

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 12 JULY 2016

SUBMITTED TO THE COUNCIL MEETING – 19 JULY 2016

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Julia Potts (Chairman)	Cllr Kevin Deanus
Cllr Tom Martin (Vice Chairman)	Cllr Jim Edwards
Cllr Brian Adams	Cllr Jenny Else
Cllr Andrew Bolton	Cllr Carole King

**Apologies**

Cllr Ged Hall

**Also Present**

Councillor Maurice Byham, Councillor Pat Frost, Councillor John Gray, Councillor Peter Isherwood, Councillor Stephen Mulliner, Councillor Richard Seaborne and Councillor Nick Williams

26. MINUTES (Agenda item 1)

The Minutes of the Special Meeting held on 24 May 2016 and of the last Meeting held on 7 June 2016 were confirmed and signed as a correct record.

27. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllr Ged Hall.

28. DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

29. QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following questions in accordance with Procedure Rule 10:

i. from Mr Bob Lees, Chairman of the POW Campaign

“Having read the draft Local Plan, and attended the O and S meeting on Monday 27th June, there would appear to be a number of contradictions and very basic errors of fact which are not obviously coming to light.

Examples of contradictions would include claims variously that 61% and 63% of Waverley is part of the Metropolitan Green Belt (MGB), 71% and 78% is AONB and AGLV, 31% and 28% is Countryside Beyond the Green Belt and so on.

Examples of errors would include; in RE3 para (ii) gives AGLV the same status as AONB, at least until the revised AONB is designated in 2018, yet section 18.12 claims that none of the Dunsfold Aerodrome is in the AONB, factually correct, yet parts of it are in the AGLV which according to RE3(ii) should have the same status as AONB. 18.12 also claims 86% of the 249 hectare site is Brownfield, yet the, still disputed, 86% applies to the original application area which when extrapolated to the current 249 hectares only gives some 74 to 75% as Brownfield. In addition Appendix A at page 195 has a key of AONB/AGLV which on the actual map has large areas of this designation missing at both the Cranleigh and Farnham ends of the Borough. The above is not an exhaustive list and these types of error would indicate a lack of basic proof reading and Quality Assurance checking and is not the image I am sure Waverley would want to project. Indeed Councillor Hesse, at the O and S meeting, asked what Quality Assurance had been undertaken and was assured that full checking had been carried out and that all claims in the document could be fully substantiated.

Can the Executive ensure that the draft Local Plan is at least basically factually correct and thoroughly proof read, by officers, to make it at least self consistent, especially in such key exhibits as Appendix A, before it is presented to the whole Council?"

The Leader of the Council responded as follows:-

"A thorough proof reading of the draft Local Plan will be made before it is published to rectify errors and inconsistencies. You have referred particularly to the status of the AGLV and the AONB. We are not arguing that the AGLV has the same status as the AONB. We recognise the value of the AONB as a national landscape designation, but Policy RE3 (ii) only states that the same principles will apply in the AGLV. However, one of the changes we are proposing before the Plan is published is to amend the text to clarify that the AGLV designation does not carry as much weight as the AONB."

ii. From Mr Charles Orange, Chairman of Hascombe Parish Council

"I note that a key piece of evidence presented for the inclusion of Dunsfold Airfield in the draft Local Plan is the flawed 2014 Consultation. The response to this was less than 4% of the population of Waverley Borough which had 80% "in favour" of Dunsfold Airfield. In contrast the current public consultation on the application for 1800 houses on Dunsfold Airfield has 84% of respondents objecting to the development. Will the Executive confirm that the more recent consultation data will be included in the plan to show a balanced and more current view?"

The Leader of the Council responded as follows:-

"The Council fully appreciates that the planning application for the Dunsfold Aerodrome site has attracted a considerable amount of local interest. These comments will be taken into account in the consideration of the planning application. However, I do not think that it would be appropriate for the Local Plan to refer to such comments, for two reasons. First, the comments relate to a particular development proposal and which are not made in the context

of the Borough-wide Local Plan. Secondly, many other planning applications in Waverley have also attracted a lot of local interest. It would not be appropriate, therefore, to single out the responses made to this specific application.”

iii. from Mr Chris Britton of Cranleigh

“What changes to the Draft Local Plan will the Executive make to ensure that the cumulative impacts of adopting the proposed, very large, housing target figure are not disproportionately placed in the South East of the Borough, where infrastructure and especially transport links are known and acknowledged to be poor and no major strategic plans are set out for funded improvements necessary to make such development sustainable?”

The Leader of the Council responded as follows:-

“The justification for the proposed distribution of development across the Borough is set out in the Spatial Strategy chapter of the Plan. Before the Plan is published, and in response to the comments of the Joint Overview and Scrutiny Committee on this same matter, further explanation will be added.

As far as infrastructure is concerned, we fully acknowledge the importance of securing improvements, including to the highway network, in order to mitigate the impacts of new development. As you may be aware, for example, the Council has secured infrastructure contributions from the developers of the large sites around Cranleigh that have received planning permission. When the Community Infrastructure Levy Charging Schedule is adopted, this can be used to direct funds to meet the cumulative infrastructure needs of developments.

The Council will also still be able to secure contributions through Section 106 agreements on individual developments that generate a need for new or improved infrastructure, such as at Dunsfold Aerodrome. Where appropriate, the plan will seek to ensure that larger strategic sites are developed in a phased manner, with appropriate levels of infrastructure delivered at each stage.”

## **PART I - RECOMMENDATIONS TO THE COUNCIL**

### Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

### 30. BUDGET MANAGEMENT REPORT (Agenda item 6)

30.1 The Executive noted the budget management report and RESOLVED that

1. the use of the Repairs and Renewals fund in the first instance to fund the cost of £25,000 for new waste bins be approved, as detailed in paragraph 6 of the report;

2. £40,000 from the General Fund urgent schemes budget be allocated for Development Consultancy budget, as at paragraph 13 of the report;
3. a virement of £44,000 be approved within the HRA New Build Budget, from the Bridge Road, Haslemere scheme to the Ladymead and Hullmead scheme, as set out at paragraph 22 of the report; and
4. the allocation of up to £200,000 from the HRA New Build Budget for Ockford Ridge be approved to bring forward demolition and site assembly works on Site D.

30.2 Within the HRA Core Capital budget, a condition review of heating and hot water systems has been undertaken which has identified a need for urgent works to communal boiler systems at the Sheltered Housing schemes and Abbey Court, at a cost of £690,000 in 2016/17. Previous experience at Blunden Court, where tenants were left without hot water, has meant that this work is a priority to ensure continued heating and hot water services. There is a budget of £251,000 available so virement is sought for the remainder of £439,000 to be able to appoint a contractor to undertake the work. The Executive therefore

**RECOMMENDS that**

- 15. the virement of £439,000 for urgent boiler works, as detailed above, be approved.**

*[Reason: to provide a review against the budget for the General Fund and Housing Revenue Account]*

31. WAVERLEY BOROUGH LOCAL PLAN PART I: STRATEGIC POLICIES AND SITES (Agenda item 8)

*[NB Cllrs Maurice Byham, Pat Frost, John Gray, Stephen Mulliner and Richard Seaborne attended the meeting and spoke on this item].*

31.1 The Local Plan Part 1 sets out the key policies and overall strategy for managing and directing future development in Waverley over the period to 2032. The Plan has reached the stage where it is ready to be published in its pre-submission form. Subject to Council approval, therefore, the intention will be to formally publish the plan, which will trigger a period for representations to be made on the Plan, before it is submitted for Examination by a Planning Inspector.

