



9 December 2009

Dear Councillor

SUMMONS TO A MEETING OF THE COUNCIL

I hereby summon you to attend the meeting of the Council to be held on **Thursday 17 December 2009 at 7.30 pm** in the Council Chamber at the Civic Centre, Addlestone.

A handwritten signature in black ink, appearing to read 'Paul Turrell', with a long horizontal flourish underneath.

PAUL TURRELL
Chief Executive

A G E N D A

1. FIRE PRECAUTIONS

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

2. MINUTES

To approve and sign, as a correct record, the Minutes of the meeting of the Council held on 15 October 2009 (page 328).

3. MAYOR'S ANNOUNCEMENTS

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the orange coloured form circulated with this Agenda and hand it to the Clerk at the start of the meeting. A supply of the form will also be available from the Clerk at the meeting.

6. SPEAKING OR QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER STANDING ORDER 12

7. LOCAL GOVERNMENT ACT 1972 - SECTION 239
RESPONSES TO TRANSPORT AND WORKS ACT APPLICATION ON AIRTRACK

Council is requested to endorse the objection to the above-mentioned application, as determined at the meeting of the Economic Development Committee on 17 September 2009. Public Notice of making the objection has been given and the objection has to be endorsed by a majority of the Members of the Council. The full Minute including the resolution of the Economic Development Committee is set out below:-

"Members' views were sought on a response to the proposed Transport & Works Act application which would facilitate the Airtrack proposals for new rail access to Heathrow Airport. Officers had prepared a detailed and most comprehensive report for which they were complimented.

It was reported that the consultation period for the application would expire on 18 September 2009. All representations received at that time would be considered by the Planning Inspectorate and a Public Inquiry to look into these comments was to take place in the early part of 2010.

The Transport & Works Act application was reported as being wide ranging in its scope encompassing the many facets of the construction process. It would give the necessary legal powers to: construct and maintain works; alter the layout of streets and for the execution of street works; issue stop notices in streets to create access to works; construct bridges or tunnels where appropriate; acquire land and also grant planning permission for the works.

The only construction works proposed within this Borough were some minor works to the railway just before it crossed the River Thames in close proximity to Riverside Drive and Coopers Close. These works were not considered to be significant but they did give RBC the rights of a "statutory objector" and appearance at any forthcoming Public Inquiry.

The main concern to Runnymede residents was level-crossing barrier down-times and whilst the application recognised that there would be significant effects at level crossings there were no specific proposals to deal with this. Indeed, the application stated that *"any solution will not be part of the Airtrack scheme"*. Members also noted that this important subject was dealt with in an entirely separate volume of the Environmental Statement.

Whilst recognising the potential economic and public transportation benefits associated with the development of Airtrack, the problems relating to level crossing barrier down-times in Egham had led to the Council's continuing support for Airtrack being conditional upon the improvements to the level crossing infrastructure.

This problem had been further exacerbated, over recent years, where half-barrier crossings had been replaced with manually operated full-barrier crossings causing an increase in barrier down-time. There had been a number of consultations by Heathrow Airtrack over recent years, the last of which was late in 2008. Some 70% of the response to the consultation was just in relation to level crossings in Egham.

For some time Officers had been working closely with Heathrow Airtrack, Network Rail and Surrey County Council in order to provide accurate survey data with regard to barrier down-times as well as working on a range of infrastructure improvements involving both road and rail to alleviate the existing problems.

The Impact on Runnymede

i) Impact on Chertsey Station

The estimated increase in station usage from 2015 to 2030 was appended to the report. Increased passenger numbers at Chertsey, Woking and Guildford were predicted to rise by less than 5%. In relation to both Woking and Guildford, these numbers were quite significant but at Chertsey the number of extra passengers would be no greater than 15 passengers per day by 2030. Members challenged this prediction believing that numbers would be much greater as it appeared not to take into account passengers using the Heathrow Express or other services for other stations.

Despite the two short platforms at Chertsey, the predicted change in number of passengers at this station was unlikely to give rise to a significant effect in terms of station use. It was not considered that this increase would cause particular problems in terms of local parking facilities. Members were not convinced that this was true.

