

## COMMITTEE AGENDA REFERENCE: 5b

<b>APPLICATION REF:</b>	<b>RU.22/0374</b>
<b>LOCATION</b>	Thorpe Park, Staines Road, Chertsey, KT16 8PN
<b>PROPOSAL</b>	Redevelopment of "Old Town" area within theme park, to install a rollercoaster along with associated buildings and structures, ground works infrastructure and infilling of part of lake and landscaping following the demolition of existing buildings and structures.
<b>TYPE</b>	Full Planning Permission
<b>EXPIRY DATE</b>	07/06/2022
<b>WARD</b>	Thorpe
<b>CASE OFFICER</b>	Christine Ellera
<b>REASON FOR COMMITTEE DETERMINATION</b>	Major Development
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

### 1. SUMMARY OF RECOMMENDATION

<b>It is recommended the Planning Committee authorises the CHDMBC:</b>	
1.	To authorise the CHDMBC the decision to GRANT planning permission subject to the following: <ul style="list-style-type: none"><li>• The conditions listed in Section 11 of this report (including any non-material changes to the recommended conditions).</li><li>• Referral to the Secretary of State* (and/or receiving no adverse comments from the re-consultation with the Environment Agency on additional supporting information).</li></ul>

\*the application is currently subject to a formal objection from the Environment Agency, as the statutory consultee on flooding. In the event the local planning authority resolves to grant planning permission with that EA objection outstanding then it will be legally necessary to refer this application to the Secretary of State.

### 2. DETAILS OF THE SITE AND ITS SURROUNDINGS

2.1 Thorpe Park is an amusement park located to the east of Thorpe Village. The wider Thorpe Park covers approximately 109 hectares and contains over 30 rides and leisure attractions,

a themed hotel and other buildings that support the various facilities associated with the Park.

- 2.2 Surrounding the Park are three water-filled former gravel pits: Manor Lake (to the north-west), Fleet Lake (to the north-east), and Abbey Lake (to the south-west). Thorpe Park is accessed from Staines Road (A320) and vehicles park in the main car park, located to the north east of Abbey Lake, including a coach drop off. Thorpe Park is then accessed via a footbridge located between Abbey and Fleet lakes Manor Lake separates the main theme park from (the former) Thorpe Village. The three lakes are designated as a Site of Nature Conservation Importance (SNCI).
- 2.3 The eastern boundary of the Park is formed by Staines Road (A320). The southern boundary of Thorpe Park is formed by Monks Walk (public footpath No. 51) which links Thorpe Village to Chertsey and runs between the south of the Site which is the subject of this screening request. The land to the south of Monks Walk is a Site of Special Scientific Interest (SSSI), with St Ann's Lake being one of the waterbodies of the London Southwest Waterbodies Special Protection Area (SPA) and Ramsar site (Wetlands of International Importance). The adjacent Britannia Arena is also a SNCI.
- 2.4 The "red line" site area for application is located in the South East corner of the theme park, where 'Loggers Leap,' a amusement ride which closed in 2015 is located; as well as 'Lumber Jump', 'The Rocky Express' and 'Timber Tugboat'. Parts of the remaining structures exist within this area.
- 2.5 There are no scheduled monuments or world heritage sites located within the Site, however the hillfort and 14th Century Chapel at St Ann's Hill (to the south) are scheduled monuments. There are also a number of listed buildings which are located to the north-west of the Site, associated with the former Thorpe Park Farm.
- 2.6 There are no Tree Preservation Orders ('TPOs') within the Site boundary or immediately adjacent to the Site
- 2.7 The key constraints of this site include:
  - Green Belt
  - Flood zone 2 and 3
  - The Thames Basin Heaths SPA 5-7km Buffer zone covers all of Thorpe Park
  - Part of Thorpe Park is designated as being within an Area of High Archaeological Potential
- 2.8 Adjacent to:
  - Site of Special Scientific Interest (SSSI)
  - Site of Important for Nature Conservation (SINC)
  - London South West Waterbodies Special Protection Area (SPA)
  - Ramsar site (Wetlands of International Importance)

### **3. APPLICATION DETAILS**

- 3.1 The proposed development can be summarised as an application for the redevelopment of "The Old Town" part of Thorpe Park where the now closed Loggers leap ride is currently in situ, to deliver a new rollercoaster and ancillary buildings in addition to new landscaping. The proposal will also include ground works infrastructure and infilling of part of lake.

- 3.2 The proposed roller-coaster (named “Project Exodus” by the applicant’s team) is a steel gravity driven roller coaster. The highest element of the attraction will extend to a maximum of 72m above ground level. The height will vary throughout the ride with other sections of ride looping at 43m and 50m in height. The track will be supported by c. 143 steel supporting columns. The ride will have a maximum speed of 130km/h. A chain lift will be used to raise the carriage to the first drop. It is understood that guests would access the attraction through the “station” to the Northeast of the site, before loading onto the ride. The guests will then be propelled in a carriage, which will take guests through high and low banks and inversions before concluding the ride back at the station.
- 3.3 The proposed attraction will also incorporate a queue line area, station house, maintenance building, Food and beverage unit and photo shop (retail) and other ancillary areas.
- 3.4 In terms of the lake infill, it is proposed that part of the Abbey Lake inlet will be temporarily infilled to facilitate the construction of the rollercoaster. The applicants then propose that this will then be excavated on completion of construction to reinstate the lake edge and include new reed beds. It is understood that once completed the development will result in a net reduction of 657 sqm from the existing lake inlet.
- 3.5 A landscape scheme to include the creation of new woodland is also proposed.
- 3.6 All of the existing structures which are currently in situ on this part of Thorpe Park will be cleared in order to facilitate the above development. There is also a Princess Diana memorial which was next to the viewing area of loggers leap. It is understood that this memorial has been moved and is now is in situ in a different part of Thorpe Park known as the “sunken gardens” which is located to the north of the stealth ride.

**4. RELEVANT PLANNING HISTORY**

- 4.1 Thorpe Park Resort has an extensive planning history with planning permission for its use as Leisure Activity Centre granted in 1986 (ref. RU.83/0514). A series of “Medium Term Development Plans” have previously been approved on this site which have been prepared to form comprehensive plans for the future of the Theme Park. The following history is considered relevant and recent to this application:

Reference	Details
RU.03/0965	Outline planning application for installation of rides (not to exceed 65m) and buildings (floorspace up to 8000sqm) in period 2004-2010, partial infilling of lakes and creation of compensation areas, landscaping infrastructure improvements, relocation of part of overflow car park and works to main access from A320. Approved: 14/07/2004
<p>In approving the above planning application, a number of conditions were attached. This included the following:</p> <ul style="list-style-type: none"> <li>10. Detailed schemes of the landscaping and ecological improvement works to be submitted and approved including a planting scheme for the newly created shallow lake margins and creation of new wetland areas</li> <li>11. An updated floodplain compensation table, showing storage volumes down to a level of 12.7m above Ordnance Datum (Newlyn).</li> <li>12. A detailed method statement for the flood compensation and infilling to be submitted and approved including details on the phasing and duration of works, volumes of materials to be</li> </ul>	

imported, types of materials to be used, construction measures, storage of plant, materials and vehicles and ensure that any contamination (e.g., by soil, silt, oil, rubble or any other debris or pollutants) of the adjacent waterbodies or drains is prevented.	
RU.09/1050	Creation of flood compensation area 1A on land south of Thorpe Farm and bridge link between existing compensation areas 1 and 1A. Approved: 11.05.2010
RU.10/0579	Outline planning application for Medium Term Development Plan for period 2010 - 2016 for installation of 5 no. round rides (each not to exceed a static height of 25m); up to two roller coasters (one not to exceed a maximum height of 40m and one not to exceed a maximum height of 50m); and buildings (floorspace up to 5,000sqm) and general park improvements including provision of recycling facility, new island bridge links, supplementary car park lighting, upgrade works to the theme park admissions area and re-alignment of developable zone( known as Pink Zone). Approved: 31/03/2011
RU.11/0101	Installation of a rollercoaster (Not to exceed 38.6 metres in height) on Island Area C, with associated buildings (981 sqm) and themed structures together with hard and soft landscaping works and a bridge link to the rest of the theme park
Various applications have been submitted and approved for buildings and smaller rides under the aegis of the outline MTDP as follows:	
RU.13/1062:	Single storey extension to front of restaurant (71.3sqm) following demolition of existing portico. Approved: 7/11/2013
RU.14/0053	Approval for the reserved matters of the proposed round ride (dodgems and associated entrance features) including details of access, appearance, landscaping, layout scale and external materials and discharge of conditions 1 (timescale), 2 (materials), 8 (no advertisements), 9 (surface water scheme), 10 (up-dated compensation table), 12 (buffer zones), 13 (flood flow or proofing), 18 (landscaping) and 19 (method of construction statement) – Granted 3/4/14. (Floorspace of associated building 8sqm) Approved: 14/4/2014
RU.14/0146	Erection of single storey extension (157sqm) to stealth diner (approval of reserved matters application) Approved: 14/4/2014
RU.14/0160	Erection of small retail kiosk (20sqm) in connection with Stealth ride (Approval of reserved matters application) Approved: 14/4/2014
RU.14/1345	Approval of reserved matters for the erection of a single storey extension to the south-west elevation (179.3sqm) to the existing 'Pizza Hut' restaurant and the installation of a new covered outdoor seating area – Approved: 11/11/2014
In addition to the above which have been under the umbrella of the MTDP, there have been a number of other applications approved in 2013-2014. It is not considered necessary to set this out.	
RU.14/1596	Application for the erection of a building to fully house an indoor themed attraction to comprise the new '2016 Attraction' at Thorpe Park. Approved: 09/01/2015
As part of the consultation response for the above planning application the Environment Agency confirmed that:	
<i>“While the built footprint is increasing under these proposals, the increase has been offset by using the banked compensation scheme from the Medium-Term Plan. We are pleased to</i>	

*see that the banked compensation table has been updated and it has been shown that there is sufficient surplus compensation to accommodate the proposals.”*

The Officer report for the above planning application confirmed that whilst floodplain storage compensation is required for the development, that surplus compensation is available on the wider site. **This clearly forms the position approved by the Local Planning Authority and the EA (in raising no objection) for the above planning application.**

RU.16/1679	Erection of a 62.1sqm extension to the existing 'Darren Brown Ghost Train Ride' building at Thorpe Park. Approved: 05/12/2016
RU.18/0013	Minor extension to an existing restaurant building within the Thorpe Park Resort site to provide additional indoor and outdoor seating for guests, with associated hard landscaping works.

