

**Minutes of the Environment and Sustainability Committee
30 June 2021**

Present:

Councillor I.J. Beardsmore (Chairman)
Councillor O. Rybinski (Vice-Chairman)

Councillors:

J.T.F. Doran	N. Islam	R.J. Noble
T. Fidler	T. Lagden	J.R. Sexton
N.J. Gething	V.J. Leighton	V. Siva
K.M. Grant	S.C. Mooney	

Apologies: Councillors M. Gibson and J. McIlroy

In Attendance: Councillors C. Bateson

192/21 Declarations of Interest

There were none.

Cllr Gething joined at the beginning of this item.

193/21 Nominations for Development Sub-Committee

It was **resolved** that Councillors John Doran and Richard Smith-Ainsley were nominated by the Environment and Sustainability Committee for membership of the Development Sub-Committee.

The Committee's nominations, together with those from the Corporate Policy and Resources Committee to be considered and determined by Council at their meeting on 15 July 2021.

Reason for Decision:

To ensure nominations for a politically balanced Development Sub-Committee were made in accordance with the Constitution.

194/21 Introduction to the Environment and Sustainability Committee

Cllrs Lagden and Mooney joined the meeting.

Sandy Muirhead, Group Head of Commissioning and Transformation advised that the Committee's remit covered a wide range of areas which were outlined in the Terms of Reference, which was the next agenda item.

Sandy focused on some of the major issues facing the Committee, highlighting that one of those was climate change which weaved into all areas of work. Also mentioned was the River Thames Scheme, a plan to reduce the risk of flooding in the borough, the outline business case for which had recently been approved by the Government. This scheme would be added to the Forward Plan for the Committee's consideration in September.

In response to a question on what funding could be spent on and any limits, the Committee were advised that an issue would have to be within the remit of the Committee and the budget allocation for the year. Any additional funding required without a budget would need the approval of the Corporate Policy and Resources Committee and full Council for anything over £1m.

The Committee **resolved** to note the introduction.

195/21 Environment and Sustainability Committee - Terms of Reference

The Committee **resolved** to note the Terms of Reference.

196/21 Local Plan (revised Local Development Scheme timetable)

The Local Development Scheme (LDS) sets out the timetable for producing a new Local Plan. An update was required to reflect delays in the timetable as a result of the Covid-19 pandemic, new or updated policy and guidance and change in the political administration of Spelthorne Borough Council last year.

The Committee asked questions about the Local Plan timetable, and at what stage the Planning Inspector would raise queries or concerns about the content of the proposed Local Plan. Also, if there was a point when the policies in the emerging plan would begin to carry more weight in the decision-making process for planning applications.

In response, the Committee were advised that if the Inspector had any fundamental concerns, they would be flagged after the submission date but well in advance of the Examination to allow an opportunity to review any areas of concern. They were also advised that at the point of Reg.19, Public Consultation on Publication Local Plan, scheduled for February - March 2022, the policies in the emerging plan would begin to carry some weight; and the closer to the adoption date, the greater the weight placed on them.

It was observed that there was potentially a period where planning decisions would have to be made when emerging policies would only have limited weight. Heather Morgan, Group Head of Regeneration and Growth, acknowledged this was a valid point, but all local plans must go through the same process.

It was requested that reference to the Spelthorne Development Framework key dates for the adoption of the Spelthorne Development Framework be made clearer in the timetable.

It was noted that the proposed Local Plan Adoption date was after the next local election and officers were asked if the date could be brought forward. The Committee was advised that if it was possible to accelerate the process that would be done.

The Committee **resolved** to agree the publication of the updated Local Development Scheme.

Alternative options considered and rejected:

No other options were considered.

Reason for decision:

The LDS is a regulatory requirement so it must be maintained and it is not an option to decline to update it.

197/21 Formation of Strategic Planning Task Groups

Following the Council's change to a Committee system form of governance in May 2021, it was necessary for the task groups set up by the Leader under the previous system to be reconstituted.

The Committee considered the recommendations for each task group individually.