The South West Main Line Route Utilisation Strategy (2006) had indicated that a programme of platform lengthening to accommodate 10/12 car trains was scheduled to be completed by 2014. Clearly this would have implications for the number of passengers at stations, and a parking demand management plan would be needed as part of any such station improvements. However, this was something that was proposed by Network Rail, rather than Airtrack and was a matter for separate consideration when such proposals came forward.

Impact on Level Crossings

To inform this part of the Environmental Statement, additional survey work was carried out in the Spring of 2009 in relation to the four level crossings in Egham and the one in Addlestone. These were conducted over an entire 12 hour day (07.00 to 19.00).

In terms of the Runnymede level crossings, Airtrack would double the number of passenger trains in each direction every hour, from 4 to 8.

The impact on individual crossings was reported as follows:

- Thorpe Road, Egham Hythe would have 15 minutes more closure time per hour; (Average daytime closure per hour – 37 minutes)
- Vicarage Road, Egham, would have up to 12 minutes more closure time per hour; (Average daytime closure per hour – 38 minutes)
- Station Road, Egham, would have 13 minutes more closure time per hour; (Average daytime closure per hour – 34 minutes)
- Prune Hill, Rusham Road, would have 4½ minutes more closure time per hour; (Average daytime closure per hour – 15 minutes)
- At Addlestone there would be 7 minutes more closure time per hour; (Average daytime closure per hour – 21 minutes)
- At Chertsey, the impact would be negligible. (Average daytime closure per hour – 18 minutes)

The impacts on both Chertsey and Addlestone were considered to be less severe than Egham because alternative routes were available: the bridge over the railway line at Chertsey and the alternative route via Woburn Hill in Addlestone.

Some of these facts were questioned by Members as some felt that the barrier down-time calculations were based on minimum impact and thus these did not fully take into account rush-hour operations, unscheduled light engine and other freight train movements which took place during the day. It was felt that max/min barrier down-times rather than average should be used in the calculations in order to give a more accurate picture. Members also speculated that if this was done then barrier down-times would be shown to be longer in duration which they suspected would be the case. Furthermore, the notorious effects of weekend engineering work which disrupted local timetables appeared to be totally ignored. No draft rail timetable had yet been produced for the scheme. Improved signalling could also improve barrier down-times if there was a commitment to improve this part of the infrastructure. As regards traffic alleviation measures in the areas concerned there was an urgent need to establish traffic flows/ modelling at various times of the day and at week-ends as well as identifying “rat-runs”.

The adequacy of the environmental statement was then discussed. Officers had carried out a partial review of the content of an Environmental Statement (ES) submitted in support of the Transport and Works Act 1992 Order application for Heathrow Airtrack for completeness. Whilst the Environmental Statement acknowledged that at Thorpe Road, Vicarage Road and

Station Road, in Egham, the Airtrack proposals would have a severe adverse and significant effect on traffic and community in these locations, Officers considered it to be incomplete due to the following omissions:

- The ES failed to provide the data required to assess the main effects the proposed development would have on the receiving environment; particularly as data was omitted for the assessment of cumulative effects such as effect on air quality due in part to modified barrier operation. Data was also required to support and justify assumptions made in the ES regarding significant NO₂ reductions;
- The ES also failed to provide a complete outline of the main alternatives studied and an indication of the main reasons for their choice, taking into account the environmental effects; particularly alternative barrier operations; and
- By virtue of the above omissions, it was impossible for this ES as submitted to pass the test of providing a description of measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects.

In order to address identified shortcomings within the ES, Members agreed that the Secretary of State should be urged to issue to the applicants a formal Regulation 19 request for the additional information prior to determining this application.

Possible Solutions

The Transport & Works Act application had identified the severe environmental impacts of Airtrack on level crossings in Runnymede, but proposed no works to alleviate this. Whilst it was recognised that this was an existing problem, Airtrack would further exacerbate this and to do nothing practical about it was completely unacceptable. Members fully endorsed this sentiment.