31.2 At this stage, the Plan has been considered by the Executive, having been subject to input from both the Joint Overview and Scrutiny Committee and the Local Plan Special Interest Group (which has been constituted to support development of the Local Plan).

31.3 The Plan has its origins in the Core Strategy, which was originally submitted for Examination in 2013. However, as Members will be aware, the Core Strategy was subsequently withdrawn from Examination on the

recommendation of the Inspector. In the light of the National Planning Policy Framework (NPPF), which had been published in 2012, the Inspector was of the view that the Council should update its evidence on housing need and should cease relying on a housing target that had been derived from the now revoked South East Plan.

- 31.4 Although the Core Strategy was withdrawn from Examination, it is not the case that the Council had to start from scratch with a new Plan. The Core Strategy was developed after a number of consultations and was underpinned by an extensive evidence base, culminating in the development of key policies on matters such as the role of town centres, delivery of affordable homes, and employment. Many of these Core Strategy policies have been updated, including updates to the evidence where necessary, but have not had to be changed significantly in order to remain consistent with national policy in the NPPF.
- 31.5 The focus of work in developing the new Local Plan has been to update the evidence of housing need and to develop the most appropriate strategy for both the number and distribution of new homes. This has clearly had implications for other strands of work, including developing and updating the evidence on the availability of land, updating the evidence on infrastructure capacity and future delivery and reviewing the implications of delivering more housing on the various constraints that affect Waverley.
- 31.6 An extensive evidence base has been developed to support the new Local Plan. Much of this is already complete and published on the Council's website. One of the key documents is the West Surrey Strategic Housing Market Assessment (SHMA). This sets out the objectively assessed need (OAN) for new homes within each of the local authorities that make up the West Surrey Housing Market Area (HMA) (Guildford, Woking and Waverley). In Waverley's case the OAN is equivalent to 519 homes per annum.
- 31.7 Other key evidence includes the Employment Land Review, the Strategic Flood Risk Assessment, the Land Availability Assessment (LAA), the Green Belt Review (Parts 1 and 2) and various evidence documents relating to transport infrastructure. Some of these documents have already been published and others will be published alongside the Plan to support the pre-submission consultation.
- 31.8 A key test of the soundness of the Plan will be whether it is consistent with national planning policy. This is mainly set out in the NPPF. A key requirement of the NPPF is that Local Plans should meet the objectively assessed needs, which for Waverley is 519 homes per annum, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or unless specific policies in the NPPF indicate that development should be restricted.
- 31.9 In the light of the above, the expectation is that through their local plans councils should be seeking to meet the identified needs for development in full, unless there are very good reasons for not doing so. In Waverley's case, therefore, the expectation is that the Council should be meeting its need for new homes (519 a year). Much of the work undertaken on the new

plan has been to consider whether there are any reasons why Waverley cannot meet its needs in full. This has meant considering all the key factors that may impact on the Council's ability to meet its identified needs. These include the implications of some of the European sites such as the Special Protection Areas, the land use and landscape constraints such as the Green Belt and the Area of Outstanding Natural beauty (AONB), physical constraints such as flooding and the capacity of infrastructure, including transport, to accommodate development.

- 31.10 In September/October 2014, the Council consulted on four potential housing scenarios as well as other issues for the emerging Local Plan. At that time, the draft SHMA identified a need for 470 homes a year. Four alternative scenarios were presented for the broad distribution of new homes, each delivering the equivalent of 470 homes a year. One of the scenarios did not have any new housing proposed at Dunsfold Aerodrome, the other three included various levels of growth at Dunsfold Aerodrome (1,800, 2,600 and 3,400). These are the levels of growth promoted by the site owners. The consultation also included a number of questions on other issues relevant to the emerging Local Plan. These included questions on the findings of the Green Belt Review, the approach regarding landscape designations and the approach regarding existing and new employment sites.
- 31.11 The outcomes from that consultation were reported to the Executive in March 2015. The consultation had attracted over 4,000 responses. Based on those who responded to the consultation, there was overwhelming support for the scenario that included the maximum amount of development at Dunsfold Aerodrome. Attached as Annexe 1 is a summary of the outcome from the consultation and a response to the issues raised, including those from some of the key stakeholders, indicating how they have informed the development of the draft Plan.
- 31.12 In addition to this main consultation, there have been various other opportunities to liaise with key stakeholders during the development of the Plan. These included meetings with town and parish councils, liaison on emerging neighbourhood plans, discussions with key neighbouring authorities and liaison with key consultees such as Natural England and the Environment Agency.
- 31.13 As explained above, Local Plan Part 1 deals with key strategic policies and the allocation of Strategic Sites. Attached as Annexe 2 is the draft pre-submission plan. A key part of the Plan is the Spatial Strategy. This sets out the broad approach to the location of development. This has been developed taking account of three key factors:-
- The Settlement Hierarchy
  - The landscape and other physical, policy and ecological constraints
  - The potential availability of sites to deliver the strategy
- 31.14 The Council's strategy seeks to avoid development on land of the highest amenity value and to safeguard the Green Belt. It seeks to focus development in/around the main settlements, taking account of the

constraints outlined above. It allows for moderate growth in some of the larger villages and lower levels of growth in villages further down the Settlement Hierarchy. It also seeks to maximise the use of suitable brownfield land. In some cases, it has been necessary to balance these considerations. For example, the Dunsfold Aerodrome site is not as well related to existing services and facilities as other potential development locations, but it is a significant brownfield site.

- 31.15 The number and distribution of new homes is another key part of the Plan, and these are closely linked to the Spatial Strategy. The Plan seeks to deliver at least 9,861 additional homes over the Plan period from 2013 to 2032 (equivalent to 519 homes a year). The Plan also sets out the distribution of these homes with an allocation for each settlement with the exception of the smallest villages. A major element of the Plan is the allocation of the Dunsfold Aerodrome site for a new settlement of up to 2,600 homes. It is acknowledged that in the 2014 consultation the housing scenario most favoured by those who responded was the one including 3,400 homes at Dunsfold Aerodrome. In considering the role that Dunsfold Aerodrome could make to meeting housing requirements, account has been taken of a number of factors, including the amount of development that can reasonably be delivered in the Plan period.
- 31.16 It is also acknowledged that planning permission has previously been turned down on appeal for a new settlement at Dunsfold Aerodrome. However, officers consider that matters have moved on since 2009. National Planning Policy has changed significantly since 2009 with the introduction of the National Planning Policy Framework (NPPF) and the expectation that councils should be planning to meet their identified housing needs in full. This means that the Council is having to consider delivering considerably more new homes than was the case in 2009. It is recognised, however, that there are concerns about the impact of a new settlement upon this site on local infrastructure, particularly the road network. On the other hand, this is a significant brownfield site and its development would be supported by on-site services and facilities and off-site improvements to infrastructure. In addition, the NPPF definition of 'sustainable development' goes beyond the location of development and incorporates economic, social and environmental considerations. The inclusion of the site as a major allocation in the Plan is still subject to the provision of appropriate infrastructure to mitigate the impact of development, particularly improvements to the road network. Some work has already taken place to assess the impact of growth on the road network, including the consideration of possible mitigation at key locations on the A281.
- 31.17 Members will be aware of the related planning application for the development of Dunsfold Aerodrome site with 1,800 homes and related facilities. That application is currently on hold pending the receipt and consideration of additional information to address a range of matters. In particular, additional information in relation to the transport/traffic implications and associated mitigation is awaited. Once received, this information will enable Surrey County Council to reach a conclusion on the transport matters and advise this Council accordingly. As it stands, that application is not likely to be determined until August at the earliest.

