

**Minutes of the Environment and Sustainability Committee  
8 March 2022**

**Present:**

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

Councillors:

T. Fidler	T. Lagden	J.R. Sexton
N.J. Gething	V.J. Leighton	V. Siva
K.M. Grant	R.J. Noble	

**Substitutions:** There were none.

**Apologies:** Councillors J.T.F. Doran, M. Gibson and S.C. Mooney

**In Attendance:** Councillors C. Bateson, M. Beecher and L. E. Nichols

**17/22 Minutes**

The minutes of the meeting held on 18 January 2022 were agreed as a correct record.

**18/22 Disclosures of Interest**

There were none.

**19/22 Questions from members of the public**

Three questions were received from members of the public:

**Question 1 - Kath Sanders:**

“Please could you let residents know when they can expect an update regarding the Local Green Space consultation which took place at the end of last year.

If the work has been completed, please could you also say whether there is a proposed increase or decrease in Local Green Space (in total area) versus the area covered by land previously designated as Protected Urban Open Space and what the total area is proposed to be which is designated as LGS.”

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

“The Local Plan Task Group reviewed the proposed designations for Local Green Space at a meeting on 27 January 2022. Officers have since been working on incorporating comments from the meeting into the draft proposals to send back to the Task Group for its agreement to proceed as part of the Local Plan. As such, it is not yet complete and I am unable to advise at this stage on the difference between the land area to be designated as Local Green Space and that under the existing Protected Urban Open Space designation. It has to be remembered that LGS is a national standard and any space incorporated into it must have met those national criteria.”

**Question 2 – Nigel Rowe, OBE**

“The Environment & Sustainability Committee response to the draft Surrey 2050 Place Ambition includes a paragraph on ‘Community Engagement’ with the very welcome specific reference to “the need to work effectively with local communities both in bringing this Place Ambition forward and in its delivery”.

Arising from this:

- a) Can we please be assured that Spelthorne Borough Council intends to consult with residents on key issues before decisions are taken rather than as a post-decision presentation of a fait accompli?
- b) Is it the Committee’s intention to consult with residents on other major elements of the Staines Development Framework and related Infrastructure Development Framework before rather than after decisions have been taken?”

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

“It is currently understood that there will be a further round of consultation on any revised draft (but this is subject to formal agreement by the Surrey Futures Board at a future meeting). There is currently no date that the Council are aware of. However, the webpage will be updated with information when it becomes publicly available.

Assuming this second round of consultation does happen, the intention is that the Borough Council will consult with residents in the same way as it did for the current draft.

As stated at E&S Committee on 18 January 2022, the Council will put a report back to committee for councillors to decide whether they wish to formally endorse/sign up to the final document. On the point of ‘fait accompli’ it was made clear at the E&S committee meeting and in a detailed note which is on the Council website that the Place Ambition is pulling together work that is being done by the districts and boroughs across the County. It sits with us as Spelthorne to implement any actions and to challenge if we do not agree with any elements.

With reference to the Staines Development Framework, the Environment & Sustainability Committee will be asked to agree to publish both the draft Local Plan and the draft Staines Development Framework for public consultation. This meeting is currently scheduled for 26 April 2022. The Local Plan will then be at the 'Regulation 19' stage, which means comments from the consultation will be submitted with the draft plan for consideration by the Planning Inspector and will be addressed through the examination process, including potential for those who made comments to speak at the public hearings. The Staines Development Framework, as a supplementary planning document, does not have a formal Regulation 19 stage but will be submitted with the Local Plan as the two are intrinsically linked. There will be the opportunity for amendments to be made to the draft Framework prior to submission. Following examination and if the Inspector agrees the documents are 'sound' and comply with national policy, the Council will then decide whether or not to adopt the Local Plan and the Staines Development Framework.

With regard to the Infrastructure Delivery Plan, the draft Infrastructure Delivery Plan was due for consideration by the Local Plan Task Group at the end of February but officers were still awaiting some data from healthcare and education providers. The meeting has therefore been rescheduled to later in March when we are confident we will have received it. It will not be presented as a fait accompli but it is important to stress this is evidence rather than policy as it is for the infrastructure providers to inform us of their additional needs over the plan period to accommodate housing growth, although we do scrutinise their assumptions and are provided with the mechanisms they have used to calculate these needs. The IDP will form part of the evidence base to support the Local Plan so it will be available to view as part of the Regulation 19 consultation and comments will be welcome from those who wish to make representations on it as part of that process."

### **Question 3 – Nigel Rowe, OBE**

"Reference Agenda item 15 (Staines Development Framework Task Group): Residents in Staines had been greatly encouraged to learn of the intention to introduce zoning arrangements to limit the height of new developments in sensitive areas (eg the riverfront, Conservation Area, and immediately adjacent to existing residential areas). We note with some alarm that you will discuss on 8 March the possibility of allowing exceptions to this for schemes "that deliver significant benefits". The Riverside Car Park is mentioned in this context. Can you please

- a) explain how you define "significant benefits",
- b) indicate what other sites may be similarly affected, and
- c) indicate whether you plan to consult with residents before deciding which sites will be affected?

