

To: All Members of the EXECUTIVE

When calling please ask for:

Fiona Cameron, Interim Democratic Services
Manager

Legal and Democratic Services

E-mail: fiona.cameron@waverley.gov.uk

Direct line: 01483 523226

Calls may be recorded for training or monitoring

Date: 26 June 2023

Membership of the Executive

Cllr Paul Follows (Chair)
Cllr Peter Clark (Vice Chair)
Cllr Tony Fairclough
Cllr Victoria Kiehl
Cllr Mark Merryweather

Cllr Kika Mirylees
Cllr Nick Palmer
Cllr Paul Rivers
Cllr Liz Townsend
Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 4 JULY 2023

TIME: 6.00 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale

Executive Head of Legal & Democratic Services & Monitoring Officer

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The meeting can be viewed remotely via Waverley Borough Council's [YouTube channel](#) or by visiting www.waverley.gov.uk/webcast .

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 prior to the start of question time. 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 6 June 2023.

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 27 June 2023.

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 27 June 2023.

6. LEADER'S AND PORTFOLIO HOLDERS' UPDATES

7. RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES (Pages 7 - 10)

Services Overview & Scrutiny Committee met on 21 June and the recommendations from the committee are set out in the attached schedule. Resources Overview & Scrutiny Committee meets on 10 July 2023.

8. UPDATE OF THE LOCAL PLAN (Pages 11 - 32)

Local Plan Part 1 (LPP1) was adopted in February 2018. In accordance with statutory requirements, the Council undertook a review of the Plan within five years of its adoption to decide if an update was required. The full Council on 21 February 2023 resolved that LPP1 required updating and instructed officers to explore options for carrying out this work.

This report sets out two broad options and makes recommendations on the preferred approach.

Recommendations:

1. Work commences on a comprehensive update of the Local Plan (option A), meeting the requirements of the existing development plan system but ensuring flexibility to migrate to the new system if implemented.

And, the Executive agrees that:

2. A detailed work programme for completing the comprehensive update, and briefs for preparing up to date evidence are prepared in consultation with the Portfolio Holder for Planning and Regeneration.
3. Evidence should include a local assessment of housing needs as an alternative to the Government's 'standard method' for considering an appropriate housing requirement for the updated local plan.
4. The emerging spatial strategy and housing numbers need to be discussed at the earliest opportunity with the Town and Parish Councils to enable them to consider the implications for Neighbourhood Plans.
5. The preparation of robust Affordable housing policies should be a priority so that the Council can withstand challenges to affordable housing requirements based on scheme viability.
6. The existing adopted Local Plan (parts 1 and 2) must be defended vigorously during the preparation of the Local Plan update.

9. WOOLMER HILL PLAYING PITCH (Pages 33 - 38)
[Portfolio Holder: Portfolio Holder for Environment and Sustainability]

The need for a Third Generation Artificial Playing Pitch (3G pitch) in Haslemere has been documented in the Council's Playing Pitch Strategy. The Football Foundation have worked with the Council to fund the project to deliver a 3G pitch at the Woolmer Hill Recreation Ground in Haslemere.

This paper updates the Executive regarding the funding of the project and seeks to ensure the correct authorities are in place to enter into the construction agreement, as stipulated by the Football Foundation, to build the pitch and offer the requisite warranties.

Recommendation

That the Executive approves:

1. Following the recommendation of MGAC, the Employer's Agent appointed by the Football Foundation in this project, delegation of authority to the Waverley BC Executive Head of Commercial Services to enter into a JCT Design and Build Contract (prepared by the Football Foundation) with Field Turf Tarkett SAS (a contractor appointed by the Football Foundation) to build the Woolmer Hill 3rd Generation Artificial Turf Pitch.
2. The total estimated value of the contract is £937,308 which is to be funded from various sources as set in the Financial Implications section of this Report.

10. HOUSING DELIVERY - BUILDING CONTRACT FOR RIVERSIDE COURT
(Pages 39 - 46)
[Portfolio Holder: Co-Portfolio Holder for Housing (Delivery)]

The purpose of this report is to seek formal approval to enter into a contract to undertake remodelling and extension works at Riverside Court, Farnham, to deliver two new one-bedroom flats and associated works.

Members have already considered and approved the delivery of these two homes and associated full project budget at a meeting of Full Council on 13 December 2022.

Recommendation

It is recommended that the Executive approves:

- i. Entering into a contract with the preferred contractor - Fowler Building Contractors Limited – for the delivery of the works.
- ii. Entering into any related contractual documentation (including collateral warranties or agreements) relating to the project; and
- iii. Giving delegated authority to the Strategic Director of Place to enter into the JCT Contract and any associated contracts, in consultation with the Executive Head of Legal and Democratic Service and the Portfolio

Holder for Housing (Delivery).

11. BROADWATER PARK CHANGING ROOMS REFURBISHMENT WORKS
(Pages 47 - 60)
[Portfolio Holder: Portfolio Holder for Environment and Sustainability]

The purpose of this report is to seek approval to enter into a contract for works to refurbish and reconfigure the changing rooms at Broadwater Park, Godalming. The facilities are used throughout the year by local community football and cricket teams. The facility is in a poor condition, no longer fit for purpose and has been closed to all users since the winter following the collapse of the ceilings due to a water leak.

Recommendation

That the Executive approves the authority to enter into a contract with Abacus Property Solutions for the changing rooms refurbishment works in line with the capital budget programme.

12. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:

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.

13. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

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

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2023-24 Master Tracker Recommendations to the Executive from the Overview and Scrutiny Committees

June 2023 Committee Cycle

Last updated: 26/06/2023 11:39

Document Purpose

The intention of this document is to collate and track progress of all recommendations made by the Overview and Scrutiny Committees to the Executive throughout the year, and to log the Executive decisions on the submitted matters. The recommendations are split into separate tables for each of the Overview and Scrutiny (O&S) Committees and the [explanation of terms used](#) can be found in section 5. Additionally, a table with all remaining [Committees meeting dates](#) for this calendar year have been listed below, followed by information on key [officers supporting the process](#).

