and that they were mindful of the noise impacts when taking the proposal into consideration. Officers also noted that Informative 20 stated that the applicant would liaise with local businesses to minimise any impact on business.

15. Officers stated that they did not consider bunching of HGVs to be a significant risk due to the low number of HGV movements per day, the Transport Management Scheme and the use of Banksman at all times.
16. Members noted details of HGV turning circles on highways and the mitigations to be put in place to reduce the risk of damage to highway verges.
17. Members raised concerns regarding potential changes to the AONB boundaries. Officers stated that no decisions had yet been made and were not aware of when further detail would be published.
18. In regard to references to European Union (EU) in the report, officers confirmed that although the United Kingdom had left the EU, it was still bound by its laws up to the end of the transition period.
19. A Member of the Committee recommended that the application be deferred until full information was provided on the transport elements including the section 278 agreement and detail on the vehicle tracking.
20. Cllr Rivers moved a motion for refusal due to the adverse impact on the local community and businesses, local road system and the upcoming housing within Dundsford Garden Village. It was also stated that the proposal would conflict with the council's commitment to the climate change emergency. The Member further stated that the recent pandemic meant that local businesses should be supported more than ever and that the potential harms outweighed the potential benefit. Cllr Povey seconded the motion for refusal.
21. Officers stated that they were concerned with the level of detail discussed around highways which was an issue for the County Highway Authority. Officers further stated that Planning Law required that Members should focus on whether the application was in accordance with the development plan unless there are material consideration which indicate otherwise. Further to this, Officers reminded Members that local opposition or support was not grounds for refusal or granting and that Cllr Rivers reasons for refusal were not valid planning reasons. Officers also restated that the County Highway Authority had raised no objections to the proposal and that it was not unusual to accept a framework traffic management plan with details to be submitted later. Members noted that the Committee needed to be satisfied there were no significant adverse impacts arising from the development and that it was officers view that there were not.

The Chairman adjourned the meeting at 13:37pm until 14:18pm.

22. The Chairman asked Cllr Rivers and Cllr Povey to clarify their reasons for refusal. Cllr Rivers stated that she proposed refusal for the following reasons:
 - a. Significant adverse impact on the locality, specifically on highways for reasons of safety and potential damage
 - b. Impact on the residential community and business
 - c. That there was no demonstrable benefit from the proposal

23. Officers restated that the County Highway Authority were satisfied with the proposal and that the HGV movements were 20 maximum per day. The noise was within acceptable limits and was addressed in the officer's report. Matters regarding air quality would be addressed within the Environment Agency permit and the need for the development was established in Government energy and planning policy.
24. Cllr Povey stated that the reasons for refusal should be the following:
- a. That the need for drilling had not been established and that the reference to the general Government policy was not being sufficient.
 - b. That Surrey Highway's Officers had declared the route unsuitable for HGVS and had placed signs displaying this in the area and anti-slip surfaces on various bends.
 - c. That the applicant site was within the AGLV
 - d. The impact on the local businesses and economy
25. A Member of the Committee felt that the discussion on this application was disturbing and highlighted to Members that if the application was refused on non-planning reasons then the cost of appeal, if successful, would be significant. Further to this in regards to the motion for refusal, the Member stated that there was a lack of highway reasons, that citing impact on businesses was not logical, that oil wells were regulated nationally, that nothing can stop clear felling of woodland if a licence was granted for that, and that the public had provided an emotional response.
26. A Member of the Committee stated that they believed it was the right choice to refuse the application and that Members should not be discouraged by the risk of the decision being overturned at appeal. The Member further highlighted that the number of objections to the application and the lack of consultation with the local Gypsy and Traveller community.
27. The Chairman called the motion for refusal which received 6 votes for, 5 votes against and no abstentions. Therefore the motion was carried.
28. The Principal Solicitor stated that there was a need to clearly set out and confirm the reasons for refusal. The Chairman agreed to adjourn the meeting to enable Planning Officers to collate a summary of planning reasons for refusal following discussions at the meeting.

