

**Minutes of the Environment and Sustainability Committee
9 November 2021**

Present:

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

Councillors:

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

Apologies: Councillors R.J. Noble

In Attendance: Councillors C. Bateson and M. Beecher

507 Minutes

The minutes of the meetings held on 14 September and 6 October 2021 were agreed a correct record.

508 Disclosures of Interest

There were none.

509 Questions from members of the Public

Three questions were received from members of the public in relation to agenda item 10, Updates from Task and Finish and/or Working Groups. Only two questions are admissible for each agenda item, furthermore one of the questions submitted was rejected by the Monitoring Officer as it did not fall within the remit of the Environment and Sustainability Committee.

Question 1 from Kath Sanders

"As Mr Nigel Rowe mentioned in Question 5 at the July Council meeting "The government has made it clear that infrastructure constraints should be taken into account when setting "a sustainable housing target" and work on this has not yet been done."

The answer to him and to several of my questions at the last full council meeting in July referenced the draft Infrastructure Delivery Plan (IDP) which residents have not had sight of. One reason for not publishing it seems to be that it was only draft and another that it was awaiting a Part 2. This has not precluded the publication of other draft reports in the Local Plan process or other reports where a Part 2 followed.

There seems to be no mention of the IDP in the minutes of the Environment & Sustainability Committee meeting on 14th September, I don't believe it was mentioned at the Extraordinary E&S Committee meeting last night (6th October) and it is not in the forward plan for the next meeting on the 9th November. The Local Plan Task Group does not publish minutes but, in the last verbal update to the E&S Committee meeting on 14th September, it was not mentioned either.

Please can you provide an update as to when the Infrastructure Delivery Plan will be made available to residents?"

Response from Cllr Beardsmore, Chair of Environment and Sustainability Committee:

"Work is continuing to develop the Infrastructure Delivery Plan in line with the proposed site allocations for the Consultation on the pre-Submission version of the Local Plan (Regulation 19) in 2022. This further work includes the Part 2 element which will consider individual sites in greater detail, in regard to their infrastructure requirements if any are identified. We Members feel our residents should see the full picture rather than seeing Part 1 ahead of the Part 2 element. To ensure that the IDP as a whole is a robust, evidence based document it is necessary to provide the most up-to-date information as a means of supporting the work on the new Local Plan. The IDP has previously been through two rounds of consultation with service providers and other key stakeholders to establish their needs in the context of the Borough's housing requirements and anticipated growth. These consultations have allowed the relevant providers to identify where additional services would be required however not all providers have identified needs as a result of the proposed growth.

The IDP, as a whole, will be published in advance of the Regulation 19 consultation, which the Council's Local development Scheme states is to be held in February and March 2022. Once published, the IDP will set out a clear picture of the Borough's infrastructure needs, following discussions with the providers, as well as relevant traffic modelling and other essential evidence to support the proposed site allocations. The Local Plan Task Group is still reviewing all the sites to consider which should be taken forward as allocations and until that work is complete we will not be able to finalise Part 2 of the IDP but Members are aware of the need to make these decisions so that we can stick to our timetable for next steps on the Local Plan. Once this work is complete and the IDP is ready for publication, it will be brought back to

the Local Plan Task Group and the Environment & Sustainability Committee prior to its public release.”

Question 2 from Nigel Rowe, OBE

“With persistent pressure from officers to press ahead with high-rise developments on several sites identified in the draft Staines Masterplan, has the Masterplan been validated in relation to the infrastructure it would require (highways and road access to the town, water supply and sewerage, schools and healthcare, etc)? If not, when will this work be completed such that a Planning Inspector will consider it sound?”

Response from Cllr Beardsmore, Chair of Environment and Sustainability Committee:

“The masterplan referred to is known as the Staines Development Framework but is not yet complete. It is a work in progress following the recent public consultation on Objectives and Options. The Staines Development Task Group, including all Staines ward members, is meeting frequently to develop the key issues the Framework will address. Infrastructure is obviously an important element to support growth in Staines but this is being considered through the Borough-wide Infrastructure Delivery Plan (IDP), although some particular aspects such as highways and sustainable travel will also feature in the Framework where there will be proposals and initiatives on these subjects. As we have advised previously, work on the IDP is cannot yet be completed until all the sites for allocation have been finalised and this is what the Local Plan Task Group have been discussing. We are making progress towards this and once we have all the sites agreed, we can complete the work on infrastructure requirements at a more detailed level on a site by site basis. This will include school place provision, healthcare, roads and utilities as well as recreation and social and community infrastructure. It is anticipated that the sites will be finalised in the coming weeks. The IDP is fundamental to the delivery of the Local Plan and the Staines Development Framework so it will be submitted to the Planning Inspectorate but as evidence to support those documents. Whilst it will undergo scrutiny, it is not a ‘policy’ document so it does not go through the same tests of soundness as development plan documents.”