Resources Overview and Scrutiny – Recommendations to Executive

Resources O&S Chair: Cllr Peter Martin, **Resources O&S Vice Chair:** Cllr Andrew Laughton

Resources O&S meets on 10 July 2023

| Unique Ref. | Name of the Agenda Item | Recommendation | O&S Meeting Date (when the item was raised) | To be considered at the Executive Meeting on | Progress Status | Reason for the Executive Decision and Next Steps | Key Officer responsible for the item |
|-------------|-------------------------|----------------|---|--|-----------------|--|--------------------------------------|
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Services Overview and Scrutiny – Recommendations to Executive

Services O&S Chair: Cllr Carole Cockburn, Services O&S Vice Chair: Phillip Townsend

| Unique Ref. | Name of the Agenda Item | Recommendation | O&S Meeting Date (when the item was raised) | To be considered at the Executive Meeting on | Progress Status | Reason for the Executive Decision and Next Steps | Key Officer responsible for the item |
|---------------|--------------------------|--|---|--|-----------------|--|--------------------------------------|
| S21-06-23-9.1 | Local Plan Part 1 Update | <p>The Committee NOTED the proposed recommendations to the Executive on the approach to updating the Local Plan and developing a detailed work programme for the comprehensive update, and agreed that the Executive should additionally consider:</p> <ol style="list-style-type: none"> 1. A reinforcement of the importance of the Development Plan 2. A robust defence of a lower figure using a local calculation of the Local Housing Need. 3. The Housing figures and special strategy to be shared with Neighbourhood Plan groups at the earliest convenience. 4. Robust policies about delivering Affordable Housing on approved schemes to mitigate developers bringing forward viability studies after approval has been given. | 21.06.2023 | 04.07.2023 | | | |
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Explanation of terms used

Unique ref. – Each recommendation added to this tracker will be assigned a unique reference number following specific sequence (for e.g. P21-1123-1 or S22-0124-5.2) where R stands for Resources O&S and S for Services O&S, 21-1123 and 22-0124 represent the year-month and date of the meeting at which the item was raised, -1 or -5.2 represent the agenda item reference from that O&S meeting, and if more than one recommendation was raised against a specific item this can be indicated by 0.1 or 0.2, etc. next to the original agenda item reference number such as -1 or -5.

Progress Status – This column indicated individual progress status for each recommendation and will present 1 of 3 options: 1) Awaiting Executive Consideration, 2) Accepted / Approved by the Executive or 3) Rejected by the Executive

Reason for the Executive Decision and Next Steps – this column will include details on why a specific recommendation was accepted or rejected by the Executive, and where appropriate, will indicate what are the next steps for the officers or councillors.

Contact Officers

| Officer Name | Role | Email | Responsibilities in the process |
|------------------------|------|-------|---|
| To be confirmed | | | Owner of this document. Responsible for collation of the recommendations after each O&S cycle and following up with the Democratic Services Team on their progression, and feeding back the outcomes to the O&S Committees and relevant officers at the following committee cycle |

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Waverley Borough Council

Report to: Executive

Date: 4 July 2023

Ward(s) affected: All

Report of Director: Strategic Director - Place

Author: Andrew Longley, Interim Planning Policy Manager

Tel: 01483 523427

Email: Andrew.Longley@waverley.gov.uk

Executive Portfolio Holder/ Lead Councillor responsible: Cllr Liz Townsend

Email: Liz.Townsend@waverley.gov.uk

Report Status: Open

Update of the Local Plan

1. Executive Summary

- 1.1 Local Plan Part 1 (LPP1) was adopted in February 2018. In accordance with statutory requirements, the Council undertook a review of the Plan within five years of its adoption to decide if an update was required. The full Council on 21 February 2023 resolved that:

Having undertaken a review of LPP1 in accordance with regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Council resolves that LPP1 requires updating and instructs officers to explore all options including updating the plan immediately to make it broadly compliant with the latest NPPF (noting that the housing numbers produced by the new "Standard Method" are a starting point only) and taking particular account of any Habitat Regulations constraints on an increase in housing numbers, followed by a more detailed update of LPP1 and LPP2 together to produce a single Local Plan at a later date.

However, the existing Local Plan as a whole continues to provide an up-to-date statutory development plan for Waverley, which must remain the starting point for decisions on planning applications while an update is brought forward.

- 1.2 This report addresses this resolution by exploring two broad options for updating the Local Plan. These are:
 - A. Comprehensive update of the Local Plan.
 - B. Partial alteration of LPP1 to address housing supply and related matters.
- 1.3 These options are not mutually exclusive since a partial alteration would not negate the need for a more comprehensive update. It is important to note that whatever approach is taken, the update must follow the statutory development plan process, including preparation, publication, and examination of the plan. There is no way that an update of LPP1 can be achieved more quickly than these statutory processes allow. The Council's reference to considering updating the plan 'immediately' is therefore taken to mean starting the process without delay (once the scope has been agreed) and concluding it as quickly as possible.
- 1.4 The Government is progressing legislation that will change the development plan system. However, there is uncertainty regarding the implementation of these reforms and to the approach to the assessment of Local Housing Need (LHN). According to the Local Government Association's Planning Advisory Service (PAS), this uncertainty has resulted in many Councils pausing or abandoning work on their Local Plans. This could result in extensive delays and would be a high-risk option for Waverley because speculative development proposals on unallocated sites will continue until the Council can demonstrate a 5-year supply of housing land (5YHLS). The update of the Local Plan is a means to regain control of housing requirements and to allocate appropriate sites within the context of an updated spatial strategy. The Council's Housing Delivery Action Plan will also be updated (see para 1.9 below).
- 1.5 Legal opinion obtained during the review of LPP1 (see para 7.2 below) is clear that proceeding as quickly as possible with the update of LPP1 will give the Council a much more persuasive case at appeals, ensuring that proper weight is given to the adopted development plan. The approach set out in this report follows this advice and will help to establish a credible strategy for addressing housing land supply issues.
- 1.6 PAS is encouraging Councils to continue with plan-making ahead of the proposed planning reforms. Its consultants DAC Planning have reviewed

the options considered in this report. Their view is that option A is the only feasible option and although the proposed timescale for its preparation is ambitious, it is realistic (see para 7.21).

