

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 26 October 2022 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

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

Members Present:

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

66/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

None received.

67/22 MINUTES OF THE LAST MEETING [Item 2]

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

68/22 PETITIONS [Item 3]

There were none.

69/22 PUBLIC QUESTION TIME [Item 4]

There were none.

70/22 MEMBERS' QUESTION TIME [Item 5]

There were none.

71/22 DECLARATIONS OF INTERESTS [Item 6]

Jonathan Hulley confirmed that he would be speaking as a local Member on the Land at Trumps Farm application and would therefore leave the room during the item's debate.

The Chairman agreed to reorder the agenda.

72/22 MINERALS/WASTE EL2022/1648 - SILVERMERE HAVEN PET CEMETERY, BYFLEET ROAD, COBHAM, SURREY KT11 1DZ [Item 11]

Officers:

Dawn Horton-Baker, Planning Development Team Leader

Speakers:

The Local Member, Tim Oliver, attended the meeting virtually and made the following comments:

1. That he was opposed to the application.
2. That building in the Green Belt should not be approved except in very special circumstances, and that the reasons for special circumstances outlined in the report were inadequate.
3. That the potential harm to the Green Belt was not clearly outweighed by other considerations and therefore the application should be refused.
4. That the Member was surprised that the applicant claimed not have known that permission was required when the buildings were installed two years ago.
5. That the Byfleet Road was already a congested road.
6. That the site should not be allowed to expand simply for commercial gain.
7. That Paragraphs 29 to 31 of the report set out clearly all the reasons why the application breached the Elmbridge Development Plan Policy DM17.
8. That the application did not adequately address the loss of openness of the Green Belt or the inappropriateness of the development.
9. That the application was a significant industrial operation and did not meet the test of having very special circumstances.
10. The Member urged the Committee to refuse the application.

Key points raised during the discussion:

1. Officers introduced the report and provided a brief summary. Members noted details of the application which was a retrospective application to retain an office building and cold store unit building for a temporary period. Details of the application, photographs and plans could be found from page 457 of the meeting's agenda.
2. The Chairman noted that the Committee had previously visited the site during a site visit.
3. A Member stated that most Members were opposed to the process of receiving retrospective applications.
4. A Member of the Committee disagreed with the report which stated that the application site was predominately within a rural area. Furthermore the Member stated that the site was for industrial use and was inappropriate for a residential area.
5. A Member highlighted that improvements to Junction 10 of the M25 included changes to the start of Byfleet Road which would cause congestion. Further increased congestion due to the proposed development was therefore unwelcomed.
6. A Member stated that the additional buildings were only required due to increased demand for new services provided by the crematorium.

7. A Member said that the benefits of the application did not outweigh any potential impact to the Green Belt.
8. A Member stated that there had been no complaints received on the service provided by the applicant, and as the buildings were for a temporary period, they had no objection to the application.
9. A Member stated that they felt uncomfortable with the lack of neutrality within the report and the references to a potential future application.
10. A Member said that the local area was residential and not industrial. Furthermore the Member stated that they felt the report had been written with the assumption that the application would be approved.
11. A Member noted that it was legal to submit a retrospective application and was therefore not a proper reason for refusal. The Member further said that a crematorium for humans was allowed within Green Belt Law. The Member went on to state that additional congestion on the A3 caused by one small business was not a worthy consideration and would likely not be upheld if a refusal was appealed.
12. The Committee noted that under Planning case law an animal crematorium was for waste use.
13. Officers explained that in their view there was very special circumstances for the application as the 'use' was already on site and planning permission was granted around 50 years ago. Officers further highlighted that the crematorium onsite had remained the same size and that the proposed was to improve the way of operating rather than for expansion.
14. Members noted officers comments which were that they believed the application would not cause harm to the Green Belt area.
15. A Member reiterated that they felt that there was not adequate reasons to approve the development within the Green Belt.
16. The Chairman moved the recommendation which received 7 votes For, 3 votes Against and 1 Abstention.

Actions / Further information to be provided:

None.

Resolved:

The Committee permitted application EL/2022/1648 subject to the conditions and informatives set out in the report.

73/22 PROPOSED AMENDMENTS TO STANDING ORDERS RELATING TO PUBLIC SPEAKING AT THIS COMMITTEE [Item 12]

Officers:

Judith Shephard, Senior Lawyer

Catherine Valiant, Countryside Access Officer - Commons

Key points raised during the discussion:

1. Officers introduced the item and provided an overview of the proposal.
2. Members noted that the proposal was related to commons, town and village greens and not Rights of Way matters.