510 Ward Issues

There were none.

511 Colne Valley Regional Park

The Committee considered a report proposing that Spelthorne Borough Council re-joined as a member of Colne Valley Regional Park (CVRP) through a formal agreement and that the subscription fee was funded by the Green Initiatives Fund through a formal bid at the next Committee meeting.

Staines Moor, other significant green spaces, and water reservoirs form part of the Colne Valley Regional Park and contribute to the borough's landscape and local biodiversity. Re-joining as members would allow a more co-ordinated approach to improvements and projects undertaken and complement the Local Plan.

One member specifically commented that they supported the proposal to re-join the CVRP but advised that it had been agreed by the Climate Change Working Group that a formal bidding procedure should be put in place for funding from the Green Initiatives Fund. As membership was not time pressured, he suggested approving the request to re-join CVRP with funding obtained from the Green Initiatives Fund should a bid be approved, or from another appropriate source if necessary.

Alternative options considered and rejected:

Not to join the CVRP, which would limit opportunities to fund schemes associated with improving Staines Moor and the River Ash.

The Committee **resolved** to agree to Spelthorne Borough Council re-joining as a member of the Colne Valley Regional Park through a formal agreement, funding to be provided from an appropriate source.

Reason for decision:

Parts of the Borough are located within the Colne Valley Regional Park. The Park provides funding to its members to carry out initiatives and projects aimed at improving the local natural environment. This can include biodiversity projects or initiatives aimed at improving green infrastructure networks in the Borough.

512 Housing Delivery Test Action Plan 2021

Spelthorne Borough Council is required by national government to produce a Housing Delivery Test Action Plan (HDTAP) because housing delivery for the previous three years fell below the minimum annual local housing need figure of 611 dwellings per annum, and currently stands at 50%. In addition to the requirement for an action plan, a 20% buffer will be applied to the housing requirements and a presumption in favour of development because the housing delivery for the past three years was less than 75%. The HDTAP sets out what actions have been taken and also future actions to address the issue.

The Planning Development Manager explained that the action plan did not play a role in deciding emerging issues in the local plan but looked at:

- The Council's corporate documents that affect housing delivery
- The issues, both nationally and locally, that had impacted on the target numbers not being achieved and analysis of these,
- Identified measures that could be taken to improve the situation. This included more pre-application discussions to ensure issues were

addressed early on, building relationships with developers, increased presentations to councillors for major developments and improvements to the planning section of the Council's website.

The Committee discussed the matter at length and asked a number of questions about the report. One member commented that some aspects of the plan were aspirational and, in relation to the housing numbers quoted for Staines, conflicted with the views of many Staines residents and ward members. It was noted that a number of other local authorities within Surrey had also fallen well below their expected housing number.

Whilst it was acknowledged that the Council's housing delivery fell short of the total required, members considered that the Council should not be willing to compromise important standards such as affordability and sustainability to meet housing numbers.

During the debate, the following amendments to the plan were suggested:

1. Paragraph 2.6 of the HDTAP should be amended to reflect that the Council have again challenged the target number set by national government.
2. The introduction should make clear that the HDTAP relates to planning development management rather than strategic planning and the local plan.
3. More information about the Community Infrastructure Levy (CIL) and how this interlinks with the wider infrastructure provision and the local plan.
4. In the section titled 'Challenges' it was suggested that this should be amended to reflect our commitment to increase the housing numbers, but not to compromise our standards on affordability, design standard and environmental factors, and aim to encourage developers to do the same.

Comments were also made about the need for diversity of housing, not just building flats. The Chair commented that the limited land available for development made this option unlikely unless green belt was released.