- 1.7 It is recommended that work commences on a comprehensive update of the Local Plan (option A) to contain both strategic and non-strategic policies. The procedural path for this will depend on the progress of the Government's planning reforms. It is not possible to meet the current proposed deadlines for completing Local Plans using the current system (submission by end of June 2025 and adoption by the end of 2026). However, officers consider it would be a high-risk option to wait for the new planning system to be introduced (currently planned for November 2024 but could be delayed). Consequently, it is recommended that work commences under existing legislation and guidance, but with flexibility to switch to the new system if it is implemented. The evidence base required for plan making under the current and proposed system is likely to be similar (albeit the new system promises a lighter touch approach to assessment and examination). It is recommended that work commences immediately on the priority areas of evidence set out in section 7 of this report. This will be the focus over the next 12 months, during which time the Council will have flexibility to respond to any changes in national legislation, policy, and guidance.
- 1.8 The aim is to prepare an updated plan much faster than any previous Waverley Local Plan. However, the statutory process means that adoption of a comprehensive update (option A) is unlikely to be possible until 2027. In line with the resolution of the Council (para 1.1 above), this report therefore considers the potential to address housing land supply issues more quickly through a partial alteration of LPP1 under the current system (option B). This could potentially be adopted 12 months earlier than option A. However, the view of officers, following discussion with the PAS and its consultants DAC Planning, is that it would be difficult to constrain a partial update to an end-date of 2032 or to limit its scope to housing supply matters. DAC Planning has questioned whether option B could be prepared much faster than option A, given the contentious nature of housing matters and the fact that the same statutory processes must be followed. The ramification of this is that it may not be possible to meet the Government's proposed transitional deadline for submission by the end of June 2025. Option B would also not negate the need for a comprehensive update, thereby resulting in additional cost. For these reasons, it is considered that it is preferable to concentrate resources on a comprehensive update. This will gain weight as a material consideration as it progresses.
- 1.9 It should be noted that, while the Local Plan update is the best way for the Council to regain control of housing requirements, it is not a quick means of resolving current 5YHLS issues. This is because of the time-lag in bringing

new housing sites forward through allocations and planning permissions. Work on the Local Plan will therefore be accompanied by an update of the Council's non-statutory Housing Delivery Action Plan, with input from landowners, developers and other stakeholders to consider factors holding back the delivery of allocations, planning permissions, or otherwise policy-compliant sites.

- 1.10 This report was considered by the Overview and Scrutiny Committee – Services on 21 June 2023. The Committee noted recommendations 1 and 2 and suggested additional recommendations on specific matters that it considers should be addressed during work on the Local Plan Update. These form the basis of recommendations 3 to 6 in this report.

2. Recommendation to Executive

- 2.1 That the Executive recommends to Full Council that:

1. Work commences on a comprehensive update of the Local Plan (option A), meeting the requirements of the existing development plan system but ensuring flexibility to migrate to the new system if implemented.

And, the Executive agrees that:

2. A detailed work programme for completing the comprehensive update, and briefs for preparing up to date evidence are prepared in consultation with the Portfolio Holder for Planning and Regeneration.
3. Evidence should include a local assessment of housing needs as an alternative to the Government's 'standard method' for considering an appropriate housing requirement for the updated local plan.
4. The emerging spatial strategy and housing numbers need to be discussed at the earliest opportunity with the Town and Parish Councils to enable them to consider the implications for Neighbourhood Plans.
5. The preparation of robust Affordable housing policies should be a priority so that the Council can withstand challenges to affordable housing requirements based on scheme viability.
6. The existing adopted Local Plan (parts 1 and 2) must be defended vigorously during the preparation of the Local Plan update.

3. Reason(s) for Recommendation:

- 3.1. To enable work to commence on the update of the Local Plan to address housing supply and other strategic and non-strategic issues.

4. Exemption from publication

- 4.1. No.

5. Purpose of Report

- 5.1. To agree the proposed approach to the update of the Local Plan and make a recommendation to Full Council. .

6. Strategic Priorities

- 6.1. An up-to-date Local Plan is central to delivering the Council's strategic priority of "Effective strategic planning and development management to meet the needs of our communities".

7. Background

- 7.1 The report to Council on 21 February 2023 explained why an update of LPP1 is required to consider potential changes to housing requirements and the implications for other aspects of the plan, and to ensure that all policies are consistent with the latest NPPF and legislation. It noted that the update would also allow the Council to give greater emphasis to corporate priorities such as addressing the climate emergency.
- 7.2 Legal opinion provided to the Council emphasised the value of progressing an update of the plan: *'8. I consider that if the Council proceeds to update LPP1 with expedition, then it will have a much more persuasive case to place before appeal inspectors (and in considering its own planning applications) about appropriate mechanisms being brought forward to address any potential shortage in housing land supply moving forwards. In turn, that will allow the Council to argue that in the meantime the adopted development plan should continue to command proper weight.'*
- 7.3 This advice is borne out by the comments of the Inspector on the recent appeal at Lower Weybourne Lane. While dismissing the appeal, he commented on housing land supply issues as follows: *'66. The shortfall has*

persisted over a considerable period. The adoption of the Local Plan Part 2 is a step in the right direction. However, its housing site allocations are geographically contained and relatively small in a wider Borough context. There is little concrete evidence to demonstrate that the Council has a credible strategy, including progressing through an agreed timetable for updating the Local Plan Part 1, that will address the housing land supply issues of the Borough on a wider basis anytime soon. In these circumstances, the Appellant is correct to characterise the shortfall in housing land supply as significant....'

- 7.4 The purpose of this report is to progress work on this “credible strategy” for updating the Local Plan to address, amongst other matters, housing land supply. The Local Development Scheme will be amended to reflect the Council’s agreed approach.
- 7.5 Development plans must be prepared in accordance with relevant legislation, regulations, and national policy and guidance. The Government considers that the current planning system is outdated and that it takes too long to adopt a local plan (an average of 7 years). Appendix 1 summarises the current plan-making requirements and the Government’s proposed reforms to simplify and speed up the process.
- 7.6 Members will be aware of the lengthy period that it took to prepare LPP1 (9 years from first consultation to adoption) and LPP2 (6 years 4 months). This was partly due to the complexities of the current development plan process but also due to political changes and the challenge of bringing forward appropriate site allocations in a heavily constrained borough. Elements of the planning reforms such as the lighter-touch assessments and examination process are to be welcomed. However, there are many unresolved questions, including the practicality of a 30-month statutory timetable for plan preparation.
- 7.7 In considering options for updating the local plan, it should be noted that there is a significant risk that the planning reforms will not be implemented to the timescale currently proposed. The initial updates to the NPPF promised in spring 2023 have not yet been issued. The Levelling Up and Regeneration Bill could be enacted before the summer recess but the regulations and policy necessary for implementation may take longer than originally envisaged (November 2024) in the run-up to a general election, and a new government could have a different view on planning reforms.
- 7.8 As noted in the report on the review of LPP1, another area of uncertainty is in relation to the approach to housing requirements. The Local Housing Need (LHN) calculated using the ‘standard method’ may change substantially in 2024 if the Government adopts 2021 census-based household projections as the starting point. However, while the Government

has stated that it will consider using the new projections, there is no guarantee it will do so. This issue is outlined in greater detail in Appendix 2.

