

## **Seething Wells Working Group Meeting Notes - 11 March 2022**

### Attendees

15 members of the public representing Seething Wells Action Group (SWAG), Friends of Seething Wells (FoSW) and other community representatives.

4 Councillors - Holt, Green, Yoganathan, Lidbetter

4 officers - Tom Bright, Barry Lomax, Elliot Newton, Colin Stuart (virtually), Sam Nichols (technical support)

Copies of the agenda, Terms of Reference (TOR) and a letter from the agent for the site owner were distributed.

### Agenda Item 1

Sharron Sumner, SWAG

- Proposed that the Chair is a community chair. Proposed Sarah Onions from SWAG.
- Proposed that TOR are amended
- Key experts have not been invited - Alison Fure, GLAM, MP, local businesses
- Poor contact regarding this meeting - invitations were not sent to key people
- SWAG Co-chairs were emailed - but need a formal attendance list.

Simon Tyrrel, Friends of SW

- Comments on TOR have been put together from the terms of the petition but also need to include heritage as well as biodiversity considerations, will provide formal comments from FoSW on TOR changes in due course.

### Outcomes

1. It was agreed that the TOR already drafted would be used for this first meeting and subject to suggestions from SWAG and FoSW, formal TOR be agreed at the next meeting.
2. It was agreed that Cllr Liz Green would chair this meeting, and discussions take place regarding a councillor and community co-chair for the next meeting.

### Agenda item 2

Hubert Kwisthout, co-chair of SWAG

- A case of what we would like to see from the site - developed into a more user friendly area promoting different habitats; a lido; wild swimming
- Before this need to sort out the ownership - Council has discounted purchasing of the site and need to look at alternatives - land trust etc. Would need to purchase the site from current owners. Understand that there is an overage with the site owner obligated to pay an additional sum - how long does the overage last for. May need legal advice regarding the overage agreement with TW.

- SWAG wants the council to start discussions regarding the compulsory purchase order process.
- Welcomed this first step to meet and discuss.

Phil Renton, co-chair of SWAG

- Unique structure and RBK has a responsibility to protect. The destruction that has gone on on the site is considerable and the site has rewilded itself.
- Reiterates that need to buy the site.

Sharron Sumner, SWAG

- Much concern has been expressed regarding SW from local residents during the pandemic as work was being carried out on the site which was inaccessible and was being degraded.
- Reference to BBC report on the site and book launch.
- A local architect has drawn up ideas and suggestions for how the site can be improved and preserved for future generations.
- Beds have now been drained.
- Suggested that the Council needs to cover a CPO for the land.

### Agenda item 3

David - Kingston Ramblers

- Querying the letter from Cascina - regarding claim as brownfield land. Barry Lomax explained that brownfield land can be any that has been previously developed (which this has as it was an active filter bed) and owners have decided to refer to it that way. He also clarified the Certificate of Lawfulness considerations regarding the original construction of the filter beds.

Simon Tyrell, FoSW

- Regarding the historical importance of the site and the land use designations as MOL related to the legal precedent set at the appeal used as a benchmark case law.

Roger Hayes, FoSW

- Summary and overview of the protection and celebration of the community asset.
- Ownership and process are important but should not get too bogged down with details yet. Would prefer to discuss specific ideas on why the site is important and what it could be used for in the future. Kingston council's commitment is required and necessary.

John Allen, FoSW (former Chief Planner for RBK)

- A CPO cannot be put forward unless there is a fully costed and detailed proposal.  
Suggested actions:
  - Conservation Area Appraisal and Management Plan.
  - Possible design brief/SPD or revisit a neighbourhood SPD
  - A listing application for the locally listed building on the site.
  - Repairs notice could be considered.

David ?

- Do we need to engage with Elmbridge regarding the part of the site within their boundary?

Cllr Holt

- Can we include Thames Water into the attendee list.

Sarah Onion, SWAG

- Traffic and air pollution are bad in this area and development on the site would increase this.

#### Agenda Item 4

Tim Naylor, RBK

- Any conservation area appraisal and management plan, if agreed, would need to be work programmed after the local plan as that is the current priority.

Barry Lomax, RBK

- Can explore the potential of working with stakeholder to petition Historic England to include the site on the national list of heritage assets.. However, urged caution that a heritage listing would not help biodiversity on the site. If actual filter beds and/or the river wall were to be listed, there would be a management plan to keep them as they were when in use i.e. utilitarian / functional structures , with little / no vegetation at all.
- Happy to work with Elmbridge council.
- Agreed that any CPO would need a full plan in advance of starting the long and detailed process. It also has to demonstrate it is in the wider public interest and be fully costed with ongoing maintenance plan.
- A blanket article 4 is not clear, as an article 4 directive can only take away permitted development rights (and the Council has had many recent successes at Appeal in demonstrating that a number of alleged uses (alleged by the site owner) have been incorrect - a blanket Article 4 could undo a lot of this work).
- Responded to a question (by James Giles) on the removal of trees covered by a TPO. The trees were automatically covered by a conservation area protection, so upon application to remove trees in a conservation area, they are TPO'ed until can be inspected. On inspection they were not considered worthy of a specific TPO protection, so were given permission to be removed.

Elliot Newton, RBK

- Confirmed SINC review looked at standing water and grass species. Also been in dialogue with the Environment Agency.
- Confirmed that James Geech has written to the owners to suggest actions to support biodiversity, but not yet received a reply.

#### Agenda Item 5

- It was agreed that the first step is to gather all the evidence into one place, rather than council, SWAG, FoSW holding different elements, so that we can effectively work together.
- It was also agreed that the evidence and work falls into 2 groupings - heritage and biodiversity. They may not always help each other (such as via listings) but both are

important. These 2 aspects should be considered by smaller groups of 4-5 people and both gather evidence and look at aspirational plans for the future.

- Clarity will be sought on the section 215 appeal situation.
- Clarity will be sought on a possible overage agreement with Thames Water.
- It was agreed that the working group should be co-chaired by a member of the community group and a councillor.
- It was agreed that the letter from the agent should be made public
- A date for the next meeting was discussed and all agreed it should be as soon as possible, but recognising the upcoming pre-election period may cause problems.

## **Actions**

1. Sharron Sumner and Simon Tyrell (SWAG and FoSW) submit to Cllr Liz Green and Tim Naylor suggestions for amendments to the TOR of the working group.
2. Nomination for a community member to co-chair the working group with a councillor.
3. RBK to hold a list of interested parties to keep informed about future meetings of the working group. Anyone wanting to be on the list of future invitees to email Tim Naylor or via Cllr Liz Green. RBK will be the data controller.
4. Information on any Thames Water overage agreement to be obtained. Richard Patient offered to try and find out, and RBK officers to try as well.
5. Cllr Liz Green to arrange a next meeting for as soon as possible to keep the momentum going.
6. Those interested in being part of the smaller groups on biodiversity and heritage to email Tim Naylor and Cllr Liz Green.
7. Letter from the agent on behalf of the site owners, along with notes from the meeting be published on the council website.

## **Post meeting clarifications**

1. The site owners have appealed the Section 215 notice to Wimbledon Magistrates Court, but notice of this was only received by the council after the meeting.
2. Despite representations that the next meeting should be held within a few weeks, RBK monitoring officer has ruled that this cannot happen during the pre-election period.
3. An email has been sent from Sharron Sumner, SWAG, that objects to the full letter of the agents being made public as they feel it has defamatory, and possibly libellous, remarks about SWAG.