31.18 Infrastructure concerns, particularly roads/transport have not just been considered in relation to the Dunsfold Aerodrome site. Officers have worked closely with Surrey County Council, the Highway Authority, as well as other infrastructure and service providers, and the Council's own transport consultants Mott MacDonald, to consider the effects of the strategy, particularly the number and location of homes, on infrastructure in other hotspots around the Borough. In particular, consideration has been given to the impacts around Farnham, where the Borough's road network is already the most congested. The evidence has shown that there will be some impacts on the network, including in some areas the potential for additional congestion. There are also various mitigation measures that have been considered. The key matter is that, to date, there has been no indication of an issue that is so fundamental in its impact that advice has been given that the number of homes should be reduced or the distribution altered. Some of the transport work is ongoing. For example more work is being undertaken to look at the knock-on effects on the Farnham road network as a result of some of the mitigation measures that have been considered. In addition, there is ongoing work with Highways England, Surrey County Council and Guildford Borough Council to address the potential impact of development in Guildford and Waverley on the A3 through Guildford. There are some very significant sites in Guildford, close to the A3. However, Highways England also needs to assess the cumulative impact on the A3 both from growth in Guildford itself and from development related traffic arising in Waverley. These discussions with Highways England, Guildford Borough Council and Waverley are ongoing.

31.19 Other key elements of Local Plan Part 1 include:-

- a policy setting out the thresholds and percentages for the delivery of affordable homes and policies relating to other housing/accommodation needs;
- the Council's policy on employment including identifying the need for additional employment space and the Council's approach to delivering this;
- The Council's approach to the Green Belt and landscape designations, including areas where the Green Belt will change either through removal of land or additions to the Green Belt;
- The Council's approach to town centres;
- The Council's approach in relation to biodiversity, including policies required to ensure that development does not have an adverse impact on designated sites;
- The allocation of a number of strategic sites.

31.20 There are a number of tests of soundness that the Inspector will consider when examining the Local Plan. These include very specific procedural requirements. In addition, there is the test of whether the Council has met the 'duty to co-operate'. This is a requirement to show how the Council has worked to ensure that strategic matters with cross boundary implications have been addressed in collaboration with key partners. Examples include the joint working on the Strategic Housing Market Assessment (SHMA) and joint working to identify and address cross boundary highway issues.



31.21 In addition, the Inspector will be considering other tests of soundness, namely:-

- Has the Local Plan been **positively prepared**? The expectation is that the Plan will be based on a strategy that seeks to meet objectively assessed development and infrastructure requirements and is consistent with achieving sustainable development.
- Is the Plan **justified**? This means demonstrating that the Plan is the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence.
- Is the Plan **effective**? This means demonstrating that the Plan is deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- Is the Plan **consistent with national policy**? The Plan is expected to enable the delivery of sustainable development in accordance with the NPPF

31.22 Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are key parts of the preparation of the Local Plan. The SA is the tool to appraise the economic, social and environmental sustainability of the Local Plan. In this case the SA has informed various stages in the production of the Local Plan. This includes using the SA to appraise the different options and alternatives that have been considered during the evolution of the Plan. The draft Plan is consistent with the findings of the emerging SA. The final SA report will be one of the main documents published alongside the Plan itself and a draft is attached as Annexe 3.

31.23 There is a legal requirement through the Conservation of Habitats and Species Regulations 2010 (referred to as the Habitat Regulations) to consider whether the Local Plan is likely to have a significant effect on European sites of nature conservation importance prior to the Plan being given effect (S102). Officers have worked closely with the consultants Aecom and Natural England during the preparation of Local Plan Part 1 to ensure that the Strategy and policies are not likely to have a significant effect on European sites. This includes particularly consideration of the distribution of new homes and the policies specifically relating to the affected habitats. A final version of the HRA is being produced and is another document that will sit alongside the Plan when it is published.

31.24 Other key documents that will be produced for publication alongside the Local Plan will include the updated Consultation Statement. This will set out the details of who was invited to comment on the Plan during its production; how these bodies/individuals were invited to comment; a summary of the main issues raised by those making comments; and how these main issues have been addressed in the Plan. Officers will also be updating the statement explaining what the Council has done to address the 'duty to co-operate'.

- 31.25 A further key supporting document will be the Infrastructure Delivery Plan (IDP). This will pull together all the information on current and future infrastructure investment, including the infrastructure required to support the development that is expected to take place over the plan period. A draft of this document is attached as Annexe 4. This is an evolving document and it should be noted that the contents are work in progress.
- 31.26 The Local Plan Special Interest Group (SIG) has considered the emerging Local Plan and will continue to play a key role in contributing to the development of the final Plan.
- 31.27 The Publication will trigger the formal pre-submission representation period, the responses to which will be considered by the appointed Inspector. Following this, the next formal stage is the Submission itself, which is expected to be in November. Officers anticipate that the Examination hearings would take place in Spring 2017 with adoption, following receipt of the Inspector's report, expected later in the year.
- 31.28 Officers have been reviewing the comments made by recent meetings of the Joint Overview and Scrutiny Committee on 27 June 2016 and 4 July 2016 and the Local Plan Special Interest Group (SIG) on 30 June and 6 July 2016. A schedule setting out the comments made by the Joint Overview and Scrutiny Committee and the Local Plan SIG, together with any proposed changes to the Plan is attached as Annexe 5. Cllr Pat Frost attended the meeting of the Executive to present the observations of the Joint Overview and Scrutiny Committee.
- 31.29 To conclude, the Local Plan Part 1 has reached a major milestone. In essence, Publication is the stage when the Council has finalised what it believes to be a 'sound' Plan, ready for submission. The Executive also agreed the new Local Development Scheme (LDS), a copy of which sets out the timetable for the completion of Local Plan Part 1 and the provisional timetable for Local Plan Part 2. The Scheme is attached as Annexe 6. The Executive now

**RECOMMENDS that**

- 16. the Local Plan Part 1 be approved for Publication;**
- 17. the revised Local Development Scheme at Annexe 6 be approved; and**
- 18. the Head of Planning Services, in consultation with the Planning Portfolio Holder, be authorised to make any further minor amendments to the pre-submission Plan arising from the completion of supporting technical documents.**

*[Reason: to seek approval for the submission of the proposed version of the Local Plan Part 1]*

## 32. THAMES BASIN HEATHS SPA AVOIDANCE STRATEGY (Agenda item 9)

32.1 On 1 March 2016, the Executive approved the draft review of the Thames Basin Heaths SPA Avoidance Strategy for public consultation. The consultation period ran for six weeks, closing on 25 April 2016. A total of 23 responses were received in that time. These were mainly from individual residents or residents' groups, but also included promoters of potential housing sites in the Farnham area, Natural England and the RSPB. The main comments were:

### In support

- Process of calculating enhanced capacity is valid
- Updated strategy is appropriate

### Objecting

- Visitor survey methodology/results are flawed
- Visitor numbers to the SPA have increased, not reduced – opposite to what is intended
- Process of calculating enhanced capacity is flawed or not clear

### Other matters

- Developments of over 50 dwellings between 5km and 7km of the SPA may have an impact on the SPA, and may therefore be required to provide mitigation
- 400m exclusion zone should be increased
- Fewer dwellings should be permitted with the 5km zone
- 'In perpetuity' maintenance should be just that, not 'approx. 80 years'
- SANG/SAMM tariff should be reviewed annually
- Strategy is not effective in protecting birds; is illegal; or is not fit for purpose
- Occupancy rate should be reviewed regularly
- Developers should source all their own SANGs
- SANG quality criteria not reproduced in full
- Farnham Park is becoming an overworked asset; increasing pressure from dogs and irresponsible owners; drainage issues
- Limited potential for additional SANG at Farnham Quarry or Tongham Pools.

32.2 Annexe 7 to this report is a schedule summarising all the comments received, along with officers' responses.

32.3 The issues raised about the effectiveness and/or legality of the strategy are noted, but it is important to note that these were not matters that were subject to the review. That dealt only with the potential enhanced capacity of the Farnham Park SANG arising from monitoring the strategy and the consequent update of the SANG/SAMM tariff. In January 2016, the Community Overview & Scrutiny Committee considered an update report on Natural England's review of the effectiveness of SANG. It resolved to note the current position and the status of that review whereby the TBH Joint Strategic Partnership Board (JSPB) considered the interim draft report required further consideration and should not be published. The report is not

yet complete, but its findings will be reported to the Council in due course when it has received the JSPB's endorsement.

- 32.4 The calculation of the enhanced SANG capacity was carried out in consultation with Natural England (NE). In its response to the draft review document, NE has again endorsed the Council's approach. Officers are therefore of the view that there are no reasons why the Council should not now proceed to adopt the revised Avoidance Strategy based on the enhanced SANG capacity at Farnham Park and updated tariff contributions.
- 32.5 A number of concerns raised in the consultation relate to the management of Farnham Park generally and how it functions as SANG. Although these are not directly related to the strategy review, it would be appropriate for these to be brought to the attention of the Council's Parks & Countryside Team.
- 32.6 With regard to next steps, notwithstanding the endorsement of the enhanced SANG capacity and revised tariff contributions in the review, consideration of other matters raised in the consultation requires a number of amendments to be made to the document before it is formally adopted. Annexe 8 is a revised version of the document showing all the required changes. The most significant of these are to –
- add reference that developments of over 50 dwellings between 5 km and 7 km of the SPA may have an impact on the SPA, and may therefore be required to provide mitigation/avoidance measures
  - add the 5 km – 7 km zone to Plan 1
  - further explain the roles of SANG avoidance and SAMM mitigation measures
  - clarify the calculations of enhanced capacity for the purposes of revising the SANG/SAMM tariff
  - reproduce SANG quality criteria in their entirety
  - clarify reference to 'in perpetuity' maintenance of SANG.
- 32.7 The Community Overview and Scrutiny Committee considered this report at its meeting on 14 June 2016. There was concern expressed by some Members regarding the strategy and whether it was effective in protecting birds. Officers advised that Natural England were an expert consultee and unless there was evidence to the contrary, they would continue to apply the strategy. The Executive

**RECOMMENDS that**

- 19. the review of the Thames Basin Heaths SPA Avoidance Strategy be adopted.**

*[Reason: to consider the outcome of the consultation and recommend the strategy for adoption]*

33. MEMORIAL HALL REDEVELOPMENT (Agenda item 10)

*[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-*

*Information relating to the financial or business affairs of any particular person (including the authority holding that information)]*

- 33.1 This report relates to the construction of a Community Well Being Centre at the site of the Farnham Memorial Hall as a base for the existing Brightwells Gostrey Centre. The report identifies the opportunity to relocate the Council's Waverley Training Services function to the currently unoccupied lower ground floor of the re-developed Memorial Hall building.
- 33.2 The report seeks approval for: the appointment of a build contractor for the redevelopment of the Farnham Memorial Hall following a comprehensive tender process; a revised budget for the scheme; the relocation of Waverley Training Services to part of the new building, the sale of the Pump House site for development.
- 33.3 With regard to financial implications, a budget of £2.33m was agreed at Council in July 2015. Since then a comprehensive specification has been produced, tenders received and an opportunity has been identified to maximise usage by utilising unallocated space in the new building on the lower ground floor for the use of Waverley Training Services. To deliver this enhanced project an extra £724,000 is required. Whilst this is expected to be funded from the capital receipt from the sale of the under-utilised Pump House, the additional funds can be initially bridge-financed from the Revenue Reserve fund.
- 33.4 The report relates to the Council's corporate priority of community wellbeing as, in addition to continuing day centre provision, a community centre will be provided. This will create new, and enhance existing, activities and facilities for older and younger people. Existing leisure services at the Memorial Hall would be enhanced and expanded and would cater for the wider community.
- 33.5 The extension of the Memorial Hall will provide older residents in Farnham and the surrounding area with a space for services that they need, thereby reducing experiences of social isolation and associated health needs. It will have the flexibility to expand and change to meet the needs of this growing demographic.
- 33.6 The provision of an exemplary Community Centre will bring together a variety of agencies with a common aim, under the same roof, with plans for a dedicated space for Carer's Support, the provision of a Telecare demonstrator suite and flexible space for new partner organisations.

- 33.7 Waverley Training Services focuses on helping people into work and delivering apprenticeships in line with national Government policy. There are clear community health and wellbeing benefits to helping young people not in education, employment or training (NEETs) as well as those in the wider community that are seeking employment or wish to re-train or develop skills. Employment is key to tackling social isolation.
- 33.8 In February 2015 the Council agreed the Memorial Hall scheme, to regenerate and expand the existing building and be the new location for the Gostrey Day Centre. In addition, as a result of moving the Gostrey Centre, it was noted that the users avoid any disruption from works taking place on the neighbouring Brightwells construction site. The Brightwells Scheme assumes that the Gostrey Centre moves to its new location at the Memorial Hall by the end of September 2017 and anticipates that the construction will take approximately a year.
- 33.9 Six companies were invited to tender for the build construction works, the details of which are set out in the (Exempt) Annexe 9. MEA, the Council's Quantity Surveyor, interrogated the items that were submitted as provisional sums and undertook a valuation engineering exercise to establish the final tender sum. The total sum for the build contract submitted by the chosen contractor is set out in the (Exempt) Annexe. Following the return of the tenders, an additional budget is needed to enable the construction phase to commence.
- 33.10 When preparing the tender documentation, the Council included additional elements of works for consideration and evaluation. The key element identified as a potential ongoing revenue stream for the Council was the ability to utilise the lower ground floor by extending the lift shaft and fitting out the area.
- 33.11 In parallel to progressing the development of proposals for the Memorial Hall, the Council has been looking at the accommodation for Waverley Training Services – the Council's adult skills training provider currently based at The Pump House, Kimbers Lane, Farnham. The current site has poor vehicular access, limited parking and the building itself is in need of significant investment. The condition of the current building detrimentally affects the ability of the service to attract new learners and businesses and meet the expectations of the National Funding Agencies and Ofsted.
- 33.12 The floor space in the lower ground floor of the new development at the Memorial Hall would be sufficient to enable the relocation of Waverley Training Services from their currently significantly under occupied building The Pump House, Kimbers Lane. The Pump House, Waverley Training Services' current facility, requires significant ongoing maintenance dictated by the poor quality building and the necessary investment in its Information Technology and telephone systems. These costs could be eliminated in a newly-built facility. Relocation of Waverley Training Services to the Memorial Hall is in-keeping with the covenants contained within the 1947 Deed of Gift of the Memorial Hall, which envisages the premises being used for education use, as well as being used for cultural, social, creative or charitable purposes.