Actions / Further information to be provided:

None.

Resolved:

The Committee agreed:

1. The proposed changes to the Standing Orders relating to public speaking at this committee (as set out in paragraph 12 of the report)
2. That a report be taken to Council seeking approval of the proposed changes and amendment of the Council's Constitution.

The Committee adjourned between 11:25am – 11:30am.

74/22 MINERALS/WASTE TA/2021/1655 - LAND AT KINGS FARM, TILBURSTOW HILL ROAD, SOUTH GODSTONE, SURREY RH9 8LB [Item 10]

Officers:

Samantha Murphy, Planning Development Team Leader

Speakers:

Peter Murphy made representations in objection to the application. The following key points were made:

1. Concerns related to the additional Heavy Goods Vehicle (HGV) traffic caused by the application.
2. That the applicant had only recently clarified that there was no current gas production from the site, and that the proposed wellhead had been capped since initial exploration, all proposed gas extraction of the consequent emissions would be new.
3. That the statement that there would be no increase in the production, and that the proposed development would lead to a decrease in greenhouse emissions, was incorrect.
4. That the current gas to hydrogen proposal was the most damaging environmentally.
5. That all the carbon dioxide produced by the high energy intensive process would be released into the atmosphere on site.
6. That there was no realistic possibility of 'carbon capture' technology being viable for the installation.
7. That a recently commissioned report by the United Kingdom (UK) Government had warned of the dangers of direct hydrogen leakage into the atmosphere. That the application had failed to mention any potential venting or leakage of hydrogen during the starting and stopping of the production process or loading of trailers.
8. That the applicant had not responded to a query related to what would happen if the transport to and from the site was disrupted.
9. That a recent IPCC report made clear that there was no amount of new fossil fuel extraction was consistent with climate safety.
10. That the council had declared a climate emergency and had set a target for 56% emissions reduction across all industry in the county by

2035, and that the emissions from grey hydrogen production would put the target further out of reach.

On behalf of the applicant, Jonathan Rowlett and Ross Glover spoke in response to the public speakers' comments. The following key points were made:

1. That the single reason for refusal that had been identified was related to inappropriate development in the Green Belt, and that the 2020 consent concluded inappropriate development however very special circumstances were accepted.
2. That the only issue now included in the officer report was related to the physical size of the development as it had been assessed against the 2015 approved rather than the 2020 approval. When assessing against the 2020 approval the only real difference was a ~10% increase in plant site coverage and a 3-metre increase in flue height. All other elements were as approved in 2020. The two schemes were not materially different. Therefore the very special circumstances that justified the 2020 consent still existed.
3. That it was essentially concluded that the proposals would have no impact on the openness or character of the green belt and are not materially different from what had already been approved.
4. That the application responded to the ongoing energy crisis, the nation's energy transition, climate change, and the county's ambitions to improve air quality.
5. That the application responded to five of the government's 10 points in their plan for a green industrial revolution.
6. That the government's hydrogen policy grappled with putting in place infrastructure to facilitate the development of a future clean technology economy, and that the proposal would do exactly that for Surrey.
7. That the Surrey low emissions transport strategy acknowledged that Surrey was one of the worst polluted counties in the UK. That the proposed project would produce fuel cell quality hydrogen suitable for powering buses, refuse collection and the like.
8. That domestic energy production brought energy security, investment, and jobs.

Key points raised during the discussion:

1. The officer introduced the report and provided a brief summary of the proposal. Members noted that the proposal was for the installation of two steam methane reformation (SMR) units for the production of hydrogen from methane extracted from Bletchingley Well site and layout alterations including: a compressor package, surge tank, nitrogen supply tank, the laying of pipelines adjacent to the access track, two pre-reformer units, a Distribution Network Operator switch room, one 2MW generator, a tanker loading area for three transportation trailers, and a pressure reducing separation package on some 1.78 hectares and use of the access track for export of hydrogen for a temporary period with restoration to agriculture. Full details, including the officers' reasons to recommend refusal, photographs and plans could be found from page 381 of the agenda.
2. A Member stated that the proposal was clearly an inappropriate development for the greenbelt.