Options for updating the Local Plan

- 7.9 Whatever approach is taken, any update of the Local Plan must follow the statutory development plan process, including preparation, publication, and examination of the plan. There is no way that an update of LPP1 can be achieved more quickly than these statutory processes allow.
- 7.10 The broad options available to the Council for updating the Local Plan and addressing housing land supply issues are:
- A. Comprehensive update of the Local Plan.
 - B. Partial alteration to the adopted LPP1 to address housing supply and related matters.
- 7.11 The proposed planning reforms will require a single Local Plan containing both strategic and non-strategic policies, where necessary supported by Supplementary Plans (in addition to Neighbourhood Plans). The comprehensive update of the Local Plan (option A) would follow this approach to provide a single Local Plan for the Borough (with some policies 'saved' from LPP2 if possible). The partial alteration (option B) would relate only to LPP1, leaving LPP2 as it is for the time being.
- 7.12 The NPPF states that strategic policies should cover a minimum 15-year period from adoption. For option A, this will require the end date of the Local Plan to be rolled forward by around 10 years (to 2042/43) in relation to development requirements. The vision should be framed in the context of the statutory deadline for achieving net-zero carbon by 2050. Option B is only considered achievable within the proposed transitional deadlines if the plan period remains to 2032, otherwise the scale of new housing required would escalate this option into a much more complex task. This would need to be justified as a departure from the NPPF 15-year plan timescale referred to above. From discussions with PAS and its consultants, the view of officers is that it would be an uphill battle to persuade an Inspector that the plan is sound on this basis.
- 7.13 The NPPF requires strategic policies to set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:
- a) housing (including affordable housing and gypsy and traveller accommodation), employment, retail, leisure and other commercial development;

- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 7.14 Housing requirements will be a key consideration in updating the Local Plan and are discussed in more detail in Appendix 2. The NPPF (para 61) states that *‘strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.’*
- 7.15 For option A, the Council will need to undertake an assessment of local housing need (LHN) for the plan period to 2043 and take account of any unmet need within neighbouring areas. A partial alteration (option B) would concentrate on sources of housing to meet the remaining housing requirement to 2032 and to ensure a deliverable 5-year supply of housing land. However, given the NPPF position set out above, officers consider that not only would it be difficult to justify a 2032 end date, it would also be necessary to update LPP1 Policy ALH1 housing requirements taking into account LHN calculated using the standard method.
- 7.16 The Local Plan update should seek to do as much as possible to meet the housing needs of the local community. However, the Council’s response to consultation on the proposed planning reforms expressed the view that the standard method results in an unrealistic and unattainable assessment of LHN. While it may be difficult to demonstrate ‘exceptional circumstances’ in Waverley to justify an alternative approach to the ‘standard method’ for assessing LHN, it is nevertheless recommended that the Council commissions evidence on current and future demographic trends and market signals as a sense test for the results of the standard method and to gauge what the new household forecasts are likely to show.
- 7.17 In addition to LHN, the NPPF requires that account is taken of unmet housing need from neighbouring authorities. Members will recall that the LPP1 Inspector concluded that the Borough should accommodate some of the unmet need from Woking. The ‘duty to cooperate’ is the only formal mechanism for such discussions and the proposed planning reforms would

repeal this and replace it with a more flexible ‘alignment test. It is not clear how this will work. The Council will, in due course, need to consider evidence of any unmet needs in accordance with the NPPF. Given the challenges experienced in meeting current LPP1 housing requirements due to constraints including Green Belt, AONB, and other designations, officers currently consider it unlikely that there will be scope to accommodate needs arising outside the Borough.

7.18 While LHN will inform the minimum number of homes needed, this is only the starting point (not a mandatory target) for establishing housing requirements in an updated Local Plan. This point is emphasised in a December 2022 written ministerial statement¹ and subsequent draft revised NPPF. While only limited weight can be given to emerging national policy, it represents a change in emphasis that, once confirmed in policy, will assist the Council in identifying and justifying housing requirements for the new plan. The Council will consider physical and policy constraints, including Green Belt, AONB, and the HRA issue highlighted in the resolution at para 1.1 above, which will determine the amount of assessed need that it is possible to accommodate. The assessment of constraints and opportunities will therefore be a fundamental part of the evidence base for the update of the Local Plan.

7.19 The general scope and timetable of the identified options are outlined below.

| A. Comprehensive update of the Local Plan |
|--|
| Scope |
| <ul style="list-style-type: none"> a. The plan period would be 2023 to 2043. b. This plan would revise or refresh all aspects of LPP1 that the review identified in February 2023 as requiring updating. Using the PAS toolkit for reviewing local plans, this work identified several planning policy areas that need updating. This included updating the assessment of housing and economic needs and considering the development needed to achieve these needs. It also included measures to adapt to and mitigate climate change and to protect and enhance the natural environment. Whilst the review also recognised that some LPP1 policies were fit for purpose, because the housing requirement could change this may have implications for the growth strategy/spatial distribution of development and other plan requirements. c. In addition to strategic policies, an update would incorporate non-strategic policies to provide a single Local Plan as envisaged in the planning reforms (accompanied by Supplementary Plans and Neighbourhood Plans). This would require close working with town and parish councils. |

¹ [Communities put at heart of planning system as government strengthens Levelling Up and Regeneration Bill - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/communities-put-at-heart-of-planning-system-as-government-strengthens-leveling-up-and-regeneration-bill)

- d. Notwithstanding the wider scope of the Local Plan, the aim would be to create a succinct plan with a clear visual representation of the spatial strategy. Policies and proposals from the newly adopted LPP2 would only be included if it is not possible to 'save' them under the new development plan system. General policies would not be included if the Government goes ahead with its proposal to create National Development Management Policies.
- e. The plan would be progressed in parallel with work on a borough-wide design code, which will be mandatory under the Levelling Up and Regeneration Bill.
- f. This option could adhere to the existing structure of LPP1, allowing parts of the plan to be subject to little or no change. Alternatively, it could provide an opportunity to structure the plan to anticipate elements of the planning reforms and give greater prominence to priorities such as climate change and biodiversity net gain.

