

Planning Committee

Wednesday 22 April 2009 7.30pm

Council Chamber
Runnymede Civic Centre, Addlestone

Members of the Committee

Councillors G B Woodger (Chairman), D W Parr (Vice Chairman), J R Ashmore, Mrs F J Barden, J M Edwards, J R Furey, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares, Mrs M Roberts, N Stewert, P B Tuley and one vacancy.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr B A Fleckney, Administration and Leisure Department, Committee Section, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) Public speaking on planning applications only is allowed at the Planning Committee. For details please contact the Administrative Section of the Technical Services Department, or view the guidance on the Committee's web page. **(Tel Direct Line: 01932 425153)**
- 5) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

APPENDIX TO APPLICATION REPORT ON WILLOW FARM

b) Confidential Information

(No reports to be considered under this heading)

GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
Brownfield land	'Previously Developed Land'. Land which is or was occupied by a permanent (non-agricultural) structure, including the curtilage of the development (therefore includes gardens)
BVPI's	Best Value Performance Indicators. Specified by central government to measure performance on a wide range of Council services
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvement
CIR	Government Circular – document setting out policy which has legal connotations
CLEUD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CLOPUD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development requires planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
CPA	Comprehensive Performance Assessment. An external process to assess the quality of individual Council's Performance (set out in the Local Government White Paper 2001). It brings together evidence from a range of internal and external sources, in addition to an on site inspection, in order to arrive at an overall category
DC	Development Control – the area of planning service that processes planning applications, planning appeals and enforcement work
Design Statement	A design statement is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Structure Plan, Local Plan, Minerals and Waste Plans. Will shortly be replaced by the South East Plan, the Local Development Framework and the Minerals and Waste Frameworks
DTS	Director of Technical Services
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
ES	Environmental Assessment under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD')
GOSE	The Government Office for the South East. This is the local office of the Deputy Prime Minister for the South East region of England
HGV	Heavy Goods Vehicle
LBC	Listed Building Consent
LDD	Local Development Documents – component parts of the LDF
LDF	Local Development Framework. The policy document that will guide development in the Borough up to 2026
LDS	Local Development Scheme - sets out the programme and timetable for preparing LDDs

TERM	EXPLANATION
Listed building	An individual building or group of buildings which require a level of protection due to its architectural interest, historical interest, historical associations or group value
LNR	Local Nature Reserve
Local Plan	The current planning policy document that will be replaced by the LDF
LPA	Local Planning Authority
LSP	Local Strategic Partnership – Leads on the Community Strategy
Material Considerations	Matters which are relevant in determining planning applications
Net Density	As defined in PPG3: Housing. The density of a housing development excluding major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips
PCN	Planning Contravention Notice. Formal notice which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PDG	Planning Delivery Grant. An annual grant from central government which reflects the previous year's performance in delivering planning services
P & I	Policy and Implementation – the area of planning service that produces the Local Development Framework, monitors development and supports the Runnymede Business Partnership and Travel Initiative
PINS	Planning Inspectorate
POS	Public Open Space
PPG	Planning Policy Guidance. This is guidance issued by the Secretary of State detailing National Planning Policy within existing legislation
PPS	Planning Policy Statements. The replacement title for PPG
Ramsar Site	A wetland of international importance
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community's Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the LDF
SEA/SA	Strategic Environmental Assessment/Sustainability Appraisal – formal appraisal of the Local development Framework
SEEDA	South East England Development Agency
SEERA	South East England Regional Assembly – based in Guildford. Responsible for producing South East Plan
Sec. 106	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
South East Plan	Regional Planning Document produced in draft form by SEERA. Will provide regional planning guidance and housing targets for individual Councils for the period up to 2026
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community's Directive on the Conservation of Wild Birds 1979
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest
Structure Plan	Strategic guidance for the whole county produced by Surrey County Council. Will eventually be replaced by the South East Plan

TERM	EXPLANATION
SUDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"
TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TPO	Tree Preservation Order – where a tree or trees are formally protected and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Use Classes Order	Document which lists classes of use and permits certain changes between uses without the need for planning permission

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 1 April 2009 as a correct record, (Appendix 'A' to follow).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. PLANNING APPLICATIONS

A list of planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00pm prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that -

the said applications be determined as indicated and any permission granted be subject to the conditions authorised.

(TO RESOLVE)

Background Papers

A list of background papers is available from the Technical Services Department.

7. REGIONAL MINERALS GUIDANCE REVIEW AND SURREY MINERALS PLAN (DTS)

1. Purpose of Report

1.1 The purpose of this report is to seek the views of the Committee on:

- **Partial Review of South East Plan - Policy M3 (Minerals)**
- **Surrey Minerals Plan - Safeguarding Areas.**

2. Background Information

South East Plan

2.1 The Council was invited to comment on the Partial Review of the South East Plan - Policy M3 (Minerals) in the Summer of 2008. At the Planning Committee meeting on 16 July 2008, it was resolved to support a policy approach that, amongst other matters, placed more emphasis on the allocation of future aggregates requirements based on stronger environmental constraints rather than the current allocation based on past sales. The full range of options considered is set out in Appendix 'B'.

2.2 The South East England Regional Assembly (SEERA) has considered all the responses on the Review and has issued for consultation a Policy M3 that is based upon consideration of the pattern of future demand and of aggregate resources with the pattern of past sales factored in to help smooth the transition from the current sites only approach. The issues associated with the approach are set out in Section 3 of this report.

Surrey Minerals Plan

2.3 As part of the preparation of the technical work on the Surrey Minerals Plan, proposed to provide guidance over the period to 2026, Surrey County Council has invited the Council to comment on the policy approach on safeguarding potential mineral sites and operational areas. The purpose of safeguarding is to avoid the potential sterilisation of mineral resources, not to identify areas that may be worked, or to ensure that facilities associated with mineral development are protected. This is examined further in Section 3 of this report.