Keith Taylor left the meeting 15:07pm

The Chairman adjourned the meeting from 15:07pm to 15:27pm

29. The Chairman asked Members to vote on the following reasons for refusal:
- a. It has not yet been demonstrated that there is a need for the development nor that the adverse impacts in respect of Highways, noise, lighting and air quality will not be significant contrary to policies MC12, MC14 and MC15 of the Surrey Minerals Plan 2011.
30. The Chairman moved the confirmation vote on the motion for refusal of the application for the reasons outlined in paragraph 29a of these minutes which received 9 votes for, 1 vote against and no abstentions. Therefore the motion was carried.

Actions / further information to be provided:

None.

Resolved:

That the Committee REFUSE application WA/2019/0796 due to the reason that It has not yet been demonstrated that there is a need for the development nor that the adverse impacts in respect of highways, noise, lighting and air quality will not be significant contrary to policies MC12, MC14 and MC15 of the Surrey Minerals Plan 2011.

**8/20 MINERALS/WASTE EL18/3802 WO2018/1358 - UNITS 11 AND 12
WINTERSELLS ROAD, BYFLEET, WEST BYFLEET, SURREY KT14 7LF
[Item 8]**

Officers:

Katie Rayner, Senior Planning Officer
Abigail Solway, Transport Development Planning Officer
Nancy El-Shatoury, Principal Lawyer
Joss Butler, Committee Manager

Speakers:

John Tadros made representations in objection to the application. The following key points were made:

- That Wintersells Management Limited was the management company which owned the road which provides access to the around 40 small businesses.
- That the objections from the small businesses were well founded and critical to the wellbeing of the business that required adequate access.
- That 200 HGV movements per day was excessive and that the roads were originally designed for ad hoc access.
- That in the event the roads of the estate were blocked then his business would not be visible to the traffic approaching the main road.
- That Elmbridge and Runnymede Council had rejected the size of this application stating clear the harm to the business park
- Surrey County Council's site assessment document identifies that the estate should only have 50,000 tonnes of waste per annum. This application is double the recommendations and does not take into account skip allocation.

Michael Stallard made representations in objection to the application. The speech which was presented to the Committee is attached to these minutes as annex 14.

On behalf of the applicant, David Young, Peter Todd and Billy Clark made the following comments in response:

- That a detailed assessment of vehicle emissions had been undertaken as part of the application in order to predict pollutant concentrations at relevant locations.
- That air quality assessments had not been undertaken in the Runnymede area due to the number of HGV movements being significantly under 25 per day.
- That if the application was approved then there would be significant reduction in traffic related pollution concentrations due to the reduction in HGV movements in the applicants current operation.
- That the applicant had committed to ensuring all HGVs in the company fleet meet the latest emission standards.
- That a detailed transport statement was submitted with the planning application which considered the access, highway safety and traffic impacts of the development which officers have raised no objections to.
- That the access roads were designed to typical industrial estate standards and were already used by HGVs. There was also no evidence of any existing highways safety issues.
- Vehicle access to the development would operate on a one-way system which would help to reduce conflict. A digital system would also be implemented to track and redirect vehicles, if necessary, during the day.
- That there were no highways related reasons to resist the application.
- That it had been proposed to build a structure on the site which would act to screen noise occurring within the structure and therefore reducing the level of noise.
- That the closest residential home was 125 metres away and that the level of noise received was significantly below the level of background noise in the area.
- It was highly unlikely to have any adverse impact on the local residential homes and businesses from noise.