Officers had been working with the Heathrow Airtrack Consultants, Surrey County Council, and Network Rail to try and identify proposals that would provide some relief to the highway congestion that would be caused.

It was clear that the manually operated level crossing barriers in Egham were not managed on a consistent basis. The signaller was based in Feltham and was required to deal with a number of crossings and the barrier down time varied considerably depending on what other work the signaller was dealing with.

Consequently, a number of possible solutions were being discussed with Network Rail, including the use of a dedicated signaller at Feltham signal box, and the use of new automated 'predictor' systems utilising CCTV and radar to scan crossings and close barriers automatically.

The second aspect that was being actively pursued was the possibility of a bridge or tunnel which would enable traffic to by-pass the level crossing entirely. This was something which for cost and practical reasons could only be provided at one of the level crossings, not all three.

The Vicarage Road crossing was by far the busiest in the area and also had the largest amount of land available in the immediate vicinity. Technical work had demonstrated that a bridge capable of taking HGVs was not possible because of the gradient needed to get over the railway line and then down under the M25 bridge. Whilst it might be possible to construct a bridge that would take cars only, the prospect of HGVs turning round in the road would simply replicate problems that already existed at the Byfleet Road bridge leading to Brooklands.

In terms of technical feasibility it was possible to provide an under-pass suitable for all types of vehicles under the railway line at this point, subject to it being a 20 mph speed limit. This would require the removal of one residential property and would also affect access arrangements to some other residential properties in the immediate area. However, there were no proposals, at present, to provide this by either Surrey County Council, the Department for Transport or Heathrow Airtrack.

The third aspect of work that was being carried out had looked at the wider highway network, because of existing constraints in the area, there was concern that even with an under-pass traffic would not move in an unrestricted fashion because of other bottlenecks nearby. For example, the Runnymede roundabout was a constraint on movements, as was the roundabout immediately adjacent to Staines Bridge.

Surrey County Council had already designed an improvement scheme for the Runnymede roundabout, which would increase capacity and also reduce the number of vehicles entering onto it from the M25. Other technical work was also under way, including looking at realignment of the mini roundabout in Egham, as well as the potential for widening Thorpe Road and signalisation of the Staines Bridge roundabout.

It was appreciated that looking at the highway network including Egham in its entirety, as well as feeder roads into Staines Town Centre, was very complicated and time consuming. Surrey County Council had dedicated substantial resources to this project and work continued. However, with the implementation of a possible under-pass, as well as improvements to Runnymede roundabout, there were technical solutions which, taken together, might provide a real impact on the existing and potential problems of delays at level crossings. The investigation of potential funding streams for these highway works continued. Members agreed that whilst Heathrow Airtrack were working with Officers in terms of looking at solutions and had funded survey work and continued to be supportive, the engineering solutions should benefit from at least partial funding by Heathrow Airtrack. Since this aspect was not part of the application, objection should also be made in respect to this particular issue.

Resource Implications

Members were advised that it was anticipated that the representations would be examined at a Public Inquiry, but the length of this could not be judged at this stage. Runnymede would present its evidence via an appropriate Officer and the employment of additional expert witnesses was not anticipated. Legal representation and advice by Counsel would, however, be needed to support the case. It was currently estimated that the costs to Runnymede would be in the order of £10,000. There was no budgetary provision for this and a supplementary estimate would be required in due course.

Members agreed that Officers should continue to work with Surrey County Council, Network Rail, and BAA Airtrack to further develop the technical justification and feasibility for road and rail infrastructure improvements, so that these might be presented at the Public Inquiry as potential solutions to this issue and to continue to seek avenues for funding for the proposed infrastructure solutions.

