

Runnymede Borough CouncilPLANNING COMMITTEE26 February 2008 at 7.30 pm

Members of the
Committee present: Councillors G.B. Woodger (Chairman), D.W. Parr (Vice-Chairman), J.R. Ashmore,
Mrs F.J. Barden, J. Broadhead, Mrs P.I. Broadhead, R.J. Edis, J.M. Edwards,
J.R. Furey, Mrs E. Gill, C. Knight, Mrs Y.P. Lay, and P.B. Tuley

Members of the
Committee absent: Councillors Mrs F.M. Angell and M.T. Kusneraitis.

Councillor Mrs L.M. Gillham also attended.

538. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the changes listed below made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

Group requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor Mrs J. Norman	Councillor R.J. Edis
Conservative	Councillor Mrs M.J. Roberts	Councillor Mrs P.I. Broadhead

The Chief Executive had given effect to those wishes in accordance with Section 16(2) of the Local Government & Housing Act 1989.

539. MINUTES

The Minutes of the meeting of the Committee held on 30 January 2008 were approved and signed as a correct record.

540. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs F.M. Angell.

541. SURREY WASTE PLAN UPDATE

The Committee was informed of the Inspector's report arising from the Examination in Public of the Surrey Waste Plan and the main recommendations contained therein.

The Inspector's overall conclusion was that the Plan was 'sound'. It was noted that Surrey County Council was only able to adopt the Plan in accordance with the Inspector's recommendations. However, the Plan remained unadopted at present owing to a difference of opinion between Surrey County Council and the Inspector over the inclusion of waste plant sites at Martyrs Lane and Wisley and their impacts on designated nature sites. Surrey County Council had sought Counsel's opinion on this matter.

At the Examination in Public, Surrey County Council had been criticised about the general nature of the Waste Plan in that a range of potential sites were identified but not ranked in any order of preference and each was identified for a wide range of waste related development from composting,

recycling to incineration. SCC argued that this was to allow flexibility and not to preclude new technologies nor constrain the waste industry bringing forward solutions.

Against this, it had been argued that specific proposals for preferred sites would have allowed more certainty and greater depth of analysis, especially in relation to environmental impact. Many participants were cynical of this approach as Surrey County Council as waste disposal authority (rather than as waste planning authority) had publicly declared a preference for incineration for residual waste disposal on two sites, Capel near Dorking and land adjacent to Trumps Farm, Longcross. In addition to this, SITA (the parent company of Surrey Waste Management who were SCC's waste disposal contractor) had already consulted the public about a proposed incinerator at Capel and publicly declared that they were preparing a planning application for a similar development at the Longcross site.

The Inspector had accepted SCC's approach and in his own report made numerous references to the need to properly assess the environmental impacts of specific proposals at the project (planning application) stage. There were particular concerns that neither SCC nor the Inspector had adequately addressed the requirements of legislation, leaving sites designated in the plan as having potential for waste related development, when a more thorough assessment may have precluded them at the plan stage. Two of the sites had been assessed by SCC as being unsuitable for incineration, but the Inspector disagreed with this.

The plan identified two sites in Runnymede for waste related development – land adjacent to Trumps Farm, Kitsmead Lane, Longcross and the former composting site in Lyne Lane, Lyne. Both sites were identified for a range of facilities but only the Longcross site for incineration. It was recognised that the Lyne site was prominent and recommended only for small scale facilities. As both sites were within the Green Belt, special circumstances would have to apply to allow their development.

In examining the Surrey County Council owned Longcross site, the Inspector considered that the most significant feature of the site was its availability. This might be a very special circumstance but only in context of timing and need.

The Council had challenged the other reasons for its inclusion which were based on its current poor condition and its location. It was of particular concern that despite reservations and the failure to identify any special circumstances in respect of the Longcross site, the Inspector had retained it as an allocated site, again, leaving this matter to be determined at the planning application stage.

Counsel's initial opinion had been obtained in relation to the Inspector's approach and that of SCC. Counsel had advised that although there were problems with both the Inspector's conclusions and the SCC approach on Green Belt issues, Runnymede should await the SCC decision on whether to adopt the Inspector's recommendations or seek the intervention of the Secretary of State to amend the recommendations. Officers were awaiting Counsel's final opinion and would therefore report back to the Committee for further instructions as regards possible judicial review in due course.