As part of the consultation response for the above planning application the Environment Agency (dated 01.02.2018) confirmed that there was no objection subject to conditions which included compliance with the Flood Risk Assessment and the mitigation measures, which included the compensatory flood plain storage as detailed in Table 3.3 on page 7 and 8 of the FRA. This table was as follows:

Level (m AOD)	Pre Development**		Post Development			
	Existing surplus Area (m <sup>2</sup> )	Existing Surplus Volume (m <sup>3</sup> )	Extension Fill Area (m <sup>2</sup> )	Extension Cut Area (m <sup>2</sup> )	New surplus Area (m <sup>2</sup> )	New Surplus Volume (m <sup>3</sup> )
14.50	14,667		5.25	1.4	14,663	
14.40	14,924	1,480	5.25	5.4	14,924	1,479
14.30	18,386	1,666	5.25	9.4	18,390	1,666
14.20	20,927	1,966	1.48	16.4	20,942	1,967
14.10	23,439	2,218	1.48	16.0	23,454	2,220
14.00	24,321	2,388	1.48	22.8	24,342	2,390
13.90	22,594	2,346	1.48	0.0	22,593	2,347 ***
13.80*	22,093	2,234	0	0.0	22,093	2,234

\* Surplus floodplain compensation is available below the 13.8m AOD level but is not shown in this table because the building is to be constructed on an area with a minimum ground level of 13.8m AOD.

\*\* The pre-development surplus area and volume includes all development constructed to date. This therefore represents the actual current surplus area and volume at Thorpe Park.

\*\*\* Volumes are calculated using the "trapezium rule" taking into account the area both at that level and the area at the level above. This is why the surplus volume increases at a level of 13.9m AOD despite there being no "cut" at this level.

Condition 4 of the above planning permission secured this.

The above planning application therefore approves and agrees that a flood storage compensation has been implemented and that there is an agreed process in the Park's ability to offset new development against this compensation scheme. The manner in which it was calculated was also agreed. The above therefore sets out the acceptable flood mitigation strategy by the Environment Agency from as far back as 2003, until the most recent planning permission in 2018.

## 5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.

Other Material Considerations

5.2 National Planning Policy Framework (revised July 2021)- acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.

The supporting Planning Policy Guidance (PPG) is also a material consideration for decision making, as is the National Design Guide (2019) and the Nationally Described Space Standards (2015)

5.3 SPDs and SPGs which can be a material consideration in determination:

- Runnymede Design Supplementary Planning Document (2021)
- Infrastructure Delivery and Prioritisation (2020)
- Green and Blue Infrastructure Supplementary Planning Document (2021)
- Thames Basin Heaths Supplementary Planning Document (2009)
- Runnymede Car Parking Supplementary Planning Guidance (2001)
- Parking Strategy: Surrey Transport Plan (2020)

**6. CONSULTATIONS CARRIED OUT**

**Consultees responses**

Consultee	Comments
Environment Agency	<p>Current response from the Environment Agency:</p> <p>Raise objections for the following reason(s):</p> <ol style="list-style-type: none"> <li>1. Object in principle to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The only way the applicant can overcome our in-principle objection is to demonstrate that the development is not within Flood Zone 3b - Functional Floodplain.</li> <li>2. The submitted site-specific Flood Risk Assessments does not therefore adequately assess the flood risks posed by the development. In particular it fails to consider how people will be kept safe from the identified flood hazards. Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for 1% annual probability (AP), plus an appropriate allowance for climate change, flood extent. Consequently, the development proposes inadequate flood storage compensation.</li> </ol>

	The above objections are discussed in further detail below in the section 7.3 and 7.4 regarding the Principle of the Development within the Flood Zone 3B, 3A and the flood protection and mitigation respectively.
Natural England	No objections- In response to our initial concerns, surveys and data analysis have been undertaken to identify whether this area of Abbey Lake is a supporting habitat for the SPA located in close proximity. Based on the gathered data, we agree with the conclusions that there will be no adverse effect on the integrity of the SPA sites, provided that construction is completed in line with the Construction Environmental Management Plan.
Historic England	No comments- not a statutory consultee
National Highways	No objections- subject to conditions regarding the Construction Environmental Management Plan (CEMP)
Ecology advice (Surrey Wildlife Trust)	No objection subject to conditions - the technical review of the ecological information that has been submitted concludes that all ecological aspects have been appropriately considered.
Tree Officer	No objection subject to conditions- The application proposes the removal of many trees and tree groups, most are low category trees, however it is acknowledged that these low category trees do collectively have some landscape value, and some trees are of individual merit. Most tree loss results from the removal of groups aside the lake, and the existing unused amusement ride. To be acceptable the loss of these trees will require substantial mitigation, and this is also proposed in the application. It is proposed to plant in excess of 50 individual heavy standard trees and to use whip planting to create areas of native woodland and scrub. The proposed planting is sufficient to mitigate the tree loss. A site specific detailed arboricultural method statement and tree protection plan will also be needed.
Environmental Health	No objection- the plans indicates that the additional rides are not predicted to increase noise levels above existing baseline levels at nearby residential properties.
Contaminated Land	No objection subject to conditions regarding contaminated land
Conservation Officer	There is the existing presence of this regionally important Amusement Park Recent developments such as at the former Cemex site have taken account of existing noise levels from the Park. Neither the new ride nor the other changes proposed would further harm the setting of the Thorpe conservation area nor the heritage assets at the Cemex site or the Village.
Drainage Officer	No objection to the proposal.

Lead Local Flood Authority	No objections- subject to conditions- the proposed drainage scheme meets the relevant requirements and are content with the development proposed.
Highway Authority	Having undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision the application would not have a material impact on the safety and operation of the adjoining public highway. The Highway Authority has no highway requirements.
Minerals and Waste	No objections- subject to conditions regarding the submission of a Waste Management Plan
Archaeology Officer	No objections subject to conditions
Secured by Design (Surrey Police)	The location on the current site has previously been identified as a weak point in the overall security of the whole site. An appropriate boundary treatment needs to be considered to effectively deter trespass and potential antisocial and criminal behaviour often associated with unauthorised access from Monk's Walk. CCTV and lighting need to be considered as integral to the overall scheme. The rollercoaster and associated buildings should have the ability to be reasonably secured against the risk of 'urban explorers'.
Affinity Water	No comments received
BAA Aerodrome Safeguarding	No safeguarding objections to the proposed development.

### **Representations and comments from interested parties**

- 6.2 Given the location of the specific planning application neighbouring properties were consulted on this application via x5 site notices which were displayed around the site including; x3 sites notices at the main entrance to Thorpe Park including a notice right by the marina opposite, a site notice directly adjacent to the site location along Monks Walk and a further site notice at the western end of Monks walk in Thorpe. The Thorpe neighbourhood forum were also consulted on this planning application. The application has been advertised on the Council's website and notifications have been placed in the local press. Further to this x1 letters of representation from an individual has been received from outside of the borough in support of the planning application.

## **7. PLANNING CONSIDERATIONS**

### **7.1 Introduction and Background**

- 7.1.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to



detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are

- Introduction and background
- Principle of the development, including in the Green Belt
- Flooding and Sustainable Drainage
- Ecological considerations, including impact on adjoining environmental designations and biodiversity net gain
- Design considerations including visual impact and potential impact on wider heritage assets
- Impact on Neighbouring Amenity
- Highway considerations
- Other Considerations including:
  - Contaminated Land
  - Access for all
  - Security Measures
  - Archaeology

7.1.2 Much of the wider justification for the proposed development is the need of the proposal as discussed below. With reference to the above planning history the more recent approved Medium Term Plan sought to increase growth of visitor numbers between 2010 and 2016. However, this increase in visitor numbers as a result of the Medium-Term Plan was not realised.

7.1.3 The evidence submitted in support of the planning application demonstrates that even before the pandemic visitor numbers to Thorpe Park Resort have remained significantly below the peak that occurred around 2010.