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

"These issues are still under discussion as the Framework progresses to the draft stage of its production. The draft will then be the subject of a public

consultation alongside the Local Plan, where the zoning proposals will be included for members of the public and stakeholders to comment on. This feedback will then inform the final submission version of the Framework. It is common for exceptions to policies to be made where benefits outweigh the harm, such as for development in the Green Belt, even when such an exception is not directly expressed in the policy. By including reference to exceptions, it would allow the Council to give examples of what could constitute 'significant benefits' to aid developers and decision-makers, although each application would be considered on its merits as the planning system requires."

## **20/22 Ward Issues**

There were none.

## **21/22 Planning Development Management Performance Report**

The Committee considered a review of the performance of the Planning Development Management (PDM) service for the past year. The government assess Local Planning Authorities (LPA) performance on the speed at which planning applications are processed and the quality of decision. This applies to both major (10+ dwellings) and non-major developments.

The Planning Development Manager highlighted that Spelthorne's performance had exceeded Government targets despite an increasing workload. However, there was a risk that the Council's performance in respect of the quality of decision making for major developments would come under close scrutiny and, depending on the outcome of existing appeals, the LPA could be at risk of 'designation' for major developments next year. If the Secretary of State decided to make a designation in respect of Spelthorne, then applicants would have an option to ask for the Planning Inspectorate as opposed to the Local Planning Authority to determine any applications within the designated category.

Councillors voiced concern that the government were increasingly placing demands on LPAs which limited their ability to make unhampered decisions. The Planning Development Manager advised that it was imperative that sound reasons were given for refusal of a planning application so that it could be robustly defended upon appeal. Training for members on this was scheduled for next week.

It was stressed that it was important to have an up to date local plan in place as the current local plan is out of date in some respects and planning law states that applications for planning permission must be determined in accordance with an up to date development plan. This would be the LPA's strongest form of defence.

Questions were asked about how much revenue was generated through the new homes bonus and planning applications and the costs of defending

appeals. The information was not available to hand but the Planning Development Manager undertook to gather the information and circulate it to members.

The Committee thanked the Planning Development Manager for her detailed report.

**Alternative options considered and rejected:**

None.

**Resolved:**

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

**22/22 Green Initiatives Fund proposals**

The Committee considered a report proposing funding following the Green Initiatives Fund applications process. Many of the applications had been brought to the attention of the Committee at previous meetings, and all had been considered by the Climate Change Working Group and were recommended to the Committee for approval:

The applications were:

- Colne Valley Partnership membership – this was previously considered by the Committee at their meeting on 9 November 2021.
- Funding for the salary of a Climate Change Officer for 2022/23 – it was confirmed that a growth bid would be placed for this to become a permanent role
- APSE Membership
- APSE Energy Audits for the Council's Depot, Nursery and Knowle Green offices
- Local Cycling Walking Infrastructure Plan (LCWIP)
- Provision of 2 e-scooters for the Council's parking services team – the expected battery life and cost of replacement was not readily available and would need to be communicated to members. One member questioned if any fuel saving for the parking services team could be apportioned back to the Green Initiatives Fund, whilst this was considered a good idea in principle, it was likely that the work involved would not make the proposition worthwhile.
- Funding an external trainer to provide Carbon Literacy training for staff – it was suggested that this would be for 24 staff initially. The intention was to try to include a member from each team who would then become champions of change and cascade information down to other staff, embedding environment and sustainability in all strategies and everyday life.

It was also proposed that the Green Initiatives Fund application form would be placed on the grants section of the Council's website and publicised to enable

the community to submit applications in the future. Members were supportive of this approach.

**Alternative options considered and rejected:**

To refuse the applications

**Resolved:**

To note and agree the funding proposals for the Green Initiatives Fund

**Reason for decision:**

The Green Initiatives Fund supports projects aiming to reduce the impact of climate change in the Borough.

**23/22 Electric Vehicle Procurement Opportunity**

The Group Head for Commissioning and Transformation provided brief details of the proposal by Surrey County Council (SCC) for a procurement framework with SCC and other district and borough authorities for the provision of electric vehicle charging points and sought the Committee's agreement to officers progressing discussions about this.

It was confirmed that there was no financial cost at this stage.

One member suggested it might be appropriate to also engage with neighbouring London boroughs.

A question was raised about whether improper parking in an electric vehicle spot could be made an enforceable offence. The Group Head of Corporate Governance advised that if the parking space was on the highway then it would fall under Surrey County Council's traffic orders, if it was on Spelthorne Borough Council's land then the Council could look to include this in a parking order. Councillor Sexton undertook to raise this at County level.

**Alternative options considered and rejected:**

Decline to join discussions.