The former composting site at Lyne Lane, Lyne was identified in the draft plan for waste related activity as, at the time, it was in use for that purpose. Runnymede had not objected to its inclusion for those reasons. However, by the time of the Examination, the temporary composting use had ceased, the buildings and hardstanding removed and the site had been restored as open land. Whilst the potential uses of the site were considered limited, the Inspector felt that there was a "realistic prospect" that very special circumstances could be shown.

Officers would bring forward further reports to keep Members informed of progress in this matter.

RESOLVED that –

following receipt of Counsel's opinion, consideration be given to a challenge by way of judicial review at the relevant stage of the process.

542. LOCAL DEVELOPMENT FRAMEWORK – CORE STRATEGY ISSUES AND OPTIONS STAGE

The Committee was informed about the Issues and Options stage of producing the LDF Core Strategy (IOP).

The Issues and Options stage was the first stage when the views of the public would be sought on the LDF - Core Strategy. It presented the evidence that had been assembled, identified the planning issues that affected the Borough; and presented the broad policy and implementation options that might be available to the Council, to the community and to partners to address those issues. The public would be asked in a consultation to begin in April/May 2008 which of the issues that had been identified, in the various Issues and Options Papers (IOPs) to be considered later at this meeting, were important to them, and which of the options they would prefer to be pursued in the Core Strategy and in the Sustainable Community Strategy.

Officers had spent the last 6 months gathering evidence and assembling it, and drafting the Issues and Options papers. Assembled evidence would include documents such as the Strategic Flood Risk Assessment (SFRA - to be considered at a future Planning Committee) the Housing Land Availability Assessment (included within the Housing Issues and Options Paper); as well as references to external documents, for instance, the Climate Change Issues and Options Paper.

Consideration of the evidence enabled both the Council and the public to understand the key planning issues that were faced in Runnymede, the wider Government planning policy context and the global, national and regional changes that were taking place. There were different ways of addressing these planning issues and these were presented as a range of options. The options should result in development that met sustainability objectives. Officers had examined the RSF and considered that its sustainable development objectives could be adapted and turned into local sustainability objectives for Runnymede. These draft Sustainability Objectives for Runnymede could be used both in the LDF Core Strategy and in the Sustainable Community Strategy. The Committee endorsed the sustainability objectives for the Borough subject to the division of Sub- Objective 2 (e) into three parts and deletion of 'by 2016' from Sub – Objective 2 (l) and inclusion of reference to 'new build'.

The Council's Local Development Scheme stated that community participation in the Core Strategy process would commence in April 2008. As the issues addressed in the LDF Core Strategy were similar to those that needed to be considered in the Sustainable Community Strategy it was recommended that the Issues and Options papers (IOPs) that were being produced for the LDF should also be used (suitably modified) to inform preparation of, and participation in, the Review of Sustainable Community Strategy.

RESOLVED that-

- i) the Issues and Options Papers to be considered by the Planning Committee be approved for the first stage of public participation on the Core Strategy; and**
- ii) the sustainability objectives, as amended, be adopted as the basis of consultation.**

543. LOCAL DEVELOPMENT FRAMEWORK – HOUSING ISSUES AND OPTIONS PAPER

The Committee's views were sought on the Local Development Framework – Housing Issues and Options Paper (HIOP), which considered the key areas of national and strategic policy guidance, gathered the evidence to reflect local circumstances, detailed the key issues and established a set of policy options for consultation.

Planning Policy Statement 3 : PPS3 Housing emphasised the benefit of preparing Strategic Housing Land Availability Assessments (SHLAA) and Strategic Housing Market Assessments (SHMA) to inform the Local Development Framework (LDF).

A draft SHLAA had been prepared which was a technical assessment of housing land supply. The SHMA had been commissioned by the Housing and Community Services Committee as part of a wider review of housing policy in Runnymede. Consultants had been engaged and their work would dovetail into the consultation on the HIOP. The SHMA would be developed during the consultation period on the HIOP.