7.1.4 The proposed development is expected to generate 185,000 additional visitors compared to that in 2021; however, the 2021 park performance was impacted by the pandemic and prior to this evidence demonstrates that visitor numbers had fallen over the years and that the “peak” number of visitors to the Park was in 2010. The evidence provided estimates that this proposal is not anticipated to give rise to increase visitors numbers (or visitor numbers at peak time) in the manner in which the park operate a decade or so ago

## **7.2 Principle of the development, including in the Green Belt**

7.2.1 Policy IE4 of the Local Plan deals with visitor economy. This policy supports planning application’s which deliver a high-quality visitor experience that increases the contribution to tourism. Thorpe Park is recognised in the Local Plan as an important contributor to the visitor economy of the Borough. As a starting point the Local Planning Authority will endeavour to support any proposal which maintains the vitality and viability of the theme park. However, this is of course subject to the consideration of wider planning policies. In addition, the proposed development would be located on the now redundant and closed part of the site. This scheme would bring this underused part of the theme park back into use.

7.2.2 Part of the wider arguments and need for the development put forward by the applicant is that the proposed rollercoaster forms a part of Thorpe Parks post-COVID-19 recovery and the wider and more general need to invest in the renewal and enhancement of rides and attractions in order to sustain interest and remain competitive. This will be the first new rollercoaster at Thorpe Park since Swarm in 2012. The applicants consider that this development is a fundamental part of the Resort’s ongoing investment to increase visitor numbers back to pre-COVID-19 levels. The applicants contend that part of the wider economic benefits include:

- Job creation- The park is one of the largest private sector employers in Runnymede and considers that the proposal will result in the increase of 31 full time and 123 part time seasonal jobs. They also predict that 89 jobs will be created during the construction stage of the development.
- Operational expenditure- for the creation of additional jobs they also contend that the proposal would result in wage spending within the region which would therefore result in increased local income
- Visitor expenditure- this also forms of their economic case is regarding the fact that there is indirect spend through the park attracting more visitors into the area

7.2.3 Officers recognise the economic benefits which flow through the proposed new rollercoaster. It is considered that the key economic case is maintaining the viability and vitality and wider attraction that Thorpe Park has as an important local tourist attraction. The ability for this local attraction to maintain and increase its contribution to the local economy in line with LP Policy IE4 weighs significantly in favour of this scheme. This is discussed further below as part of the wider planning balance.

#### Principle of the development within the Green Belt

- 7.2.4 The site is located within the designated Green Belt, with the location of the proposed new rollercoaster being located on a similar footprint of existing rides and kiosks etc. On this basis the proposal represents development on previously developed land (as defined in the NPPF). There are proposed columns to the roller coaster which would be on the undeveloped land of the inlet lake, but the existing ride, loggers leap extends further out into the inlet. Therefore, when taken as a whole it is considered that the site falls within the definition of previously developed land.
- 7.2.5 The NPPF states that on previously developed land within the Green Belt limited infilling or the partial or complete redevelopment is only acceptable where the development would not having a greater impact on the openness of the Green Belt than the existing development. Policy EE17 of the Local Plan provides further guidance of factors to be taken into consideration.
- 7.2.6 The applicants planning statement puts together a comprehensive argument (in section 6.54- 6.61) why they consider that the proposed development would not have a greater impact on openness. This can be (crudely) summarised as being because the proposal, when read in the context of the development it replaces and the wider character of the theme park would not spatially nor visually have a greater impact on openness.
- 7.2.7 Officers recognise the validity of some of the arguments put forward in this planning statement. However, Officers are of the view that it is not possible to reconcile that a proposed new rollercoaster which has been marketed as being the highest in the United Kingdom could not have greater impact on the openness of the Green Belt than the existing development. When comparing the existing and proposed plans, there will be a modest increase in the ride coverage compared to the former development on this site. The proposed inlet lake will be reduced and the structures and supports for the new rollercoaster installed. Therefore, and whilst it may not be significant (this is discussed further in detail below) it is considered that the proposed development would have a greater impact openness than the existing development.
- 7.2.8 Accordingly, the proposal represents the inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 7.2.9 The NPPF (2021) is also clear that when considering any planning application substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.2.10 A full assessment of the planning application will be undertaken to identify any harm to the Green Belt and any other harm resulting from the proposal. An assessment of Very Special Circumstances will then be undertaken.

### 7.3 **Any other harm to the Green Belt**

#### Impact on the openness of the Green Belt

- 7.3.1 There have been a number of High Court decisions regarding how the visual appearance within the Green Belt should be considered. Turner V SSCLG [2016] EWCA CIV 466 has established a number of key principles in relation to openness, including that it is not simply about volume and "visual impact is implicitly part of the concept of "openness of the Green Belt".
- 7.3.2 Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin) establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider "the impact or harm, if any, wrought by the change".
- 7.3.3 This case law is a material consideration. The above case law establishes that 'openness of the Green Belt' is not limited to the volumetric approach; the word 'openness' is open-textured, and many factors are capable of being a material consideration.
- 7.3.4 A Landscape Visual Impact Assessment (LVIA) has been submitted in support of this planning application, however the consideration of openness in the Green Belt goes beyond that of which is the visual harm.
- 7.3.5 The application site sits within the "core" envelope of Thorpe Park Resort that is characterised by being a developed theme park with a range of rides and built form. With respect to heights, existing rides vary in height across the theme park. The tallest ride at Thorpe Park is currently Stealth which measures approximately 62m in height at its maximum. The maximum height of the proposed rollercoaster will measure 72m at its highest point, but the height and position of the ride does fluctuate, with the main height of the roller coaster being around 40- 50m in height.
- 7.3.6 A discussion of the views from the LVIA are made further below in this report but overall, this demonstrates that the proposed ride will be predominantly read as forming part of the existing developed envelope of the Theme Park and not demonstrably result in the spread of built form or structures.
- 7.3.7 Therefore, the proposal would be higher than the existing development it replaces. However, when having regard for the site being within the confines of the wider developed theme park it is considered that the proposed development would not have *significantly* greater impact on openness in terms of spread or scale of built form than existing. In view of this the harm to the openness of the Green Belt is considered to be limited.

#### Impact on the purposes of the Green Belt

- 7.3. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence; these are set out in paragraph 138 of the NPPF (2021). Given the proposed is located within the confines of the existing Theme Park and the development proposed it

is not considered that the proposal would undermine the purposes of the Green Belt.

#### 7.4 **The Principle of the Development within the Flood Zone 3B, 3A**

- 7.4.1 Much of the wider site falls within Flood Zone 3A, with the exception of the central bank of trees which is in Flood Zone 2. However, the inlet lake forms part of Flood Zone 3B.
- 7.4.2 The NPPF (2021) and its associated guidance is also clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.4.3 The part of the site located in Flood Zone 3B, otherwise known as land with an annual probability of flooding of 5% (1 in 30 year) is usually defined as the functional floodplain (functional floodplain). The Council's Strategic Flood Risk Assessments (SFRA) which informed the Local Plan states that functional floodplain, where undeveloped, forms the functional floodplain. The SFRA also acknowledges that there is developed land within flood zone 3b. In such areas, where it can be demonstrated that building footprints exclude floodwater, will not be defined as functional floodplain and the planning requirements associated with Flood Zone 3B will not apply. Where redevelopment is proposed in developed areas, schemes must not increase the vulnerability classification of the site or the number of residential units.
- 7.4.4 Not all of the site where the development is proposed (i.e.: the rollercoaster columns) is within "developed land"- they are within an undeveloped inlet lake. Therefore, part of the site falls within the functional floodplain and should be considered as such.
- 7.4.5 The applicants, in their supporting submission, have advocated an alternative position. They contend that as part of previous planning applications the Local Planning Authority have considered that the site should be considered as being out of the functional floodplain. However, these assessments were informal letters from an officer and were based on the planning policy at the time of the decision. This planning application has been considered based on the current adopted Local Plan, its associated evidence base (which is contained in our Strategic Flood Risk Assessment) and the advice continued in the NPPF (2021) and its associated guidance. It remains that part of this site and the columns needed to support this development fall within the functional floodplain.
- 7.4.6 Due to the site's location the Environment Agency are a statutory consultee on this planning application.
- The Environment Agency responded to this planning application raising objections on the 08.06.2022 (11 weeks after they were consulted).
  - The initial Flood Risk Assessment submitted in support of this planning application to address the Environment Agency's concerns on 01.07.2022
  - The Environment Agency provided further comments on the 01.09.2022 (8 weeks after re-consultation).
  - The timings for the responses from the Environment Agency have largely dictated the timescales for determination of this planning application.
- 7.4.7 The Environment Agency in their role as the statutory consultee on flood risk have raised two objections to the proposed development:
- Objection 1- The principle of the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.
- Objection 2- The applicant's approach to flood risk mitigation measures to address

flood risk for the lifetime of the development relies on an existing floodplain compensation scheme. The EA has raised objections to this approach and also raised a number of other technical points of clarification. The technical points were only introduced in the most recent consultation response (i.e.: they have introduced new matters 19 weeks since the initial consultation)

- 7.4.8 Atkins, in their role as the applicants Flooding Consultants have provided a response to the Local Planning Authority on outstanding matters on 16.09.2022. The Environment Agency have been consulted on this additional information. Regrettably the current response times from the Environment Agency are in the region of 8- 12 weeks, in some cases more. This planning application was validated on 08.03.2022 and the continued delays in receiving responses from the statutory consultee and the inability to have direct and effective dialogue with them has meant that this planning application has gone well beyond the 13 week target for decision making.
- 7.4.9 The further potential 8 -12 week delay to await comments from the Environment Agency have significant and substantial implications for the Council being able to support this key tourist attraction. The applicants contend that the proposed rollercoaster application is critical to the recovery of Thorpe Park post covid and that it is important that the determination of the application is not delayed further as Merlin needs to commit to construction contracts to ensure that the ride can open for 2024.
- 7.4.10 Officers have therefore sought to look at the outstanding matters for consideration and to proceed to take this planning application forward having regard for the outstanding objections from the Environment Agency. Regard will also be had to the response put forward by Atkins in their role as the flood consultants and technical experts on behalf of the applicants. Members will be verbally updated should a response from the Environment Agency provided prior to the planning committee.
- 7.4.11 It should also be noted that as detailed below there is an “in principle” objection from the Environment Agency regarding the proposed location of the rollercoaster being partly within the functional flood plain. Neither the submission of further information nor further re-consultation with the Environment Agency will be able to overcome this in principle objection. Therefore, due to an outstanding objection from the statutory consultee on flood risk, this planning application will, in any case, have to be referred to the Secretary of State. The applicants are aware of this and the potential for the Secretary of State to call this planning application in for determination.