The Local Member, Tim Oliver, was unable to attend at the beginning of this item however an audio recording of the Local Member's speech was played to the Committee which made the following comments:

- That he wished to object to the application and supported the many objections which had been recorded.
- That the conditions outlined in the report did not address the issues that the application raises.
- The proposed development was too large and too impactful on the other occupants and the nearby residential dwellings.
- That there would be unacceptable harm to the character and appearance of the area and a likely impact on the amenity of the local residential properties.
- That there would be an impact of traffic as the area was highly congested already and that a traffic study had been commissioned for the whole of the Brooklands area because of its significant negative impact on residents' travel and lengthy queues. This proposal would exacerbate this issue.
- That Surrey County Council were not currently in a position to adopt the draft Surrey Waste Local Plan and that it would not be considered in July 2020.
- That the Committee should refuse the application for change of use.

Key points raised during the discussion:

1. Katie Rayner, Senior Planning Officer, introduced the report and provided a brief summary. A supplementary agenda was published on 29 June 2020 which included an update sheet for the item. Additional representations are attached to these minutes as Annex 15, 16, 17 & 18 . Members noted that the application was for the Change of use to a waste transfer station and recycling facility (sui generis) for the receipt and treatment of mixed, dry, non-hazardous household, industrial and commercial and construction, demolition and excavation waste, including the demolition of the existing building at Unit 11 and the erection of a steel portal framed building, picking station, storage bays and boundary fencing. Members were provided with a presentation of photos and plans of the proposed development which were also included as part of the officer's report.
2. In regard to HGV access to the site, Members asked whether there was a turning circle within the site. Officers confirmed that there was a turning circle within the site.
3. Officers confirmed that junction modelling work had not taken place for this application due to the low impact of the proposal.
4. Members ask whether the proposal would be impacted by the emerging Local Waste Plan which had not yet been agreed. Officers confirmed the new Local Waste Plan was at an advanced stage of development and that the proposal did not conflict with either waste plan and that the emerging plan was still considered as a material consideration.
5. Members raised concern with the number of vehicle movements outlined in the report.
6. Officers confirmed that the hours of operation had been reduced by officers to 07:00 – 18:00, Monday to Friday and 07:00 – 13:00 on Saturdays and the additional hours of working were 18:00 – 20:30, Monday to Friday and 13:00 – 17:00 on Saturdays for the operation of the plant within the building with no HGV access.
7. The Leader of the Council and Local Member highlighted to Members that officers were in the process of commissioning a traffic study which would demonstrate the significant issues around congestion on the four main points into the area. Officers stated that, when divided across the day, the 200 HGV movements were very insignificant and not enough to conduct any transport modelling. Along with this the National Planning Policy Framework 2019 noted that these movements were not significant enough to refuse the application.
8. Cllr Muir proposed to move a motion for deferral of consideration of the application until the upcoming traffic study in the area was completed. The motion was seconded by Cllr Povey.
9. Officers highlighted to Members that the proposal would increase the traffic movement in the area by 0.98% and if approved 2% of the overall road traffic would be by HGVs movements.
10. A Member highlighted to the Committee that the application should be considered on the information available at the time and on its own merits.

11. The Leader of the Council confirmed to the Committee that the traffic study had been commissioned by the Elmbridge Local Committee to consider the impacts of the existing congested traffic moments and consider possible improvements. In terms of timescales the Leader of the Council stated that the traffic study was likely to take place by the end of the year however this could be impacted by the current pandemic. Officers stated that it would not be reasonable to defer an application on an unrestricted timescale and that the application should be considered on the merits of the proposal.
12. Officers highlighted to Members that the site was currently vacant and therefore another industrial use could be placed there and result in more unrestricted vehicle movements and without the need for planning permission.
13. Cllr Hawkins moved the recommendation for refusal, seconded by Saj Hussain, which received 2 votes for, 8 against and no abstentions. Therefore the motion was lost.
14. Cllr Muir confirmed that she would not move a motion to defer the application.

Resolved:

The Committee unanimously agreed to permit application EL/18/3802 subject to conditions from page 268 of the agenda papers.