3. Policy and Technical Considerations

South East Plan

3.1 It will be a disappointment that the preferred option for allocating the total mineral requirement over the period to 2026 is demand and resource based with past sales factored in for the early period. The consequence of this is that mineral bearing areas, such as Runnymede, will have the potential for minerals to be removed at a higher rate than if the option that recognised environmental constraint was adopted. This amounts to a difference between the Runnymede Borough Council preferred option of 1.09 million tonnes per annum (mtpa) as against the SEERA option of 1.32 mtpa, and over the plan period from 2010-2026 the respective totals will be 17.44 million tonnes (mt) compared to 21.12 million tonnes. However, under the existing sales driven approach the total requirement would have been 2.62 mtpa or 41.92 mt over the plan period. Accordingly there will be a significant reduction from 41.92 mt to 21.12 mt for the plan period to 2026.

Comment

3.2 ***Whilst it is disappointing that the environmental only option was not selected, the selected option represents a significant reduction from the current approach. The Committee may feel that it can support this approach.***

Surrey Minerals Plan

- 3.3 The link between the Surrey Minerals Plan, and the policy approach in South East Plan Review Policy M3, is that the latter will form the basis for setting the target production levels to be achieved in the former. Surrey County Council, as the Mineral Planning Authority, has set out a mechanism for safeguarding future supplies to meet the Policy M3 requirements.
- 3.4 Whilst the principle of safeguarding is recognised it is of some concern that a blanket approach has been adopted. The information supplied indicates that a very substantial part of the Borough would be subject to safeguarding. This does not only include environmentally sensitive and high quality environments such as Runnymede Meadows but part of major development sites in the Green Belt including Royal Holloway University of London and Procter and Gamble.

Comment

- 3.5 ***It is your Officers' view, that whilst sites which are preferred in the Minerals Plan for mineral extraction should be identified as likely to come forward, and safeguarded, it makes little sense for all mineral bearing sites to be safeguarded if it is unlikely that they will come forward. A more refined approach is required to safeguard preferred sites, but which would remove the safeguarding from sites such as Runnymede Meadows, Royal Holloway University of London and Procter and Gamble. The Council, as an owner of sites covered by the safeguarding designation, may also formally wish to object to this policy approach.***
- 3.6 ***In addition, the County Council is advised that the Environment Agency have set out in the Thames Catchment Flood Management Plan details of areas that will need to be protected in order to facilitate the construction of a flood relief channel adjacent to The Thames in the eastern part of the Borough. This conflicts with the safeguarding policy in the Surrey Minerals Plan. However, there may also be complementary activities.***

4. **Conclusion**

- 4.1 The partial review of the South East Plan Policy M3 seeks to introduce a policy approach with regard to the identification of a County based annual mineral requirements. There is a move away from an annual requirement based upon past sales trends to an approach that reflects demand and mineral resources. Whilst the Council would have preferred an assessment that was more environmentally based, the proposed policy approach still proposes a significant reduction in annual requirement for the period from 2010 to 2026. Your Officers recommend that the Partial Review of the South East Plan Policy M3 be endorsed.
- 4.2 The Surrey Minerals Plan will need to safeguard potential mineral sites from uses that may lead to a sterilisation of mineral resources and associated activities not to identify areas that may be worked. This approach seems to be inappropriate for sites that are unlikely to come forward, such as Runnymede Meadows. A more refined approach is recommended.

OFFICERS' RECOMMENDATION that –

- i) the comments in paragraph 3.2 on the Partial Review of the South East Plan be forwarded to SEERA; and**
- ii) the comments in paragraph 3.5-3.6 on the Surrey Minerals Plan be forwarded to Surrey County Council as the formal response of this Council in respect of these mineral related matters.**

(TO RESOLVE)

Background Papers

None.

8. **NEW BURDENS (HABITATS REGULATIONS ASSESSMENTS AND CLIMATE CHANGE PLANNING POLICY STATEMENT) GRANT DETERMINATION 2009 (DTS)**

1. Purpose of Report

1.1 **The Council has been notified that it will receive a grant allocation from Central Government in response to the additional burdens it has had to deal with, with regard to the Habitats Directive (essentially the issues which have impacted the Borough with regard to the Thames Basin Heaths Special Protection Area). The purpose of this report is to set out what this grant allocation will be used for.**

2. Background Information

2.1 Over the past couple of years the delivery of housing in many parts of the country has been affected by National and European designation of sites specifically for nature conservation. For Runnymede this has been in the form of the Thames Basin Heaths Special Protection Area. This designation and the impact it has had on housing delivery has created a large amount of additional work for the Council, and in particular, the Planning Division. This has involved creating a strategy for dealing with housing delivery and the identification of Suitable Alternative Natural Green Space (SANGS), administering Planning Obligations and attendance at local and regional working groups on this issue.

2.2 In recognition of this and the impact that the Habitats Regulations has had with regard to those additional duties which the Council has been required to deal with, the Department for Communities and Local Government (CLG) has provided a grant allocation to all affected authorities. As such the Council is in receipt of a grant for £16,835, towards these issues (see Appendix 'C').

3. Report

3.1 In 2008, the Council approved the Interim Supplementary Guidance for the Thames Basin Heaths Special Protection Area (SPA). This identified a mechanism by which the Council could approve residential development within 5.2 km drive time of the SPA, through the use of SANGS and a Legal Agreement. This strategy now needs to be reviewed for a number of reasons. These include:

- the need to increase capacity within our SANGS and potentially designate new ones so that we are able to deliver our housing numbers set out in the South East Plan;
- amend the strategy to identify the need for Access Management and Monitoring contributions from development;
- reintroduce the 5km straight line distance as the area of influence from the SPA;
- new visitor surveys of our SANGS to identify increased capacity and monitor any differences in use since designation as a SANG; and
- Seek approval of the strategy from Natural England.

