

Seething Wells Working Group Meeting Notes - 26 September 2022

Agenda Item 1 - Welcome and Introductions

Apologies

Cllr Yoganathan, Cllr Hayes, Cllr Schaper, Simon Tyrrell and Councillor Liz Laino (Elmbridge BC), Tai Li Ling, Donna Nicholson, Sean Reardon, Felicity Leicester.

Cllr Hayes also gave apologies via a note that was sent in advance of the meeting but this was not picked up in time to give apologies at the meeting.

Attendees

Councillors - Cllrs Green, Holt, Giles.

Community Members - Sarah Onions, Hubert Kwisthout, Anthony Evans, Ros Pritchard, Mark Herbert, Simon O'Brien, Charlie Deacon, Michael Chambers, Lucinda Di Rosiaro Neil, Cat Coull.

Council Officers - Tim Naylor (TN), Herman Kwan

Agenda Item 2 - Minutes of the previous meeting of 04 July

- Minutes agreed

Agenda Item 3 - Actions from previous meeting of 04 July

- a) TN to circulate Asset of Community Value application information by email - **completed 28 July**
- b) Sarah Onions and Cllr Green to review and recommend a composite TOR - **completed and circulated 23 August (covered Agenda Item 4).**
- c) Cllr Holt to follow up sagging highway - **completed as below**
 - Legal issues regarding ownership of the wall are ongoing.
 - A structural inspection was undertaken earlier in the summer and the structure is not presenting an imminent risk to the Highway.
 - The highways team are satisfied that no current action is required and any dip to the footway or similar does not reach the level for intervention or repair.
 - Should the footway get to the level where an intervention is required Highways colleagues would arrange for necessary repairs to be carried out.

- d) TN to liaise with Elliot Newton about pursuing further discussions with the EA regarding protocols and legislative parameters concerning herbicide use on the site - **(covered in Agenda item 5)**
- e) Cascina asked to designate a point of contact responsible for managing the site - **TN to follow up.**
- f) The Working Group agreed to form two facilitated sub-groups as follows:
 - 1) to gather the **evidence** and the proof or evidence from the 2x previous inquiries - **to be chaired by Simon Tyrrell**
 - 2) to develop an action plan for the **aspirations** for the site. SWAG have prepared some work already to liaise with this group to bring everything together - **to be chaired by Phil Renton**

Covered under Agenda Item 6

- g) TN to draft an interim update report for the Place Committee of 22 September - **Completed 22 September**
- h) Date of Next Meeting 18:00-20:00 hrs 26 September 2022 - Chair: Sarah Onions - **in progress**

Agenda Item 4 - Terms of Reference

The TOR for the SW Councillor Working Group were agreed

Agenda Item 5 - Discussion with Environment Agency

The invited representatives from the Environment Agency declined to attend the meeting and provided the response by email below.

Thank you for the invitation to the Environment Agency to take part in the Steering Group meeting for the above site on 26 September 2022. Whilst it is not appropriate for us to join this group we retain an interest in the area and would like to be updated if possible. We remain of course available to respond to relevant regulatory questions which may arise from the proceedings.

To summarise previous advice relating to the legislative position regarding the application of herbicides at Seething Wells :-

- *The old filter beds are not in continuity with ground or surface waters and hence are not 'controlled waters'. Consequently there is no requirement for the owner to apply for herbicide approval and the EA has no regulatory remit in this respect.*
- *The EA can only regulate against specific legislation and activities on site are not to our knowledge within our legal remit.*
- *We are not aware of any recent applications or approvals for herbicide use at the Seething Wells site. If herbicide spraying is planned on the River Thames side of the site an application may still be required since the Thames is a controlled water, see*

[Application to use herbicides in or near water - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Note there was a question posed to us recently regarding alleged advice that the contractor had been given to drain the beds to manage pH levels. This advice was not given by the EA.

Discussion at the meeting followed with Cllr Green suggesting that as the EA have taken this view that based on the fact that the herbicide spraying does not affect the River Thames, monitoring is therefore not relevant. Should the group now accept that the EA is no longer involved with herbicide spraying on the site as it does not affect the river Thames controlled water or in contact with the groundwater.

Participants agreed that the matter would be discussed further at the next SWAG meeting.

Council officers were asked to continue the dialogue with the EA and request further clarification regarding risk of overspray when not actually on or in the water.