Another aspect raised by members was that the presumption in favour of development, as directed by central government, increased the potential number of planning appeals for local authorities with the lowest housing delivery statistics, such as the Council's. This could result in increased costs in the event of refusals and greater community conflict.

It was suggested that the narrative should be amended to reflect more strongly the need to consult with residents and take account of their views.

Members discussed the need to maximise brownfield sites and spread the housing more evenly across the borough. It was suggested that a consultant should be appointed to look at all brownfield sites and assess their suitability for housing to ensure impartiality in the decision-making process. However,

other members thought that the present arrangement where local councillors as part of the Local Plan Task Group looked at potential sites in their area and assessed their suitability was more appropriate due to their extensive knowledge of the locality. Officers confirmed that all areas had been closely scrutinised through the Local Plan Task Group to look at whether density could be increased bearing in mind the local character of each individual area.

It was suggested that there should be more transparency and the figures for all wards shared and height density for all areas made known. It was believed that the results were shared as part of the local plan process and it was then requested that they were recirculated to all. Members also requested that the bi-monthly figures for housing sites were circulated to the Committee as and when they became available.

In response to a question about the use of compulsory purchase orders, the Principal Solicitor advised that these were usually used as a last resort to encourage discussion and there were requirements to be met before this power could be used.

It was considered important that the HDTAP was agreed and published on the Council's website as soon as possible and before the planning inquiry scheduled for later this month commenced as it would demonstrate the Council's commitment to tackling the shortfall in housing delivery.

The Planning Development Manager confirmed that the HDTAP would be updated next year and when adding it to the forward plan, time would be factored in to allow it to be strengthened.

The Committee **resolved** to:

1. Approve the Housing Delivery Test Plan subject to the changes outlined during discussion of this item.
2. Delegate authority to the Planning Development Manager to approve the changes in consultation with the Chair and Vice Chair of the Environment and Sustainability Committee.
3. Publish the agreed final version of the Housing Delivery Test Plan on the Council's website.

513 Outdoor Gym Equipment

The Group Head of Neighbourhood Services presented a report requesting that the appointment of a contractor to install outdoor gym equipment was delegated to herself in consultation with the Chair and Vice Chair of the Committee. Tenders received from the procurement exercise were being evaluated, however due to the detail and complexity of the evaluation process it was taking longer than anticipated. To wait until the next Committee meeting for a decision to be made would result in a delay in ordering and installing equipment and potentially increased costs.

Alternative options considered and rejected:

Do not agree to the delegation and submit a report to the Environment and Sustainability Committee in January 2022 for a final decision.

It was **resolved** to:

- A. Delegate the appointment of the contractor to the Group Head of Neighbourhood Services in consultation with the Chair and Vice Chair of the Environment and Sustainability Committee.
- B. Authorise the Head of Corporate Governance to complete any legal documentation necessary to implement the new contract.

Reason for decision:

The procurement exercise had been undertaken and the tenders evaluated. Due to the timing of the committee cycles the report would not be available for until January 2022. Delegating the appointment of the contractor will prevent a potential delay to the installation dates.

514 Revenue Monitoring Q2 (July - Sept 2021)

The revenue monitoring report covered the period to the end of September 2021. There were three main changes from the previous report:

- a) Firstly, a saving of £49k in respect of the annual contribution to the River Thames Flood Scheme,
- b) Secondly, two variances for Development Control from an underspend to an overspend of £154k based on projection that before the financial year end legal costs may be incurred related to appeals.
- c) Thirdly, income over-recovery relating to planning performance agreements had increased to £94k.

It was commented that although there had been an overspend in respect of refuse collection, it was important to maintain the level of service provided.

The Committee **resolved** to note report.

515 Capital Monitoring Q2 (July - Sept 2021)

The report covered the period to September 2021. There was little change and the projected overspend of £82k related to the Laleham Park upgrade which was reported at the last Committee meeting.

Concern was expressed that whilst the Committee was expected to note the report, there were some contributing factors related to project monitoring that were not presented alongside the report. The Group Head of Commissioning and Transformation advised that following the change to the Committee system, it was necessary to make changes to the project management reporting process. A significant amount of work was required to do this but it was progressing.

