

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 18 JULY 2022

SUBMITTED TO THE COUNCIL MEETING – 18 OCTOBER 2022

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

Present

Cllr Paul Follows (Chairman)
Cllr Peter Clark (Vice Chairman)
Cllr Andy MacLeod
Cllr Mark Merryweather

Cllr Paul Rivers
Cllr Liz Townsend
Cllr Steve Williams

Apologies

Cllr Penny Marriott, Cllr Kika Mirylees and Cllr Nick Palmer

EXE 22/22 DECLARATIONS OF INTERESTS (Agenda item 2)

Councillor Steve Williams declared a non-registrable interest in item 3 (Urgent item – Loxley Well) as the subject of litigation by UK Oil and Gas (UKOG) Ltd.

EXE 23/22 URGENT ITEM - LOXLEY WELL (Agenda item 3)

The Leader introduced the item which set out legal advice in respect of applying to the High Court to seek permission to challenge the Secretary of State's decision to grant planning permission to UK Oil and Gas (UKOG) for an exploratory well at Loxley Well near Dunsfold. He felt that the decision would have a significant impact on the local environment and local businesses and against the wishes of local residents. However any use of public funds to challenge the decision required careful consideration by the Executive and there should be exploration of potential partnership working on this issue.

Councillor Hyman spoke on this item expressing concern over the potential costs which could be incurred in the event that the legal challenge was unsuccessful.

The Executive considered the impact on the local residents, the Local Plan and the climate agenda and the views expressed by residents in the consultation carried out. The Executive carefully considered the advice of the Borough Solicitor and the risks involved. It was felt that there was a duty to take action however careful consideration should be given to taking further action unless it was in partnership with other bodies such as Surrey County Council. The Leader hoped that some of the costs would be mitigated by working with other partners.

At 1.31pm, the Leader moved the recommendation at item 4 and the Executive considered the legal advice under item 5. At 2.08pm, the Leader reopened the Executive meeting to the public and it was

RESOLVED

1. That the Executive considered whether to apply to the High Court seeking permission to challenge the Secretary of State's decision of 7 June 2022 to grant planning permission at Loxley Well under s.288 of the Town and Country Planning Act 1990.
2. To authorise officers to make the necessary virement to meet the cost of applying to the High Court of up to £13500 (excluding VAT and disbursements) and noting the potential additional costs that would need to be funded from a further virement.
3. That the Executive agrees to apply to the High Court seeking permission to challenge the SoS's decision of 7 June 2022 to grant planning permission at Loxley Well under s288 of the Town and Country Planning Act 1990.

EXE 24/22 EXCLUSION OF PRESS AND PUBLIC (Agenda item 4)

RESOLVED 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, namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

EXE 25/22 LEGAL ADVICE (Agenda item 5)

The Executive considered the legal advice as set out in the exempt annexe to item 3 (Urgent item – Loxley Well).

The meeting commenced at 1.00 pm and concluded at 2.10 pm

Chairman