

To: All Members of the EXECUTIVE

When calling please ask for:

Fiona Cameron, Democratic Services  
Manager & Deputy Monitoring Officer

**Policy and Governance**

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Calls may be recorded for training or monitoring

Date: 19 February 2021

**Membership of the Executive**

Cllr John Ward (Chairman)  
Cllr Paul Follows (Vice Chairman)  
Cllr Peter Clark  
Cllr Andy MacLeod  
Cllr Michaela Martin

Cllr Mark Merryweather  
Cllr Nick Palmer  
Cllr Anne-Marie Rosoman  
Cllr Liz Townsend  
Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 2 MARCH 2021

TIME: 6.00 PM

PLACE: ZOOM MEETING - VIRTUAL MEETING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

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## **NOTES FOR MEMBERS**

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

**Prior to the commencement of the meeting, the Leader, Deputy Leader or an appropriate Portfolio Holder to respond to any informal questions from members of the public, for a maximum of 15 minutes.**

*[Questions will be taken in the order in which questioners register with the Democratic Services Officer on [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk) by midday on Tuesday 2 March, to be sent details of how to join the Zoom meeting. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.]*

## **AGENDA**

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **MINUTES**

To confirm the Minutes of the Meeting held on 9 February 2021.

3. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday 23 February 2021.

5. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on Tuesday 23 February 2021.

6. LEADER'S AND PORTFOLIO HOLDERS' UPDATES

7. PROPERTY MATTER - LAND AT LOXWOOD ROAD, ALFOLD - ACCESS RIGHTS (Pages 5 - 16)

Catesby Estates plc is seeking the Council's agreement for a pedestrian/cycle link across Council land at Chilton Close, Alfold in order to comply with a planning requirement that the second phase of a residential development site is sustainable and reasonably linked to the settlement of Alfold.

**Recommendation**

It is recommended that the pedestrian/cycle link into Chilton Close be agreed and authority be delegated to the Strategic Director to approve the terms of the agreement.

8. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman, if required:

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

**For further information or assistance, please telephone  
Fiona Cameron, Democratic Services Manager & Deputy Monitoring  
Officer, on 01483 523226 or by email at  
fiona.cameron@waverley.gov.uk**

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**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**2 MARCH 2021**

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**Title:**

**Property Matter - Land at Loxwood Road, Alfold**  
**Access Rights**

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**Portfolio Holder:** Cllr Mark Merryweather, Portfolio Holder Finance, Assets and Commercial Services

**Head of Service:** Peter Vickers, Head of Finance and Property

**Key decision:** Yes

**Access:** Part Exempt

**Note pursuant to Section 100B(5) of the Local Government Act 1972**

This report and Annexe 3 and 4 to this report 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 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).

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**1. Purpose and summary**

- 1.1 Catesby Estates plc is seeking the Council's agreement for a pedestrian/cycle link across Council land at Chilton Close, Alfold in order to comply with a planning requirement that the second phase of a residential development site is sustainable and reasonably linked to the settlement of Alfold.

**2. Recommendation**

It is recommended that the pedestrian/cycle link into Chilton Close be agreed and authority be delegated to the Strategic Director to approve the terms of the agreement.

**3. Reason for the recommendation**

- 3.1. On the 3 February 2015 Executive granted access rights over a strip of Common land at Loxwood Road, Alfold to Catesby Estates plc (Catesby) to permit access to a residential development of the adjoining land. The Council used an external advisor to secure the agreement which was by way of an option agreement, dated 21 December 2017, between the Council, Catesby and the underlying land owners. In 2018 phase 1 development of the site brought a substantial receipt to the Council. The agreement secured further payments if other land was

developed requiring the same access rights within a timeframe of five years.

