

MINUTES of the MEETING of the
WAVERLEY BOROUGH COUNCIL
held in the Council Chamber,
Council Offices, Godalming on
17 July 2012

- * Cllr Tony Gordon-Smith (Mayor)
- * Cllr Patricia Ellis (Deputy Mayor)

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| * Cllr Brian Adams | * Cllr Denis Leigh |
| Cllr Stella Andersen-Payne | * Cllr Peter Martin |
| Cllr Mike Band | Cllr Tom Martin |
| * Cllr Gillian Beel | * Cllr Bryn Morgan |
| * Cllr Patrick Blagden | * Cllr Stephen Mulliner |
| * Cllr Maurice Byham | Cllr David Munro |
| * Cllr Elizabeth Cable | * Cllr Elliot Nichols |
| Cllr Carole Cockburn | Cllr Jennifer O'Grady |
| * Cllr Jim Edwards | Cllr Stephen O'Grady |
| * Cllr Brian Ellis | * Cllr Donal O'Neill |
| * Cllr Jenny Else | * Cllr Julia Potts |
| Cllr Mary Foryszewski | * Cllr Stefan Reynolds |
| * Cllr Pat Frost | * Cllr Ian Sampson |
| * Cllr Richard Gates | Cllr Janet Somerville |
| * Cllr Michael Goodridge | Cllr Roger Steel |
| * Cllr Lynn Graffham | Cllr Stewart Stennett |
| Cllr Jill Hargreaves | Cllr Christopher Storey |
| Cllr Christiaan Hesse | Cllr Adam Taylor-Smith |
| * Cllr Stephen Hill | * Cllr Jane Thomson |
| Cllr Nicholas Holder | * Cllr Simon Thornton |
| Cllr Simon Inchbald | Cllr Brett Vorley |
| * Cllr Peter Isherwood | * Cllr John Ward |
| * Cllr Diane James | * Cllr Nerissa Warner-O'Neill |
| * Cllr Carole King | * Cllr Keith Webster |
| * Cllr Robert Knowles | Cllr Ross Welland |
| * Cllr Martin Lear | Cllr Liz Wheatley |
| * Cllr Nicky Lee | * Cllr Nick Williams |

Cllr Andrew Wilson

* Present

Prior to the commencement of the meeting, prayers were led by the
Reverend Canon Mervyn Roberts

11. MINUTES

The Minutes of the Extraordinary and Annual Council Meetings held on 8 May 2012 were confirmed and signed.

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mike Band, Carole Cockburn, Mary Foryszewski, Jill Hargreaves, Simon Inchbald, Tom Martin, David Munro, Jennifer O'Grady, Stephen O'Grady,

Janet Somerville, Roger Steel, Stewart Stennett, Adam Taylor-Smith, Brett Vorley, Ross Welland, Liz Wheatley and Andrew Wilson.

13. DISCLOSURE OF INTERESTS

There were no interests declared under this heading.

14. MAYOR'S ANNOUNCEMENTS

The Mayor informed the Council that he had enjoyed being Mayor so far and had already visited many parts of the Borough, including the Ewhurst Carnival where he had observed the new playground being opened and won the ferret race.

The Mayor reminded councillors that any invitations they received from him included their partners or spouses. A statue commissioned in celebration of the 2012 Olympics was due to be unveiled at the Council Offices in the next week and whilst several councillors had already made generous contributions towards it, any more donations would be welcomed.

The Mayor also encouraged councillors to join him for a swim at the opening of the new Godalming Leisure Centre on 30 July 2012 at 8am.

15. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions were received from members of the public in accordance with Procedure Rule 10:-

i. from Mrs Betty Ames

With regard to the Core Strategy and with specific reference to Policy CS8 – Gypsies, Travellers and Travelling Showpeople:

In the introduction to Appendix B and in Annexe 1, clear references are made to the changes in the National Planning Policy Framework (NPPF) with both the consequent implications for the resultant major changes and for the relevant legal tests of soundness to be addressed.

However, apart from the acknowledgement at para 1.3 on page 8 of the Strategy document of the additional "Planning Policy for Traveller Sites" (PTTS) document, which forms a part of the revised NPPF, and on p.80 at para 9.27 of the Strategy (which came into force in March 2012 at the same time as the NPPF and therefore must be complied with), the policies promoted in this section, including Policy CS8 itself concerning Traveller sites makes no mention of the PPTS.