The HIOP also considered policy constraints and opportunities for residential development. The South East Plan, when adopted towards the end of the year, would provide a broad framework for housing policy but one of the key recommendations of the Panel into the Plan was that the annual housing target for Runnymede be raised from 145 units p/a to 161 units p/a over the period 2006-2026. In addition it was proposed that 125 units p/a were provided on the former DERA site.

The HIOP sets out the key issues. With regard to the policy options, the scale of growth and the housing mix form the main focus of policy development. These options would form the basis of the consultation and were endorsed by the Committee.

The following changes were approved by Committee:-

- i) In para 8.2 Figure 1 of HIOP include reference to amount of land only constrained by Green Belt restrictions.
- ii) Page 36 of HIOP – Review information in paragraphs 8.10 – 8.11 to distinguish between traffic congestion created by Local and through traffic using the M25 and also to deal separately with air quality. The text to be agreed with the Chairman and Vice Chairman.
- iii) Include reference to number of level crossings in para 8.10.
- iv) Section 7 page 33 and Section 12 pages 42 and 43 of HIOP to be amended to reflect the changed numbering and splitting of the sustainability objectives as mentioned above.
- v) Para 9.1 page 37 – amend second sentence as per addendum and additional sentence as per addendum.
- vi) Para 10.9 – Explain that housing sites shown in table 7 page 42 were put forward by public and that their inclusion does not assume they satisfy appropriate criteria.
- vii) Para 4.2 page 54 of SHLAA – Insert reasoning as per Addendum.
- viii) Para 5.19 of SHLAA – amend Appendix reference.
- ix) include definition of asterisk in table of housing sites (page 67)

RESOLVED that –

the Housing Issues and Options Paper and the Strategic Housing Land Availability Assessment, as amended, be approved for consultation.

544. LOCAL DEVELOPMENT FRAMEWORK – CLIMATE CHANGE ISSUES AND OPTIONS

The Committee's views were sought on the Local Development Framework – Climate Change and Sustainable Development Issues and Options Paper (CCIOP) which addressed key areas of national and strategic policy guidance, gathered evidence about the local circumstances, sets out the key issues which needed to be addressed and presented a set of policy options for consultation.

The CCIOP set out a list of Broad Principles and Qualities regarding the location and type of development that would be most sustainable.

The Committee endorsed the sustainable development principles which reflected the objectives of the Regional Sustainability Framework and the requirements of Government policy contained in PPS1 and PPS25. The broad principles would guide future location and type of development in Runnymede. In preparing the LDF Core Strategy the Council needed to raise awareness of the

issues and the broad principles that would guide the location and type of development that would be required in Runnymede in future, and the building standards and targets that would be needed to achieve sustainable development and long term reductions in carbon emissions so as to tackle the causes and effects of climate change.

As regards sustainable construction the options related to the minimum levels of the CSH and the forthcoming commercial buildings code, developments in Runnymede should be required to meet and by what dates. For new development three options were available:

- i) Meet building regulations minimum standards.
- ii) Meet the Government targets set out in the Code for Sustainable Homes (CSH) and 'Building a Greener Future' as shown in the Table below.
- iii) Set more demanding local targets in anticipation that the Government would shortly raise the bar and require more demanding National targets to be met. For example, from 2011 or 2013 Runnymede could require all new developments to meet Code for Sustainable Homes level 6 standards of construction (Zero-Carbon Development).

Code for Sustainable Homes Targets.

CSH level	Target	Which development	By When	Whose target
3	25% Better than 1990	New Residential and commercial	2010	Government (Building a Greener Future) and Code for Sustainable Homes
4	40% better than 1990	New Residential and commercial	2013	Government (Building a Greener Future) and Code for Sustainable Homes
6	Zero carbon (CSH level	New Residential and commercial	2016	Government (Building a Greener Future) and Code for Sustainable Homes

Wider reductions in carbon emissions could be sought if existing buildings which were to be 'improved' also had to meet minimum energy efficiency targets. Three options were available:

- i) To require only new developments to be built to CSH level 6 and BREEAM 'excellent' standards by 2016.
- ii) In addition to i) to require all 'minor' extensions, changes of use and conversions that require planning permission to make energy efficiency improvements such as: installing cavity wall and loft insulation, double glazing, condensing boiler to the whole building; as a condition of granting planning permission.
- iii) In addition to i) and ii) to require all new developments of one or more dwellings or commercial development over 300 square metres to enter into a planning obligation to provide a sum (an energy contribution tariff) that will be used to fund energy efficiency improvements to other buildings in the Borough.

