

Seething Wells Working Group Meeting Notes - 04 July 2022

Agenda Item 1 - Welcome and Introductions

Apologies

Sharon Sumner, Michael Graham, Cllr Giles and Councillor Liz Laino - Long Ditton Ward, Elmbridge BC

Attendees

Councillors - Green, Holt, Schaper, Yoganathan, Hayes.

Community Members - Lucial Do Rosario Neil, Phil Renton, Sarah Onions, Donna Nicholson, Christine Manley, Eleanor Boyle, Adrian Clint, John Allen, Pippa Leicester, Felicity Leicester, Alison Furs, Linda Pryke, Geoff Pruke, Simon Tyrrell, Finlay Royle, Tai Li Ling, David Randall, Carla Costa, Cat Coull.

Council Officers - Tim Naylor, Herman Kwan

Agenda Item 2 - Nomination and voting of Co-Chair

- The previous meeting of 06 June confirmed nominations as Sarah Onions, Sharon Sumner and Michael Graham.
- Sharon Sumner subsequently notified the meeting that she wished to withdraw her nomination and the nomination for Michael Graham was invalid due to the fact that he was not a resident of Kingston.
- Sarah Onions was duly confirmed as the Co-Chair.

Agenda Item 3 - Actions from the previous meeting of 06 June

a) Appeal details on section 215 on railing repair to be sent to working group members.

The following information as provided at the meeting of 04 July

- At this point in time the most we can say is that the Council continues to prepare to defend its position at the appeal, which is due to be heard later in the summer.

b) Officers to follow up on Asset of Community Value application as follows:

- The nomination requirements are instead more focused on the nominating group (and whether they're a group that qualifies as a nominating group as defined by the legislation) and also about whether the use of the nominated asset furthers (or has in the recent past furthered) their community's social well-being or social interests and that it remains likely to do so in the future.
- If successfully nominated and listed (there are statutory timescales for the decision making) then the asset is added to our ACV list for a period of 5 years.

Nothing further will happen unless the owner decides to dispose of it, either through a freehold sale or the grant or assignment of a qualifying lease.

- This triggers a 6 week interim period, which will apply, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- If a community interest group as defined by the regulations does make a request during this interim period, then a full 6 month moratorium will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). During this period the owner can only sell the asset to a community interest group as defined by the regulations. After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price.
- In terms of referral points, our [web page here](#) is a good starting point. This also hosts our application form and [The Community Right to Bid: Non-statutory advice note for local authorities](#), is also relatively clear and concise.

c) Terms of Reference and process for community co-chair election will be circulated in a week - **complete circulated on 06 June and 14 June respectively**

(Cllr Hayes requested that TOR remain as TOR and they do not include other elements that are not specifically relevant to the terms.)

d) Cllr Holt to chase on highways sagging issue - **to be followed up**

e) Elliott Newton to chase EA on spraying issue - **complete as follows:**

- The Environment Agency (EA) have confirmed the legislative position regarding the application of herbicides on the Seething Wells site.
- The EA have confirmed that they are not aware of any recent applications or approvals for herbicide use at the Seething Wells site.
- The current position of the EA is that as the old filter beds are not in continuity with ground or surface waters, there are no 'controlled waters' on the site. They are therefore confirming that there is now no requirement to apply for herbicide approval and the EA has no regulatory remit in this respect.
- The EA has also confirmed that they can only regulate against specific legislation and that activities on site are currently not within their legal remit.

f) Owners are asked to send someone, who has day to day management of the site responsibility, to the next meeting to answer any questions. - **outstanding, no representation from the landowners at the meeting of 04 July**

- g) Date of next meeting to be confirmed - to be in approximately 4 weeks time with a starting time of 6pm - **complete**

Agenda Item 4 - Updates

a) SWAG

- Alison Fure & Phil Renton made reference to a meeting attended with EA who had agreed that any future spraying should be referred to them. Meeting to follow up with the EA. Met with Gary Waddup and Neil Dunlop from EA on 24 August 2021.
- Discussion regarding the MOL policy designation of the site and the conditions that may justify development within the MOL are indeed designation of the existing policy protection.
- Simon Tyrrell outlined the discussions and arguments put forward at the previous appeal for acceptable development within the policy designation.
- Alison Fure MOL was uppermost in the inspectors' considerations in the 1997 and 2003 appeals and the openness as opposed to the biodiversity and wildlife of the area. The openness of the area was a key part of the considerations.
- Alison Fure - Requested that the statements made at this meeting are accurate and evidence based e.g. the wildlife is relatively recent but the existence of wildlife that goes back to the original SINC designation.
- Biodiversity Net Gain - Sutton using how they operate BNG. Cllr Green queries Is this site suitable for BNG credits - suggested a further discussion to understand the degree to which the BNG could be used to benefit the site.
- Simon Tyrrell raised the point of working groups baselining and recommendations coming out of the group.
- The TW overage arrangement was raised by Alison Fure and Cllr Green reiterated that the previous discussions with the working group had concluded that this was likely to be commercially sensitive and the detail of which was unlikely to be available.
- Tai - asked that the species' destruction should be referred to the EA and other relevant agencies - Cllr Green suggested that evidence gathering should be coordinated to enable us to bring the evidence together to then go out to the different agencies responsible for dealing with these regulatory and legislative breaches.
- Community Plan could be put together and the dialogue with the developer would be better placed to come from the community
- Use of the site as a waste transfer site and landfill site as part of the enforcement action which is subject to the s215 notice. Alison Fure confirmed that she has had conversations with Anthony Knight Lead Officer Planning Enforcement.

b) Friends of SW

- Feel strongly that the next step should be practical things in planning terms that could be considered Conservation Area Appraisal & Management Plan

(CAAMP), Riverside Area SPG, and planning guidance looking at the wider areas and making a contribution to the Conservation Area and look into the BNG contributions.

- A while back related on the planning process and c1k letters opposing the previous planning application and FoSW looked at crystallising some of the planning guidance that could be used to consolidate the approach to development on the site regarding enabling development and the opportunity to FoSW to be allowed to contribute the the evidence gathering constraints and opportunities.
 - John Allen added that the aspiration for the site is important. Cllr Green added that this should inform the recommendations of the SWCWG to the Place Committee that it will report back to.
 - Phil Renton SWAG has a document regarding what could be provided on the site - wetland area and the wider proposals for what the site should look like. Wildlife and wetlands trust Andy Graham to visit.
 - Alison Fure in contact with London Waterlands Group - fundraising on Twitter which is very active.
 - Need collective vision which includes the developer's interest.
- c) Land Owners Agent - Michael Graham, Icon - Tim Naylor read a statement provided by Cascina.
- d) Others - incorporated into the discussions above.
- e) Council - Tim Naylor confirmed that no pre-application discussions have commenced.

Agenda Item 5 - Next Steps

Actions

- 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.**
- c) Cllr Holt to follow up sagging highway - **in progress**
- 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 - **in progress**
- 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**
- g) TN to draft an interim update report for the Place Committee of 22 September - **in progress**
- h) Date of Next Meeting 18:00-20:00 hrs 26 September 2022 - Chair: Sarah Onions
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