9/20 SURREY COUNTY COUNCIL PROPOSAL RE20/00808/CON - WESTVALE PARK PRIMARY SCHOOL, OFF WEBBER STREET, WESTVALE PARK DEVELOPMENT, HORLEY, SURREY [Item 9]

Officers:

Dawn Horton-Baker, Principal Planning Officer
 Charlie Cruise, Senior Transport Development Planning Officer
 Nancy El-Shatoury, Principal Lawyer
 Joss Butler, Committee Manager

Speakers:

Nicholas Wooding, local Resident, made representations in objection to the application. The following key points were made:

- That they had multiple concerns due to the proximity of the proposed building units and their property
- That they were concerned with the use of the private lane with parents dropping of pupils as there would be an impact on privacy and increased noise
- That the cottage located parallel to the proposed site was a listed building and may be damaged by vibrations from heavy machinery five metres away.
- That the proposed pedestrian access gate at the top of the road would encourage parents to use Malthouse Lane.
- That there was no reference to COVID-19 in the report as the proposed building would cause residents to struggle to work from home. There was also a risk of parents gathering around the school gates which would restrict social distancing in the area.

- That it was not clear who would maintain the pedestrian path and road.

Key points raised during the discussion:

1. Dawn Horton-Baker, Principal Planning Officer, introduced the report and provided a brief summary. Members noted that the application was for the Installation of temporary buildings comprising two double classroom units and a staff administration unit, a temporary pedestrian access gate, a temporary vehicular access gate, temporary fencing and temporary reinforced gravel surface. Members noted further details on the application which were outlined in the report.
2. Members asked for clarification on the main disadvantages to residents for the proposal. Officers stated that the residents were concerned that parents would use the private road to drop off pupils at the pedestrian access. Officers further stated that Surrey County Council did not have the power to prevent access down the private road however the council is promoting that the school has active management of pupils and staff to ensure the private road is not used for dropping off.
3. Members asked whether residents could use a gate to prevent cars using the private road. Officers confirmed that the road was a private road however it had public footpath rights therefore could not prevent pedestrians. In regards to placing a gate, officers said this would likely that only the road owner could take action against trespassers.
4. Officers confirmed that the school contractor had stated that they would monitor the use of the lane for the duration of the temporary period. Officers further stated that there was a condition for the permanent application to have a full travel plan. For the current proposal, the school would be providing a management man to look at managing the problems which have been identified by the residents. A council officer would monitor this and encourage compliance.
5. The Chairman stated that from his experience as a school governor it was important for the school to be immediately clear on any travel management plans. Officers highlighted that this was a temporary application and that the school would not have the ability to produce a full travel plan in the current timescales. Officers had been proactive to encourage the school to create a management plan where travel to the school was taking into consideration which officers believed to be a proportional action for the temporary application.

Resolved:

The Committee unanimously agreed to PERMIT application RE20/00808/CON for a temporary period until August 2021 subject to conditions from page 331 of the agenda and update sheet.

10/20 APPLICATION TO RECTIFY THE REGISTER OF COMMON LAND - LAND AT THE HALLAMS, LITTLEFORD LANE, BLACKHEATH, GUILDFORD [Item 10]

Officers:

Helen Gilbert, Commons Registration Officer
Judith Shephard, Lawyer
Joss Butler, Committee Manager

Speakers:

None.

Key points raised during the discussion:

1. Helen Gilbert, Commons Registration Officer, introduced the report and provided Members with a brief summary. Members noted that the Committee was asked to consider whether or not to remove the land outlined in the report subject of the application from the commons register. Further details on the application were noted and outlined in the officer's report.

Resolved:

The Committee unanimously agreed that:

- a. the Applicants be permitted to amend the application; and
- b. the application to deregister the land shown hatched blue on the amended application plan be accepted.

11/20 DATE OF NEXT MEETING [Item 11]

The date of the next meeting was noted at 20 August 2020.

Meeting closed at 17:21pm

Chairman

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