#### The Sequential Test

- 7.4.12 Before considering the EA's objection it is first the responsibility of the Local Planning Authority to apply the sequential test. The NPPF (2021) is clear that the sequential test is required for development on non-allocated sites within such areas of risk of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.4.13 Whilst the site may not be an “allocation” it is the sole amusement park in the Borough. The very nature of the development as a rollercoaster necessitates a location within the theme park. Accordingly, the proposal is intrinsically linked to Thorpe Park Resort itself and the need it is providing for cannot be met by provision of the ride and associated facilities in a separate location away from the Resort. In view of this it is considered that the proposed development passes the sequential test.

### The need for the Exceptions Test

- 7.4.14 Once the Sequential Test has been passed, depending on the proposed use, it is sometimes then necessary to demonstrate that the Exceptions Test is passed. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification.
- 7.4.15 A proposed new rollercoaster in an established theme park does not sit comfortably in any of the vulnerability classifications as described in the NPPF (2021) and associated NPPG. It is neither a building for assembly and leisure, nor is a roller-coaster (and its associated structures) “outdoor sports and recreation”.
- 7.4.16 As the proposed development does not fall within a flood risk vulnerability category which means it would/ could be appropriate to the functional flood plain. It is for this reason the Environment Agency have (in part) objected to this planning application. They consider the proposal would be contrary to paragraph 159 of the NPPF (2021) which states that:
- “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*
- 7.4.17 The EA have advised that the only way of overcoming this part of this objection would be to demonstrate development is not within Flood Zone 3b - Functional Floodplain.
- 7.4.18 The applicant’s submission highlights that the only part of the development which is within the functional floodplain is the rollercoaster columns. They consider that the columns will, by their nature, be water compatible and so the parts of the development within the functional flood plain are acceptable. They have also highlighted how a level of pragmatism needs to be considered when assessing a scheme at a theme park.
- 7.4.19 However, this does not override the position set out by the EA as part of the site is within the functional flood plain, as based on the Council’s adopted SFRA. The proposal is not, in its entirety, water compatible development. The principle of the development, partly in the floodplain is contrary to the NPPF (2021) which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 7.4.20 However, Thorpe Park is an established theme park and this site area falls within the core development area of said theme park. In supporting the continued viability and vitality of the theme park it is necessary for new rides and attractions to come forward. The site is within an area of a number of key constraints; notably the Green Belt, being adjacent to a number of environmentally sensitive water bodies and protected species and as well as local residents and ensuring an acceptable impact on their amenities. There is a need for a balanced approach whereby new development is located in an area which minimise impact toward a number of considerations..
- 7.4.21 The applicant has undertaken a sequential assessment of all the available sites in Thorpe Park as part of their Green Belt exercises concluded that this part of the site being largely previously developed land offers the most appropriate location for a new theme park ride. They have further set out that the ride cannot be provided elsewhere in areas of lower flood risk due to the space constraints and operational requirements meaning the ride needs to be located within this existing developed core location within the park. **Therefore, the harm given to this “in principle” objection on flooding grounds is considered to be limited.** The key consideration is ensuring the proposed development does not result in increased flood risk.

## 7.5 Flood protection and mitigation

7.5.1 Policy EE13 of the Local Plan requires new development to not materially: impede the flow of flood water; reduce the capacity of the floodplain to store water; cause new, or exacerbate existing flooding problems, either on the proposed development site or elsewhere.

7.5.2 The NPPF (2021) also sets out that in determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. In addition, the NPPF (2021) requires that development should only be allowed in areas at risk of flooding where;

*a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

*b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*

*c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

*d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

7.5.3 In terms of flooding, it is understood that:

- There is no tidal risk due to being situated upstream of the tidal boundary
- The site area has a very low risk of surface water flooding.
- Thorpe Park Resort is a standalone site with its own sewer system, that has three pumped outfalls into the Thames Water network. It is therefore considered that the risk of flooding from sewers is a low risk.
- The site is at risk in both a dry day and wet day reservoir breach scenario, however assumed to be residual risk due to management of reservoir by law (Reservoirs Act, 1975).
- High groundwater levels are linked to high water levels in the River Thames and therefore classed as fluvial.
- There are no other known sources of flood risk that pose a flood risk to the site, or that would be impacted as a result of the proposed development

7.5.4 Accordingly, the focus of the potential impact on flood risk in this officer's assessment is in terms of fluvial flooding. taking the above considerations in turn.

### Ensure that flood risk is not increased elsewhere

7.5.5 The proposed development involves the construction in the floodplain, and the partial infilling of an inlet to the Abbey Lake, (including to a greater extent, temporarily during construction). This works includes both "cut" (lowering of existing ground levels at the planted mound and demolition of the existing ride on the site) and "fill" (construction of new buildings and the rollercoaster). This will result in a change in floodplain storage within this part of the site and thus has the ability to increase flood risk elsewhere.

7.5.6 The strategy proposed by the applicants is to utilise Thorpe Park Resorts "existing" floodplain compensation scheme. The FRA sets out that this has evolved over a number of years and includes designated areas where land has been excavated to provide areas of

flood storage to compensate for development of the Park. These are as follows:

- Area 1a & b- To the northwest of Manor Lake (adjacent to where Thorpe Park Farm used to be). The applicants have confirmed that area 1a was implemented and completed in 2008/ 2009 and 1b constructed at a later date and was subject to approval of additional details by the Council to address conditions 1 & 3 of the compensation area 1a planning permission which required details of channel dimensions and an updated floodplain compensation table in 2011 and look to have been completed by 2013.
- Area 2- also the northwest of Manor Lake (adjacent to where Thorpe Park Farm used to be). The applicants have confirmed that this area was implemented and completed in 2008/ 2009.
- Area 3- located to the most north western corner of land within the applicants ownership, to the south of Norlands Lane and the A320, This was approved and constructed, but later some of the compensation (12,000m<sup>3</sup>) was given up for community benefits as part of the MTDP 2010-2016 (Ref. RU.10/0579).
- Area 4a & b- to the south east and south of Area 3 respectively. Area 4a was implemented and completed in 2008/ 2009. Area 4b whilst approved, was never progressed and has never been included in the compensation table.

- 7.5.7 The FRA sets out that these floodplain compensation areas are hydraulically connected to the floodplain at Thorpe Park Resort and the scheme was designed on a level-for-level basis in 100mm increments. The FRA sets out that it was agreed with the Environment Agency that surplus floodplain compensation was able to be carried forward to mitigate future development at the Park. This surplus compensation is recorded in a compensation table which is updated after every development is approved at the park. The FRA seeks to demonstrate that there is sufficient compensation “space” available to offset the losses of floodplain volumes from this new proposed development.
- 7.5.8 The Environment Agency’s second objection relates to this floodplain compensation scheme, and how, the applicant has not provided a copy of the agreement relating to this floodplain compensation scheme. The Environment Agency claim that without sight of the agreement, they cannot be satisfied that there is an appropriate floodplain compensation scheme in place and that development at Thorpe Park does not increase flood risk elsewhere.
- 7.5.9 Officers recognise the issues raised by the Environment Agency in terms of demonstrating formal compliance with this agreed “historic” flood compensation strategy. In the Environment Agency’s most recent response they have requested clarification from the LPA if any legal agreement exists which secures this floodplain compensation scheme. There is no legal agreement for the existing flood compensation scheme. It was never a requirement which the EA has ever asked for- nor when the scheme was initially conceived, nor one requested as subsequent permissions have been approved and implemented since 2003.
- 7.5.10 Nonetheless, in reference to the above planning history, the Environment Agency have consistently agreed the approach to offsetting development against this flood compensation scheme over last 10 - 15 years. The most recent planning permission being RU.18/0013 for an extension to the pizza hut on site. The consultation response from the EA for this planning application agrees the floodplain compensation scheme’s ability to offset new development against this compensation scheme. The manner in which it was calculated was also agreed.
- 7.5.11 All evidence supports the applicant’s position that a flood compensation scheme has been agreed, implemented and completed. There is no evidence to refute this. Indeed, all evidence in front of Officers is that this strategy is long standing and agreed by both the Environment Agency and the Local Planning Authority. It is not considered that there have



been any material considerations which would indicate that a floodplain compensation scheme, acceptable from 2003, to as recently as 2018 is no longer an appropriate way to deal with flood mitigation on this site.