Although the report had recommended the Local Plan Task Group (LPTG) was reconstituted on the whole unchanged, the Chair proposed that membership of the LPTG was politically proportionate to allow input from all political groups. The Chair acknowledged that some previous LPTG members would feel disappointed that they did not have the opportunity to continue the work but believed it was a fairer selection method.

During discussion, the appointment of Chair and Vice Chair to each task group was raised and there was support for a proposal that each task group should have the opportunity to elect their own Chair and Vice Chair.

Surprise was expressed that the Mayor was able to be a member of a task group as that was a civic role, however whilst the constitution did not allow the

Mayor to be part of a Committee or Sub-Committee, there was nothing to prevent the Mayor being a member of a task group.

The Committee asked that brief confidential minutes of task group meetings were kept recording decisions as this had been a source of frustration previously to many. It was considered important that confidentiality was maintained whilst ensuring transparency and not stifling discussion in those meetings.

It was also proposed by the Chair that an external opinion on the Local Plan was sought from a suitably qualified consultant to ensure that all conceivable options for the Local Plan had been considered. This would allow a twin track approach where all possible avenues could be investigated to challenge the government plans and allocated housing figures whilst continuing with the timetabled Local Plan process to ensure there were no further delays and a Plan would be in place within the required timescale.

The proposal was well received generally, and discussion centred around the process to be followed and the Committee's involvement in the appointment and input to the issues to be considered to ensure there was no bias. It was acknowledged that time was of the essence and the appointment of an external consultant could not wait until the next Committee meeting in September.

The Committee resolved:

1. Local Plan Task Group

- a) That the Local Plan Task Group comprise of 16 members, politically proportioned consisting of the Chair and Vice Chair of the Environment and Sustainability Committee, the Chair of Planning and one member from each ward in the borough.
- b) To delegate authority to the Chief Executive in consultation with the Chair and Vice Chair of this Committee to agree the names of those ward members on the Local Plan Task Group.
- c) That the Chair and Vice Chair of the Task Group were elected by members of the Task Group at their first meeting.
- d) That brief minutes of decisions made by the Task Group were recorded and made available to all councillors on a confidential basis.

2. Staines Development Task Group

- a) That the Staines Development Task Group comprise of the Chair and Vice Chair of the Environment and Sustainability Committee, the Chair of Planning, Councillor J. Sexton as Staines resident, and all ward councillors for Staines, Staines South, and Riverside and Laleham.
- b) That the Chair and Vice Chair of the Task Group were elected by members of the Task Group at their first meeting.
- c) That brief minutes of decisions made by the Task Group were recorded and made available to all councillors on a confidential basis.

3. Community Infrastructure Levy Local Spending Boards

- a) That 5 CIL Local Spending Boards were created comprising all ward members from each locality.
- b) That the Chair of each CIL Local Spending Board was elected by the members of each respective Board.
- c) That the Committee recommend to the Spelthorne Joint Committee that the CIL Task Group includes the elected Chair of each Local Spending Board.

4. External Opinion on Local Plan

To require the Group Head for Regeneration and Growth, in consultation with the Chair and Vice Chair to seek an external opinion on the Local Plan options from a suitably qualified consultant. The Chair and Vice Chair would first seek Committee members' views on the issues they would like considered by the consultant and what should be contained in the person specification. Any contract awarded for this purpose not to exceed £10,000.

Alternative options considered and rejected:

To reconstitute the task groups in other ways.

Reasons for decision:

To ensure that all political groups and wards were represented in a fair and proportionate manner.

198/21 Outside Gym Proposal

In March 2021 the Spelthorne Joint Committee agreed to fund the purchase and installation of 10 outdoor gyms across the borough using Community Infrastructure Levy (CIL) funding.

As a result of this, the Committee considered a request from the Group Head of Neighbourhood Services to conduct a public consultation exercise to ensure that the opportunity was taken to engage with and listen to residents to endeavour to meet their needs in terms of outdoor gym activities in their local parks where possible.

Equipment previously installed in an Ashford park was well used by a range of age groups and whilst there had been some vandalism initially, this had significantly reduced, was petty and generally confined to where mobile phones could be plugged into the equipment to charge.