Timetable

- g. Work would commence under the existing development plan system. However, the plan could not be delivered within the currently proposed transitional arrangements to the new system, which would require it to be submitted for examination by 30 June 2025 and adopted by 31 December 2026. These arrangements are intended to apply to plans that are already in preparation. A more realistic, but still ambitious programme would add 12 months to these deadlines, giving a target for submission by the end of June 2026 (3 years compared to 4 years taken to reach the same stage for LPP2). The period from submission to adoption (18 months) reflects the time given in the proposed transitional arrangements – it is largely in the hands of the Planning Inspectorate. The timetable for progressing the plan under the existing system if the planning reforms are delayed or abandoned, is shown as Track 1 in Figure 2.
- h. If the proposed planning reforms are implemented in November 2024 as envisaged by the Government, the plan will need to be completed within a statutory 30-month period. Draft Regulations are not yet available, so little is known about the requirements of each stage. The indicative programme shown as Track 2 in Figure 2 is based on the 30-month timetable suggested in the Planning for the Future white paper.
- i. Figure 2 highlights that a comprehensive update of the Local Plan under either the current system (Track 1) or the proposed new system (Track 2) for preparing local plans will take until mid to late 2027 to adopt. Under both tracks, the first 12 months is largely taken up with evidence gathering and initial consultation. This gives flexibility to switch tracks without abortive work if the planning reforms are implemented to the Governments current timetable.

B. Partial alteration to the adopted LPP1 to address housing supply and related matters

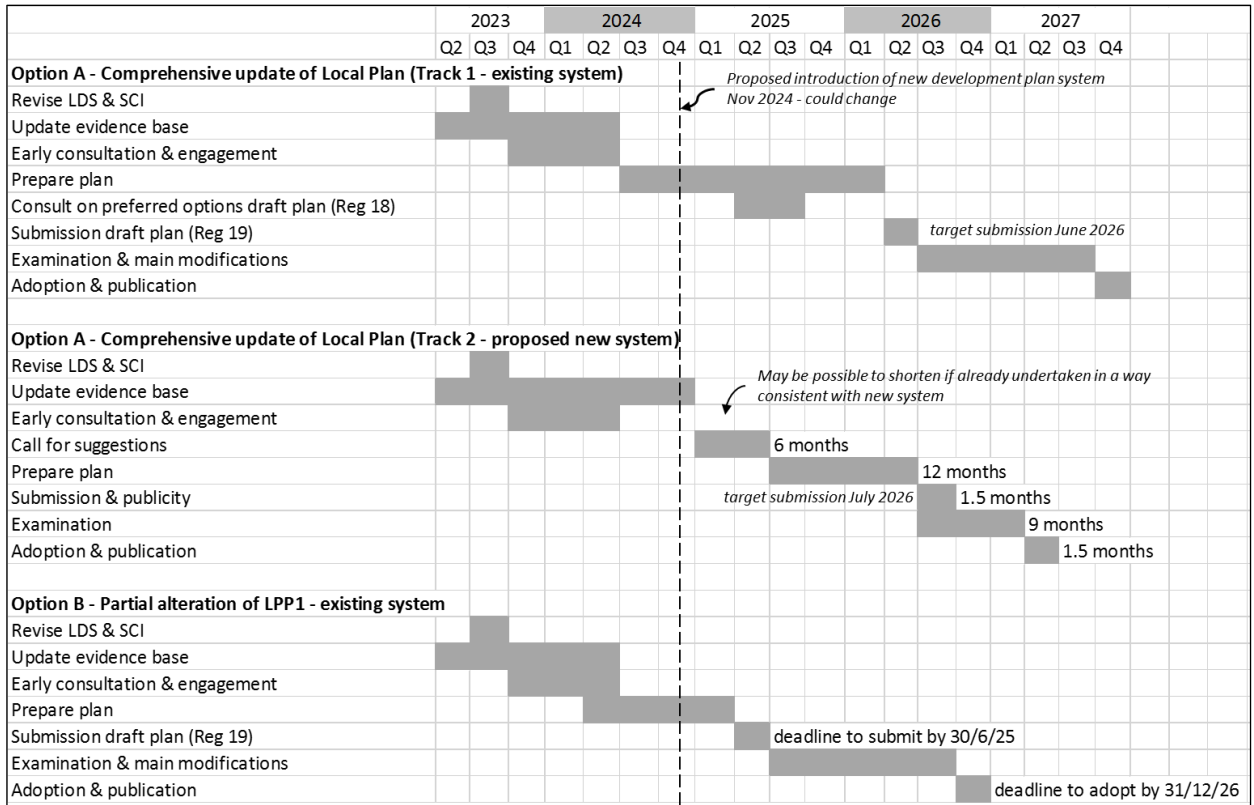
Scope

- a. The scope of the plan would need to be limited to expedite the update of key strategic policies tackling housing supply matters while the comprehensive update of the local plan is ongoing. Maintaining the LPP1 end date of 2032 would make

| |
|--|
| <p>this more manageable but would not meet the NPPF requirement for a plan period extending 15 years from adoption.</p> <p>b. Housing requirements would need to be updated using LHN based on the standard method as the starting point, and an assessment of constraints and opportunities. Key evidence would include updating the Housing Land Availability Assessment, including a 'call-for sites', and an updated Housing Delivery Action Plan.</p> <p>c. Although focused on housing supply, the update would inevitably need to address the implications of this for other policies.</p> <p>d. Addressing any shortfall in housing land supply will require close working with town and parish councils, particularly if the plan needs to make non-strategic allocations to accelerate delivery.</p> <p>e. The plan would be progressed in parallel with a comprehensive update of the Local Plan (option A) and work on a borough-wide design code, which will be mandatory under the Levelling Up and Regeneration Bill.</p> |
| <p>Timetable</p> <p>f. The programme for this partial update would be dictated by the Government's proposed transitional deadlines (submission by 30 June 2025 and adoption by 31 December 2026). The period to submission is very tight. It may be necessary to cut out the discretionary consultation on a draft plan (preferred options) that is often carried out at Regulation 18, instead seeking input on the scope of the plan and specific spatial options, before the Reg 19 draft is published for comments.</p> |

7.20 Figure 1 below gives a broad indication of the timelines for Options A and B. The target submission date is important because the timescale beyond that is determined by the examination process. For option A, whether under the existing (track 1) or proposed (track 2) development plans systems, the target would be to submit the plan for examination in summer 2026. Option B would need to be submitted 12 months earlier in order to meet the deadlines currently proposed in transitional arrangement. Independent advice has been sought from PAS in relation to these timescales (see para 7.21 below).