3.2 The majority of this funding will be needed to undertake the visitor survey work to satisfy the guidance established by Natural England. This will be coordinated by Runnymede staff but undertaken by casual staff employed for the survey work. In the past this has proved to be more cost effective than outsourcing the whole project to consultants. This will place extra burdens on staff who are already working to a very tight Local Development Framework schedule but is seen to be a better use of this limited additional funding.

4. Financial Implications

4.1 The grant is an additional resource that will cover work which the Council would have needed to undertake, but will enable resources to be focused upon the LDF rather than being diverted away from this project.

5. Conclusion

- 5.1 The additional grant will cover some of the burden of work that the Council has incurred due to the effect of the TBH SPA on its administrative area. It will help enable work already required on SANGS capacity and updating the Council's Interim SPA strategy to be undertaken whilst not diverting resources away from the production of the LDF.

OFFICERS' RECOMMENDATION that –

the use of the new burdens grant towards the review, update and publication of the Thames Basin Heaths Special Protection Area Interim Supplementary Planning Guidance, be approved.

(TO RESOLVE)

Background Papers

Letter dated 27.3.09 from DCLG.

9. PROPOSED ENERGY FROM WASTE FACILITY ON LAND ADJOINING TRUMPS FARM LANDFILL SITE, KITSMEAD LANE, LONGCROSS (RU.08/0673) (DTS)

1. **Purpose of Report**

- 1.1 **To seek the Committee's view on revised supporting information submitted to Surrey County Council in respect of this planning application and to update the Committee on the outcome of a High Court challenge made against Surrey County Council and its implications.**

2. Background Information

- 2.1 Runnymede Borough Council was consulted on this planning application, last year, by Surrey County Council. The application was reported to this Committee in September 2008 and the agreed detailed report was forwarded to the County Council as this Authority's formal response. A copy of that report is available in the Members Room and can also be accessed on the Council's website.
- 2.2 Surrey County Council has formally requested further information from the applicants on a range of matters and is now consulting on that further submission. This report looks at the revised information submitted in respect of the Alternative Site Assessment, air quality, visual impact, ecology, noise and transportation.
- 2.3 The final part of the report gives details relating to the High Court challenge to both the Surrey Waste Plan and planning permissions granted at Capel, and the implications for other sites in the County for waste related development.

3. Alternative Site Assessment – Regulation 19 Response

- 3.1 An Alternative Site Assessment (ASA) was submitted with the original planning application. This has now been updated (as at February 2009) and also assesses a further two sites at Cranleigh and Salfords. In the introduction to this document, the applicants confirm that whilst there is no legal requirement to assess alternative sites, it is generally considered to be best practice. However, in terms of their arguments of very special circumstances required to allow such inappropriate development in the Green Belt, the suggestion by them that there is no better (or less worse) site in the County is perhaps the only site specific argument that they have advanced in favour of developing the application site.
- 3.2 In the rationale for an updated ASA, the applicants point to a need to reflect the status of the application site as one designated for potential waste related development in the Surrey Waste Plan and also to a difference in the interpretation of the phrase "*previously developed land*". The latter point addresses a specific criticism by this Council that the ASA wrongly described the site as being previously developed land.
- 3.3 The suggestion that the sites allocated in the Plan be given further weighting in the ASA is no less than pre-determination bias which has nothing whatsoever to do with that site's suitability for development in terms of environmental impact.

- 3.4 There still remains factual bias in the ASA. The application site is still described as having "*medium scale, significant*" development on it. This is the same description as is applied to Charlton Lane, Shepperton, which is a civic amenity and waste transfer site. Land at Wisley Airfield however, is still described as having "*small scale, not significant development*", despite possessing a concrete runway and substantial areas of concrete apron.
- 3.5. In terms of highway access, Wisley Airfield, for example, has potential direct access to the A3, but scores only 1 for this aspect, whilst land adjoining Trumps Farm is some 6km distant from the M25, but scores 4 for access.
- 3.6 The revised ASA predates the decision on the Capel challenge and the lack of an assessment on this site is a serious omission.
- 3.7 The ASA conclusion includes a curious phrase:
- "... as a legal judgement on the most appropriate areas of the County for waste related uses has been made, those sites which lie in close proximity to the Capel location are considered less strategically important than those sites lying further north close to main centres of population and waste arising in the north and west. The scoring methodology reflects this."*
- 3.8 As the ASA predated the Capel High Court judgement, presumably the reference to "legal judgement" is to the Surrey Waste Plan. This statement is the only justification that sites in the southern part of the County are ignored, despite being either outside the Green Belt or scoring higher than land adjoining Trumps Farm. This suggestion has even less credence since the quashing of the planning permissions at Capel and its deletion from the Waste Plan. There is now no site available in the south of the County and this, therefore, cannot be used as a means of preferring a site in the north as opposed to more environmentally acceptable sites in the south.
- 3.9 The revised ASA is considered to be fundamentally unsound, given its obvious bias towards favouring the application site. In addition, it is out of date, by virtue of the fact of not including an assessment of the Capel site, nor reflecting its current status. Finally, as it has been submitted by the applicant's agents, it clearly would have severe problems meeting any test of being considered as an independent study.
4. Air Quality Assessment
- 4.1 RPS, working on behalf of Surrey County Council, has reviewed the air quality work and subsequently held discussions with the applicant in respect of seeking clarification on a large number of issues, which aim to improve the transparency of the assessment.
- 4.2 It is considered that the applicant does not give due consideration to the existing conditions but attempts to benchmark impacts solely based on the relative contribution of emissions arising from the facility as a percentage of the relevant air quality criteria (i.e. air quality standards or EAL). This does not provide for sufficient consideration to locations where existing air quality standards may be exceeded and the contribution made by the proposed facility worsens an already poor position. For example, para 1.82 responds to the comments made by RPS that "*If the background concentration of nitrogen dioxide is added to the contribution from all traffic then the AQO is exceeded*". The applicant responds to this statement through consideration to the "double-counting" of traffic contributions within the background pollutant concentrations.
- 4.3 The response is confusing in respect of the consideration to a "true background" concentration that reflects levels of NO₂ away from the influence of road traffic emissions. Citation of monitoring data from diffusion tube measurements made within the vicinity of roads (and in particular the M3 motorway) emphasise the need for careful consideration to background NO₂ levels in order to determine compliance with the AQO.
- 4.4 The applicant has undertaken an assessment that is typically based on worse-case assumptions using a conservative approach. In its response to RPS comments on the use of ADMS3.3 as an evaluation tool (par. 1.18) and not the latest version of ADMS (ADMS4.1) the applicant again supports the basis of a conservative approach. Officers