33.13 The benefits to moving the service to the Memorial Hall location:

- i) A modern, more appropriate suitable and attractive venue is created to serve the Waverley Training Services' learners, tutors and assessors. The site also offers greater accessibility for those travelling by car or by public transport.
- ii) The old site, 'The Pump House', can be disposed of to generate a capital receipt that is expected to offset the additional budget sought in this report, see (Exempt) Annexe 9.
- iii) By moving the service to the Memorial Hall a significant anchor service is created, further increasing the utilisation of the building and its value to the community, and in turn helping to secure ongoing revenue funds for the Hall.

33.14 Given how thorough the tender process was, going back to the market to re-tender these works is unlikely to result in a lower contract cost, and could lead to a further increase as well as adding delays to the project. In terms of timing, it is estimated that the Brightwells Gostrey Centre will be vacated by September 2017 and any delay could impact on the release of that part of the Brightwells site.

33.15 In conclusion, the project has been thoroughly market tested through an extensive tender process and, as a result, an additional budget is necessary to enable construction works on the enhanced scheme to go ahead. However, the additional budget can be offset by the estimated value of the capital receipt generated from the release of the Kimbers Lane site once vacated by Waverley Training Services. The Executive

**RECOMMENDS that:**

- 20. following a comprehensive tender process, contractor A as specified in (Exempt) Annexe 9, be appointed as the building contractor to carry out the Memorial Hall enhancement works;**
- 21. the relocation of Waverley Training Services to the lower ground floor of the refurbished Memorial Hall site be agreed;**
- 22. the disposal of the Pump House site be approved; and**
- 23. additional funding of £724,000 be approved to allow the project to proceed – to be bridge financed from the revenue reserve fund, pending the capital receipt from the sale of the Pump House.**

*[Reason: to appoint a build contractor, agree a revised budget for the scheme and agree to the relocation of Waverley Training Services from the Pump House].*

34. REPORT OF THE CONSTITUTION SIG (Agenda item 14)

34.1 The Constitution SIG was re-established in April 2016, with the following membership:-

Cllr Robert Knowles (Chairman – until May 2016)  
Cllr Julia Potts (Chairman from May 2016)  
Cllr Kevin Deanus  
Cllr Pat Frost  
Cllr Michael Goodridge  
Cllr John Williamson

- 34.2 The Terms of Reference were set out in the agenda as follows, to
- a. carry out the annual review of the constitution and
  - b. review specifically and decide upon the optimum process for ‘calling-in’ planning applications for major sites to the Joint Planning Committee.
- 34.3 At the first meeting of the SIG, the Terms of Reference were revised to also include:
- c. any additional items eg the Overview and Scrutiny Review and the Boundary Review.

#### Planning – Scheme of Delegation

- 34.4 As per the Terms of Reference, the SIG was invited to review specifically and decide upon the optimum process for ‘calling-in’ planning applications for major sites to the Joint Planning Committee, as set out in the Council’s Scheme of Delegation. Members wanted the process to be transparent and simple, particularly for the benefit of new councillors and proposed that the ability to call-in a planning application should not only be limited to the ward councillor, as was currently the case. It was agreed that this would apply to also to the Area Planning Committees.
- 34.5 With regard to the Joint Planning Committee and because of its more strategic role, members wanted also to encourage wider interest in applications by councillors across the Borough. The proposed amendments to the Scheme of Delegation to pick up these changes are attached as Annexe 10. It was agreed that the rules needed to be clearly explained to all councillors to ensure a consistent understanding of how to call-in a planning application, to include:-
- a. the 21 day limit to be complied with when calling-in an application to Committee;
  - b. the requirement to provide clear planning reasons to support any call-in; and
  - c. confirmation that all call-in requests would be acknowledged by planning officers.



Constitution: Questions by Members of the Public

- 34.6 The SIG reviewed the section of the Constitution which sets out the requirements for members of the public wanting to ask a formal or informal question at a meeting.
- 34.7 The SIG had concerns about the effectiveness of the Informal Question Time prior to meetings of the Executive, Council and Committees. The purpose of the informal questions had always been for members of the public to turn up and ask any question of councillors, without prior warning, on the understanding that it may not be possible to be provided with a comprehensive answer on the evening. It did however accommodate the needs of those members who had not been able to submit a formal question in accordance with the timescales set out in the constitution.
- 34.8 However, the SIG was satisfied that by improving the process for submitting formal questions, and making it more accessible to members of the public, it would no longer be necessary to operate both the informal and formal question time sessions. It was proposed that the deadline for submission of a formal question could be extended so that the question did not have to be received in advance of the agenda being printed. Instead, questions could be submitted up to 4 days in advance of a meeting rather than 7 days in advance, and this time would allow for written responses to be prepared. These would then be circulated at the meeting and provide the questioner with the guarantee that they would receive a comprehensive answer to their question.
- 34.9 Concern was expressed about removing the option from members of the public to ask an informal question and how this might be perceived. Members of the SIG were confident that by offering certainty to questioners that they would receive a researched and appropriately detailed answer to their question would be well received because this could not always be guaranteed under the current arrangements. The amendments to the Constitution that would be necessary to reflect this proposed change are attached as Annexe 11. The Executive

**RECOMMENDS that**

- 24. the Scheme of Delegation be amended so that any councillor within the remit of an Area Planning Committee can call-in a planning application for consideration at that Area Planning Committee, not just the ward councillor;**
- 25. for the Joint Planning Committee, the Scheme of Delegation be amended to enable any councillor within the area of the planning application defined by the relevant Area Planning Committee to call-in an application; and**
- 26. the relevant pages of the Constitution relating to Informal and Formal Questions be amended, as set out at Annexe 11.**

*[Reason: to report on the meeting of the Constitution SIG and make recommendations for change]*

35. OFFICER SUPPORT FOR OVERVIEW AND SCRUTINY - OPTIONS ANALYSIS  
(Agenda item 15)

35.1 A Sub-Committee of the Joint Overview and Scrutiny Committee was appointed by the Executive to review the Terms of Reference and arrangements for Overview and Scrutiny (OS) at Waverley.

35.2 The Sub-Committee discussed this remit and in view of the length of time since OS arrangements were last reviewed comprehensively and along with anecdotal evidence of member dissatisfaction with OS arrangements, agreed that the review should be undertaken in the context of evaluating the effectiveness of Waverley's OS function in relation to the four principles of effective scrutiny as described by the Centre for Public Scrutiny (CfPS). According to the four principles, good scrutiny:

- provides a constructive 'critical friend' challenge – holding decision-makers to account;
- amplifies the voices and concerns of the public;
- is led by independent people who take responsibility for their role; and
- drives improvement in public services and makes a difference.