- 3.2. In May 2019 Catesby submitted a further planning application as a phase 2 development. This application was approved at Appeal in March 2020 subject to a schedule of conditions. The Appeal states '*The proposed pedestrian/cycle route through Chilton Close and footway improvement works along Horsham Road are part of the proposed package of measures to encourage sustainable movements. As such, it is necessary that these be secured by condition*'.
- 3.3. Catesby have selected a house builder for the phase 2 development and are, now seeking the Council's agreement to the pedestrian/cycle link through to Chilton Close. The plan showing where the pedestrian/cycle link from Chilton Close will join the phase 2 development plan is shaded brown in Annexe 1. A map of the link in the context of the overall development site is shown in Annexe 2.
- 3.4. Officers have engaged the external advisor used previously once more to advise on the terms of the agreement and the receipt that would be generated for the Council for access rights i) over the strip of Common land at Loxwood Road for the phase 2 development and ii) for pedestrian/cyclist link through to Chilton Close. A briefing note from the external advisor is attached at exempt Annexe 3.
- 3.5. The calculation of the estimated proceeds to the Council is shown in exempt Annexe 4.
- 3.6. The agreement will be for this phase 2 development by Catesby only.

#### **4. Relationship to the Corporate Strategy and Service Plan**

- 4.1 This will bring in a capital receipt which can be used to support project delivery in support of the Corporate Strategy and Service Plans. The housing development itself supports the objective of maximising the availability of housing.

#### **5. Implications of decision**

##### **5.1 Resource (Finance, procurement, staffing, IT)**

The Council will receive a substantial sum. The fees for the external advice will be met by Catesby.

##### **5.2 Risk management**

The Council works with external advisors in undertaking these transactions to ensure best consideration is achieved for the use of Council assets and to draw up agreements to safeguard the position of the Council and its assets going forward.

##### **5.3 Legal**

**Common land:** The existing access rights from Loxwood Road across the Common land owned by the Council should be sufficient to accommodate phase 2 development.

The existing access from Loxwood Road to Chilton Close is also across Common

land owned by the Council. The access should be sufficient to accommodate pedestrians and cyclists from the phase 2 development.

However, any increase in the dimensions of either access across Common land will have to comply with the provisions of the Commons Act 2006 and may require the approval of the Planning Inspectorate on behalf of the Secretary of State.

In addition, given its value to the community before disposing of open space land it owns such as Common land, the Council is legally required to advertise its intention in a local newspaper for two consecutive weeks and to consider objections. If it fails to follow this procedure the Council can be challenged in the High Court.

**External Advice:** Legal Services will appoint external solicitors approved within the Framework Agreement to examine the Council's title to Chilton Close and to draft and negotiate the necessary documentation to grant a pedestrian/cycle right of way through Chilton Close to Loxwood Road for the benefit of phase 2 development.

The external solicitors will also be instructed to consider whether the grant of a right of way through Chilton Close will be a disposal of Council open space land and therefore whether the Council is legally required to advertise its intention in a local newspaper for two consecutive weeks and to consider objections.

#### **5.4 Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

#### **5.5 Climate emergency declaration**

The granting of the access way through Chilton Close is part of the proposed package of measures to encourage sustainable movement.

### **6. Consultation and engagement**

6.1 The Ward councillor, Cllr Kevin Deanus, has been briefed on the proposals.

### **7. Other options considered**

7.1 The planning appeal was successful and planning permission granted subject to conditions of which agreement to the footpath link is one.

### **8. Governance journey**

8.1 The Scheme of Delegation requires interests in land or property to be brought to the Executive where the value is in excess of the delegated authority.

### **Annexes:**

Annexe 1 – map of proposed footpath/cycle link

Annexe 2 – map of development site  
Annexe 3 – External advisor briefing note (exempt)  
Annexe 4 – calculation of estimated proceeds (exempt)

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### **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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### **CONTACT OFFICER:**

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Position: Corporate Asset Manager  
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Agreed and signed off by:  
Legal Services: 14/12/2020  
Head of Finance: 03/12/2020  
Strategic Director: 03/12/2020  
Portfolio Holder: date





Waverley Borough Council  
 The Bury, Godalming, Surrey  
 GU7 1HR  
 Telephone: 01483 523333  
 Fax No: 01483 426337