however, do not agree with the assertion that “ . . . *there is no reason to expect that using ADMS4.1 instead of ADMS3.3 would change the conclusion of the assessment*”. Where compliance with the NO₂ AQO is in question (as shown above) a difference of 5.7% in the contribution of the facility to the annual mean may change the conclusion of whether compliance is achieved or not. Again, the applicant remains on course in respect of a conservative approach but at the possible detriment of showing exceedences of the AQO for NO₂.

- 4.5 In summary, there remains an apparent discrepancy in opinion with regards to the compliance with the AQO for NO₂, which centres on the semantics of “doublecounting” of the traffic contribution that may already be present in the background data. Further information submitted in respect of clarifications around parameter inputs; the correction of mistakes; the application of additional EAL criterion; and updates to monitoring data are accepted.
- 4.6 Regarding previous commentary made in respect of impacts of the facility on the Thursley, Ash, Pirbright and Chobham SAC it is understood that the findings of the air quality assessment remain unchanged. Consequently, impact significance is defined in accordance with the application of the threshold of 1% contribution without much consideration to the existing conditions and the continued exceedence of the acid deposition threshold.
- 4.7 Consequently, it may be argued that any change, albeit below the 1% threshold, is still significant in prolonging the exceedence of the acid deposition critical load resulting in continued ecosystem damage. In this regard, the findings of the previous review of the air quality work remain. Namely, that further work on mitigating the prolonging of exceedences of the acid deposition critical load on the Thursley, Ash, Pirbright and Chobham SAC may also be warranted, subject to further discussions and wider opinion (including that of Natural England).
- 4.8 Part C of the Regulation 19 response provides for a revision to the Health Impact Assessment in response to comments made by RPS on the assumptions made on two key issues in the methodology: (i) deposition velocities of pollutants and (ii) the behaviour of mercury in the atmosphere. Revised results are presented in the Regulation 19, the outcome of which has not materially changed the conclusions of the Health Impact Assessment. Officers are in agreement with the revised findings.
- 4.9 In summary, the responses provided by the applicant in the Regulation 19 have increased the transparency of the assessment and provided for a more in-depth understanding of the methodology. However, there remains an apparent uncertainty in compliance with the AQO for NO₂, which appears to be dependent upon the use of appropriate background data and the issue of whether “double-counting” of the road traffic contribution is inherent in the methodology. Moreover, the results of the acid deposition on the Thursley, Ash, Pirbright and Chobham SAC highlight that the facility is likely to lead to a prolonging of the exceedence of the acid deposition critical load, albeit that the contribution from the facility is below the 1% threshold typically used to define significance.
5. Impacts on Thursley, Ash, Pirbright and Chobham SAC and Chobham Common SSSI and submission to Surrey County Council of Information for Appropriate Assessment under regulation 48) of the Conservation of (Natural Habitats, &c.) Regulations 1994
- 5.1 The purpose of this section is to provide further commentary in respect of nature conservation issues covered in the amended information, particularly likely impacts on Natura 2000 designated sites (N2K) from the proposed Energy-from-Waste (EfW) facility.
- 5.2 In the previous Committee Report, Officers documented a number of concerns they had with the original Environmental Statement (ES) material and included a number of assessments regarding the adequacy of the ES in terms of the requirements of Town and Country Planning Regulations 1999 and the Conservation (Natural Habitats &c) Regulations 1994 (as amended).