**Resolved:**

That officers continue discussions and report back to the Committee with a recommendation once more details are available.

**Reason for decision:**

To enable officers to make a detailed assessment of the proposals and provide more information to the Committee for consideration.

## **24/22 River Thames Scheme - Service Level Agreements (SLAs)**

The River Thames Scheme, designed to reduce the risk of flooding to communities in Surrey and South West London, was progressing. As part of the process it was necessary for the participating four authorities to agree two Service Level Agreements (SLA):

- An SLA between the four key authorities and the applicant which covered the funding mechanisms for an independent consultant to assist the local authority planning teams in assessing the information required for the Development Consent Order (DCO).
- An inter-authority SLA between Runnymede Borough Council (RBC) as the co-ordinating authority and the other 3 key authorities allowing RBC to act on their behalf to manage the independent consultant.

The SLAs were being drawn up, and almost complete. It was important to progress the SLAs in order to minimise any delay to the scheme and the Committee was asked to delegate authority for the sign-off of the SLAs to the Group Head Commissioning and Transformation in consultation with the Chair of the Environment and Sustainability Committee.

A councillors' briefing had been held on 16 February 2022 which was modelled on the presentation given to Surrey County Council members.

### **Alternative options considered and rejected:**

Not to sign the SLAs which would limit the Council's influence on ensuring the scheme was developed to meet our residents' needs.

The Committee **resolved** to:

1. Agree to the River Thames Scheme Service Level Agreements in principle.
2. Delegated the signing of the finalised Service Level Agreements to the Group Head Commissioning and Transformation in consultation with the Chairman of the Environment and Sustainability Committee.

### **Reason for decision:**

The SLA agreements need to be signed off as soon as possible so work can progress on the DCO process to meet planned timetables.

## **25/22 Report on request for site investigation of land to rear of Thames Side**

The Committee considered a report from the Principal Solicitor and accompanying Counsel's advice, which was attached at Appendix 1 to the report, regarding the request for a site investigation to be carried out of land to the rear of Thameside.

Counsel had reviewed the actions taken by the Council to date and their powers under Part 2A of the Environmental Protection Act and advised that in the light of the studies carried out to date and the evidence previously provided at the time of the inquest, there was no justification for further investigative work to be undertaken and any such action would be unlawful unless new evidence came to light and was considered in line with statutory guidance..

Sympathy for the family of Zane Gbangbola was expressed and disappointment that those who had made claims of new evidence were not prepared to give their names or provide further details to substantiate those claims.

Officers were thanked for their work and the Chair expressed the hope that other agencies or bodies who were able to take the matter further did so.

The Committee **resolved**:

1. To note the written legal advice to the Council regarding the use of powers under the Contaminated Land Act 2006 and the Part 2A jurisdiction; and
2. To note no further action may be taken as it may be unlawful, unless new evidence comes to light, and is considered in accordance with the Statutory Guidance.

### **26/22 Capital Monitoring Report Q3 (Oct-Dec 2021)**

The Chief Accountant advised of two minor corrections to the report:

- The report was scheduled to go to Corporate Policy and Resources Committee on 14 March 2022 and not 29 November 2021 as stated.
- The report referred to a current level of underspend which should be overspend.

The report covered the period to December 2021. The Chief Accountant reported no change to the projected overspend as reported at the last Committee meeting. The overspend predominantly related to the Laleham Park project and the approval of Development Sub-Committee was required to agree to that outturn.

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

### **27/22 Revenue Monitoring Report Q3 (Oct-Dec 2021)**

The revenue monitoring report covered the period to the end of December 2021. The Chief Accountant advised that when looking at the report it should be borne in mind that the figures in brackets were positives.

The key matters to note in the report were the £243k underspend on costs and £175k over-recovery of income for costs of services making a £418k underspend/over-recovery of income. This was mainly due to planning



development who had a productive year in terms of income and overspend. There was an underspend in respect of the Local Plan and this was being carried over into the next financial year.

The Chief Accountant advised he would provide a written response to a question asking what the planning development control income related to.

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

### **28/22 Project management report**

The Group Head Commissioning and Transformation presented the project management summary document. There was only one 'green' project on the list at present but this would increase as further projects came forward. Further enhancements to the reporting process were planned to make it easier for officers to complete the documents and a stricter gateway for project approval at various stages. An electronic version was being built but there were some manual processes at present.

A councillor commented that it would be useful to see the projects as an overall collective.

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

### **29/22 Recovery Action Plan update - E&S**

The Committee **resolved** to note the updated Recovery Action Plan.

### **30/22 Updates from Task and Working Groups**

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

### **31/22 Forward Plan**

The Committee **resolved** to note the forward plan subject to further information being provided to members regarding the date of the proposed Extraordinary meeting to consider the draft Local Plan for consultation and the comments made about future Committee meetings.

### **32/22 Urgent business**

There was none.