

To: All Members of the Council

Robin Pellow
Head of Democratic and Legal Services

When calling please ask for: Maureen Brown

Direct line: 01483 523492

Calls may be recorded for training or monitoring

E-mail: maureen.brown@waverley.gov.uk

Fax No: 01483 523475

Date: 4 December 2009

Dear Councillor

COUNCIL MEETING – 15 DECEMBER 2009

The MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 15 DECEMBER 2009** at 7.00 p.m. and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Prior to the commencement of the Meeting, prayers will be led by the Reverend Dr Anne Gell of St Peters Church, Wrecclesham. This will be followed by a presentation by the Mayor to the Frensham Ponds Sailing Club in recognition of their success in achieving the Royal Yacht Association Club of the Year 2009.

Yours sincerely

Chief Executive

This meeting will be webcast and can be viewed by visiting <http://www.waverley.ukcouncil.net/> and will be preceded by an open public question time at 6.30 p.m.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Council Meeting held on 20 October 2009 (herewith).

2. **APOLOGIES FOR ABSENCE**

The Mayor to report apologies for absence.

3. DISCLOSURE OF INTERESTS

To receive from Members declarations of personal and prejudicial interests in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. MAYOR'S ANNOUNCEMENTS

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To answer the following question received from a member of the public in accordance with Procedure Rule 10:-

*[*NB. The following questions express personal views of the questioner and Waverley does not endorse the statements of fact and opinion in any way and they do not reflect the views of Waverley Borough Council].*

From Mr Michael Murphy of Farnham

"My question is in five parts:

1. Have Crest Nicholson paid Waverley Borough Council the Promised 20 million pounds now that the judicial inquiry time has expired?
2. If not, why not?
3. If not, what are the chances of them doing so in the future?
4. Are the Councillors aware that it has been reported that Crest Nicholson have been fined five million pounds for "irregularities"?
5. If they have not paid, and do not appear to be able to do so, may the Council Tax payers and voters of Waverley assume that WBC will not be renewing or extending the contract, as to do so would be seen to be both reckless and totally irresponsible?"

From Mrs Celia Sandars of Farnham

"Referring Members to the report presented to ELOS on 10 November on the proposed Thames Basin Heaths SPA Avoidance Strategy, I note that, under Annexe 1 Paragraph 1c), the report states that the broad conclusions of work on the SHLAA were shared with Members at an LDF Briefing and that this work showed there were only a limited number of specific future development opportunities identified within Farnham and that the situation was to be finalised shortly.

My question is: What was the actual number of those limited development opportunities identified at the time of the Report to ELOS and when will the final number be made available to the public?"

From Mr David Wylde of Farnham

“Natural England has stated that its role with respect to development consents and associated mitigation plans is merely advisory and that the responsibility for compliance with the Habitats Directive rests entirely with the relevant Competent Authorities. Does Waverley Council, as the decision maker, accept that it alone has responsibility for ensuring that all its TBHSPA-related decisions fully adhere to the Directive?”

From Mr Jerry Hyman of Farnham

“The THSPA Report 'legal implications' state the need for the miniplan to be 'robust'. Three years ago Inspector Mattocks intervened to halt Waverley's miniplan and Core Strategy because you could not answer when he referred to the frailty of your strategy and asked you,

'where is the Waddenzee certainty ?'

The survey evidence suggests that designating Farnham Park as a SANG is if anything having the opposite effect to intended, and despite four years' work the Delivery Framework is still failing, with councils unable to endorse its legal and financial inadequacies. Fortunately your expert advice and the Directive together provide a robust and ideal solution.

Having recognised that the Park has no real effect as mitigation unless a significant existing impediment to its accessibility can be overcome, your expert consultant Jed Griffiths concluded (at para 6.5 of his Report) that,

"...To increase [the Park's] capacity, it would be essential to include the area to the east, to which there are no physical barriers".

We understand that the "essential" Farnham Park Hotel "land 'to the east'" was offered as a private SANG in early summer, has since been agreed by Natural England, and that it now needs little more than the paperwork agreeing to be usable (i.e. ready before any housing it enables is occupied, as NE require). A direct access to Farnham Park could be an attractive medium-long term option, allowing the Park to offer genuine mitigation potential and fulfil the old miniplan, subject to a proper assessment of the likely impact on the nature conservation interests of the Park.

Forgive me for asking, but given the availability of a genuine and valuable new SANG and the lawful 'IROPI' route to consent a limited amount of needed new homes in Farnham, can you please explain in simple terms what is it that convinces you that the right thing to do is to defy your impartial expert advice, and instead recommend a contrary and untenable approach which offers the endangered species no real relief?”

6. QUESTION TIME

To answer any questions received in accordance with Procedure Rule 11.2.

7. MOTIONS

To receive motions for which notice has been received in accordance with Procedure Rule 12.1.

8. MINUTES OF THE EXECUTIVE AND COMMITTEES

- (a) To receive the minutes of the meetings of the Executive held on:-
 - (i) 3 November 2009 (herewith - coloured grey);
 - (ii) 1 December 2009 (herewith - coloured grey);
- (b) To receive the minutes of the meetings of the Standards Committee held on:-
 - (i) 30 November 2009 (herewith - coloured buff).
- (c) To receive the minutes of the meetings of the Licensing and Regulatory Committee held on:-
 - (i) 17 November 2009 (herewith - coloured aqua);
- (d) To receive the minutes of the meeting of the Audit Committee held on 24 November 2009 (herewith - coloured turquoise).

9. EXCLUSION OF PRESS AND PUBLIC

To consider the following motion, to be moved by the Mayor, where appropriate:-

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of any matter on this agenda on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351