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

516 Updates from Task and Finish and/or Working Groups

The following updates were provided:

Local Plan Task Group

“The group has been meeting frequently throughout October to discuss the draft policies and allocations. The site allocation discussions follow meetings held with landowners and agents to obtain further information and to put forward queries raised by Members of the group, plus a review of highway issues by Surrey County Council.

The group has also discussed potential sites for gypsies and travellers, which are now undergoing further assessment by officers. It is hoped that the draft policies and allocations can be finalised by the end of November. This will allow important work on the Infrastructure Delivery Plan and traffic modelling to be completed.”

Staines Development Task Group

“The group has met to consider next steps for the Staines Development Framework in light of the consultation responses and have viewed a draft structure of the document. They are starting to consider key issues such as townscape, including building heights and massing. Future meetings will cover transport and parking, public realm and amenity space. The group has also agreed a summary of the consultation responses that will be published alongside the full document.”

Community Infrastructure Levy (CIL) Task Group

“The CIL Task Group met on 30 September to discuss a number of Strategic Bids. Two bids were from the CCG proposing reconfigurations and refurbishments works to the Staines and Sunbury Health Centres to increase capacity. The third bid was from Surrey Education towards the expansion of Bishop Wand School. The outcome of the meeting was as follows –

- £400,000 Strategic CIL toward the expansion of Bishop Wand to be recommended to the Joint Committee for approval
- £71,760 Strategic CIL towards the reconfiguration of Staines Health Centre to create two new clinical rooms to be recommended to the Joint Committee for approval

The Spelthorne Joint Committee, as the final decision maker for Strategic CIL spend, will be presented with the above schemes at their meeting on 22 November. The Strategic bid for the refurbishment of Sunbury Health Centre is not being recommended at this time. Further information is required from the CCG, and once received the bid will be reconsidered at a subsequent Task Group meeting.”

In response to questions raised about the recommendations and the varying amounts of money, the Committee was advised that the submitted requests

had been considered by local CIL task groups in detail. Further details would be available when a report was submitted to the Spelthorne Joint Committee for consideration and decision and it was not considered appropriate to debate the issue or share information at this stage.

Climate Change Working Group

The group had held their first meeting on 13 October. Another meeting was to be held shortly when it was anticipated that a Chairman would be appointed.

They had received details of activities and work done to date and also suggested items to go forward.

The Committee resolved to note the updates provided.

517 Forward Plan

A verbal update on the site investigation was to be added for January 2022 as agreed earlier. The recovery action plan would also be included as a standard item for future meetings.

One member of the committee proposed that the following items were also added to the Committee's forward plan:

1. A project management report to be considered alongside the capital monitoring report as a standard item
2. Finalise bidding process for Green Initiatives Fund and other Climate Change Working Group actions.

It was resolved to note the forward plan subject to the additional items above.

518 Urgent business

A petition had been presented to Council on 14 October 2021 when it was agreed to refer it to the Environment and Sustainability Committee for consideration.

The petition had not been included in the published agenda but added as urgent business as it could not wait until the next meeting in January 2022. The Local Plan Task Group (LPTG) and Staines Development Task Group (SDTG) were currently assessing this as part of their work in the coming months. The Chair of the Committee suggested that the most appropriate course of action was for the petition to be considered by those task groups when meeting to progress the Local Plan and Staines Development Framework.

The Chair of the SDTG confirmed that the petition and the issues raised in it were in the forefront of the minds of those on the task group and would be borne in mind.

A question was asked regarding adoption of the petition and the Committee was informed by the Principal Solicitor that the advice circulated at the time of the Council meeting still stood and that it would not be lawful for the Council to do so. The most appropriate process would be for the task groups to consider the petition when doing their work and then report back to Environment and Sustainability Committee with their recommendations for consideration.

The view was put forward that it was only fair for the housing target to be more evenly distributed across the borough, not predominantly in Staines and only an independent consultant could fairly facilitate this. Furthermore, at a recent meeting Staines councillors had agreed that they would not support any development in the Staines conversation and riverside area of more than 5 or 6 storeys.

The Group Head of Regeneration and Growth advised that from an officer perspective, the most appropriate way to deal with this would be for the SDTG to consider and discuss the matter fully and reach a stage where they were in agreement on the recommendations to be made. The SDTG would then meet jointly with the LPTG to discuss the recommendations they were putting forward. The LPTG would then consider those proposals before making a final recommendation to the Environment and Sustainability Committee for their consideration.