RESOLVED that –

- i) Objections be raised to the Transport Works Act application for the following reasons:**
 - a) that impact on level crossings in Runnymede is identified to be severe, but that no alleviation measures are proposed (including funding of provision by others);**
 - b) alleviation should be provided in the form of an underpass at one level crossing in Egham and improved signalling at the other crossings in Egham and Addlestone;**
 - c) provision should be made for improvements at the Runnymede roundabout, the mini-roundabout at the junction of Vicarage Road and High Street, Egham, in Thorpe Road and other works as necessary to improve traffic flows away from level crossings;**
 - d) in terms of air quality, the applicants have failed to indicate whether they have taken into account the cumulative impact of existing Air Quality Management Areas (M25 motorway and Addlestone) as well as traffic generated pollution from other**

major proposed developments in the area including the 2,500 dwellings proposed at the former DERA site, Longcross, potential mineral extraction at Milton Park Farm, Egham and a proposed incinerator on land adjoining Trumps Farm, Longcross and any large scale development proposed in adjoining Boroughs;

- e) **in terms of air quality, the applicants have failed to demonstrate the assumptions used to suggest that NO₂ concentrations close to level crossings in Egham will reduce in the period between 2009 and 2015;**
- f) **the business case for the scheme assumes that the new rail services can be added without detriment to existing rail services. However, the applicants have yet to provide a draft rail timetable for the scheme. The Council needs assurance that the new airport services can be accommodated on the existing network without reducing existing services or the capacity of the rail network to allow for future growth in rail travel;**
- g) **there are concerns that the Transport Assessment for Chertsey station may underestimate passenger numbers, as it appears to not include passengers using the Heathrow Express or services for other stations. If passenger numbers are greater than assessed, then no mitigation in terms of additional parking is allowed for this impact;**
- ii) **the Secretary of State for Transport be urged to issue a Regulation 19 request under the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulation 1999 (*it has now been confirmed that the relevant legislation is Section 17 of the Transport & Works (Applications and Objections Procedure) (England and Wales) Rules 2006*) requiring that the information deficiencies identified in the objections above and elaborated in the Agenda report and the related Appendix be addressed by the applicants;**
- iii) **Officers continue to work with Network Rail, Surrey County Council and Heathrow Airtrack Consultants, to identify infrastructure improvements to relieve level crossing barrier down-times, including funding arrangements; and**
- iv) **Officers prepare a detailed case in respect of the future Public Inquiry to elaborate on these issues".**

Update

It is confirmed that the formal objections as indicated above were notified to the Department for Transport within the consultation deadline and this report is to confirm this. Officers have also submitted a formal request to attend the public inquiry and give evidence in support of these objections. The inquiry was to be held in February 2010 at Spelthorne Borough Council's offices in Staines, but has been postponed for a short period. A new date has yet to be set.

The Department for Transport received some 1400 objections to the application, of which 965 related to issues related to level crossings in Runnymede. Following correspondence with the applicants, The DfT has declined to issue a Direction as requested under Recommendation ii) above. Information on the deficiencies in the application will be pursued with the applicants and, if necessary, raised at the public inquiry.

8. PETITIONS

To receive Petitions under Standing Order No 10.

9. QUESTIONS

To answer questions asked under Standing Order No 13.

10. RECOMMENDATIONS OF COMMITTEES

- (i) To consider the following recommendation from the Committee specified. The recommendation is set out in full in the appropriate set of Minutes attached to this Summons, commencing on the page/paragraph numbers shown:-

Corporate Management Committee – 29 October 2009

- a) Financial Forecast
(Page 342, para 357 - yellow pages. The Recommendation appears on page 346)
- (ii) To consider the following Recommendations from the Corporate Management Committee held on 26 November 2009. The Minutes of this meeting have not yet been finalised and therefore only the specific Recommendations are set out below for Members' consideration.

Detailed Officers' reports were provided on the relevant Agendas and Members may wish to bring these for reference.

Corporate Management Committee – 26 November 2009

- a) Costs of Public Inquiry – Padd Farm, Hurst Lane, Egham – Virement.

