

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE SPECIAL EXECUTIVE - 20 FEBRUARY 2018

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

**Present**

Cllr Andrew Bolton  
Cllr Kevin Deanus  
Cllr Jenny Else  
Cllr Ged Hall

Cllr Carole King  
Cllr Julia Potts  
Cllr Chris Storey

**Apologies**

Cllrs Jim Edwards and Tom Martin

**Also Present**

Councillor Jerry Hyman, Councillor Peter Isherwood, Councillor Wyatt Ramsdale and  
Councillor Liz Townsend

The Leader welcomed Cllr Ged Hall as the newly-appointed Deputy Leader of the  
Council and Vice-Chairman of the Executive

107. APOLOGIES FOR ABSENCE (Agenda item 1)

Apologies for absence were received from Cllrs Jim Edwards and Tom Martin.

108. DECLARATIONS OF INTERESTS (Agenda item 2)

There were no declarations of interest raised under this heading.

**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.

109. WAVERLEY BOROUGH LOCAL PLAN PART I: ADOPTION (Agenda item 3)

*[Cllrs Jerry Hyman and Peter Isherwood attended and spoke on this item]*

109.1 Following the Examination of Local Plan Part 1: Strategic Policies and Sites, the Council has now received the final report from the Local Plan Inspector. Subject to some specific required modifications, the Inspector considers the Plan to be sound. The next step in the process is for the Council to formally adopt the new Local Plan. In order to do so, the Council must incorporate all the Main Modifications identified in the Inspector's report. The Executive has now considered a report updating members on this matter, which included the observations and comments from the special meeting of the Environment Overview and Scrutiny Committee which met on 15 February 2018.

A copy of the full report had been circulated to all members in advance of this meeting.

- 109.2 At the beginning of the meeting, the Leader of the Council informed members that earlier in the day a letter had been received from Protect our Waverley/POW alleging that the Council may be in breach of its own constitution should it proceed to adopt the local plan this evening, because of the period of time between the Scrutiny Committee and the meetings this evening.
- 109.3 The Leader stated that it was disappointing that POW had chosen to send their letter so late in the day. Officers had considered the letter and taken advice from the legal services team and Counsel. That advice confirmed that should POW choose to challenge the Council's decision, that decision would be defensible but that there was risk associated with any decision to adopt the Local Plan. This is in addition to the risk of any potential judicial review challenge that might be brought against a decision to adopt based on the Local Plan's soundness.
- 109.4 The Executive was further informed that the Monitoring Officer had advised that the Council may proceed provided it was aware of the fact that there was a risk of challenge against the Council.
- 109.5 In discussing the report before them, the Executive recognised the hard work that had gone into producing such a significant document and acknowledged that overall, the Council needed to have an up-to-date plan in place to be able to control development in the borough.
- 109.6 The Executive accordingly

**RECOMMENDS that**

- 33. the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, which incorporates the Inspector's Main Modifications and the Council's Minor Non-Material Modifications, be adopted; and**
- 34. those policies within the Waverley Borough Local Plan 2002 that are not being retained as set out in Appendix B of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, which incorporates the Inspector's Main Modifications and the Council's Minor Non-Material Modifications, be withdrawn.**

**PART II - MATTERS OF REPORT**

There are no matters falling within this category.

**The meeting commenced at 5.00 pm and concluded at 5.35 pm**