Figure 1 – Indicative timetable for options



Assessment of Options

| Pros | Cons |
|---|--|
| A. Comprehensive update of Local Plan | |
| <p>Allows work to commence using tried and tested legislation and guidance (Track 1), avoiding wait for planning reforms to be implemented (and the risk that they will be delayed or abandoned).</p> <p>Flexibility to migrate to new development plan system if implemented (Track 2) would allow use of streamlined assessments and examination process (which should be quicker and cheaper).</p> <p>Opportunity to bring strategic and non-strategic policies together into a single Local Plan in line with proposed new system. This will simplify the development plan for the borough and, in the longer term, reduce the process costs arising from separate part 1 and part 2 plans.</p> | <p>Reliant on planning reforms being delayed or transitional arrangements (not yet finalised) allowing smooth transition to new system.</p> <p>Existing process requirements (e.g. in relation to duty to cooperate, environmental assessment, and examination) are more complex, time-consuming, and potentially more costly than the streamlined approach promised in the reforms.</p> <p>Inclusion of non-strategic issues could slow plan-making. Will need ability to 'save' existing LPP2 policies and to defer some other non-strategic issues to Neighbourhood Plans, Supplementary Plans (new system), or Supplementary Planning Documents (existing system).</p> |
| B. Partial alteration of LPP1 to address housing supply issues | |
| <p>Potentially quicker plan-led way to address housing land supply issues – avoids risk of delay with planning reforms.</p> <p>A predicted earlier adoption date may strengthen the Council's position in resisting speculative development in unsuitable locations in the absence of 5YHLS.</p> <p>Could be progressed in parallel with the comprehensive update of the local plan with shared evidence base.</p> | <p>Only seeking to address needs to 2032 conflicts with minimum 15-year plan period set out in the NPPF – high risk of plan not being sound on this basis. Also, could not avoid updating housing requirements taking account of the results of the standard method.</p> <p>Difficult to limit the update to housing supply matters given the wider implications for environment, employment, infrastructure etc.</p> <p>Likely to require allocation of non-strategic as well as strategic sites – cutting across work of neighbourhood planning groups (would need collaborative working).</p> <p>Undertaking an interim update alongside a comprehensive update could be confusing for local communities and other stakeholders. It would require additional resources (staff-time and increased process costs e.g., two separate examinations) or would slow work on the comprehensive update of the local plan.</p> |

- 7.21 PAS's consultants DAC Planning broadly agree with this assessment but consider that the pitfalls of Option B are probably understated. Their view is that:
- Option A is likely to be the only feasible approach. The timescales are considered ambitious but realistic. They doubt it could be done any faster.
 - Option B with a plan end-date of 2032 is not compliant with NPPF and therefore unlikely to be found sound. It is also unlikely to save much time compared to option A because housing issues will be contentious, and the same statutory stages are still required.
 - They are assisting officers in refining a detailed work programme for Option A, which will seek to make the most of existing evidence and knowledge in relation to LPP1 and LPP2.
- 7.22 It is recommended that work commences on a comprehensive update of the Local Plan (option A) to contain both strategic and non-strategic policies. The procedural path for this will depend on the progress of the Government's planning reforms. It is not possible to meet the current proposed deadlines for completing Local Plans using the current system but officers consider that it would be a high-risk option to wait for the new planning system to be introduced. Consequently, it is recommended that work commences under existing legislation and guidance, but with flexibility to switch to a new-style local plan if it is put in place. The evidence base required for plan making under the current and proposed system is likely to be similar (albeit the new system promises a lighter touch approach to assessment and examination). It is recommended that work commences immediately on the priority areas of evidence set out in section 7 of this report. This will be the focus over the next 12 months, during which time the Council will have flexibility to respond to any changes in national legislation, policy, and guidance.
- 7.23 Option A would not preclude the Council undertaking a partial update of LPP1 to address housing land supply issues over the period to 2032 more quickly. However, the view of officers, following discussion with PAS and its consultants, is that it would be extremely difficult to constrain a partial update to 2032 or to limit its scope to housing land supply. It would also not negate the need for a comprehensive update, thereby resulting in additional cost. For these reasons, it is considered preferable to concentrate resources on progressing a comprehensive update, which will gain weight as a material consideration as it progresses.
- 7.24 It should be noted that, while the Local Plan update is the best way for the Council to regain control of housing requirements, it is not a quick means of resolving current 5YHLS issues. This is because of the time-lag in bringing new housing sites forward through allocations and planning permissions.

Work on the Local Plan will therefore be accompanied by an update of the Council's non-statutory Housing Delivery Action Plan, with input from landowners, developers and other stakeholders to address factors holding back the delivery of allocations, planning permissions, or otherwise policy-compliant sites.

- 7.25 At the same time, the Council should continue to seek changes to the standard method (see para 7.8 above) and support and lobby for proposed changes to government policy and wider planning reforms (see para 7.18 above) that will give planning authorities greater control over housing requirements and address the problems associated with 5YHLS.