- 5.3 The overall conclusion of this review of Environmental Impacts including that of N2K impacts was endorsed by Committee in that it resolved that, inter alia, with other concerns and observations:
- “Background levels of atmospheric pollution to which this proposal will contribute have already exceeded the critical loads and levels for features existing within the Thursley, Ash, Pirbright and Chobham Special Area of Conservation site. The information submitted in support of this proposal has failed to demonstrate that it will not contribute, in combination with other development, to the effect..... “*
- 5.4 Ecology Solutions, working on behalf of Surrey County Council, were commissioned by Surrey Waste Management to review existing ecological data and to undertake an updated ecological appraisal.
- 5.5 This further work does not appear to respond to nor address directly previous comments made by this Council on the adequacy of the ES or the assumption in respect of Habitats Regulations. Consequently, the approach taken by Officers in this review is to seek common-ground in respect of the additional clarification made by Ecology Solutions with those previously made by the Council and to see whether the additional work provides sufficient evidence to resolve the outstanding concerns.
- 5.6 Whilst more information has been provided, it is considered that the information continues to fail to give due weight to existing background conditions, a point also referred to above dealing with Air Quality Assessment. In addition it fails to consider the whole N2K site, instead focusing on what it classifies as “*relevant SSSIs*” in Appendix 7. The report guides its assessment process to what it describes in para 3.1.14 as: *“...focuses on examining whether there is any evidence that the proposal would significantly impact on the Annex I habitats and Annex II species...”*. This approach is not considered to be in accordance with the precautionary principle requirements of the legislation or the EU’s guidance on its legislation on the grounds that the absence of evidence of an adverse effect is not the same as being able to ascertain no adverse effect on integrity.
- 5.7 It is unclear on what basis or evidence Section 5, para 5.1, in the report concludes that *“...an Appropriate Assessment is not required in this instance (since the avoidance / mitigation measures are such that these [sic] will be no significant effect on the SPAs / SAC and Ramsar site...”*.
- 5.8 Section 6 para. 6.1 of the report documents its intention to *“...address the test under Regulation 48(1).”* It is therefore reasonable to assume that the authors intended to address the test contained in Regulation 48(1) (a) *“likely significant effect (either alone or in combination with other plans or projects)...”* However, this is not the case as the final sentence of para 6.1 states: *“The assessment of potential significant effects is undertaken at this stage or the Development Proposals “alone”*.
- 5.9 The report explicitly bases its conclusion for no likely significant effect on any N2K by affording considerable weight to paragraph 11.121 of Chapter 11 of the ES and its reference to the Environment Agency guidance document ‘EU Habitats and Birds Directive Handbook’ which states:
- “Where the concentration within the emission footprint in any part of the European Site(s) is less than 1% of the relevant long term benchmark (EAL, Critical Level or Critical Load), the emission is **not likely to have a significant effect alone or in combination irrespective of background levels.**”*
- 5.10 Given reliance on the above statement, it is not surprising that the report concludes *“no expected negative impact on...”* any of the N2K features resulting from this proposal.
- 5.11 Paragraph 6.6.1 deals with what it refers to as “Cumulative Impacts: The In-Combination Test”. It is unclear why the authors are only concerned with sulphur dioxide (SO₂) being the only emission referred to within this paragraph. The report does not indicate if it intends to use SO₂ as a proxy for all other known and possible emissions in the in-combination emissions tests. In spite of this the authors go on to conclude that as a result of proposed mitigation

“...impacts are de minimis. It can be concluded that ‘there will be no likely significant effect when the ‘plan or project’ is considered alone.’ And as a result ‘...no in-combination effects are therefore possible.’”

- 5.12 For this to be acceptable and thus avoid carrying out of an Article 6(3) assessment, the fate of an emission contribution would have to be so small that they would have to be considered under the concept of being infinitesimally small, which could be considered to be:

A quantity that is not Zero; but a quantity that is so small, that when it is multiplied by any finite number their product will never be a number greater than one, in other words **de-minimis**.

- 5.13 Given the data already produced in support of the ES, coupled with the fact that background levels have already exceeded critical levels and critical loads for this N2K features present on this site, Officers fail to see how a conclusion of ‘de minimis’ can be supported by reliance upon the EA’s 1% threshold. Therefore an appropriate assessment is required of the effect atmospheric pollution will have on all designated features within the whole of Thursley, Ash, Pirbright and Chobham and not just a number of “relevant SSSIs”.

- 5.14 The report makes reference to Sullivan, J. ruling in Hart [2008] EWHC 1204 (Admin) in what can only be assumed is justification for reliance upon mitigation and avoidance measures to be considered as part of the application of Regulation 48 (screening) of the Conservation (Natura Habitats, &c.) Regulations 1994 (as amended). Whilst guidance on N2K screening would generally suggest that it is not advisable to rely upon the use of conditions to conclude ‘no likely significant effect’, it is not beyond the bounds of reasonableness to imagine in situations where the object of the condition/s is both certain and tested, in such cases weight could be given. However, where this is not the case likelihood can remain; as is the case with this proposal. Sullivan, J. in Hart [2008] EWHC 1204 (Admin) made this distinction clear in his ruling, inter alia, stating at para. 61 he states that:

“...if the competent authority is satisfied at the screening stage that the proponents of a project have fully recognised, assessed and reported the effects, and have incorporated appropriate mitigation measures into the projects, there is no reason why they should ignore such measures when deciding whether an appropriate assessment is necessary.”

- 5.15 Given the fact that numerous doubts have been raised by this Council, statutory consultees and others as to the proponents of this project’s ability in meeting the test outlined by Sullivan, J, it would, therefore, seem to be both irrational and unreasonable to agree that the proponents of this project have fully recognised, assessed and reported the effects, and as such by definition can not therefore have incorporated appropriate mitigation measures into the project to be considered. As such a reasonable competent authority will have difficulty in considering proposed mitigation as part of its screening at this time and an appropriate assessment would be required.

- 5.16 The additional information submitted fails to address any of the main concerns this Council raised regarding the adequacy of the information in order to appropriately assess the impacts this proposal will have on Thursley, Ash, Pirbright and Chobham SAC through a number of mechanisms for effect that this proposal will inevitably contribute to. Officers are of the opinion that the information submitted contains no new or additional data nor does it present any more robust processes leading to any more sound assumptions to address the detailed concerns previously raised by this Authority.

6. Noise Impacts

- 6.1 Many of the detailed points raised in relation to concerns about potential noise impacts have not been addressed, nor has there been feedback from the applicants or their consultants.
- 6.2 With regards to the potential impact on the former DERA site, Officers would tend to agree that it is not realistic to assess the possible impacts, such as noise from the

proposed EfW facility on future planning applications. From a noise point of view there is no concern with the possible development at the northern part of the DERA site due to the separation distance and the use will be commercial in nature. However, if residential dwellings are built as close as 170m (as implied in the technical note) from the EfW facility at the southern part of the DERA site, this could have a noise impact on those residents. Such dwellings will be closer than any existing dwellings, currently the closest one is Longcross End, Trumpsgreen Road (soon to be four houses on this plot) at 210m for the proposed stack. If the background noise at these possible closest dwellings is the same as Bridge House (as suggested by the applicants) the noise from the EfW facility will be higher than at Longcross End as the separation distance is less.