**Footpath Link to  
 Chilton Close  
 Alfold  
 Cranleigh  
 GU6 8HB  
 Scale 1: 750**

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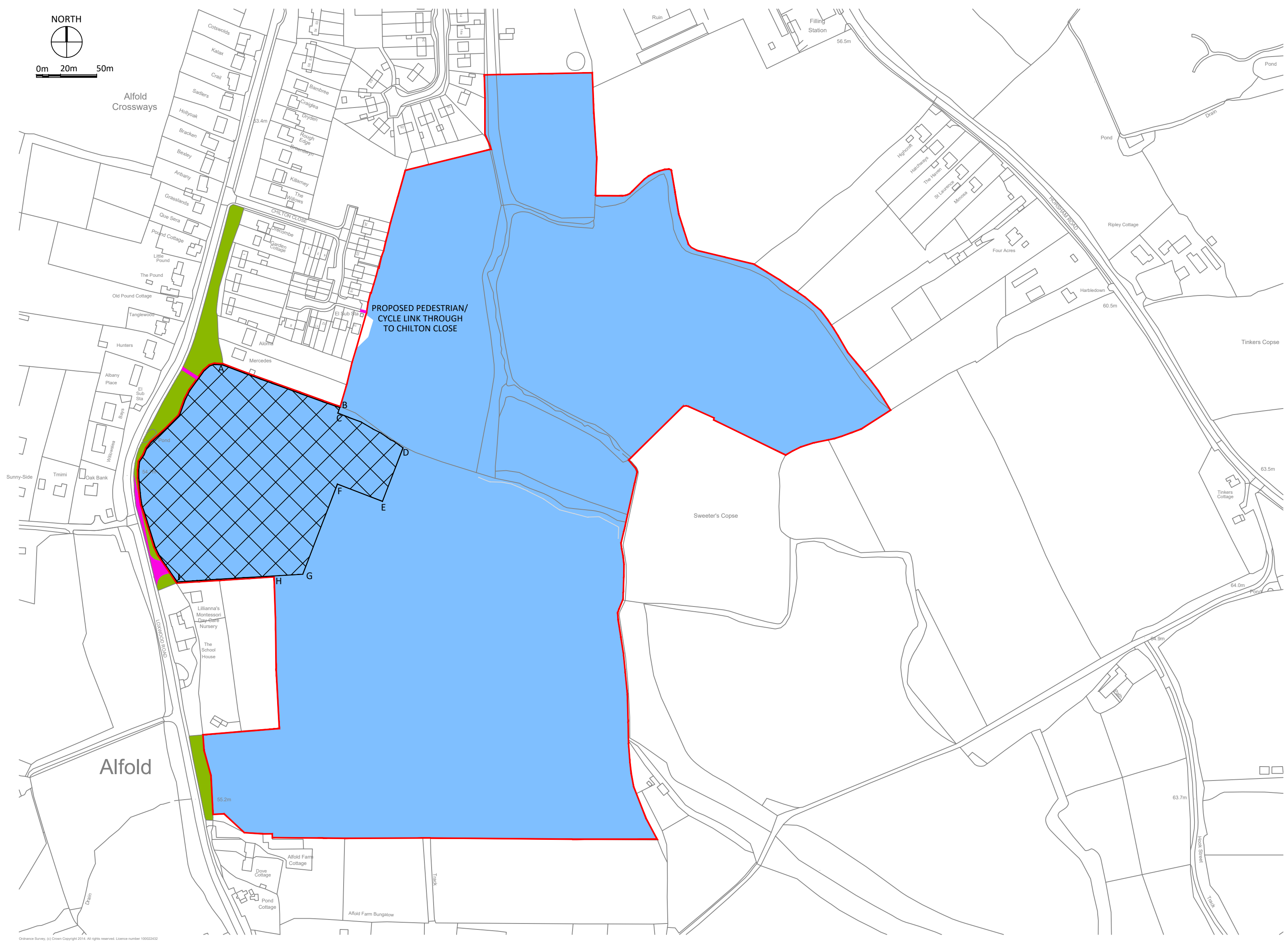
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Notes:



Suffix:	Date:	Description:	Drawn:	Checked:
Revisions:				

Catesby Estates plc

Project Name:  
**LAND WEST OF SWEETER'S COPSE  
 LOXWOOD ROAD  
 ALFOLD, SURREY**

Drawing Title:  
**CONTRACT PLAN**

Scale: 1/2500	Media/Orientation: A2L	Drawn: JF	Checked: DH	Day/Month/Year: 15/05/2017
Project No.: 1035			Drawing No.: LL/006D	

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of the Local Government Act 1972.

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