

MINUTES of the MEETING of the  
 WAVERLEY BOROUGH COUNCIL  
 held in the Council Chamber,  
 Council Offices, Godalming on  
15 December 2009 at 7.00 pm

\* Cllr Mrs Pat Frost (Mayor)

\* Cllr Mrs Carole Cockburn (Deputy Mayor)

- |                            |                                 |
|----------------------------|---------------------------------|
| * Cllr Mrs Jean Arrick     | * Cllr Robert Knowles           |
| * Cllr Mike Band           | * Cllr Ms Denise Le Gal         |
| Cllr Len Bate              | * Cllr Dr Nicky Lee             |
| * Cllr Mrs Gillian Beel    | Cllr Alan Lovell                |
| * Cllr Maurice Byham       | Cllr Peter Martin               |
| * Cllr Mrs Elizabeth Cable | * Cllr Tom Martin               |
| * Cllr Mike Causey         | Cllr Bryn Morgan                |
| * Cllr Stuart Connolly     | * Cllr Stephen Mulliner         |
| * Cllr Victor Duckett      | * Cllr David Munro              |
| Cllr Jim Edwards           | Cllr Stephen O'Grady            |
| * Cllr Brian Ellis         | Cllr Samuel Pritchard           |
| * Cllr Mrs Patricia Ellis  | * Cllr Ken Reed                 |
| Cllr Mrs Lucinda Fleming   | Cllr Steven Renshaw             |
| * Cllr Mrs Mary Forszewski | * Cllr Stefan Reynolds          |
| * Cllr Bob Frost           | Cllr Ian Sampson                |
| * Cllr Richard Gates       | * Cllr John Sandy               |
| Cllr Michael Goodridge     | * Cllr Mrs Celia Savage         |
| * Cllr Tony Gordon-Smith   | * Cllr John Savage              |
| * Cllr Mrs Jill Hargreaves | Cllr Roger Steel                |
| * Cllr Stephen Hill        | * Cllr Adam Taylor-Smith        |
| Cllr Nicholas Holder       | * Cllr Ms Jane Thomson          |
| * Cllr Julian Hubble       | * Cllr Andrew Thorp             |
| * Cllr Simon Inchbald      | * Cllr John Ward                |
| Cllr David Inman           | Cllr Mrs Nerissa Warner-O'Neill |
| * Cllr Peter Isherwood     | * Cllr Keith Webster            |
| * Cllr Mrs Diane James     | Cllr Ross Welland               |
| Cllr Mrs Carole King       | * Cllr Mrs Liz Wheatley         |
|                            | * Cllr Andrew Wilson            |

\* Present

At the commencement of the meeting, prayers were led by the Reverend Dr Anne Gell of St Peters Church, Wrecclesham.

38. MINUTES

The Minutes of the Meeting of the Council held on 20 October 2009 were confirmed and signed.

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Jean Arrick, Len Bate, Mike Causey, Alan Lovell and Ian Sampson.

40. DISCLOSURE OF INTERESTS

The following members declared personal interests.

Minutes of the Executive 01.12.09

Item 125

Cllrs Mrs G Beel, Mrs C Cockburn, V Duckett, Mrs L Fleming, Mrs P Frost, Bob Frost, Mrs J Hargreaves, S Hill, S O'Grady, R Steel and J Ward as members of Farnham Town Council.

Item 136

Cllr T Martin as a member of Godalming Town Council

41. MAYOR'S ANNOUNCEMENTS

All Members received a Christmas gift from the Mayor, of the Waverley Crest in the form of a lapel badge.

The Mayor informed Members that following the Armed Forces Day in June the flag raised at the ceremony had been presented to the parents of Major Sean Birchall, the son of a Waverley employee who had been killed in action in Afghanistan.

The Mayor thanked everyone who had supported the Mayor's Christmas Bazaar. Over £500 had been raised for the Mayor's Charity the Woodlarks Campsite Trust.

The Mayor was very pleased to announce that David Gill, Waverley's Sports and Recreation Manager had received an award from Sport Godalming for his outstanding contribution to sport in the local area.

The Frensham Pond Sailing Club had been recognised by the Royal Yacht Association as an excellent club, and in particular for their outstanding contribution to sport for disabled people through Sailability. The Mayor was delighted that some members of the Club had been able to attend a reception prior to the meeting and was proud to be able to present individual trophies to members of the Club for national and personal achievements. The Mayor also presented a commemorative bowl from Waverley to the Club Chairman in recognition of this award.

42. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions to the Mayor had been received from members of the public in accordance with Procedure Rule 10:-

i. 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?"

Councillor Adam Taylor-Smith, Portfolio Holder for East Street gave the following response:

"Thank you Mr Murphy. Unfortunately, your question seems to be based on an inaccurate report made in the press in, I believe, 2002. Things have moved on somewhat since 2002. Since then the scheme has been very much reduced in size to meet the wishes of Farnham's residents and the contract between Waverley and Crest Nicholson has changed accordingly, as agreed by this Council.

The contract for the development of the East Street site is available on Waverley's website for all to see. It is currently still a conditional contract, and will not become unconditional until the following five conditions have been satisfied:

1. planning consent (which has of course been granted)
2. footpath diversions (which are in train)
3. site assembly (Waverley is in dialogue with the owners of the two remaining parcels of land which are not in our ownership)
4. financing of the development (a new condition introduced by myself recently to give added assurance to Waverley) that the scheme once started will be completed; and
5. most importantly financial viability.

Crest Nicholson is required to satisfy Waverley's condition that this development will generate an agreed minimum land value.

