

**QUESTIONS TO BE ASKED UNDER THE PROVISIONS
OF FCR 12 OF THE CONSTITUTION**

QUESTION 1

Question from Councillor Julie Morris to the Chair of the Environment and Safe Communities Committee, Councillor Neil Dallen.

Whilst many members are aware of the problems of securing permission from Surrey County Council for planting trees in highway verges, the Tree Advisory Board (TAB), our own voluntary group in Epsom & Ewell, has put several projects to EEBC over the past two years and has been unable to secure permission to proceed. TAB are willing to record all planting data in order that EEBC can update its records annually. Please could the Chairman explain why and hopefully provide a way forward.

Background Information

1. Auriol Park and Hook Road Arena. 2 mini-orchards are proposed comprising 12 and 18 old native stock fruit trees, apple and pear. Project plan, funding and aftercare all provided by TAB. Final approval still awaited.

2. Bourne Hall. PROBUS wish to plant a single tree to commemorate their 25 year anniversary. Funded by PROBUS. Planting plan, location and species put forward. No cost to EEBC. Refused permission.

3. Alexandra Recreation Ground. An ambitious planting scheme (refused permission) could be scaled down and resited if agreement can be given in principle.

4. Court Recreation Ground. A project on behalf of Friends of Court Rec to replace Prunus and restock on Oak (8 trees in total). Refused permission.

Reply from Councillor Dallen to follow.

QUESTION 2

Question from Councillor David Gulland to the Chair of the Environment and Safe Communities Committee, Councillor Neil Dallen and Chair of the Licensing and Planning Policy Committee, Councillor David Reeve.

Given the past and on-going activity at the Chalk Pit site - which is causing extreme distress to many residents and is also potentially illegal - can the Officers inform us:

1 - how this situation arose,

2 - why there has been no proactive enforcement by EEBC, and

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3 - what changes are being made to supervision of similar sites to prevent future occurrence of these type of unauthorised activities?

Reply from Councillors Dallen and Reeve:

The Chalk Pit is split into two main areas, a lower area and the upper rim. These areas fall under different regulatory agencies to enforce any breaches of planning and environmental control.

Lower Site

The lower part of the site is a waste site and planning controls are regulated by Surrey County Council. This area is controlled by an Environment Agency (EA) Waste Permit and the EA is responsible for compliance with this. Epsom and Ewell Borough Council (EEBC) has been working with these agencies to ensure that a co-ordinated approach is adopted to addressing the issues that residents have raised.

Surrey County Council's planning department has consulted the Council about planning applicants made to them and we have objected to proposals for intensification of the use of the site based on environmental concerns and impact on local residents. EEBC will continue to apply scrutiny to all planning applications received.

The Environment Agency are applying their enforcement powers to address the environmental problems on the lower part of the site that they control under their permit. EEBC is currently seeking information from the EA about the levels of noise at the site following their intervention to understand if this meets the evidence test for the council to take action under statutory nuisance legislation.

Upper Rim

The upper rim is regulated by EEBC through planning and environmental health legislation. This area, as well as the lower site, has a long established use as an area for industry having previously been lime works and has subsequently hosted saw mills in the 1950s. There is now a wide collection of businesses and over the past 12 months the level of activity has increased clearly resulting in a substantial impact on nearby residents.

Given the established use of the site, there are no planning breaches that have been identified in this area but the Council's Environmental Health team have taken enforcement action under existing anti-social behaviour legislation. This enforcement action is forcing the owner of that business into making operational improvements to his business which will be monitored over the coming weeks and further enforcement action will be applied if necessary.

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The Council does not proactively monitor all sites in the borough. Enforcement of planning and environmental health legislation is by its nature retrospective, responding to complaints about activities on particular sites. Once complaints about this site were received, the Council responded as set out above.