- 6.3 There is an acknowledgement that the low noise surface on the M3 westbound will reduce the noise level in the vicinity by 3dB (rounded down rather than up) but the applicants still claim the proposed noise from the EfW facility is going to comply with their previous figures during the night and presumably, therefore, not cause annoyance to some residents. This now means that the noise level during the night at the quietest times from the EfW facility at Longcross End (the dwelling rather than the boundary) will have an L_{Aeq} 41dB level with an L_{A90} 40dB level and likewise for Knowle Grove it will be L_{Aeq} 35dB with L_{A90} 34dB. As previously stated Officers are of the opinion that the noise from a new source should be at least 5dB below the lowest background noise level. This means the noise level at the quietest times during the night will be 6dB too high.

7. Visual Impact

- 7.1 Although amended information has been submitted, no further data has been submitted to address the detailed concerns previously raised by this authority. The original comments on this aspect were set out in paragraphs 5.243 to 5.273 of the previous Committee Report.

8. Transportation

New Information Provided

- 8.1 The Addendum Transportation Assessment (TA) provides information on additional surveys undertaken. These comprised a 12-hour weekday manual turning count at the Kitsmead Lane/B386 junction, including pedestrian and cyclist counts; a 12-hour Saturday manual classified turning count of cyclists at the same junction; a visual inspection of cyclist movements within the vicinity of the site on a Sunday; and a 7-day automatic traffic count and speed survey on the B386.
- 8.2 In addition, and in response to a request from the Highways Agency, personal injury accident data covering Junction 11 of the M25 have been provided. Finally, traffic generation from a composting plant immediately north of the application site and for which planning permission has been granted have been provided and the flows included in the junction assessment at Kitsmead Lane.
- 8.3 A revised junction layout has been submitted within the Addendum TA, together with revised capacity assessments based on the additional surveys described above. In addition, proposals have been submitted to reduce rat-running along Kitsmead Lane East.
- 8.4 The Addendum TA contains a section on cyclist usage of Kitsmead Lane. This indicates that

“5.0.....there are nominal cycle movements along Kitsmead Lane on a standard weekday and Saturday....”.

The only additional surveys reported in the Addendum TA relate to the junction of Kitsmead Lane with the B386. It would appear therefore that no surveys of cyclist and pedestrian use of Kitsmead Lane adjacent to the application site have been undertaken.

Review of the New Information Provided

- 8.5 The Addendum TA does not provide additional information about the lack of visibility for drivers exiting from Kitsmead Lane. Given the intention to introduce traffic signals, this matter can be dealt with elsewhere.

- 8.6 Detailed information on cycle and pedestrian movements at the Kitsmead Lane/B386 junction has been provided in the Addendum TA. However, no information on cycle usage of the B386 between Kitsmead Lane and the A320 is provided, despite the fact that this will act as the main access route for HGVs. There is also no information on the use of Kitsmead Lane in the vicinity of the application, nor of the public right of way which crosses Kitsmead Lane north of the B386 junction. Fuller information could, and should, have been provided.
- 8.7 A full manual turning count at the Kitsmead Lane/B386 junction has been provided. This forms an adequate basis for capacity analysis.
- 8.8 Additional accident data has been provided, but only for Junction 11 of the M25. No response has been made to the request for a fuller assessment of the five accidents recorded at the junction of Kitsmead Lane and the B386. Given the importance of this junction as the primary means of access to the site from the wider highway network, and the fact that it has one of the highest accident rates of the junctions along the B386, a more detailed assessment should have been carried out.
- 8.9 The ES did not consider the impact of the DERA site to the north and west of the application site, which has been allocated within the South East Plan to provide a substantial mixed-use development. The Addendum TA does not address this omission, and this remains a failure of assessment.
- 8.10 All assessments in the ES were based on the details of waste flow provided by Surrey Waste Management, both to quantity and source. Other assumptions would inevitably have led to different conclusions being drawn and Sensitivity Tests should have been undertaken. These have still not been done.
- 8.11 A revised layout for an improvement to the Kitsmead Lane/B386 junction has been provided. A lack of land adjacent to the junction means that the designers have been unable to provide proper pedestrian and cyclist facilities, despite a request from the Highway Authority that consideration should be given to advance stop lines for cyclists. A Stage 1 Safety Audit is contained in Appendix 2 of the Addendum TA but this relates to the original junction proposal, not the revised scheme contained in the Addendum TA. There is no indication that the revised layout has been subject to a Safety Audit. Concerns about the junction layout, including the absence of highway land to accommodate stop-line intervisibility and the lack of proper pedestrian and cycle facilities remain.
- 8.12 The assessment of the Holloway Hill and Green Lane roundabouts in the ES indicated extensive queuing in the 2013 and 2018 peak hours without any development in place. The addition of development traffic would worsen an already unsatisfactory situation but no mitigation was proposed. This was raised as an omission in the Peer Review, but has not been addressed and remains a ground for concern.
- 8.13 The ES reported that HGV flows on the B386 would increase by over 30% as a result of the development. Despite this, there was no attempt to address pedestrian and cyclist safety and amenity on the B386. There was also no assessment of pedestrian and cyclist safety and amenity along the B386 during the construction phase. The Addendum TA does not respond to the request for further information on these points.
- 8.14 The ES reported that the roundabout junctions at Holloway Hill and Green Lane may already be operating at above capacity by 2009, but the impact of additional construction related traffic at these locations had not been assessed. The Addendum TA does not consider this issue.