3. A Member said that there was a positive use for hydrogen however if the extraction increased carbon dioxide in the atmosphere, then it negated the good.
4. That Chairman moved the recommendation which received unanimous support and therefore the application was refused.

Actions / Further information to be provided:

None.

Resolved:

The Committee refused planning application ref: TA/2021/1655

75/22 MINERALS/WASTE MO/2017/0953/SCC - AUCLAYE BRICKWORKS, HORSHAM ROAD, CAPEL, SURREY, RH5 5JH [Item 9]

Officers:

Samantha Murphy, Planning Development Team Leader
Abigail Grealy, Principal Transport Development Planning Officer

Speakers:

Lesley Bushnell made representations in objection to the application. The following key points were made:

1. That local residents had been campaigning against the application since 2017.
2. That the permission granted in 1976 was for a low-key brickmaking operation spread over several years. The present proposal was for a shorter-term application, with none of the clay processed onsite,
3. That the 1976 permission imposed a limit of 16 vehicles movements per day, and 50 per week. The current proposal was for 150 HGV movements per day, or 825 per week.
4. That the point of access for the site was on a notoriously dangerous bend. Over the years local residents had photographed accidents along the road however not all accidents were recorded by the Police.
5. That Police and Surrey Highways had recently reduced the speed limit from 50MPH to 40MPH.
6. Stated that there would be an impact on neighbouring properties and an impact on quality of life along the Horsham Road.
7. That North Farm Drive was not wide enough to accommodate two HGVs and the traffic lights proposed would impede on the freedom of residents.
8. That, in summary, the proposed traffic movements for the updated application, the extra traffic travelling along the A24, and the intensity of the operation were fundamentally different from the permission granted in 1976 and should not be considered under the ROMP process.
9. That, if granted, an amendment was made to have much lower movements applied.

David Taylor made representations in objection to the application. The following key points were made:

1. That about 50 people had received a letter from Surrey County Council around five years ago on the proposal and that it was a surprise to local residents. The application had not shown up in local searches when properties were being bought and sold.
2. That the proposal may have an adverse impact on property values.
3. That visibility was okay at present due to the hedge being cut back however hedge cutting may change if the event of new ownership.
4. Raised concerns around the danger to drivers and cyclists when HGVs leave and enter the site
5. Raised concerns around whether the site would abide by the hours of operation.

Craig Stewart made representations in objection to the application. The following key points were made:

1. Raised concerns around the increase in vehicle movements on a notoriously dangerous section of the A24
2. That, when entering the site, there was a risk of HGVs causing traffic on the A24 causing chaos and a risk to life.
3. That machinery would be around 10 metres away from his property boundary causing noise and dust to enter and preventing use of the land during spring and summer months.
4. That there would be an open view of the site's works from his property impacting the resident and his family.
5. Noted that there may be an impact on his properties resell value.
6. That the applicant had shown no consideration for the neighbouring properties and had previously started works at 6am and finished works past 10pm on weekends.

On behalf of the applicant, Martin Hull and Richard Armfield spoke in response to the public speakers' comments. The following key points were made:

1. That planning permission was first granted in 1948, and the present renewal related to the 1976 permission.
2. That officers had come to the decision that the permissions remained valid and so the ROMP process was underway. Officers had concluded that the site was dormant.
3. That the list of conditions included within the report addressed the key issues raised by technical consultants, officers and within the Environmental Impact Assessment. Therefore the conditions were new, modern, and addressed all issues.
4. Provided an overview of the history of the site. Noted that, without frustrations caused by the later abandoned A24 improvement project, works could have started in the last century.
5. Highlighted that the purpose of the ROMP application was to set modern conditions and that work had been done to create modern conditions and address issues raised.
6. That officers had set the number of movements per day at 42 movements into the site based on a detailed assessment of the A24 and a review of the road.
7. That the county's consultants had assessed the issues raised and put forward mitigating actions.

8. That the applicant fully supported the creation of a liaison group with representatives of the local community to air concerns and seek agreeable solutions.