35.3 As part of its evidence gathering, the Sub-Committee sought the views of Waverley Members through a survey and interviews. The feedback received indicated a high level of frustration with the way in which the current arrangements operate, and an appetite for the scrutiny function at Waverley taking a more constructive and proactive role in supporting the work of the Council. The desktop research carried out into OS arrangements at other councils, and a review of academic research into OS arrangements generally, shows that the issues that Waverley has with its OS arrangements are not uncommon.

35.4 When it met in June, the Executive endorsed the broad findings of the review into OS arrangements at Waverley. In addition to agreeing that plans for Member and Officer Training on Scrutiny be progressed and that the Constitutional SIG be asked to advise the Executive on any required changes to the Constitution, the Executive asked for a report outlining the costs and benefits of different options in respect of dedicated officer support for overview and scrutiny at Waverley.

35.5 Officers have considered and assessed the extent to which the new approach to scrutiny at Waverley that will be pursued as a result of the OS review would necessitate additional or different staffing resources and have also considered the extent to which it will not. Officers have also looked at the type of scrutiny support posts that exist in other authorities' structures to see what can be learnt from best practice. This work has informed the options set out below.

35.6 There are any number of approaches that Waverley could choose to take to support scrutiny. However, there are three basic and distinct options to be considered at this point:

- Option 1 – no change
- Option 2 - reallocate workloads within the existing Democratic Services structure so that an existing Grade 7 Democratic Services Officer has responsibility for servicing all scrutiny committees
- Option 3 - create a new Grade 7 Scrutiny Officer post within the Council's Corporate Policy Team.

These options are explained and analysed below.

### 35.7 Option 1 – no change

Under this option, there would be no additional staffing resource added to the Council's establishment and no changes to how democratic support is provided to scrutiny chairs and committees. Members should note that the constitutional changes recommended to the Executive following consideration and advice from the Constitutional Special Interest Group (SIG) would, in effect, change some of the practical arrangements for democratic support of Overview and Scrutiny in as much as the new committees are expected to differ in size, number and focus. However, under option 1 the Democratic Services team would simply reallocate responsibilities equally between full time Democratic Services Officers as is currently the case.

This option is attractive from a cost point of view in that it would incur no additional cost. However, it clearly offers the least of all of the options in respect of driving forward a new way of working. By assessing the Council's approach to Overview and Scrutiny against the best practice model offered by the Centre for Public Scrutiny (CfPS) and robustly challenging its current practice, members at Waverley have arrived at a set of recommendations for change in how scrutiny is delivered which are ambitious and markedly different from how things currently operate. In this case, 'doing what we've always done' seems unlikely to support the degree of change and transformation members have clearly articulated a desire to see.

### 35.8 Option 2 - reallocate workloads within the existing Democratic Services structure so that an existing Grade 7 Democratic Services Officer has responsibility for servicing all scrutiny committees

Under this option, the Democratic Services staffing establishment would remain as it is but where scrutiny committee duties are currently shared between Democratic Services Officers, workloads would be reallocated so that members and officers would have one dedicated Democratic Services Officer who took responsibility for servicing all scrutiny committees.

Like option 1, this option is attractive from a cost point of view in that it would incur no additional costs. It would, to a pretty limited degree, support member aspirations to have 'dedicated' support for scrutiny by providing a single point of contact for democratic support. However, this proposal would not create any additional capacity and there is no 'spare' capacity within the team. Importantly, there is also no business case for lessening the traditional type of democratic support provided to committees under the review's proposals. The type of support members appear to be seeking isn't

'better' or 'more sophisticated', just 'different', and officers would advise against any decision which increased a new type of scrutiny support at the expense of existing core democratic support. In short, this option essentially has very similar benefits and weaknesses as option 1. It is attractive in that it is cost neutral. It has marginal benefits by focusing and rationalising the way committees are serviced and by providing a single point of contact and DSO support although it should be noted that a single point of contact also creates the potential for a single point of failure and arguably reduces overall team resilience. However, its main weakness, as with option 1, is that it would not be fundamental change and would therefore be unlikely to support the delivery of fundamental change elsewhere.

35.9 Option 3 – create a new Grade 7 Scrutiny Officer post within the Council's Corporate Policy Team (RECOMMENDED OPTION)

Under this option, a new post would be created within the Council's corporate policy team. The corporate policy team is part of the Policy and Governance Service but separate to the Democratic Services Team. The corporate policy team is led by the Corporate Policy Manager who line manages two Grade 7 officers. The team leads on a diverse range of areas, including: corporate planning; research and data analysis; consultation; policy support; performance management; business service reviews; learning and development; and project support for the Council's *Foresight* programme. It is suggested that the new post would be called 'Scrutiny Officer' and would provide dedicated policy advice, support, research, analysis and briefings to the scrutiny committees and in particular the chairs and vice chairs.

The clearest disadvantage of this option is the cost implication. As noted, this option would incur new staffing costs of £35,000 rising to £39,600 at the top of the grade. Pay band 7 is the anticipated grade and would be subject to the job evaluation process. However, whereas options 1 and 2 appear to offer little in respect of developing and sustaining a new, more robust, challenging, proactive and constructive form of scrutiny at Waverley, this option arguably does. Areas in which the review particularly challenges the Council to change and improve its approach to scrutiny include:

- Moving towards evidence-based scrutiny whereby objective data informs: the work programme; the terms of reference for reviews; and the means by which success is measured, judged and managed.
- Strengthening the extent to which Overview and Scrutiny fulfils its proactive 'policy development' role as well as its reactive select committee mode.
- A more streamlined, focused, work programme that focuses attention where performance outcome data shows it is needed rather than on 'regular reports' which always look at the same matters.
- Focused and tightly managed in-depth scrutiny reviews with clear terms of reference, pace and practical outcomes. It has been noted that this is an area in which scrutiny at Waverley has succeeded but members have been clear that they want to see more of it.

Officers' advice is that the type of staffing support members would need to meet these ambitious goals is professional policy officer support. A policy officer would be recruited on the basis of them having professional knowledge, skills and experience in areas such as: research; data analysis; performance management; strategic thinking; policy advice; and project management.