As funding approval had already been granted and in view of the health benefits to residents (especially in light of Covid-19), it was suggested that the project move directly to the procurement stage.

Jackie Taylor, Group Head of Neighbourhood Services, advised that this would speed up the process by approximately 3 months. Jackie also stated

that if anyone put forward specific concerns in the interim, she would be happy to discuss those with them.

The Committee **resolved** to authorise the Group Head of Neighbourhood Services to initiate a procurement exercise to purchase and install OGE equipment in locations considered by officers to be the most appropriate in parks as indicated in Appendix C to the report.

Alternative options considered and rejected:

To authorise the Group Head of Neighbourhood Services to initiate a public consultation exercise related to the installation of 10 outdoor gyms in parks across the borough.

Reason for decision:

The funding had already been agreed by the Spelthorne Joint Committee from the Community Infrastructure Levy scheme and a public consultation would delay the installation unnecessarily.

199/21 Climate Change Projects and Green Initiatives Fund

The Committee received a report from Sandy Muirhead, Group Head of Commissioning and Transformation, providing members with details of projects undertaken to date and indicating potential future projects to reduce carbon in Council operations and the wider community.

In response to a question regarding prioritisation of projects and how they would be monitored, the Committee were advised that this was partly covered by the next item, the setting up of a Climate Change Working Group, and would be included in the Forward Plan.

The Committee **resolved** to:

1. Note the report.
2. Agree the draft Environment and Sustainability Action Plan which sits within the wider draft Corporate Recovery Plan due to be considered by the Corporate Policy and Resources

Alternative options considered and rejected:

No alternative options were considered.

Reason for decision:

The Council has declared a Climate Emergency and needs to progress projects to further carbon reduction in line with Council policies and to move to a net zero position.

200/21 Climate Change Working Group and Terms of Reference

Following the change to a Committee system form of governance it was necessary for all task groups to be reconstituted. The former Climate Change Working Group had gathered information and started to focus on actions to reduce the borough's carbon footprint. However, it was acknowledged that it was a huge agenda and a specific focus for the working group might be beneficial.

Sandy Muirhead, Group Head of Commissioning and Transformation presented her report which proposed the working group was reconstituted to undertake an audit function on the Council's carbon reduction projects to ensure they were effective and to assess and evaluate initial ideas before they came to the Committee for wider discussion and consideration.

The Committee suggested seeking wider participation from other members who may have suitable skill sets and to have flexibility on the membership numbers. Cllr Leighton considered that interest, ability, and energy to participate was more important than political proportionality in this instance.

The Committee **resolved**:

1. To agree the setting up of a working group to focus on monitoring of actions towards carbon neutrality and to assess initial ideas on measures to address climate change before submission to the Environment and Sustainability Committee.
2. Sandy Muirhead, Group Head of Commissioning and Transformation to contact Group Leaders and ask for expressions of interest for any members interested in joining the group.
3. It was agreed to delegate authority to the Group Head of Commissioning and Transformation, in consultation with the Chair and Vice Chair to agree members of the working group.

Alternative options considered and rejected:

Not to set up a Climate Change Working Group. This would make it difficult to ensure there was a continued focus to achieve carbon reduction in the borough.

Reason for decision:

As climate change issues permeate all the Committee's remit in some form it was considered that a working group could play a role in managing the Council's approach to climate change.

201/21 Community Orchards

Sandy Muirhead, Group Head of Commissioning and Transformation provided a verbal report advising the Committee that there may be several proposals coming from areas within the borough for projects such as community

gardens and it would be necessary to find a mechanism for assessing these to ensure a fair and equitable process.

The Committee agreed it was important that a procedure was set up to ensure community bids were considered in a fair and transparent manner.

The Committee **resolved** to note the report and include the issue for consideration in the forward plan.

202/21 Forward Plan

The Committee noted that the Forward Plan was a living document and would be further updated with items arising from this evening and as they arose.

203/21 Training for E&S Committee Members

In view of the wide remit of the Committee's work, it was suggested it may be appropriate to arrange training opportunities for members to cover some of the areas covered. Members were also invited to suggest areas of interest.