Phil Renton agreed to provide the content of an email that recorded previous discussion with the EA regarding the spraying of herbicides as follows:

*Alison, Hubert and I met with the EA representatives today at Seething Wells
10.30am, 24th August 2021*

*The EA were represented by Neil Dunlop, Senior Environment Officer and
Dave Webb, Fisheries and Biodiversity Team Leader.*

Alison delivered a detailed account of the history of the site and all the issues pertaining to the impact of the actions by the owners on the flora and fauna, in particular the Bats.

I suggest that for both Neil and Dave it was an educational experience and they left with a greater understanding of the issues relating to the site and it's fair to say they both enjoyed the meeting.

They explained to us the limitations of their responsibilities but suffice to say that they now will NOT sanction any further staying with herbicides or permit any further pumping into the Thames as it was the EA who stopped the pumping activity.

We agreed that SWAG and the general public should report any activity on their hotline 0800 80 70 60

The reporting activities are as follows :-

- 1. Any fish kills, (note a cormorant was seen fishing and consuming a fish in Bed 6 + two Herons seen)*
- 2. Any further spraying activity*
- 3. Any fly tipping of materials brought onto the site from external sources*
- 4. Any pumping of water from the beds to the Thames*

We also agreed to stay in touch and keep them informed about future plans and developments.

Agenda Item 6 - Updates

a) Sub-groups

Aspirations Sub-group

- First meeting took place on 20 September, well represented although some difficulties with the room booking arrangements. Officers agreed to clarify arrangements prior to the next meeting;
- The development of a business plan for the site was recommended which the group agreed to pursue;
- Participants agreed that the Sub-group would be renamed Business Sub-group;

- There was a recommendation that a community (parish) council should be formed.
- The next Sub-group Meeting is scheduled to take place 22 November 18:00 hrs - room booking in the Guildhall is to be arranged by officers;
- Minutes of the Sub-group meeting are to be circulated subsequently;
- Charlie Deacon provided some clarification regarding various matters in relation to the planning history related to Kingston and Elmbridge.

Evidence Sub Group

- The Sub-group has not yet met and Simon Tyrrell is gathering information in advance of scheduling a meeting;
- Cllr Green requested for Phil Renton, Charlie Deacon and Cat Coull to be linked with this group to provide background information and alignment.

b) SWAG

- Conversations have taken place regarding the suggestion for the formation of a Parish Council. Cllr Giles was supportive, suggesting that should the Council ever be in a position to purchase the site a Parish Council could become the body to provide stewardship of the future of the Filter beds;
- Subsequent discussion took place regarding various planning matters regarding the Local Plan process and call for sites, MOL and Previously Developed Land (PDL) designation of the SW site. Questions regarding Biodiversity Action Plan to be followed up by Council officers.

c) Friends of SW

- Not present - apologies given

d) Land Owners

- Not present at the meeting - apologies given;
- Cllr Giles expressed some concern that the owners do not wish to engage with the group;
- Cllr Green requested that officers make further representations to the owners, Cascina, requesting a day to day representative on the site.
- Charlie Deacon requested whether a structural report mentioned by Michael Graham could be made available.

e) Others

- None

f) Council

- Nothing further to add.

Agenda Item 7 - Actions/ Next Steps

1. Biodiversity Action Plan - Tim Naylor (TN) to liaise with officers and Cllr Green to speak to Cllr Manders - TN & Cllr Green
2. TN to speak to officers regarding EA justifications about the herbicide spraying requirements - TN
3. Note of the publication of the draft Local Plan for consultation on 01 November - All (note: consultation launch subsequently deferred to 28 November)
4. Note the next Business Sub-group on 22 November - All
5. Note the Kingston Society meeting 16 November to discuss the Local Plan - All
6. Ongoing s215 process - currently sub-judice, information to be shared as it becomes available - TN
7. Report back regarding ongoing conversations about the electrical cabinet as relevant - Charlie Deacon
8. Minutes for this meeting to be circulated - TN
9. Co-chairs to write to owners via officers to express disappointment that they are not represented at the SW Councillor Working Group meetings to address questions - Cllr Green & Sarah Onions
10. TN to remind Cascina, the owners of the site that the option to attend the meeting virtually is also available - TN
11. Officers requested to make further representations to the owners, Cascina, requesting the provision of a day to day representative on the site.
12. Officers to provide further information whether the site qualifies under the criteria for designation as an Asset of Community Value - TN

DoNM - 28 November 2022 18:00-20:00 hrs - Council Chamber, Guildhall.