- 35.10 An obvious variant to option 3 (and one which does exist in some Councils) would be for this additional resource to be added to the Council's existing Democratic Services team rather than its Corporate Policy team. This would be no more or less expensive as the officer would be employed at Grade 7 either way. However, officers' advice is that there are clear benefits to having a dedicated scrutiny officer, if one is to be employed, working in a separate team. There would be a better fit professionally in a policy team, there is more management capacity in Waverley's policy team to take on new staff, and there is a clear benefit to having a distinct separation between democratic support and scrutiny support roles. The democratic services and policy teams are part of the same service so the necessary synergies would exist but with far less risk of blurring the lines between democratic support and a different type of policy support.
- 35.11 A second variant to option 3 would be for a new dedicated resource in the corporate policy team but on a part time basis. Clearly this would offer the prospect of achieving at least some of the same benefits but at a reduced cost so is worth consideration. However, officers do feel that it would take a full time officer to fully meet the demands and expectations of the role.
- 35.12 Another option would be for additional support for Overview and Scrutiny to be identified from within existing staffing structures across the organisation. As an example, a member of staff within Community Services could be identified as the nominated person to support on all matters relating to the scrutiny of Community Services. There are obvious disadvantages to this. Firstly, no additional resource would be created so in effect this option would be only to formalise what currently takes place. Secondly, the resource provided would not be, in any way, 'dedicated'. Thirdly, whilst members of staff within services have a vital role to play in terms of supporting scrutiny reviews by providing information, advice, ideas and perspectives, their familiarity with and closeness to the subject matter may also be a constraint to delivering the type of fully objective and fresh approach that a corporate policy resource could provide and which members wish to have.
- 35.13 In conclusion, the need for dedicated scrutiny resource to support the Council's Scrutiny (and Executive) Committees to develop and sustain a new, more constructive and effective, approach to scrutiny at Waverley, does not in anyway lessen the need for the traditional existing type of support offered by the Council's Democratic Services Team to members and officers. Meetings will still need to be convened and clerked, agenda packs prepared, and decisions recorded and managed. By the same token, however, more of the same type of resource or indeed a reallocation of workloads within the existing Democratic Services structure to provide a single designated point of contact for Scrutiny would be very unlikely to drive forward or support the type of significant change proposed by the review's recommendations. For these reasons, options 1 and 2, whilst workable and viable and being

attractive in as much as they incur not additional cost, are unlikely to meet the expectation of having dedicated scrutiny staffing resource to support a transformation in how the Council does scrutiny.

- 35.14 Option 3, a dedicated new Scrutiny Officer as part of the Council's corporate policy team, offers the Council the type of staffing resource it would need to develop and sustain a more robust and informed approach to scrutiny but would incur additional cost as a result. This additional cost does need to be considered against the desired added longer term strategic, financial and democratic value that a dedicated scrutiny policy officer would support scrutiny members to achieve, but it is an additional cost nonetheless. The Executive was supportive of Option 3 and therefore

**RECOMMENDS that:**

- 27. the new post of 'Scrutiny Officer' be added to the Council's establishment as set out as option 3 above; and**
- 28. a supplementary estimate to cover additional staffing costs in 2016/17 and growth proposals being put forward during the next budget round from 2017/18 onwards be agreed.**

*[Reason: to consider options for scrutiny staffing and support at Waverley]*

36. RECRUITMENT OF AN IT SUPPORT ANALYST (Agenda item 16)

- 36.1 The purpose of this item is to approve the recruitment of an IT Support Analyst. The creation of the post is in response to the work demands within the IT Team and requires a re-allocation of staffing budgets within the service. The new post will provide generalist support to the business across a range of software applications but with particular focus on finance.
- 36.2 The proposal being made is driven to some extent by the resignation of the IT Development Officer who will be retiring in September. The current post-holder is working on a 0.4 fte contract and has expertise in supporting the finance systems. In 2015 the Council approved funding to resource a Sharepoint Support Officer. Whilst an appointment was made it was a part time (0.6) appointment. It is proposed that the balance of the resource be utilised to fund the new IT Support Analyst post.
- 36.3 Sharepoint continues to be a high profile area of work but with the Sharepoint Support Officer working well with the Analyst Programmer in this area, it is proposed that reallocating the budget to the new post is more effective than seeking a second part-time appointment to support Sharepoint. The Executive

**RECOMMENDS that**

- 29. approval be given to the establishment of an IT Support Analyst Role.**

*[Reason: to approve the recruitment of the post following reallocation of staffing budgets within the service]*

37. INTENTION TO APPROPRIATE LAND AT BOURNE RECREATION GROUND, FARNHAM (Agenda item 18)

- 37.1 The purpose of this report is for the Council to resolve its intention to appropriate land at Bourne Recreation Ground, as shown on Plan A. Officers consider that appropriation of the land is necessary to enable the existing Bourne Recreation Pavilion to be redeveloped, which will significantly improve the leisure facilities for the local residents.
- 37.2 The Council owns the freehold site at Bourne Recreation Ground and a local benefactor is wishing to donate a significant sum of money to enable the redevelopment of the pavilion and leisure facilities. A local community group has been set up, Bourne Asset Community Group Community Interest Company (“the Community Group”), to provide the new pavilion and leisure facilities. The Community Group will take responsibility for the redevelopment of the pavilion. The current pavilion is in a fairly poor state of repair and would require considerable funds to bring up to a reasonable standard.
- 37.3 The Council has received external legal advice on the most appropriate and legally robust way of proceeding in order to enable the redevelopment of the pavilion which is to “appropriate land” at Bourne Recreation Ground, due to its village green status. Planning permission was granted on 5 February 2016 for the demolition and building of the new pavilion. The Council intends to grant the Community Group a long lease in order for the Group to undertake the works and manage the pavilion, which will be dealt with in a later report to the Executive.
- 37.4 There are potentially financial implications for the Council in the “appropriation of land” and external legal advice and support may be required at a later stage. The initial costs (e.g. advertising of intention to appropriate land) will be met from the existing Parks and Open Spaces budget. Legal Services intend to deal with the “appropriation of land” process internally. If external legal advice is required at a later stage in relation to the appropriation of land, a supplementary budget may be requested.
- 37.5 A local authority is able to “appropriate” land using its powers under the Town and Country Planning Act 1990 and the Local Government Act 1972. The Council will need to appropriate the land at Bourne Recreation Ground prior to any works being carried out in relation to the new pavilion, due to its village green status. There is a legal framework which restricts the use and development of village greens. The Council will not need to seek Secretary of State approval at this stage for the appropriation of land. The Council would however need to seek the approval of the Secretary of State prior to any disposal of land by long lease to the Community Group, due to the village green legislation.

- 37.6 The Bourne Recreation pavilion site falls within land registered as village green. A local benefactor would like to donate a significant sum of money to demolish and re-build the Bourne Recreation pavilion and therefore provide enhanced leisure facilities to the local community. The Bourne Asset Community Interest Group would be responsible for the building works to the pavilion and would appoint a contractor to carry out the works.
- 37.7 Both the Council and the Community Group agree that the most appropriate mechanism to enable the redevelopment of the pavilion is for Waverley Borough Council to first “appropriate” the pavilion land and then dispose of the land to the Community Group via a long lease to allow the development of the new sports pavilion. The lease arrangements are likely to require the consent of the Secretary of State. The Council must firstly resolve its intention as to “appropriate” the pavilion land and then advertise its intention in a local newspaper for 2 consecutive weeks and consider any objections received.
- 37.8 The Bourne Recreation Ground site is an area of approximately 2.428 hectares of predominantly open land adjoining Old Frensham Road, Lower Bourne, Farnham, Surrey, in the Council’s area. There is a pavilion on part of the site and a gas governor on another part of the site. The existing pavilion is some 130 to 140 square metres in extent.
- 37.9 The freehold of the site is owned by the Council. There is an agreement (of indeterminate legal status) dated 11 January 1974 between the Council’s statutory predecessor, Farnham Urban District Council, and a body known as the Bourne Recreation Ground Committee (“the Committee”) which allows the Committee to use the pavilion building until that arrangement is determined. The site is a registered village green under the Commons Registration Act 1965 (VG14). The site was added to the register on 4 January 1968 and the registration became final on 1 October 1970.
- 37.10 A local benefactor wishes to donate money to allow the pavilion to be rebuilt (in a larger form) and then used as a community pavilion. It is envisaged that community groups, leisure groups and sports clubs would be able to book the new pavilion for their activities. The Community Group would prefer to be granted a 299 year lease of the area of land occupied by the new pavilion rather than simply continue the existing arrangement under the 1974 agreement.
- 37.11 The proposed pavilion is two storeys in height and would be sited circa 10 metres north of its existing position. The main entrance would be positioned on the northern side and a footpath would link the pavilion to the adjacent existing car park. The Community Group would manage and maintain the new pavilion. The existing pavilion is in a fairly poor state of repair with considerable maintenance costs predicted in the future. A new pavilion which is managed and maintained by the Community Group would therefore represent a cost-saving to the Council.