It was recognised that difficult decisions had to be made and that Staines town as the focal point for the borough needed to be the best design possible to maximise economic and residential opportunities. All Staines councillors were members of the SDTG, and every ward was represented in the LPTG which was as politically proportionate as possible to ensure fair representation. Officers advised that the relevant task groups were holding regular meetings and councillors were challenging and questioning all aspects of their work.

A question was asked as to whether the outline planning permission granted in 2008 for the waterfront site still stood and therefore subsequent planning applications could exercise that permission. The Chair believed, but could not confirm, that the last full permission had expired in January, and it could be argued that it no longer applied. The Planning Development Manager advised that as it had expired it made it less material than if it was extant.

It was suggested to the committee that the number of signatures on the petition gave a clear indication of the depth of feeling of residents and the message conveyed should be taken into account. It was important that the matter should be resolved as quickly as possible but must follow a legal process, and members asked how long it was anticipated that would take. The Group Head of Regeneration and Growth advised that officers were still anticipating that a draft version of the Staines Development Framework was expected around March 2022 (in line with the Local Development Scheme). At Regulation 19 stage, the draft framework starts to carry very limited weight, and this gradually increases until full weight is applied once adopted in September 2023. Officers advised that frequent task group meetings were

being held, sometimes twice weekly, to try to accelerate matters and the Group Head undertook to speak to the Strategic Planning team and circulate key timelines to Committee members.

It was suggested that an invitation should be extended to the local MP, Kwasi Kwarteng, to meet the Committee and answer questions on this issue. The Chair advised that the Leader of the Council had drafted a letter to the local MP but was not sure of the present position regarding this. The Deputy Leader agreed to follow this up with the Leader and advise members.

A Vision for the Borough was currently in draft format, having been put together by councillors during three workshops and this had been given to officers for comment. The Vision was to be discussed by the LPTG this week. The Group Head advised members that officers had voiced concern about three elements, namely height of buildings, green belt and seeking to tie in the Council as landowner to do certain things. These were to be raised with the Leader and Deputy Leader before being circulated to councillors and the Committee was advised that it may be necessary to seek Counsel's Opinion.

One member raised a number of issues including whether other councils had included height restrictions in their local plan vision and questioned why it was an issue for this Council. Officers asked that a copy of the relevant vision mentioned was sent to them. The view of officers was that the vision was required to go through a process, with the most effective and proper way being through the local plan process. Legal advice had stated that we could not apply a blanket height provision across the borough, but it was possible to apply through a nuanced approach taking into account the individual nature and character of each area. This was currently being done by the Staines Development Task Group.

It was stated that a blanket approach was not being sought, but one that was pertinent to a specific area in Staines and referred to alternative legal advice which they were aware of. With regard to a fairer distribution of housing across the borough, it was suggested that either an independent consultant was appointed, or councillors collectively made a decision, as that councillor felt the groups were divisive and the situation unfair.

The Group Head for Regeneration and Growth explained the local plan process that was being followed and the Council could not retrospectively link a new height restriction policy to the old adopted Local Plan. The best method was to follow the local plan process and the LPTG and SDTG would meet to discuss and debate the options before the LPTG finally made a recommendation to the Environment and Sustainability Committee. It was important that the plan was as sound and robust as possible which would stand up to examination by the Planning Inspectorate.

The Chair commented that the Council was constrained by central government and no councillor would want to build high storey buildings through choice.

Depending on the decisions made, it may be necessary to consider the release of green belt in order to obtain the housing numbers required. The depth of feeling of members was acknowledged, that it was a very difficult process for all, and there would undoubtedly be some uncomfortable decisions to be made.

Some members questioned where the impetus of the petition was going and felt it was important to follow the proper agreed process. Councillors were aware that they were required to make some unpalatable decisions but recognised and would take account of the different nature and character of areas of each ward and they were able to make informed decisions keeping in mind the best interests of the borough as a whole.

It was **resolved** to refer the petition “Prevent tower-block developments in the Staines Conservation Area or overlooking the riverfront and spread the planning housing growth target more evenly across the borough” to the Local Plan Task Group and Staines Development Task Group for further consideration and reported back to the Committee.