- 7.5.12 The existence of the floodplain compensation scheme is also reflected in Local Plan Policy EE13 Managing Flood Risk. When discussing the proposed emerging River Thames Flood alleviation scheme this policy is clear that “any loss of the approved compensation scheme at Thorpe Park” by the River Thames Scheme would be re-provided in agreement with the Council. i.e.: it recognised that there is an existing flood compensation scheme present at Thorpe Park.
- 7.5.13 Therefore, it is considered that based on all evidence in front of officers the existing floodplain compensation scheme has been undertaken and is an already accepted and established solution to ensure that the development does not increase flood risk elsewhere. It is considered that the objections from the Environment Agency in this regard cannot be substantiated.
- 7.5.14 The most recent consultation response on 01.09.2022 from the Environment Agency also introduced further technical queries that they did not initially raise in their initial consultation response regarding this flood compensation strategy. Atkins, in their role as the applicants Flooding Consultants have provided a response to the Local Planning Authority on outstanding matters on 16.09.2022. The following matters will be taken in turn:
- The Environment Agency requested clarification if the location of the flood compensation areas and if they were hydraulically linked. The applicants have now submitted a plan which shows the location of the compensation areas, as details above and have confirmed that the proposed development is located within the same hydraulically linked lake system (Fleet Lake, Abbey Lake, Manor Lake) as the compensation areas. Officers therefore consider that the submission of this additional information has clarified this point.
  - As part of the construction phase there will be a greater, temporary, loss of floodplain storage compared to the final operational phase. This will be in the form of the partial infill of the Abbey Lake inlet. The submitted FRA states that there is sufficient capacity in the existing compensatory storage area to temporarily compensate for this increased lake infill during construction. The Environment Agency have raised concerns about the potential loss of hydraulic connectivity with Abbey Lake during the construction period, which would be in the region of 16 months where more floodplain storage will be temporarily lost. The applicants have confirmed that there would still be a net surplus of storage during construction. Officers therefore consider that the submission of this additional information has clarified this point.
  - The Environment Agency has queried the manner in which the volumes for the flood compensation table have been calculated. The applicants have confirmed that these have been worked out based on the methodology as per previous planning application(s) on this site. Officers note that this calculation was agreed by the Environment Agency under planning application RU.18/0013 for an extension to the pizza hut on site. Given this methodology is consistent with that previously agreed as being acceptable on this site Officers consider that the submission of this additional information has clarified this point.
  - The FRA states the extent of cut (volumes associated with demolition of existing buildings and rides on this site) will be established at the detailed design stage. The Environment Agency highlight that as this is a full planning application, all detailed designs must be presented and agreed at this stage. They consider that without the

exact details they cannot be confident that any changes to the design can be accommodated without increasing flood risk elsewhere. The applicants have advised that the calculations presented as part of this planning application are a “worst case” scenario. This is because the calculations do not include the “cut” volumes (volumes associated with demolition of existing buildings and rides on this site). This also sets out that full technical details will not be available until full detailed technical drawing are developed (those which go beyond that necessary for a planning application). As such officers consider that the applicants have sufficiently demonstrated that the proposed development will not increase flood risk elsewhere. In view of this, it is considered that conditions can reasonably secure detailed technical drawings and updated compensation scheme table to reflect as built details.

- 7.5.15 Based on the evidence in front of Officers it is considered that the additional information provided by the applicant addresses the matters raised by the Environment Agency in their objection 2. It is therefore considered that the applicants have demonstrated that the proposed development would not increase flood risk elsewhere

Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location

- 7.5.16 The most vulnerable development would be the queue line area, station house, maintenance building, Food and beverage unit and photo shop (retail) and other ancillary areas. The area of the lowest risk of flooding, flood zone 2 relates to a mound area which is currently defined by dense trees and vegetation. It is proposed that these built structures would be located in flood zone 3a, in an area where such structures currently exist. Given this would utilise an existing area of built form where such structures currently exist this is considered an overriding reason for this location to be preferable.
- 7.5.17 In terms of applying this to the “wider” site. As already set out above the site as a whole is within an area of a number of key constraints, notably the Green Belt, being adjacent to a number of environmentally sensitive water bodies and protected species and as well as local residents and ensuring an acceptable impact on their amenities. There is a need for a balanced approach whereby new development is located in an area which minimises impact on these competing constraints. The overriding reason for why this site is the preferred location is because it is re-use previously developed land where the (now closed) loggers leap ride currently is situated and is not proposing to extend the wider site area/ride covered further into undeveloped areas of the flood plain or Green Belt.

Flood resistant and resilient

- 7.5.18 Development needs to be designed in a manner that is resistant and resilient to flooding. Usually this is done by ensuring that the finished floor levels of buildings are set at a height above the likely depth of any flood events. The FRA explains that the control room, ride maintenance building and rollercoaster boarding platform finished floor levels (FFLs) are above this level and also take into account an allowance for climate change. However, the beverage unit and photo opportunity building are set at a lower level.
- 7.5.19 The FRA justifies the rationale for this as the two units are designed to existing surface levels in the area. The ‘photobooth’ is to be built next to the existing retail / F&B unit, and therefore guests will flow between the units, and hence the need for the floor levels to match. The ‘F&B’ unit is within the queue line, and therefore built at a level that can be easily accessed by the guests in the queue. If the F&B unit FFL were to be raised, additional access requirements would be required to make the kiosk accessible from the queue line, which would increase the loss of floodplain storage and require further

mitigation for this loss.

- 7.5.20 Ultimately the applicants Merlin Gorup/ Thorpe Park Resort accept the risk to both of these buildings/units. This site forms part of the wider Theme Park and is informed by a flood management plan.
- 7.5.21 The lower part of many of the rollercoaster columns will be at risk of flooding, including some columns which are located in the lake. The columns will be constructed to a suitable design that will ensure they can withstand hydraulic loading and therefore will not be adversely affected during a flood event.
- 7.5.22 Overall, the proposed development will result in a net reduction of building footprint on the site. Those older/existing buildings on site were not designed to be resilient to the flow of flood water either so as well as providing less footprint the proposed new buildings also have better flood resilience in the event of a flood.
- 7.5.23 Given the nature of the development proposed and their location within a wider Theme Park, which is managed by an overall flood management plan the development is considered to be designed appropriately to be flood resistant and resilient.
- Any residual risk can be safely managed, and safe access and escape routes are included where appropriate
- 7.5.24 The NPPG which supports the NPPF (2021) states that Residual risk comes in two main forms: Residual risk from flood risk management infrastructure; and Residual risk to a development once any site-specific flood mitigation measures are taken into account.
- 7.5.25 The potential form identified in the vicinity is a reservoir breach scenario however the FRA sets out that any residual risk should be managed of reservoir by law (Reservoirs Act, 1975).
- 7.5.26 In terms of managing any residual risk and safe access and escape routes. The FRA sets out that Thorpe Park Resort has already developed a flood response plan that includes provision for evacuation of the Park to ensure the safety of staff and visitors (Merlin Entertainment Group, 2011). In accordance with the plan, a lake level of 13.5m AOD would trigger a meeting of the Thorpe Park Resort Core Flood Action Team who would determine whether a full evacuation of the park was required.
- 7.5.27 In the event of continually rising lake levels and / or receipt of an Environment Agency 'flood warning', a decision to evacuate would be made. Power to attractions (including the new rollercoaster) would be turned off and areas made secure. The flooding response in this part of the River Thames has a long lead time, with flood levels rising slowly over a period of days and with flooding in the upstream part of the catchment providing a good indication of how flood levels will change as an event evolves. Thorpe Park Resort has confirmed that full evacuation (of approximately 15,000 guests) can be undertaken in less than one hour. At a trigger level of 13.5m AOD, the Park would therefore be fully evacuated before the site area becomes inundated. In accordance with existing Park procedures, the area would then be out-of-use and would remain so for the duration of the flood.
- 7.5.28 The entire park is in flood zone 3a/ 3b this proposed new ride is located wholly within the area of the existing theme park. The proposed development therefore should not result in any increased residual risk above the existing situation and should therefore be managed through the existing evacuation plan.

Sustainable Urban Drainage

7.5.29 Paragraph 169 of NPPF (2021) states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. Section 4.2 of the aforementioned FRA deals with the proposed drainage strategy for this site and that proposed works are largely on existing impermeable surfaces, and there will be an overall decrease in impermeable area compared to the pre-development site. Some of the measures proposed include;

- Landscaping is to be implemented as part of the scheme, and the development will utilise permeable paving with surface water being infiltrated at source.
- Surface water run-off from all impermeable areas within the proposed application site will be directed via underground gravity pipe network and will discharge into the surface water body (Abbey Lake).
- Run-off will be limited (as is practically possible) to the greenfield rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year levels as outlined in the SFRA (Runnymede Borough Council, 2018).
- The drainage network will be designed for the 1% (1 in 100) AEP + 40% climate change allowance and 10% urban creep allowance.
- All SuDS on site will be installed with full consideration to long term maintenance. Thorpe Park Resort will be required to implement an active management plan of all SuDS related to the project.

7.5.30 The Country Council in their role as the Lead Local Flood Authority have advised that proposed drainage scheme meets the relevant requirements and further matters can be dealt with by way of condition. It is therefore considered that the proposed will not be in an area at risk of flooding and suitable measures can be secured by way of recommended condition 6 and 12 to ensure that flood risk is not increased elsewhere. This is also the position of our own drainage team.