Widespread reductions in energy consumption and emissions would only be achieved more rapidly if the energy efficiency of the existing building stock (which represented the vast majority of all buildings) was improved. To achieve this some sort of incentive to existing home and business property owners to improve the energy efficiency of their buildings would be required.

Options to Increase the Renewable Energy Provided by Development

- i) All development of one or more dwellings or commercial development over 300 square metres floor space to provide 10% of all its energy requirements on site from a renewable source. This is the current requirement in Supplementary Planning Guidance (SPG).

- ii) The 10% requirement could be increased to 15% with immediate effect or by 2010 to meet BREEAM 'good' and CSH level 4 targets, and to 20% by 2016 (BREEAM 'excellent' and CSH level 6).
- iii) Alternatively, higher local targets for renewable energy provision could be established such as 20% or greater and the dates could be brought forward.

Implementation Options

The Council would need to set out all the sustainable construction, energy efficiency and renewable energy policies that it intended to implement and would then have the options of:

- i) Refusing to register an application that failed to demonstrate how these sustainable construction policies would be satisfied
- ii) Seeking more information before it was prepared to say that it was satisfied that these policy requirements were met
- iii) Refusing planning permission if the requirements of such policies were not met.
- iv) If planning permission were granted the authority would have the options of either granting consent provided that conditions requiring energy measures were discharged and/or
- v) If planning permission were granted, requiring the applicant to enter into a section 106 agreement to carry out certain energy efficiency or risk management works and/or
- vi) If planning permission were granted, enter into an agreement to help achieve the wider energy and flood risk reduction objectives of the Core Strategy and Sustainable Community Strategy by providing a contribution towards a sustainable construction and/or a flood risk reduction fund that would be used to support energy efficiency measures in minor developments throughout the Borough.

With regard to vi) above the Committee was concerned at the amount of staff time which could be required to collect and administer contributions. If adopted, Officers were instructed to review wording.

The Committee approved the Issues and Options Paper subject to the following changes:

- i) Page 86, para 10.7 – include reference to SUDS;
- ii) Para 10.12 page 88 – delete and replace wording to be consistent with amended para 10.2 of Agenda report.

With regard to large scale renewable energy projects, one obvious exemplar opportunity for a large scale low-carbon project was at the DERA (Longcross) site where the South East Plan Examination in Public (EiP) Panel Report proposed that the site could be developed with 2,500 houses and 65,000 square metres of business development. It would ensure the co-location of housing with places of work so as to reduce commuting, provide low energy transport options, zero carbon development and the possibility of developing a combined heat and power (CHP) thermal treatment facility on land adjacent to nearby Trumps Farm as proposed by the County Council in its Waste Plan.

The Council would need to ensure that whichever scheme progresses on this site, the principles of zero-carbon development, sustainable construction and the use of renewable energy were embedded within its design and construction.

RESOLVED that-

the Climate Change and Sustainable Development Issues and Options paper, as amended, be approved for consultation.

545. LOCAL DEVELOPMENT FRAMEWORK - PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT FOR CONSULTATION

The Committee's views were sought on a Local Development Framework Planning Obligations Supplementary Planning Document (SPD) which took account of two significant changes that had taken place since the SPG had been produced by the Council.

Firstly, the Panel which had considered the South East Plan at the Examination in Public, recommended to the Secretary of State that the approach on planning contributions being developed in Surrey should be introduced as specific policy guidance in the South East Plan.

Secondly, the Government had introduced, as part of the Planning Bill, the concept of the Community Infrastructure Levy (CIL) to enable Local Authorities to levy a new statutory planning charge to support new local infrastructure instead of using S.106 powers.