Summary

- 8.15 The TA and ES submitted in respect of the application for an EfW at Trumps Farm were not complete or fully robust.
- 8.16 Insufficient background traffic information had been collected, particularly in respect of the critical junction between Kitsmead Lane and the B386, where link flows had been used to estimate turning movements. No survey data showing pedestrian and cyclist activity had been collected. These deficiencies have not been addressed satisfactorily in the Addendum TA.

- 8.17 The highway improvement proposed at the junction of Kitsmead Lane and the B386 and contained within the ES appeared to have a number of potential safety issues associated with it. The addendum TA does not appear to have fully addressed these matters and there is no indication that the revised proposals have been the subject of a formal Safety Audit. Certain necessary works still appear to lie outside the highway boundary.
- 8.18 The Addendum TA has not addressed the concerns raised in the Peer Review in respect of the safety and amenity of cyclist and pedestrians on the B386, which will be the main access route for HGV traffic.
- 8.19 A major allocation within the South East Plan on land adjacent to the application site (the remainder of the DERA site) was not considered in the ES, and the Addendum TA has not responded to a request for more information and assessment on this development. If brought forward, a development on that site would have a significant impact on highway conditions on the road network in the vicinity of the application site.
- 8.20 The assessments of the Green Lane and Holloway Hill roundabouts contained in the ES indicated that they will be operating above capacity by 2013. No mitigation measures were proposed to overcome the impact of the application proposals on these junctions and this deficiency was identified in the Peer Review. It has not been addressed in the Addendum TA.
- 8.21 The residual effects identified in the transport Chapter of the ES reflect this incomplete assessment. Further information would need to be provided to establish whether the conclusions of the Chapter are robust, appropriate and defensible.

Conclusions

- i) the findings of the Transport chapter and Addendum TA are still not robust, appropriate and defensible;
- ii) deficiencies in the assessment remain;
- iii) there are a number of recommendations for improvements, which are described more fully in the preceding sections and which remain to be addressed;
- iv) it is likely that the results and conclusions of the ES would have been different if the work had been done correctly;
- v) the significance of the predicted impacts is greater than the ES assessed, and the Addendum TA has not sought to address this point;
- vi) additional work, particularly in respect of adequate and appropriate improvements at the Kitsmead Lane/B386 junction and the Holloway Hill and Green Lane roundabouts, is still required.

9. The Capel Parish Council Challenge

- 9.1. When Surrey County Council adopted the Surrey Waste Plan in May 2008, Capel Parish Council (CPC) lodged a High Court challenge to this decision. Subsequently, Surrey County Council granted three planning permissions for waste related development at the Capel Brickworks site in December 2008. CPC lodged a judicial review against these decisions and the Hearing for this was conjoined with the earlier challenge to the Waste Plan.
- 9.2 The combined challenges were heard in the High Court before Collins J, in January 2009, and his written judgement handed down in March 2009. The claims were successful and the remedy requested by CPC was approved so that the inclusion of Clockhouse Brickworks, Capel in the Waste Plan as a site suitable for waste related development was quashed, as were the subsequent grant of planning permissions for such development at that site.
- 9.3 The analysis in this section of the report looks at the reasoning behind that judgement and seeks to understand whether the judgement is peculiar to the circumstances relating to the Capel site specifically, or whether its implications are wider ranging in respect of subsequent decisions.

- 9.4. In finding against Surrey County Council, the judge identified a key error in law that the Inspectors appointed to test the Surrey Waste Plan, had made, in their approach to its examination. The Inspectors followed the guidance in the version of PPS12 that was current at the time. This stated:
- “The presumption will be that the development plan document is sound unless it is shown to be otherwise as a result of evidence considered at the examination.”*
- 9.5 The error in law is that there is no presumption of soundness and this was the decision in *Blyth Valley Borough Council v Persimmon Homes (North) Ltd and Others* [2005] EWCA civ 861, which was decided by the Court of Appeal. Subsequent to this, national guidance in PPS12 was amended (from that quoted in paragraph 4 above) to read:
- “The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan.”*
- Collins J therefore concluded that:
- “It was therefore incumbent on the Inspectors to consider for themselves whether the policies were sound.”*
- He went on to say:
- “It seems to me that the erroneous application of the presumption of soundness provides the correct starting point. If it has tainted the relevant conclusions, they cannot stand.”*
- 9.6 The learned Judge dealt in detail with the site selection process. Surrey County Council submitted that there had been a substantial exercise carried out to make an informed assessment of suitable sites and to reject those which were unsuitable. The Judge however suggested that the Inspectors were not entitled to assume that this had been done correctly, particularly where some of that work had been questioned. To this point, Surrey County Council argued that the Inspectors had not placed a burden of proof on any party, nor found the policies sound in the absence of evidence.
- 9.7 The Judge confirmed his view however that the Inspectors’ correct function was to assess for themselves whether a policy was sound, whether or not there was evidence before them, stating that:
- “It was therefore incumbent on the inspectors to consider for themselves whether the policies were sound. Thus they would have not only to consider any specific points made by objectors but also any material matters which could indicate unsoundness. This would, in relation to specific allocations, include consideration of whether the process whereby the sites were chosen and others said to be more appropriate rejected was satisfactory.”*
- 9.8 The Judge believed that the fact that despite being critical of a certain lack of information, the Inspectors wrongly applied the presumption of soundness and that tainted their whole approach.
- 9.9 The Judge stated that the Inspectors made reference to various issues in relation to identified sites being dealt with at the *“project level”*. By *“project level”*, the Inspectors meant at the planning application stage. The Judge accepted CPC’s point that the *“project level”* stage is, in reality, that to be undertaken in choosing specific sites. This is particularly important if there were errors in identifying the nature of the site. Collins J concluded:
- “Surrey County Council’s errors could have undermined the whole process of identification of suitable sites and certainly it was necessary in my view for the Inspectors to look at the whole process afresh.”*
- 9.10 It is clear from the Judgement that the High Court ruled that the Inspectors had erred in law in presuming that the plan was sound and in not fully and independently assessing the suitability of sites identified for waste related development in Surrey Waste Plan policies WD2 and WD5. Similarly, they were not entitled to defer such investigation to the *“project stage”* which they interpreted as being a planning application seeking to develop such a site – especially as then the judgement would be made by Surrey County Council which is not independent.