## 7.6 **Ecological considerations, including impact on adjoining environmental designations and biodiversity net gain.**

7.6.1 The site is adjacent to a number of designations including Ramsar, SPA and SSSI. The NPPF (2021) is clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

7.6.2 In accordance with policy EE9 on Biodiversity, Geodiversity and Nature Conservation of the Local Plan the Council expects biodiversity asset protection to be achieved primarily through avoidance, and then mitigation. Compensation will only be accepted in exceptional circumstances – as a last resort after all avoidance and mitigation measures have been fully considered. Compensatory measures should only be considered to address residual impacts that cannot be avoided or mitigated.

7.6.3 The application needs to demonstrate that the impact of proposals, either alone or in combination, will not result in likely significant adverse effects.

7.6.4 The site includes areas of woodland and scrub. Along the Monks Walk footpath, to the site's southern boundary, there is a dense tree belt, with some scrub. The eastern end of the site includes a large peninsula, which is covered in woodland. The inlet of Abbey Lake within the centre of the site forms a deep, enclosed and sheltered pond area, with a narrow mouth at its southeast extent. The banks of the inlet are steep-sided and heavily shaded by

the surrounding woodland. The supporting Ecological Impact assessment sets out that there is no significant marginal or aquatic vegetation, except for a small stand of emergent plants at the northwest end of the inlet. Towards the southeast part of the inlet the waterbody is crossed by a disused ride, and a pedestrian footbridge.

- 7.6.5 The above report also identifies that the desk study and field survey identified that both common toad, common frog, bats, birds and grass snakes were identified on this site.
- 7.6.6 As set out in the above description of development it is proposed that part of the Abbey Lake inlet will be temporarily infilled to facilitate the construction of the rollercoaster. This will then be excavated on completion of construction to reinstate the lake edge and include new reed beds. The applicants have set out that reedbed has been chosen due to the new levels that will be present within the modified inlet, and to diversity the wetland habitats present at the site. A like-for-like replacement would require excavation of a new area of gravel pit, which would cause greater habitat loss, and would only expand the area of a habitat that is common in the surrounding area.
- 7.6.7 In addition to the above it is necessary to demonstrate opportunities to enhance or create new benefits for wildlife. The completion of the development should result in a measurable long-term net gain for biodiversity. As part of the submission the applicants have utilised Natural England's Biodiversity Metric to calculate the biodiversity of a site before and after development.
- 7.6.8 The applicants claim that not only would the loss of some open water habitats be compensated through the creation of reedbed and wet grassland vegetation. This would also add some diversity to the wetland habitat present at the site and provide enhanced cover and foraging opportunities for species such as wetland birds. The applicants have utilised the metric calculation, which demonstrates that the proposed development will achieve a 10.75% increase in habitat units at the site. The Metric indicates that areas of high value lake and wet woodland lost as a result of the development, will be balanced by the creation of new reedbed and wet grassland habitat at the site, which are rare at this location and will provide an enhancement to overall habitat diversity.
- 7.6.9 Further to the request for further/ additional information from both Surrey Wildlife Trust and Natural England the applicants updated their initial ecological impact assessment, provided a Survey of Potential Bat Roost, a Construction Environmental Management Plan, draft Landscape and Ecology Management Plan and a "Shadow Habitats Regulation Assessment".
- 7.6.10 Further to the submission of additional information and clarification regarding further matters Natural England have confirmed that they are satisfied that the proposed development will have no adverse effect on the integrity of any potential impacts on the South West London Waterbodies Special Protection area can be appropriately mitigated with measures set out in the Habitat Regulations Assessment. These measures are secured through recommended condition 3 which relates to the Construction Environmental Management Plan which has been submitted as part of this planning application.
- 7.6.11 Surrey Wildlife Trust, in their role as the council's ecological advisors has advised that the submission of the additional documentation and technical response has provided sufficient ecological information to ensure that all ecological aspects have been appropriately considered prior to determination subject to conditions regarding a Landscape Environmental Management Plan and again compliance with the Construction Environmental Management Plan. These are set out through recommended condition 3 and condition 9 respectively.

### The need for an Appropriate Assessment

- 7.6.12 Where there is the potential for a plan or project to have an adverse effect upon Special Areas of Conservation (SAC) or Special Protection Areas (SPA), the Local Planning Authority, must consider the protection afforded to these legally protected 'national site network' sites before granting approval. It is a matter of national planning policy that Ramsar sites should also be treated by the competent authority in the same way as SPAs and SACs, but they do not form part of the national site network. Article 6(3) of the Habitats Directive is clear that a project not directly connected with or necessary to the management of a site will adversely affect the integrity of that site if it is liable to prevent the lasting preservation of the constitutive characteristics of the site that are connected to the presence of a priority natural habitat whose conservation was the objective justifying the designation of the site.
- 7.6.13 A Shadow Habitats Regulation Assessment has been prepared by Baker Consultants, as the ecology consultants for the applicants in support this planning application. The purpose of this assessment is to assist the Local Planning Authority in undertaking the above assessment. The conclusions of the Shadow Habitats Regulation Assessment are that at construction phase the development could have the potential impact on the SPA bird species, caused by noise/visual disturbance or impacts on water quality. However, the Appropriate Assessment of these impacts, especially taking into account the proposed mitigation measures included in the Construction Environmental Management Plan has found that there will be no adverse effects on the integrity of the South West London Waterbodies SPA and Ramsar site. Natural England have agreed with the conclusions of this Assessment.
- 7.7 Design considerations including visual impact and potential impact on wider heritage assets**
- 7.7.1 Policy EE1 of the Local Plan sets out that development should be visually attractive, achieve high quality design, and respond to and be sympathetic to local character/context. The Council's adopted SPD on design provides further guidance regarding how development proposal should respond positively to local context.
- 7.7.2 The National Planning Policy Framework (2021) sets out that developments should respond to local context, as well a functioning well and add to the overall quality of the area, not just for the short term but over the lifetime of the development as well as being visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 7.7.3 For a new rollercoaster (and associated structures) within an established theme park it is considered that the key design and visual consideration is that the proposed development appears visually acceptable within the surrounding area.
- 7.7.4 As set out above a Landscape Visual Impact Assessment (LVIA) has been submitted in support of this planning application. Short, mid and long distanced reviews were considered. Based on this it was identified that there is the potential for:
- Filtered views of the proposed development at the eastern end of Monks Walk
  - Glimpsed views from Thorpe Road, including crossing the M3
  - Glimpsed views from Staines Road (A320)
  - Views from the M3
  - Glimpsed views from parts of Thorpe Village including from Thorpe Cemetery and very localised sections of Coldharbour Lane
  - Filtered winter views from around Abbeyfields, Chertsey
  - In very limited locations along the River Thames south of Staines upon Thames
  - Localised, glimpsed/ filtered views where there are breaks in the hedgerow adjoining

the former golf course at the northern end of Ferry Lane.

- 7.7.5 The outcome of this assessment is that the rollercoaster would be visible from a number of vantage points. Notably from the “top” of Staines Road, Thorpe Road and some limited views from Thorpe Cemetery and Coldharbour Lane.
- 7.7.6 The main view which would be subject to change is from Staines Road. However, it does not mean that the rollercoaster would appear visually dominant, it does however act as a visual “marker” that there is a theme park to the west of the road i.e. the fact that it can be seen, in design terms, does not equate to harm. In all instances views of the proposed rollercoaster would be seen in conjunction with the wider Theme Park, including Stealth and be characteristic of the existing view. It is therefore considered that the proposed development would not be unduly prominent and would not result in visual harm to the wider character appearance of the surrounding area.
- 7.7.8 It should also be noted that the LVIA assessed and scoped out wider views as it was concluded there would not be a visible impact. This includes long distance views from the Magna Carta Monument/ Coopers Hill Slope, St Anns Hill, south of the River Thames and other such locations (these are contained in Appendix 3 of the above document).
- 7.7.9 The above assessment does not fail to recognise that the proposed development involves more than just a rollercoaster. However, the other structures and features associated with the application would be akin to those which would be read as part of a theme park and not overly visible from outside the confines of Thorpe Park (there may be some very limited views along Monks Walk by the security fencing). Therefore, the officer assessment has been focused on the wider visual views outside of the theme park.
- 7.7.10 In terms of the impact on Heritage Assets in much the same way as the assessment on wider visual impact there is the existing presence of this regionally/ nationally important Amusement Park. It is not considered that the new ride nor the other changes proposed would further harm the setting of the Thorpe Conservation Area nor the heritage assets at the Cemex site or the Village. The proposed developments are therefore considered to have a neutral impact on these nearby heritage assets.