Key points raised during the discussion:

1. Officers introduced the report and provided a brief overview. Members noted that the item was a 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 conditions. Members noted details of the site and application, photographs and plans which could be found from page 255 of the meeting's agenda. Members noted that an update sheet had been circulated. Members noted that, in the intervening period between 2021 and 2022, consultees were contacted again to ensure conditions met best practice and policy, and that the Lead Local Flood Authority had commented as part of the recent consultation. Members further noted that reference to the Historic Buildings Officer in paragraph 74 should have said the MPPF 2021 rather than 2019. In regard to paragraph 109 of the report, it was noted that the word 'not' should be removed so it reads 'the county noise consultant has advised that operation activities should take place away from residential properties. Officers proposed an amendment to the recommendation so that, where the heads of term legal agreement is referenced, it also includes detail on a community liaison group creation and the following additional wording 'in respect of land permitted by NO75/1165 dated 30 July 1976'.
2. Members asked whether the issues raised by residents would be addressed by the conditions proposed. Officers explained that there had been a lot of dialogue with officers and consultees and that officers considered the conditions to be appropriate and were created in accordance with best practice and policy. It was noted that the site would be monitored the same as any other mineral site across the county.
3. Officers stated that they were unable to comment on why the information was not showing on land registry searches.
4. A Member asked whether it was possible to include a 'no right turn' for HGVs only. Officers explained that due to the nature of the road it would not be possible enforce and that there was not adequate justification for the implementation. The Member requested that the community liaison group have a specific item on this to keep the design of the junction under review as traffic increased. Officers suggested that this could also form as part of the construction management plan which was due to be submitted. Both actions were agreed.
5. In regard to the pre-commencement conditions, Members asked whether the applicant could provide a confirmation of the completion of the pre-commencement conditions before starting. Officers explained that it was not usual practice to include a condition requiring this however an informative could be included. This was agreed.
6. A Member asked whether conditions had been included to cover any event of slope instability issues that had not been previously planned. Officers explained that there were conditions covering the early stopping of activities and the need for the applicant to come forward with a restoration plan. The officer proposed that one of the conditions

- on this were amended to include wording for measures related to stability, emergencies, or stability plans. This was agreed.
7. A Member asked whether there could be continuous noise monitoring at the closest sensitive receptors. Officers explained that there was a requirement for a noise management plan to be submitted and approved which would set limits for normal and temporary noise, monitoring, and mitigation. Officers proposed that wording be added to the management plan to include continuous noise monitoring where required. The Member agreed and asked that the wording include reference to the community liaison group.
 8. A Member asked whether the route for HGVs when leaving the site could be conditioned to ensure compliance. Officers explained that it was not normal practice to require the applicant to provide full details on a HGVs route to their next destination.
 9. Members noted details of the lease agreement for the site.
 10. Members stated that they were unaware of any discussion related to moving goods from the site via rail.
 11. In regard to the proximity to neighbouring properties and the impacts of noise, officers explained that the noise management plan would set limits to noise from normal day-to-day operations with monitoring and mitigation procedures. It was further noted that the management plan would include detail of a complaints procedure and could be used to seek to resolved noise related issues. Officers further added that wording could be included within the noise management plan related to a review period to consider suitability and whether it was fit for purpose. This was agreed.
 12. The Chairman moved the updated recommendation which received unanimous support.

Actions / Further information to be provided:

None.

Resolved:

The Committee approved the conditions as proposed by the applicant, with modifications and additional conditions as set out in Column 2 of “The Table of Conditions” and informatives subject to the prior approval of a Heads of Terms Legal Agreement to secure: a) for a 25 year Landscape and Ecological Management Plan and b) a 25 year Management of Geological Conservation Agreement and C) the establishment and maintenance of a community liaison group; in respect of land permitted by MO75/1165 dated 30 July 1976. Subject to amendments to conditions and the addition of an informative as noted within these minutes.

The Committee adjourned between 12:55 – 13:15

76/22 MINERALS AND WASTE APPLICATION RU.20/1047 - LAND AT TRUMPS FARM, KITSMEAD LANE, LONGCROSS, CHERTSEY, SURREY KT16 0EF [Item 7]

Officers:

David Maxwell, Senior Planning Policy Officer

Speakers:

The Local Member, Jonathan Hulley, made the following comments:

1. That he objected to the application.
2. That 160 letters of representation had been received from local residents, a petition was signed by 597 members of the local community and the local residents' association had circulated a written objection on the grounds that there was no proper basis provided on why the site had been chosen and that there was a lack of alternative site option explored.
3. That the Environmental Agency had not lodged a report on its views on the application
4. Asked Members to consider the comments of the County Landfill Site Manager found within paragraphs 333, 334, 335, 336 and 337. The Member summarised that the views provided were that a ground risk assessment did not appear to have been submitted with the application to address the proximity to the boundary of the landfill site. The landfill site was subject to ongoing management of landfill gas and leachate and so there was risk to health and safety being within the proximity of a thermal site. The Member stated that a further detailed assessment was required as highlighted in paragraph 338 of the report before the Committee made a decision.