At its meeting on 28 October, the Planning Committee had been informed that the continuing work associated with enforcing planning controls at the Padd Farm, Hurst Lane, Egham site, including work required for the forthcoming enforcement notice appeals Public Inquiry in November 2009, had necessitated the use of extra planning consultants and the retention of two Barristers. In addition, considerable Officer time from both the Planning and Legal Services sections had been incurred in dealing with Padd Farm and the wider planning issues in the Hurst Lane area. These matters had required nearly all of the full-time employment hours of one Solicitor-post since Spring 2009, and, as a result it had been necessary to retain the services of a locum Solicitor, originally recruited to cover an existing vacancy in the Legal Section, for longer than would otherwise be the case. On-going liaison had also been essential with Surrey Police in respect of the alleged anti-social behaviour emanating from illegal planning uses at Padd Farm. Despite the engagement of consultants, it was still expected that considerable Officer time would be taken up by these matters up to and beyond the November 2009 Public Inquiry.

During the last financial year, the Padd Farm Inquiry had cost £37,000, part of which had been funded from existing budgets. It was anticipated that the money required to fund the Public Inquiry in 2009/10 would be in the region of £60,000. Both of these figures reflected the costs of external resources only and, thus, did not include the cost of internal staff resource either permanent or temporary. The total resource commitment, internal and external, adding 2008/9 to 2009/10, was thought to exceed £140,000. Whilst no formal budgetary provision had been made in this year's budget to fund the November Inquiry, £95,000 had been budgeted to cover the Trumps Farm Incinerator Inquiry, which was the Trumps Farm Public Inquiry (TFPI) provision. It was not clear how the Trumps Farm Incinerator Inquiry would proceed but it seemed likely that no action in respect of the Inquiry would take place during this financial year. The Committee had accordingly agreed to recommend that £60,000 of the TFPI provision be vired to meet the costs of the Padd Farm Inquiry. This meant that a further supplementary estimate might, however, be needed should the Trumps Farm Incinerator Inquiry proceed. No supplementary estimate or virement was currently being sought in respect of any extra in-house costs associated with the Padd Farm Inquiry which it was hoped could be met from other savings, but this remained to be verified.

The Corporate Management Committee agreed that, in the light of the above, it would be appropriate to recommend the virement of £60,000 from the TFPI provision to the Padd Farm Inquiry.

RECOMMEND that –

the anticipated cost of external advice and work for the Padd Farm Public Inquiry of £60,000 for this financial year be vired from the Trumps Farm Public Inquiry (TFPI) provision.

b) New Low Cost Home Ownership Scheme – Capital Estimate.

At its meeting on 5 November 2009, the Housing and Community Services Committee had received a report on the progress that had been made towards meeting the Council's Affordable Housing target. The Committee had agreed that a new Homebuy initiative should be progressed with Catalyst Housing Group, the new Zone Agents for the area. This initiative was aimed at first time buyers and those who could afford low cost home ownership. The Committee had agreed to recommend the approval of the capital estimate which would be necessary to allow this to happen.

It was now almost three years since the Council's original Affordable Housing target had been set and, using an average of 100 units a year, 300 units should have been provided to date. This was not currently the case and, although it was anticipated that 300 units would be provided by March 2010 there were few schemes emerging after that. There were other possible schemes involving sites in private ownership that had the potential to provide 299 units over the next 2 years but the achievement of these was not guaranteed. It was therefore necessary to look for other opportunities to try and provide more affordable units and address the potential shortfall in the target.

In the past, the Council had funded Thames Valley Housing Association to provide a shared ownership/Homebuy scheme for Runnymede residents. This scheme had worked well and over the period of 5 years from 2001 – 2006 it had enabled 320 households to be assisted. However, the scheme had been withdrawn when house prices had increased significantly and the Government had introduced its own Open Market Homebuy scheme. Unfortunately, the Government's scheme had recently been withdrawn. However, the reduction in house prices now meant that Homebuy and shared ownership schemes had become more affordable.

A new Zone Agent, Catalyst Housing Group, had been appointed in Surrey to market the low-cost home ownership products that existed within the area. Catalyst Housing Group would be prepared to match-fund a low-cost home ownership scheme to provide Open Market Homebuy in Runnymede. Catalyst proposed that if the Council were to commit £500,000 they would also similarly do so. The amount of properties this would secure would depend on the size of the Homebuy loan made to households but, working on a £50,000 loan, it would be possible to help 20 cases. It would also mean that there would be 20 additional units added to the Council's Affordable Housing target performance. Catalyst had also stated that they would return any grant paid to the Council in the event that properties were subsequently purchased or that tenants "staircased" to full ownership.