## 7.6 **Impact on Neighbouring Amenity**

- 7.6.1 The proposed new roller coaster, albeit of significant height, is located towards a fairly discrete part of the existing theme park. Due to its location, next to the existing gravel pit lakes it is not considered that the proposed development would have a significant effect on the amenities of the occupiers of surrounding residential properties in terms of loss of light and or overbearing impact. The wider visual impact is considered elsewhere in this report.
- 7.6.2 The main consideration of this planning application in terms of the potential impact on neighbouring amenity relates to the potential noise disturbance resulting from this new theme park ride.
- 7.6.3 Policy EE2 of the Local Plan states that in terms of noise proposals which have or would be subject to unacceptable adverse effects will not be supported. As part of this the policy is clear that proposals will need to consider the effects of external noise on outside amenity and where possible incorporate opportunities to create areas of relative tranquillity or areas which offer respite from high ambient noise levels.
- 7.6.4 The NPPF (2021) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health which includes noise. The NPPF (2021) further states that

development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 7.6.5 A Noise Assessment Report, prepared by Cahill Design Consultants has been submitted in support of this planning application. This identifies that it is expected that the primary sources of noise that would be generated by the proposed attraction would be from the interaction between the car and the rails, guest noise (screams, laughs, shouting), attraction audio tracks and the proposed chain lift.
- 7.6.6 The noise characteristics of the proposed ride are not anticipated to be dissimilar to other rides located within Thorpe Park including Colossus, Stealth, SAW and Swarm.
- 7.6.7 A noise survey has been conducted around the perimeter of the Thorpe Park Resort as part of this assessment. This noise assessment was undertaken at various times of the days and week during September and October 2021. This provides the baseline noise levels. Surveys were also taken throughout the park to understand the noise levels each ride currently provides. Through this a “sound plan” has been modelled which considers the level of noise omitted from the park/ site boundaries when in operation and the overall impact this has on nearby noise receptors.
- 7.6.8 The noise consultants then utilised noise data for Project Exodus based on a site in Europe that has the same ride. The same process was used to derive the sound power level for the new ride.
- 7.6.9 Based on the above it has been demonstrated that the proposed development would not increase ambient noise levels above the existing noise levels at above those currently experienced by surrounding properties when the park is in operation.

## 7.7 **Highway considerations**

- 7.7.1 The Planning Statement and Transport Assessment submitted in support of this planning application sets out that whilst the visitor numbers generated from the development will contribute to the recovery of visitor numbers, peak visitors will remain below those that occurred in 2010.
- 7.7.2 The Transport Assessment therefore further sets out that the proposed development would not result in an increase of vehicle numbers on the existing highway network, or at least it will not have a perceptible increase in capacity above and beyond those which have already being accepted and established at the site. As the proposed development is not intended to increase visitor numbers above the existing capacity of Thorpe Park the proposal also does not raise any further issues in terms of parking provision
- 7.7.3 For these reasons Surrey County Council, in their role as the highway authority, have advised that they have no comments to make on this application.
- 7.7.4 In view of the above and given the nature of the proposal and wider supporting evidence it is not considered that the proposed development would cause any highways or parking issues.

## 7.8 **Other Considerations**

### Contaminated Land

- 7.8.1 Policy EE2 seeks, where relevant, contaminated land surveys are to be submitted as part of applications to determine the source of any pollutants and any remedial measures



necessary. Paragraphs 174 and 183 of the NPPF (2021) seek to ensure that through decision making that suitable land remediation is secured through redevelopment.

- 7.8.2 A Phase 1: Desk Study and preliminary Risk Assessment prepared by LK Group and dated February 2022 has been submitted in support of this application. The overall conclusions of this assessment are that the possibility of various contaminants on the site are low/moderate.
- 7.8.3 The Council's Contaminated Land Officer has confirmed that subject to contaminated land conditions (set out in recommended condition 7) the proposed development would provide suitable remediation.

#### Access for all

- 7.8.4 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. The public sector equality duty also applies (Section 149 Equality Act 2010). Part of this includes advancing the equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics include those with a disability. Therefore, as part of assessing this planning application officers need to consider if the proposal will provide access for all, including those with limited mobility.
- 7.8.5 Section 8 of the applicant supporting Design and Access Statement deals with inclusive access. Thorpe Park currently has an accessibility day planner which provides clear guidance on the accessibility of every attraction in the park as well as offering assistance to guest which may need it. It is understood that the proposed rollercoaster will be assessed and added to the information officered in this support network
- 7.8.6 The Design and Access Statement further sets out that the proposed design has had consideration for the principles of inclusivity for staff and visitors alike including disabled guests being able to utilise the Plaza and all rides. The Design and Access Statement further sets out more detailed measures that are proposed to be put in place.
- 7.8.7 Overall, and as part of the sites wider operation it is considered that proposal does seek to ensure equality of access for all.

#### Security Measures

- 7.8.8 The consultation response from the Designing Out Crime Officer at Surrey Police highlights the need to ensure suitable security around the perimeter of Thorpe Park, particularly where the proposed new roller coaster is located close to an existing footpath. It is not considered that the introduction of a new rollercoaster within a wider established theme park would result in increased security issues. Thorpe Park is a fee-paying regional/national tourist attraction, and it is recognised that the applicants/site owners will ensure suitable security measures are in place across the site as a whole. It is not considered that this proposal would result in increased issues which need to be considered as part of this specific planning application.

#### Archaeology

- 7.8.9 As the application site is over the 0.4 hectares an archaeological assessment and evaluation is required under policy EE7 of the Local Plan. A desk-based assessment has been submitted in support of this planning application.
- 7.8.10 The assessment contains results from a previous geotechnical investigation in 2014 close

to the application area, which suggest that this area was left intact and so there is potential for prehistoric archaeology to be present (albeit at depth) and so the extent of potential archaeological survival and the impact on any surviving deposits therefore remain to be determined. Archaeological monitoring of any planned geotechnical investigations, will be required to determine the ground conditions in advance of construction and can provide information of the extent of the previous quarrying and whether organic peats layers survive on the site. Once this is known and the detailed foundation design for the rollercoaster is available, it will be possible to determine the impact that the proposal will have on underlying deposits and if any further archaeological investigation will be required. Such matters can be secured through recommended condition 10.

## **8. Assessment for Very Special Circumstances**

8.1 The harm identified in the above assessment is that the proposed development constitutes inappropriate development within the Green Belt, (harm by definition) which would also have a limited impact on the openness of the Green Belt. This is given substantial weight.

8.2 The other harm identified is summarised as follows:

- Inappropriate development in flood zone (limited harm). This is given limited weight.

8.3 The Green Belt balancing exercise therefore needs to be if 'other considerations' put forward as part of this planning application equate to Very Special Circumstances (VSC) which exists to outweigh the harm and any other harm. This harm includes the inappropriate development in the Green Belt, the impact on openness, and inappropriate development in the flood zone.

8.4 The applicants have submitted a Green Belt Statement and Very Special Circumstance Report prepared by Litchfield's as part of the Planning Statement. This provides their "without prejudice" Very Special Circumstance case.

8.5 The report summarises their case as being:

- The need for the development
- A lack of alternative sites; and
- That other 'special' reasons exist, namely the benefits arising from the proposal.

8.6 Each matter will be considered in turn:

### The need for the development

8.7 Much of this is already explored in paragraphs 7.1.2 and 7.1.4 of this report and are predicated on maintaining the vitality and viability of the theme park. Thorpe Park Resort has seen a decline in visitor numbers since 2010 following a period of reduced investment in large scale new attractions. This decline was not predicated on but has been compounded by the pandemic. The Merlin Group/ Thorpe Park believe that the proposed development will significantly enrich the ride offer for guests to meet rising expectations and recover visitor numbers. They further claim that if visitor numbers continue to decline the viability of the Resort would suffer and the associated socio-economic benefits for the local area would reduce.

8.8 Not only is there a need for the park to recover from the wider decline in visitors and the pandemic but they also wish to remain competitive to increased competition from other theme parks within the South East, most notably The London Resort which is due to open in

2024.

- 8.9 It is again stressed that it is not predicted that the addition of a new amusement ride will increase visitors above those seen in the peak times of 2011 but to simply maintain the attractiveness of amusement park which and as discussed above, is a significant and important tourist attraction (and local employer) for the Borough. **Officers give substantial weight to this as a consideration towards very special circumstances.**

Lack of alternative sites

- 8.10 The proposed ride is intrinsically linked to Thorpe Park Resort so cannot be located outside the Resort as the resort itself is within the Green Belt. Thus, officers recognise that for the park to “expand” to add new rides it will fundamentally be within the Green Belt. The applicants have undertaken an assessment of alternative sites inside the Resort which are considered to be of sufficient size to accommodate a rollercoaster and ancillary facilities. The conclusions of this assessment are that this site was identified as preferable given the existing rides (now closed) on the site and how this proposed development would effectively make use of previously developed land within the Green Belt. It is also noted by officers that the proposed location is also one which is positioned further from local residents thereby seeking to minimise potential impact on neighbouring amenity, most notably in terms of noise.
- 8.11 It is recognised that in giving weight to the theme park needing to remain competitive and that this ride would achieve this, the applicants have carefully considered the location of the proposed ride to be in a location which is best located in a part of the site where a now closed ride is located preventing the spread in built form directing new development to an area largely within the existing built envelope. **Officers give moderate weight to this as a consideration towards very special circumstances.**

Other ‘special’ reasons

- 8.12 *Economic public benefits-* The applicants contend that there are further Economic public benefits associated with the proposed development. The applicant assert that the proposed investment will ensure that Thorpe Park Resort can; remain a popular tourist attraction; improve its business performance and recovery from the pandemic and generate more local community and economic benefits for the longer term by making the business more resilient.
- 8.13 The applicant further contends that significant economic benefits that are predicted to arise from the construction and operation of the project should be given substantial weight in the planning balance.
- 8.14 **Officers give limited weight to this as a consideration towards very special circumstances.** Substantial weight has already been given toward maintaining the viability and vitality of the resort above and should not be double counted. Whilst the construction benefits will be given the relevant “weight” in the planning balance below, the economic benefits which flows from the construction are considered to have limited weight as a consideration towards very special circumstances.
- 8.15 *Community public benefits-* The applicants contend that there are further community public benefits as Thorpe Park plays an important role within the local community, including:
- Providing complimentary tickets and financial support to disadvantaged children through the Merlin’s Magic Wand Charity;
  - Providing high quality learning opportunities and activities for school children that are aligned to the National Curriculum;
  - Offering a variety of educational School events across the year;