Next steps

- 7.26 A detailed work programme will be prepared to deliver the Council's preferred approach to updating the Local Plan. The Local Development Scheme will be updated to reflect this.
- 7.27 A communications strategy will be prepared to outline how local communities and stakeholders will be engaged in accordance with legal requirements and the Council's Statement of Community Involvement (SCI). The strategy will consider opportunities for greater use of digital technologies as advocated in the proposed planning reforms.
- 7.28 The town and parish councils are key stakeholders and careful consideration will need to be given to the relationship between the update of the Local Plan and work on Neighbourhood Plans.
- 7.29 Supporting evidence will need to address the strategic matters at 7.13 above, focusing on the need for development over the plan period and the constraints and opportunities that will dictate the extent to which these needs can be accommodated. This work is being scoped to enable project plans to be prepared and external input commissioned where necessary. Identified priorities include:
- Housing & Economic Needs Assessment
 - Housing & Employment Land Availability Assessment
 - Climate Change/ Net Zero evidence
 - Green & Blue Infrastructure (including biodiversity net gain/ SPA mitigation)
 - Water Cycle Study/ Strategic Flood Risk Assessment
 - Transport Modelling/ Assessment
 - Infrastructure Delivery Plan
 - Viability Assessment
 - Sustainability Appraisal/ Habitat Regulations Assessment

- 7.30 A programme for the introduction of Borough wide design codes will be produced. It is envisaged that the Local Plan update will include strategic design policies to provide the ‘hook’ for a design code SPD/ Supplementary Plan and an associated suite of documents covering geographic and/or thematic design codes based on characterisation. Consultancy services will need to be procured to support the production of codes and community engagement throughout the process.
- 7.31 The adopted Community Infrastructure Levy (CIL) Charging Schedule will be reviewed alongside the update to the Local Plan. Charging authorities must keep their charging schedules under review to ensure that levy charges remain appropriate over time. Whilst the law does not prescribe when reviews should take place, guidance suggests LPAs should consider linking a review of the charging schedule to any substantive review of the evidence base for the relevant local plan. Consultancy services will be procured to assess the viability of CIL charges with document production and consultation processes undertaken in-house.

8. Consultations

- 8.1. This report was considered by the Overview and Scrutiny Committee – Services on 21 June 2023. The Committee noted recommendations 1 and 2 and suggested additional recommendations on specific matters that it considers should be addressed during work on the Local Plan Update. These form the basis of recommendations 3 to 6 in this report.
- 8.2. Independent advice has been sought from the LGA’s Planning Advisory Service. Their consultants DAC Planning (authors of the PAS Planning Toolkit) have provided initial advice (see para 7.21 above) and are working with officers to refine a detailed work programme.

9. Key Risks

- 9.1. The key risk of not updating the Local Plan is that the Borough will not be ensuring a plan-led approach and will continue to be vulnerable to speculative development proposals on unsuitable sites that are not supported by LPP1, LPP2 or Neighbourhood Plans.
- 9.2. Uncertainties regarding the introduction of planning reforms and changes to Local Housing Need pose risks to achieving the indicative timetable for updating the Local Plan. The report addresses how these risks will be managed.

10. Financial Implications

- 10.1 The updating of the Local Plan to an accelerated timescale, while maintaining other workstreams will require a fully staffed Local Plans and Planning Policy Team. Other costs are associated with the technical work required to underpin the plan and to assess reasonable alternatives, and process costs including stakeholder engagement and the examination.
- 10.2 The Council on 21 February 2023 agreed an initial top up of the local plan reserve balance by £150k in 2023/24, with a further top up of £300k built into the Medium-Term Financial Plan for 2024/25 to cover the cost of a comprehensive update of the local plan. Expenditure would be over the period 2023/24 to 2027/28. This budget will be refined once the scope of the local plan/s is agreed. Costs will be controlled by undertaking as much of the technical and engagement work as possible in house, utilising existing evidence wherever possible, and exploring opportunities for joint commissioning with Guildford Borough Council and/ or other authorities.
- 10.3 Legal services will continue to provide support throughout the plan making process. The cost of employing counsel to represent the Council during the examination process is included in the agreed budget estimate.

11. Human Resource Implications

- 11.1 As indicated above, a fully staffed Local Plans and Planning Policy Team supported by specialist consultancy input will be required.

12. Equality and Diversity Implications

- 12.1 There are no direct equality, diversity, or inclusion implications in this report. An equalities impact assessment will be undertaken as part of the plan making process.

13. Climate Change/Sustainability Implications

- 13.1 An update of the Local Plan will allow the Council to strengthen policies in relation to climate change mitigation and adaptation to contribute to meeting the Council's environmental and sustainability objectives.

14. Suggested issues for overview and scrutiny

- 14.1 Feedback is sought on the proposed recommendations to the Executive set out in section 2 of this report.

15. Summary of Options

- 15.1 This report considers the options of a comprehensive update to the Local Plan (option A) and partial alteration to the adopted LPP1 (option B). These are described and assessed in section 7 above.
- 15.2 The option of putting work on the local plan on hold has been ruled out because the Council needs an up-to-date local plan to address priorities for the development and use of land in the borough, and to safeguard against speculative development proposals in unsustainable locations.

16. Conclusion

- 16.1 Having explored options for updating LPP2 in accordance with the resolution made by Full Council on 21 February 2023, it is recommended that a comprehensive update of the Local Plan (option A) should be undertaken, to produce a single plan covering both strategic and non-strategic matters. This will be taken forward as outlined in section 7 of this report.

17. Background Papers

- 17.1 Report on review of LPP1, Waverley Borough Council 21 February 2023

18. Appendices

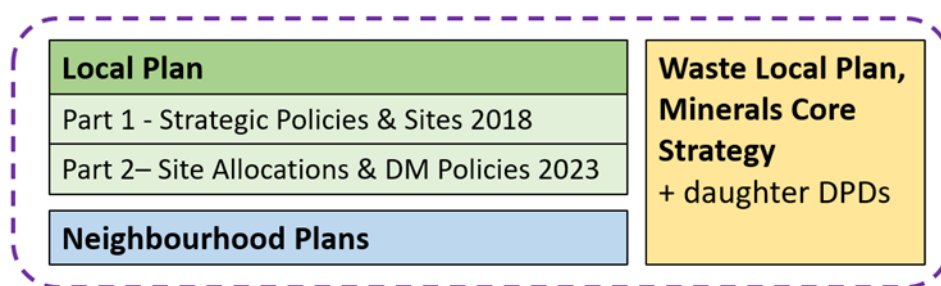
Appendix 1 – Plan making requirements

Appendix 2 – Local Housing Need

Appendix 1 – Plan making requirements

Current arrangements

1. The NPPF (para 15) states that: *'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'*
2. The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). The development plan for Waverley comprises the plans shown below (Supplementary Planning Documents are not part of the development plan).