Whilst there was still a great deal of detail to be agreed for any proposed scheme, the Housing and Community Services Committee believed that this was a good means of increasing the affordable housing supply in the Borough. It also had the potential to improve the local economy by maintaining movement within the housing market. As this was an opportunity to secure funds from outside the Council to benefit less prosperous people, the Corporate Management Committee supported the commitment of the Council's provision for this project. However, it was understood that Zone Agents providing similar schemes in other areas had increased service charges to a level which had made their housing provision less affordable and it was agreed that Officers should be mindful of this possibility in drawing up the detail of the scheme, in order to seek to prevent this from occurring.

There was an uncommitted provision of £2.637 million in the Housing Capital Programme for new housing schemes. These funds represented sums that the Council had chosen not to pass to the Government under the housing capital receipt pooling rules. The Corporate Management Committee agreed to recommend that a

capital estimate of £500,000 be created from this provision to enable a new Open Market Homebuy scheme to be formulated with Catalyst Housing Group.

RECOMMEND that –

a capital estimate in the sum of £500,000 be approved for the new low cost home ownership scheme with Catalyst Housing Group, using the provision for new affordable housing contained within the Housing Capital Programme.

c) Calendar of Meetings 2010 – 2011.

The Committee considered the proposed Calendar of Meetings for the Municipal Year May 2010 – May 2011. For ease of reference, a diary schedule of the Committee dates was also submitted.

The schedule of meetings largely followed a well established pattern. A Training Day for newly elected Councillors had provisionally been scheduled for 10 May 2010. Corporate Management Committee would be meeting on Wednesday 30 June 2010 to comply with the approval deadline for the Statement of Accounts and an extra meeting of the Committee would be taking place on Thursday 29 July 2010 to reduce the gap between meetings of the Committee.

RECOMMEND that –

the Calendar of Meetings for the Municipal Year 2010 – 2011 be approved, as attached at Appendix ‘A’, and as set out in diary form at Appendix ‘B’.

11. SURREY LOCAL GOVERNMENT ASSOCIATION (SLGA) - NOMINATIONS

a) Active Surrey Sports Partnership

The SLGA had recently agreed to appoint a SLGA representative to the new Active Surrey Sports Partnership.

The Active Surrey Sports Partnership will comprise about 20 persons. They will be representing the various facets of sport and physical activity in Surrey and will include not only Sports Council representation, but also various voluntary organisations, governing bodies, sports officers, County and District/Borough Councillors, education, leisure providers, and the PCT. It is thought that the Partnership will advocate sports and physical activity in Surrey and represent the county at regional and national level. However, the remit, as well as the name of the Body, is to be considered at the forthcoming meetings.

Each SLGA representative shall be appointed for a period of three years. The first representative shall be appointed until Summer 2012, to bring it in line with the appointments to other outside bodies.

Council is asked to consider the nomination of one Member to sit on the Active Surrey Sports Partnership.

b) Surrey Climate Change Partnership Members' Group

The SLGA had recently agreed to establish a new Member-led group on climate change. This group will provide political leadership for work already taking place under the Surrey Climate Change Partnership and will facilitate joint working on the agreed strategy. It will also act as a political level advisory body for the SLGA and its member authorities on climate change.

It was agreed that the Surrey Climate Change Partnership Members' Group shall comprise one representative from each Borough and District, and up to three representatives from Surrey County Council.

Council is asked to appoint one Member to represent the Council on the Surrey Climate Change Partnership Members' Group.

12. PRESS AND PUBLIC TO BE EXCLUDED BY RESOLUTION

To move, if appropriate, the exclusion of the press and public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972.

13. COMMITTEE RECOMMENDATIONS - EXEMPT

To consider any recommendations which relate to exempt business.