Without such a reference, and without appropriate qualification, pursuit of the sequential approach proposed by Policy CS8 for the identification of sites and pitches, namely prioritising the provision of additional pitches within or by extension of existing authorised sites, would appear to be unlawful. The absence of reference in the Policy to the need for such existing sites, as they may be extended by the Policy, to comply with the requirements of PPTS is a serious flaw. This

is particularly relevant in relation to the PPTS requirements that Planning Authorities should aim for balance and avoid domination by sites of the local settled community given that no such balance has been achieved by Waverley's current policy which has resulted in 60% of all traveller pitches in the Borough being located at adjacent sites on Stovolds Hill.

Therefore the questions are:-

- why have no "major changes" been made to the policies proposed for the future reviews and provision of sites to address identified needs for such sites, in Waverley as a whole, which take account of the very specific policies of the PPTS?

What action do you propose to take – even at this late stage – to address our very real concerns?"

In the absence of the questioner, the Portfolio Holder for Planning replied as follows:-

"Thank you for your question. The Council does consider that the proposed Core Strategy is consistent with the government's planning policy for traveller sites (the PPTS) and there are no major changes necessary. There will be a consultation on the soundness of the Core Strategy beginning in August this year and it will pass to an Planning Inspector for its public Examination.

There is reference to the PPTS (Planning Policy for Traveller Sites) in the Core Strategy, as you have said in your question. However, it is not necessary for our Core Strategy to simply repeat what is national policy. Policy CS 8 of the Core Strategy does, in fact state that:

Provision shall be made for Gypsies, Travellers and Travelling Showpeople in accordance with a review of the Gypsy and Traveller Accommodation Assessment.

The PPTS states that Local Authorities should set criteria for the consideration of sites. The criteria are, in fact, set out in Policy CS 8. With regard to the concerns of over-domination by particular sites, one of the criteria set out in policy CS 8 is that:

.... The site does not have an unacceptable impact on the physical and visual character of the area or on the amenities of neighbouring land uses ...

The Council does not consider that the sequential approach to identification of sites is unlawful. The PPTS states that

... the criteria should be set to guide land supply allocations where there is identified need ...

The majority of need might reasonably be expected to come from the existing sites and this is the basis on which we are presently working".

ii. from Mr Jerry Hyman

“Mr Mayor,

The January 2012 Surrey Heath Core Strategy Inspector's Report confirms that neither Natural England nor the SPA-affected LPAs can provide the required *Waddenzee* standard of convincing and objective evidence that their TBHSPA mitigation strategy will be effective (Circ 06/05 [20, 21] refer), and so to satisfy the overriding legal constraints the SHBC CS/Local Plan added a requirement that developers must themselves provide the *Waddenzee* evidence that LPAs' mitigation works; and because it is clearly impossible for developers to do so, and as the same issue forced the withdrawal of WBC's 2006 Core Strategy submission when specifically queried by the Inspector, does WBC accept that it must now explain just how your Core Strategy intends to satisfy the statutory requirement for *Waddenzee* evidence ?”

The Portfolio Holder for Planning replied as follows:-

“Mr Hyman, thank you for question. Whilst I do not accept much of the statement you make in pre-ambule to your question, the simple answer to your question is YES, of course the Core Strategy must satisfy the principle of *Waddenzee*. The Inspector's Report for the Surrey Heath Core Strategy concluded that the strategy was sound.

Natural England stated at the Surrey Heath Examination that insufficient time had elapsed since the Thames Basin Heaths SPA Delivery Framework was approved to reach a view on the effect of the policy measures on the species concerned. Natural England also emphasised that it is the achievement of no net increase in visitor numbers that is the key element in the policy's delivery.

Monitoring of both visitor numbers and the populations of the relevant species are among the objectives of the Strategic Access Management and Monitoring (SAMM) project. The Inspector concluded that he saw no substantive reason to depart from the assessment of Natural England in respect of the likely effectiveness of the proposed avoidance strategy. This Council is fully aware of its duties under the Habitat Regulations and the *Waddanzee* principle.