The following topics were proposed:

- Climate Change
- Emergency Planning (for those who had been unable to attend the recent members' training)

Discussions were also taking place with external providers to provide training for Local Plan Task Group members.

The Committee **resolved** that training sessions should be arranged.

204/21 Exempt Business

Resolved to move 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, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006.

205/21 Part-Exempt Amendment to Specific Policies in the adopted 2009 Local Plan

The Committee considered a report regarding whether or not it was possible to amend specific policies in the adopted 2009 Local Plan to prevent developments over 6 storeys in Staines-upon-Thames.

Cabinet had on two occasions considered reports on the very significant consequences of halting all development in Staines-upon-Thames. On both occasions, members highlighted concerns about developments being brought forward in advance of the adoption of a new Local Plan and the Staines Development Framework. A particular issue was the proposed height, bulk, and massing of developments. Officer recommendations on both occasions were rejected, and a time limited Moratorium was put in place on virtually all Council developments in Staines-upon-Thames.

Expert legal advice had been sought on whether there was scope, legally, to change a limited number of policies in the adopted 2009 Local Plan to prevent development over 6 storeys in Staines upon Thames. This expert legal advice stated that to amend the Local Plan 2009, even for a single issue, would require compliance with the Local Plan Regulations 2012. A proposal to include a policy preventing development over 6 storeys would need to be supported by a proportionate evidence base and be subject to consultation and examination. For such a policy to be adopted soundness tests would need to be fulfilled. The external legal advice concluded that there was no likelihood that this policy would be considered sound by an inspector as one of the tests for soundness is compliance with national policy and the National Planning Policy Framework (NPPF) 2019 places an enhanced role of higher density in appropriate locations.

Cabinet had rejected the advice as they considered that residents' views should be taken into account and a wider debate was required, and referred it to this Committee for consideration with a request that it be deferred to Full Council.

Very clear advice had been given on the severe consequences of amending the Local Plan 2009 which were set out in the Extraordinary Cabinet report dated 25 January 2021 – adverse financial impact, less affordable housing, no Council developments, and risk to delivering housing numbers and the Local Plan.

It was agreed that every opportunity should be taken to ensure that all possible avenues were actively explored, and this message needed to be conveyed to residents. A twin track approach of challenging the government's housing figures in every possible way, whilst continuing with the current review of the Local Plan was considered the best option. Any further delay would jeopardise the Council's ability to control their own planning decisions, and there was a risk that Surrey County Council or the government would write our Local Plan for us.

The Chair advised that an Extraordinary meeting of the Environment and Sustainability Committee had been convened for 13 July to discuss the Local Plan Strategy.

It was acknowledged that some very difficult decisions which would likely prove unpopular with residents would need to be faced and whilst the

government's housing figures would be challenged, the success rate of other authorities was not encouraging. Furthermore, the pandemic would likely place more pressure on families. It was confirmed that currently just over 3,000 people were on the Council's housing register.

Concern was expressed that Staines was the focus for development and that the spread should be more evenly distributed across the borough. Equally a view was put forward that green belt had to be protected or it would be lost forever and that to place a limit of no more than 6 storeys in Staines was unreasonable.

It was felt beneficial for a second external expert opinion to be sought on whether it was possible to undertake a limited policy review, and that this should be undertaken by the external consultant agreed under item 6/21 – Formation of Strategic Task Groups.

Alternative options considered and rejected:

1. To reject the expert professional advice and agree that there should be a limited review of the relevant policies within the adopted Local Plan.
2. To refer the matter to the Corporate Policy and Resources Committee on 5 July 2021 for consideration.
3. To defer the matter to Council for consideration.

Resolved:

1. To note the advice received from Counsel at confidential Appendix 4.
2. That in the light of this advice to seek a second opinion of Counsel's advice, but to continue with the current process which has been underway for the past two years to revise the Local Plan in its entirety.
3. The Leader and Deputy Leader to write a strongly worded letter to Kwasi Kwarteng, the Constituency MP, expressing deep concern over the housing numbers allocation for the borough and extend an invitation to attend a meeting of the Committee to discuss the housing figures.