- 9.11 Whilst the Judge limited his decision to deleting the reference to the Capel site from policies WD2 and WD5 and quashing the planning permissions, as this was the matter before him and the remedy sought by CPC, he left the wider implications to be dealt with by Surrey County Council. In the final paragraph of his judgement he stated:
- "I am aware that this may affect the overall validity of the SWP [Surrey Waste Plan]I think that the consequential effect of quashing is a matter for SCC to deal with as it thinks appropriate."*
- 9.12 On Surrey County Council's website, the judgement is reported in the following terms:
- "On 5 March 2009, Mr Justice Collins handed down his judgment on the High Court challenge of the Capel Parish Council to the inclusion of Clockhouse Brickworks in the Surrey Waste Plan. He has deleted Clockhouse Brickworks from Policies WD2 and WD5, but made no other changes to the Plan."*
- 9.13 This suggests that the County Council believe there are no wider implications for the Surrey Waste Plan or other sites identified within it.
- 9.14 In the Inspectors' report dealing with land adjoining Trumps Farm, it is clear that they had a number of reservations about its suitability. During the EIP Officers and others made numerous representations regarding the suitability of the land adjoining Trumps Farm and the grounds on which it was being proposed to be selected. The Inspectors' queried the state of the land, which they thought was undergoing natural regeneration. They had significant reservations about access and found difficulty in identifying very special circumstances. They concluded that both an Appropriate Assessment and "all potential planning impacts" could be left to the "project level".
- 9.15 It is clear that the Inspectors' assumption of soundness directed the way they dealt with sites referred to within policies WD2 and WD5. It is similarly clear in relation to land adjoining Trumps Farm that whilst they had a range of significant reservations about the allocation of this as a suitable site for waste related development, they failed to adequately satisfy themselves that these issues could be addressed and left this to the planning application stage which would be dealt with by Surrey County Council which could not be seen as independent.
- 9.16 Therefore, the process which the Inspectors followed in relation to the Surrey Waste Plan was fundamentally flawed and the resultant policies WD2 and WD5 are unlawful. Should Surrey County Council seek to rely on those unlawful policies, then their approach in granting any planning permission on the land adjoining Trumps Farm would equally be fundamentally flawed.
10. Conclusions
- 10.1 The additional information in support of the planning application on land adjoining Trumps Farm has failed to address the majority of objections previously raised in respect of alternative site assessments, air quality, visual impact, ecology, noise or transportation. It is therefore recommended that objections raised in respect of these matters remain.
- 10.2 Despite Officers' views that the High Court judgement undermines the basis of Policies WD2 and WD5 in the Surrey Waste Plan, the comments on the SCC website suggest that they believe this not to be the case. It is recommended that before any further action is contemplated, this Authority awaits sight of the formal report to the SCC Planning & Regulatory Committee on this application, to see how these policies are used in relation to the proposals.

OFFICERS' RECOMMENDATION that –

- i) Objections to planning application RU. 08/0673 for a energy from waste facility on land adjoining Trumps Farm landfill site, Kitsmead lane, Longcross be maintained and a copy of this report be forwarded to Surrey County Council as this Authority's formal response to the consultation on the amendments;**

- ii) **a further report be brought to this Committee on any further amendments or for consideration of further action following determination of the planning application by Surrey County Council.**

(TO RESOLVE)

Background Papers

Amended information submitted in respect of RU.08/0673

10. APPEAL DECISIONS

The Planning Inspectorate has recently determined the appeals mentioned below. The Appeal decisions are available for inspection in the Members' Room.

<u>Site/Development</u>	<u>Decision</u>
a) 100 – 106 Church Road, Addlestone – planning appeal regarding demolition of garage and provision of Extra Care Home. (RU 08/0667)	DISMISSED
b) 206 Chertsey Lane, Staines	
i) Planning appeal for the retention of a 4 bedroom chalet style house with integral double garage without complying with a condition attached to planning permission RU 98/1236. (RU 05/1256)	DISMISSED
ii) Appeal against Enforcement Notice regarding the construction or erection of a timber garage, timber sheds and hardstandings.	DISMISSED, NOTICE UPHELD AS VARIED
iii) Appeal against a failure to give Notice within the prescribed period of a decision on an application for planning permission for retention of existing timber chalet as a residential annexe ancillary to main dwelling and retention of existing timber garage and sheds. (RU 08/0681)	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal decisions

11. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES (DTS)

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'D'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

12. STANDING ORDER 42 – URGENT ACTION

The following action has been taken after consultation with the Chairman of the Committee under Standing Order 42.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Technical Services	Withdrawal of Enforcement Notices to limit any application for costs by the appellant against the Council – Thorpe Waterski	689

(FOR INFORMATION)

Background Papers

SO 689 on DAL SO42 file.

13. LOCAL DEVELOPMENT FRAMEWORK MEMBER WORKING GROUP – MINUTES

Attached at Appendix 'E' are the Minutes of the Local Development Framework Member Working Group held on 23 March 2009.

(FOR INFORMATION)

Background Papers

None

14. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection.

- | | | |
|----|--|-------------|
| a) | <u>Exempt Information</u> | <u>Para</u> |
| | APPENDIX TO APPLICATION REPORT ON WILLOW FARM | 3 |
| b) | <u>Confidential Information</u> | |
| | (No reports to be considered under this heading) | |