Waverley has carried out a Habitat Regulations Assessment of its Core Strategy – in consultation with Natural England. The approach taken in the Core Strategy is supported by both Natural England and the conclusions of the Habitat Regulations Assessment. The Delivery Framework seeks to ensure that all net new residential development likely to have a significant effect on the SPA, alone or in combination, should provide, or make alternative contributions towards, measures that avoid adversely affecting the integrity of the SPA through the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) measures. Waverley, along with other local planning authorities have adopted an Avoidance Strategy to secure SANG and SAMM.”

16. MINUTES OF THE EXECUTIVE

16.1 Meeting of 29 May 2012

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

RESOLVED that the Minutes of the Meeting of the Executive held on 29 May 2012 be approved and the recommendation contained therein adopted.

16.2 Meeting of 3 July 2012

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 3 July 2012 be approved and adopted.

i. Upper Tuesley Development Brief, Supplementary Planning Document (Minute No. 27)

It was moved and seconded that the following text in bold and italics be added to the beginning of Recommendation 9 so that it now reads:

“9. ***Subject to the removal of all reference to the detail of current and proposed bus services in the close proximity of the site***, the Upper Tuesley Development Brief Supplementary Planning Document be adopted and replace the 2002 SPG and 2006 update statement;”

The amendment was CARRIED.

ii. The New Standards Framework (Minute No. 29)

It was moved and seconded that Annexe 3, referred to in Recommendation 13. be amended as follows:-

Section 4 - Will your complaint be investigated?

“...The Monitoring Officer will inform the subject member or co-opted member of receipt of the allegation ***and its details*** and of their right to consult the ***Monitoring Officer and the Independent Person...***”

Section 11 – Who is the Independent Person?

Deletion of repeated wording in paragraph 11.2 and subsequent renumbering of remaining paragraphs.

Section 12 – Review of these arrangements

“...The Council will review the arrangements ***after not more than six months*** ~~one year~~ and identify any improvements to the processes and ensure that they are helping the Council maintain high standards of conduct”.

The amendments were CARRIED. An (Exempt) Annexe was also tabled as background information to Recommendation 14, and this minute was amended by the addition of the following, that Mrs Vivienne Cameron and Mr Tony Allenby be appointed as the Council's Independent Persons for the period until May 2015.

iii. Weyhill Car Park, Haslemere (Minute No.37)

This minute was withdrawn as the item had been called in for scrutiny by the Community Overview and Scrutiny Committee.

iv. Terms of Reference of Corporate Overview and Scrutiny Sub-Committee and Partnership Working with Housing Tenants

The Council thanked Jane Rawlings who had recently stepped down as the Chairman of the Tenants Panel at Waverley for her hard work over the last three years and recognised the continued importance of working with the Tenants Panel in the future.

RESOLVED that the Minutes of the Meeting of the Executive held on 3 July 2012 be approved and the recommendations contained therein, as amended, be adopted.

17. MINUTES OF THE JOINT PLANNING COMMITTEE

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

RESOLVED that the Minutes of the Meeting of the Joint Planning Committee held on 8 May 2012 be approved.

18. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

18.1 Meeting of 8 May 2012

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 8 May 2012 be approved.

18.2 Meeting of 31 May 2012

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 31 May 2012 be approved.

19. MINUTES OF THE STANDARDS COMMITTEE

The Council received an update on the new ethical standards regime which was due to come into effect on 1 July 2012. The new regime no longer required Independent representatives to be appointed to the Standards Committee and the Council therefore wished to record its thanks to the three Independent representatives (David Wheatley, Nicolas Davies and

Karen Heenan) for their hard work on the Standards Committee over the years and asked that a letter be sent from the Monitoring Officer expressing this. It was then moved by Cllr Michael Goodridge, duly seconded and

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 19 June 2012 be approved.

20. MINUTES OF THE AUDIT COMMITTEE

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

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 26 June 2012 be approved.

21. ANNUAL REPORTS OF OVERVIEW AND SCRUTINY COMMITTEES

RESOLVED that the Annual Reports from the Community and Corporate Overview and Scrutiny Committees be received.

The meeting concluded at 8.29 p.m.

Mayor