The previous collaboration work among Surrey Districts and the County Council associated with the SPG had been incorporated into this Supplementary Planning Document. The principal innovation was the codifying of certain infrastructure contributions for smaller 'windfall' schemes. In Surrey, S.106 contributions had normally only been made for larger schemes, resulting in a significant shortfall in funds to provide public services, compared to other areas. The SPD extended infrastructure contributions on a standard basis to every scheme involving any additional dwelling or commercial space. Each planning application would need to include a unilateral obligation or Section 106 agreement to make the contribution. The full details of the SPD and the tariff mechanism were noted.

The SPD was approved subject to the following changes:-

- i) page 96. para 2.1 – insert number of section.
- ii) Page 102, para 5.1 – split Sub Objective 2 (e) and renumber subsequent Sub Objectives.
- iii) Page 108, para 7.17 – change reference from 4.16 to 7.16.

RESOLVED that -

Draft Supplementary Planning Document on Planning Obligations, as amended, be approved for consultation.

546. THAMES BASIN HEATHS SPECIAL PROTECTION AREA – DRAFT INTERIM STRATEGIC DELIVERY PLAN CONSULTATION RESPONSE

The Committee considered its response to the South East England Regional Assembly (SEERA) on its draft Interim Strategic Delivery Plan (ISDP).

SEERA and others considered that the South East Plan's (SEP) policies that result in the delivery of additional housing development within 5km of the Thames Basin Heaths Special Protection Area (TBH SPA) would increase visitor pressure and thus the risk of a likely significant effect on the habitats and species at this site.

Natural England had for some time contended that recreational pressure, particularly dog walking, had a detrimental impact on ground nesting bird populations. It contended that further residential developments within 5km of the boundary of this SPA would exacerbate such pressures either in the developments own right or in combination with other similar developments.

As a response English Nature (the predecessor to Natural NE) produced a Draft Delivery Plan (DDP) which suggested that the statutory duty would be avoided if the developer agreed to the provision of a predefined quantity of Suitable Alternative Natural Green Space (SANGS) as mitigation. The effectiveness of this form of mitigation remained unproven; nor had it been assessed by way of an appropriate assessment. Nevertheless, NE did not challenge decisions where it was in place, and the Council had adopted this approach as an interim measure in dealing with applications for residential development within the designated zone.

A technical assessment of the ENDDP had concluded that its approach was unsound as it failed to establish a causal link between recreational disturbances from housing developments outside 400m from the boundary of the TBH SPA.

Notwithstanding this, on behalf of the SEERA, a further iteration in the form of a draft ISDP had now been prepared and was currently under consultation. The ISDP had largely been based on the NE DDP 2006.

The draft ISDP had been endorsed for consultation purposes by the Joint Strategic Planning Board, on which this Council was represented. The ISDP intention was laudable, if somewhat unfounded. Its primary focus was to help local authorities deliver the SEERA planned new homes within the area that could potentially impact the TBH SPA without the need for the Competent Authorities to carry out a statutory Appropriate Assessment thus avoiding any objection from NE.

The ISDP proposed a consistent, strategic approach across all authorities affected by the SPA on what developments are likely to affect the SPA, measures to be used to avoid adverse effects on the SPA, and how to implement these measures.

The ISDP proposed two zones, namely an Exclusion zone – boundary to 400m, and a Zone of Influence – 400m to 5km linear distances from boundary.

Avoidance and mitigation measures had been identified and implemented through obtaining contributions on the basis of a common tariff from developers relating to the nature of the proposed development. As with the original DDP, the ISDP intended to rely on the use of this untested mitigation through the provision of a strategic network of Suitable Alternative Natural Greenspaces (SANG) sites.

The ISDP addressed a number of measures considered necessary to support the delivery of the SANG mitigation and that were considered lacking in the original unsound DDP. Most significant was the establishment of a strategic, joint-authority JSPB. It proposed the establishment of a functioning panel supported by a dedicated central project team and to be financed by the tariff contributions obtained from developers through LPAs.

Specific responses to the consultation questionnaire were endorsed by Committee, subject to a change to the response to Question 19 from 'strongly disagree' to 'strongly agree'.

RESOLVED that -

the comments be forwarded to SEERA as the formal comment of the Council on the consultation paper entitled 'Thames Basin Heaths Special Protection Area Draft Interim Strategic Delivery Plan Consultation Document'.

Chairman

(The meeting ended at 9.25 pm)