- Hosting the RBC ‘Junior Citizen’ programme on site; complimentary local residents’ tickets (x4 per household) to residents within the Thorpe Ward Boundary; financial donations to ‘in-need’ local community groups;
  - Carrying out various complimentary soft landscaping tasks, cutting grass and attending to tree maintenance at the local children’s day nursery and wider community areas;
  - Support at Thorpe Village Summer Fair
  - Support to the RBC Mayoral Fundraising Charity
- 8.16 Officers recognise the contributions which Thorpe Park, as a local employer, provides to the wider community. This is neither disputed nor overlooked. However, these are current community actions which take place, they are not outcomes predicated on this proposed development. However, the continued vitality and viability of the theme park as a major national and regional tourist attraction, will enable the resort to continue to contribute to the wider community. Maintaining the vitality and viability of the theme park has already been given substantial weight, above as another consideration which contributes towards very special circumstances. It is considered to be double counting that to give the aforementioned community benefits discreet “weight” as another consideration which forms part of the applicants very special circumstances case. Accordingly, this is **given limited weight**.
- 8.17 Environmental *public benefits*- The applicant further considers that the delivery of enhanced landscaping through additional tree planting to create new habitats for wildlife to deliver biodiversity net gain of 10% can form part of the other considerations toward very special circumstances. As detailed above, the site is located within or adjacent to several environmentally sensitive areas. There is a policy requirement for any redevelopment to mitigate and to then provide measurable net gains in biodiversity. Accordingly, whilst it is recognised that such enhancements will be undertaken as part this application, **limited to moderate weight is given as to this as a very special circumstances** because any such development should seek to deliver biodiversity net gains.

Conclusion on Very Special Circumstances Case

- 8.18 The NPPF (2021) states that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is ‘*clearly outweighed by other considerations.*’ The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special. Substantial weight is given to the ability of this scheme, when considered as a whole, in maintaining the attractiveness and competitiveness of the theme park as a national/ regional tourist attraction and/or theme park.
- 8.19 It is considered that it is this justification which equates to very special circumstances which **clearly** outweighs the harm to the Green Belt, as well as the other harm identified above.

**9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person’s rights under the Convention.

Consideration has been given to S149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited

by the Act

- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

## **10. CONCLUSIONS**

- 10.1 In summary, the principle of the development represents inappropriate development in the Green Belt with a limited harm to openness. However, it is considered that very special circumstances exist, in this case the ability for this proposal to maintain the attractiveness and competitiveness of the theme park as a national/ regional tourist attraction and/or theme park.
- 10.2 The proposed development (being a roller-coaster at a theme park) does not fit comfortably in any of the vulnerability classifications as described in the NPPF (2021). Due to this the principle of the development, partly in the floodplain is contrary to the NPPF (2021). However, the proposed development is situated on part of the site which forms part of the current theme park where existing rides and associated structures are currently present. Therefore, the “in principle” objection on flooding is considered to have limited harm. It is considered that based on the existing approved and implemented flood compensation scheme the proposed development would not result in increased flooding elsewhere and does not raise any further issues in terms of flood risk.

Further to the submission of additional information it is considered that the proposed development will have no adverse effect on the integrity of any potential impacts surrounding habitats (designated or otherwise). The proposed development will also secure biodiversity net gains.

The proposed development is considered to be visually acceptable and will be read as part of the wider Thorpe Park resort and would not have a detrimental impact on the amenities of the occupiers of surrounding properties. The proposed development would not result in an increase in visitor numbers and thus is not considered to raised any highways issues. Subject to conditions the proposed development is also not considered to raise any further issues in terms of matters such as contaminated land, access for all or security matters or archaeology.

The key driver for the proposed new roller-coaster, in an existing established developed area within Park is to maintain the attractiveness and competitiveness of the theme park as a national/ regional tourist attraction. The economic benefits associated with this, as well as the wider economic benefits which flow from maintaining Thorpe Park as a key tourist attraction are given substantial weight as benefits associated with this scheme.

When applying the planning balance, it is considered that any harm caused from the proposed development; is outweighed by the benefits of the scheme. Accordingly, the application is recommended for approval subject to the following:

## **11. FORMAL OFFICER RECOMMENDATION**

**To authorise the CHDMBC the decision to GRANT planning permission subject to Referral to the Secretary of State (and/or receiving no adverse comments from the re-consultation with the Environment Agency on additional supporting information).**

**And the subject to the following planning conditions:**

Compliance

**1. Standard three year time limit**

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

**2. Approved plans**

The development hereby permitted shall not be carried out except in complete accordance with the approved drawings as set out in the submitted "Cover Letter Appendix 1: application drawings" dated 07.03.2022 and received by the Local Planning Authority on 09.03.2022

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF

**3. Construction Environmental Management Plan**

The development hereby approved (including demolition) shall be undertaken in accordance with the Construction Environmental Management Plan for the Project Exodus Coaster prepared by Paul Crosbie dated 1st July 2022 or such other document submitted and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details for construction of the development.

Reason: In the interest of protecting potential ecological value and species in the site as required by policy EE9 of the Local Plan

**4. Tree Protection**

The development hereby approved (including demolition) shall be undertaken in accordance with the Tree Survey and Impact Assessment (including Tree Constraints Plan and Tree Protection Plan) dated February 2022 and prepared by Keen Consultants.

The development shall be undertaken in accordance with the approved details for construction of the development.

Reason: To ensure the retention of trees in the interests of the visual amenities of the area and to accord with Policy EE11 of the Local Plan.

Prior to commencement

**Scheme of implementation**

- 5.** Notwithstanding the approved plans or any indication given otherwise, prior to commencement of any development (including demolition) an implementation programme schedule and plan shall be submitted to and approved in writing by the Local Planning Authority. This programme shall set out in full the works to be

undertaken and the timings, including (but not exhaustive of) when part of the Abbey Lake inlet will be temporarily infilled, when it will then be excavated, the lake edge reinstated, the reed beds installed and the proposed new woodland planted.

Reason: to ensure that the development is undertaken and completed in a satisfactory manner in terms of both flood risk and biodiversity.

## **6. Surface water drainage scheme**

Prior to commencement of any development (excluding demolition, site clearance and enabling works to ground level) details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a staged discharge rate of 1yr 1.2l/s, 30yr 3.27l/s, 100yr + CC 4.53l/s.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout that follows the principles set out in the approved drainage strategy detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

## **7. Contaminated Land**

Prior to commencement of any development (other than demolition and site clearance to ground level, enabling works and that required to be carried out as part of an approved scheme of remediation) the following shall take place:

### **(i) Site Characterisation**

No development must take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and shall assess any contamination on the site whether or not it originates on the site. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;

(b) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- ground waters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(ii) Submission of Remediation Scheme

If found to be required no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works.

Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition (ii) in the form of a Remediation Strategy which follows the .gov.uk LCRM approach. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority in accordance with Condition (iii)

The development shall be undertaken in accordance with the above. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (iv) has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.



## **8. Landscaping**

Notwithstanding the approved plans or any indication given otherwise, prior to commencement of any development (excluding demolition, site clearance and enabling works) full details of hard and soft landscaping scheme (including any boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority.

This shall include a 'schedule of undertaking' the proposed works and samples of all hard surfacing.

All approved landscaping details shall be undertaken and completed in accordance with the approved 'schedule of undertaking.'

All approved landscaping works shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written permission to any variation.

Reason: To ensure the development is adequately landscaped and to comply with Policy EE1, EE3, EE4 and EE14 of the Runnymede 2030 Local Plan and guidance within the NPPF.

## **9. Landscape and Ecological Management Plan**

Prior to commencement of any development (excluding demolition, site clearance and enabling works), a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The final LEMP should be based draft LEMP prepared by Baker Consultants dated 22 June 2022.

The development shall be undertaken in accordance with the approved details.

Reason: In the interest of protecting potential ecological value and species in the site as required by policy EE9 of the Local Plan

## **10. Archaeology**

No development other than demolition, site clearance and enabling works above ground level, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority

Reason: To allow archaeological information to be recorded and to comply with Policy EE7 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Above ground level

## **11. Materials**

Prior to commencement, excluding site clearance and demolition detailed schedule and specification of the materials, colours and finishes to be used (on a phased basis or otherwise) shall be submitted to and approved in writing by the Local Planning Authority.

Sample boards constructed on site showing the above as relevant shall be provided at the same time as an application is made.

The development shall be carried out and retained in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity of the area and to comply with Policy EE1, EE3 and EE4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Prior to use

## **12. Drainage verification**

Prior to the first being brought into use, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

## **13. Flood compensation**

Notwithstanding the approved flood compensation table (ref. 472-9-27AE\_1/Thorpe Park Compensation Land Programme rev AE 14.09.2022), Prior to any part of the development being first brought into use an updated compensation table reflecting as built cut and fill shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the long term level for level compensation is accounted for within the approved compensation table and prevent the increased flooding from reduced flood storage capacity.

**• TO BE ADDED ANY RECOMMENDED CONDITIONS FROM THE ENVIRONMENT AGENCY**