Cllr Jonathan Hulley left the room for the duration of the debate.

Key points raised during the discussion:

1. Officers introduced the report and provided a brief summary. Members noted that the proposal was for the erection and operation of a small-scale clinical waste thermal treatment facility including ancillary buildings, structures, parking, hardstanding, and landscape works. Members noted details of the application, photographs and plans which could be found from page 9 of the meeting's agenda.
2. A Member stated that they felt uncomfortable making a decision on an application when the Environmental Agency had not provided any indication on whether consent would be received. Officers explained they were informed that the EA had low resource and needed to prioritise the applications they respond to. The current application was not deemed to be a priority. Members noted that the applicant would need to apply for a permit so would receive any feedback from the EA during that process. The Member reiterate their discomfort and felt a response should be provided by the EA before the committee's consideration.
3. A Member asked whether it would be possible to include a condition to ensure the facility processed local waste rather than national waste. Officers explained that they had considered the need for the proposal and had received evidence of the catchment area for waste which included Northern Surrey and the M3 corridor. Members had a discussion on whether there were options available to restrict the applicant from receiving waste outside of the county.
4. Officers noted that the height of the proposed flue would be set by the Environmental Agency however assessments had been based of a

height of 26 metres which was the maximum as noted in paragraph 34 of the report.

5. Members noted that the European Union directives noted in the report were currently preserved until expiration at the end of 2023.
6. A Member raised that the report stated that clinical waste was renewable however stated that it was not renewable.
7. Members raised concern around the proximity of the thermal facility to the landfill site. Officers explained that the applicant had provided a Phase 1 Contamination Risk Assessment which concluded that there was a risk of contamination and that it was highly likely that mitigation would be required. The Phase 1 assessment also provided a scope for a Phase 2 assessment. The Phase 2 assessment was proposed as a pre-commencement condition.
8. A Member raised concern that some of the issues raised were outside of the control of the Planning process.
9. The Chairman moved the recommendation which received 9 votes For and 1 Against. Therefore the recommendation was agreed.

Actions / Further information to be provided:

None.

Resolved:

The Committee agreed that, subject to referral to the Secretary of State under paragraph 9 of The Town and Country Planning (Consultation) (England) Direction 2009, and in the absence of any direction by the Secretary of State, to PERMIT subject to the conditions.

77/22 MINERALS/WASTE GU22/CON/00006 - LAND TO THE NORTH EAST OF SLYFIELD INDUSTRIAL ESTATE, MOORFIELD ROAD, GUILDFORD GU1 1RR [Item 8]

Officers:

Janine Wright, Principal Planning Officer

Key points raised during the discussion:

1. The officer introduced the report and provided a brief summary. Members noted that the application was for the construction and operation of a new sewage treatment works and associated above and below ground infrastructure, including new final effluent and storm water outfall, and new transfer tunnel. Members noted details of the application, photographs, and plans as noted within the report from page 129 of the meeting's agenda. Members noted that an update sheet had been circulated.
2. A Member stated that they were uncomfortable with building a water treatment centre above a landfill site. The Member further stated that they felt the conditions would be difficult to enforce.
3. A Member said that there was a need to build infrastructure to meet the needs of society.
4. A Member reiterated another Members concerns related to building a water treatment facility above a landfill site.
5. A Member stressed that there was a need to be very careful as the proposal was the first of its kind.

6. A Member raised concerns around discharge into the River Wey. Officers explained that the existing sewage treatment plant discharged into the River Wey and that there had been extensive work with the EA and the applicant to ensure that the water discharged would not harm the habitat and life within the river.
7. Members noted details of timescales as noted within the construction plan.
8. The Chairman moved the recommendation which received unanimous support.

Actions / Further information to be provided:

None.

Resolved:

The Committee agreed that, subject to the prior completion of a Section 106 Legal Agreement, to PERMIT subject to conditions and informatives.

78/22 DATE OF NEXT MEETING [Item 13]

The date of the next meeting was noted.

Meeting closed at 2.40 pm

Chairman