These are extremely difficult financial times, but I believe that the medium-term outlook for the East Street Scheme is hopeful. I believe it will be one of the first schemes nationally of its type to be started when the economy recovers. Waverley has every confidence that the East Street development will be brought to a successful completion, and will bring significant benefit to the regeneration of this area of the town, and substantial benefits to the residents of Farnham."

ii. 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?"

The Leader of the Council, Councillor Richard Gates, gave the following response: -

"The Strategic Housing Land Availability Assessment is in the process of being finalized and earlier provisional figures could alter during this work. It is therefore premature and possibly misleading to release earlier figures. The intention is that it will be published as supporting evidence alongside the forthcoming consultation on housing options for the Local Development Framework, which is due to commence in January. It will identify potential development opportunities in Farnham and elsewhere in the Borough."

iii. 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?"

The Leader of the Council, Councillor Richard Gates, gave the following response: -

"Yes, however as the Competent Authority the Council has a statutory duty to consult Natural England and to have regard to any representations made by them. Indeed government guidance (PPG9) implies that the Council would be expected to follow the advice of Natural England and if not, it should be prepared to explain its reasons. In making decisions the Council also follows guidance provided by the policy framework set out in the South East Plan and the advice provided by the Joint Strategic Partnership."

iv. 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?"

The Leader of the Council, Councillor Richard Gates, gave the following response: -

"Thank you for your question. I do not accept any of the assertions in your preamble, however I will address the question itself. We have published full details of all the advice we have received regarding the suitability of Farnham Park as SANG, including those of Mr Griffiths. In paragraphs 4.2 to 4.6 and his table 2 he demonstrates clearly that Farnham Park meets all necessary attributes for a SANG. Natural England independently has the same opinion related to the 21.25 hectares, and it is on that basis that the recommendation in the Council papers is made.

He refers also to the privately owned land to the East of Farnham Park in paragraphs 4.18 to 4.22, in which he concludes that "most of the criteria in the Natural England checklist could be satisfied" Table 2 illustrated the criteria which currently do and do not meet NE's requirements.

The Landowner has been in contact with our Officers and previous Waverley decisions have asked that this dialogue should continue. Use of the land for SANG has not been offered in any legal sense however we are aware that Natural England see an "in principle" potential for this site as SANG. Any use of the land as SANG would have to be agreed by Waverley.

If Council decides later this evening to accept the additional use of one third of the remaining available capacity in Farnham Park, and the moratorium on any further consideration of SANG in Farnham Park - which Waverley would not wish to circumvent by alternative SANG in the short term – and therefore any additional Waverley SANG would only be to meet medium term needs. There are a number of options for meeting medium term need, which have been identified in Executive decisions, including the land to which you refer, and at an appropriate time Waverley will consider these.”

#### 43. MINUTES OF THE EXECUTIVE

##### 43.1 Meeting of 3 November 2009

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 1 September 2009 be approved and adopted.

RESOLVED that the Minutes of the Meeting of the Executive held on 3 November 2009 be approved and the recommendations contained therein adopted.

##### 43.2 Meeting of 1 December 2009

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 29 September 2009 be approved and adopted.

#### i. Proposed Avoidance Strategy for the Thames Basin Heaths Special Protection Area (Minute No. 125)

(a) Councillors Reed, Duckett and Mrs James asked that their votes against the adoption of recommendation 40. be recorded, but the recommendation was carried.

(b) It was moved and seconded that recommendation 41. be amended as identified in italics:

41. a further 3.45 hectares of Farnham Park be designated as SANG (equivalent to 179 further homes) *and to be made available as such on adoption of the Farnham Design Statement as local supplementary planning guidance or on 31st July, whichever is the sooner;*

It was then moved in accordance with Procedure Rule 17.5 that voting on this amendment should be by roll-call and recorded. The voting was as follows:-

For the amendment (32 votes)

Councillors Mrs G M Beel, Mrs C Cockburn, V Duckett, J H B Edwards, Mrs L J Fleming, Mrs M Forszowski, Mrs P M Frost, R D Frost, R A Gordon-Smith, Mrs G Hargreaves, S L Hill, N P Holder, J P Hubble,

S R E Inchbald, Mrs D M James, Mrs C King, R A Knowles, Dr N Lee, B J Morgan, S N Mulliner, S J O'Grady, S L Pritchard, K Reed, S N Reynolds, J M Savage, R J Steel, Ms J R Thomson, J A Ward, Mrs N Warner-O'Neil, R A Welland, Mrs L Wheatley, C A Wilson.

Against the amendment (16 votes)

Councillors M H W Band, M W Byham, Mrs E Cable, S P Connolly, B A Ellis, R J Gates, M R Goodridge, D C Inman, P B Isherwood, P J Martin, T E Martin, D J Munro, S Renshaw, J R Sandy, A E B Taylor-Smith, K Webster.

Abstaining (2 votes)

Councillors Mrs P Ellis, Mrs C E Savage.

This amendment was therefore CARRIED.

ii. RECOGNISING THE CONTRIBUTION OF THE LOCAL ARMED FORCES (Minute No. 128)

The Council endorsed the suggestion to recognise and support all of the armed services in whatever ways the Council could.

At Annexe 8 the title of the Princess of Wales's Royal Regiment was corrected to read "the former Queen's Royal Regiment, and later the Queen's Royal Surrey Regiment".

RESOLVED that the Minutes of the Meeting of the Executive held on 1 December 2009 be approved and the recommendations contained therein adopted.

44. MINUTES OF THE STANDARDS COMMITTEE

44.1 Meeting of 30 November 2009

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 30 November 2009 be approved.

45. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

45.1 Meeting of 17 November 2009

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 17 November 2009 be approved.

46. MINUTES OF THE AUDIT COMMITTEE

46.1 Meeting of 24 November 2009

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Audit Committee held on  
24 November 2009 be approved.

The meeting concluded at 9.24 p.m.

Mayor