37.12 Once land is registered as a village green under the Commons Registration Act 1965 it is subject to the protections given by s. 12 Inclosure Act 1857 and by s. 29 Commons Act 1876. The Inclosure Act 1857, s 12, makes it a criminal offence to undertake any act which damages the green or interrupts the use or enjoyment of a green as a place of exercise and recreation. Under s. 29 Commons Act 1876, it is a criminal offence to enclose a village green or erect any structure on the green unless this is done “with a view to the better enjoyment of such town or village green.”

37.13 Section 122 of the Local Government Act 1972 authorises councils to appropriate land which they hold under a particular power to any other purpose. There is no mechanism for consent to be given by the Secretary of State for building works to a pavilion on a village green, which potentially contravene the Inclosure Act 1857 or the Commons Act 1876.

37.14 It is possible however to overcome the effects of the prohibition of works by the use of the Council’s powers of appropriation. This will involve the use of s. 122 Local Government Act 1972 (provided the area concerned does not exceed 205 square yards, which equates to about 209 square metres) and s. 241 Town and County Planning Act 1990. The Council must give advance notice of its intentions and consider any objections received. Appropriation of land for planning purposes requires the consideration of the following factors:

- a. Whether planning permission is in force;
- b. That the appropriation will facilitate the carrying out of development, redevelopment or improvements on or in relation to the land, or is required for a purpose which is necessary to achieve the interests of the proper planning of an area in which the land is situated, or it will contribute to the promotion of the economic, social and/or environmental well-being of the area; and
- c. That the land is no longer required for the purposes it was held for immediately prior to the appropriation.

a. Planning permission

In relation to a) above, planning permission was granted for “the demolition of the existing pavilion and erection of a new sports pavilion” at Bourne Recreation Ground on 5 February 2016, (Planning Reference: WA/2015/2045), and the first test has therefore been satisfied. Please see Plan B for the lay-out of both the new pavilion and the existing pavilion.

b. Development, Re-Development of Improvement of the Land

In relation to b) above, the Council needs to be satisfied that such re-development of the Bourne Recreation pavilion site is likely to contribute to the improvement of the economic, social or environmental well-being of its area.

c. Land no longer required for the purposes it was held for immediately prior to appropriation

In relation to c) above, the site for appropriation currently has the existing pavilion built on it. The Council needs to ensure that releasing the land from the protection given by the Inclosure Act 1857 and the Commons Act 1876 together with the new arrangements that will be put in place to allow the local community to use the new facilities, provides the local community with access to recreational provision that is at least as good as the provision currently enjoyed. <sup>1</sup>

37.15 Please note section 122 (1) Local Government Act 1972 does not require the provision of land in exchange as the land which the Council intends to appropriate measures under 209 square metres.

37.16 Under s 122 of the Local Government Act 1972, the Council may not appropriate land consisting or forming part of an “open space” unless they first notify their intention to do so, specifying the land in question, to be advertised for 2 consecutive weeks in a newspaper circulating in the area which the land is situated and consider any objections to the proposed appropriation. The Executive therefore

**RECOMMENDS that**

**30. the Council formally resolves its “intention to appropriate” the relevant village green land at Bourne Recreation Ground (measuring under 209 square metres) as outlined on the accompanying Plan A to enable redevelopment of the Bourne Recreation pavilion; and**

**31. its intention to appropriate land be advertised, as required by law, in a local newspaper for 2 consecutive weeks and any objections received in relation to the proposed appropriation of land be considered.**

*[Reason: to progress appropriation of the land to enable the pavilion to be redeveloped]*

**PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

38. EXECUTIVE FORWARD PROGRAMME (Agenda item 5)

RESOLVED that the Executive Forward Programme be approved.

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<sup>1</sup> Section 122 (1) Local Government Act 1972

39. TREASURY MANAGEMENT ACTIVITY 2015/16 (Agenda item 7)

RESOLVED that the investment activity and performance in 2015/16 be noted and endorsed.

*[Reason: to summarise Waverley's Treasury Management activities during 2015/16]*

40. IN-DEPTH REVIEW OF THE WAVERLEY MEALS ON WHEELS SERVICE - FINDINGS REPORT (Agenda item 11)

As part of the discussion it was suggested that the Community Rooms at Parkhurst Fields in Churt could be a suitable venue and officers agreed to explore this as another facility.

RESOLVED that, having considered the findings of the in-depth review and provided feedback on the three options, the request for officers to enter into discussions with the Waverley Borough Council funded Day Centres and the Royal Voluntary Service about the development of a replacement fresh cooked meal service, prepared by some or all of the Day Centres be approved, utilising the current group of volunteers for meals and social contact and funded from the Council's contribution of £30,000 plus any future contributions from Surrey County Council. The intention would be to have the new service in place by 1 January 2017.

*[Reason: to consider the outcome of the in-depth review into the meals on wheels service and agree the next steps]*

41. PERFORMANCE MANAGEMENT REPORT - QUARTER 4 2015/16 (JAN - MARCH 2016) (Agenda item 12)

RESOLVED that the performance figures for quarter 4 as set out in Annexe 1 to the report be examined and the Overview and Scrutiny Committees be thanked for their review of the quarter 4 performance as detailed in the report.

*[Reason: to provide an analysis of the Council's performance in the fourth quarter]*

42. SERVICE PLANS - YEAR END OUTTURN REPORT FOR 2015/16 (Agenda item 13)

RESOLVED that the 2015/16 Outturn Service Plan report be considered and approved.

*[Reason: to enable consideration of the year end outturn for each Service Plan]*

43. BADSHOT LEA RECREATION GROUND - APPROVAL TO SUBMIT PLANNING APPLICATION (Agenda item 17)

RESOLVED that the request to submit a planning application for the erection of ball stop netting around Badshot Lea Recreation Ground, Farnham be approved.

*[Reason: to seek approval to submit a planning application]*

44. PROPERTY MATTER - FARNHAM TOWN FOOTBALL CLUB (Agenda item 19)

*[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-*

*Information relating to the financial or business affairs of any particular person (including the authority holding that information)]*

RESOLVED that Farnham Town Football Club be permitted to surrender their existing lease and be granted a new lease, on terms and conditions set out in the (Exempt) Annexe, with other terms and conditions to be negotiated by the Estates and Valuation Manager.

*[Reason: to consider the property lease issue]*

**The meeting commenced at 6.45 pm and concluded at 8.22 pm**

**Chairman**