3. The NPPF (para 20) requires strategic policies to set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
3. NPPF para 22 states that strategic policies should look ahead over a minimum 15-year period from adoption.
4. Local planning authorities (LPAs) have a legal duty to ensure that, taken as whole, plan policy contributes to the mitigation of, and adaptation to, climate change.
5. The preparation of a Local Plan thus entails assessing future needs and opportunities for an area, exploring and identifying options for addressing these, and then setting out a preferred approach. This involves gathering evidence, carrying out a Sustainability Appraisal and Habitats Regulations Assessment, and effective engagement and consultation with local communities, businesses and other interested parties.
6. The NPPF (paras 17 to 19) describe how policies for the development and use of land are produced. There is flexibility in the initial stages of local plan production, provided that the LPA complies with the specific requirements in regulation 18 of the Local Plan

Regulations¹ on consultation, and with the commitments in their Statement of Community Involvement (SCI).

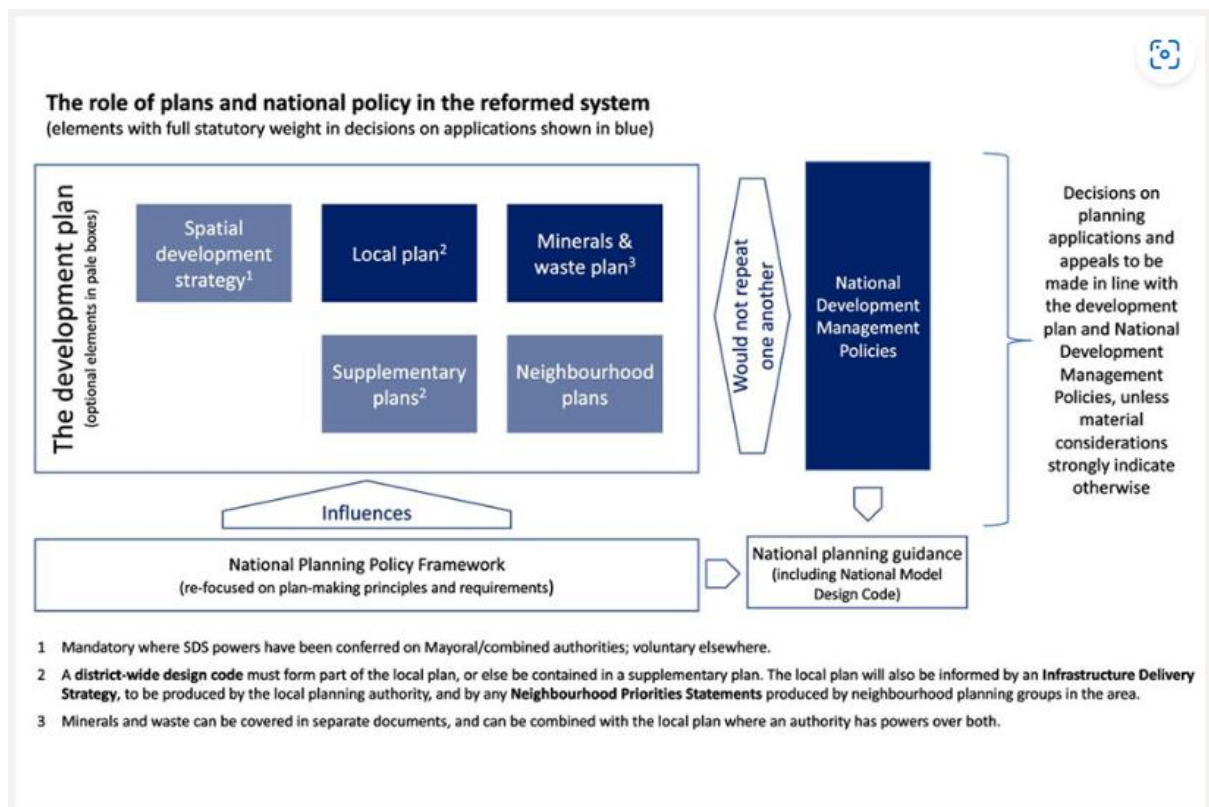
7. LPAs must make available each of the proposed submission documents that they intend to submit to the Planning Inspectorate for examination to enable representations to come forward that can be considered at examination, under regulation 19 of the Local Plan Regulations.
8. A local planning authority must publicise and keep up-to-date its timetable for producing the local plan within a Local Development Scheme (LDS). It must also set out in a Statement of Community Involvement (SCI) how it will engage communities on the preliminary stages of plan-making.

Proposed reforms

9. The Government considers that the current planning system is outdated and ineffective in delivering the amount and quality of development that the country needs. The Planning for the Future white paper (August 2020) proposed a radical overhaul. Part of the Government's critique was that it takes too long to adopt a local plan (an average of 7 years).
10. Elements of the white paper have fed through into the Levelling Up and Regeneration Bill and proposed changes to the NPPF. Specific proposals include:
 - a. Each local planning authority must prepare a local plan. Only one local plan may have effect in relation to a local planning authority's area at any one time.
 - b. The local plan must set out policies in relation to the amount, type, location, and timetable for development in its area. This must be designed to ensure that the use and development of land contribute to the mitigation of, and adaption to, climate change.
 - c. A district-wide design code must be part of the local plan or be contained in a supplementary plan.
 - d. Regulations will be updated to set clear timetables for plan production – with the expectation that they are adopted within 30 months and updated at least every five years. During this period, there will be a requirement for two rounds of community engagement before plans are submitted for independent examination.
 - e. Local planning authorities will have a new power to prepare 'supplementary plans', where policies for specific sites or groups of sites need to be prepared quickly, or to set out design standards. Supplementary plans will be subject to examination (usually by written representations) and afforded the same weight as a local plan. It will no longer be possible to prepare Supplementary Planning Documents (SPD).
 - f. Policies on issues that apply in most areas (such as general heritage protection) will be set out in a suite of National Development Management Policies which will have the same status as the Development Plan
 - g. Digital powers in the Bill will allow more standardised and reusable data to inform plan-making and allow plans and data to be accessed and understood more easily by communities and other interested parties.

¹ Town and Country Planning (Local Planning) (England) Regulations 2012

- h. A new duty for infrastructure providers to engage in the process where needed; and the ‘duty to cooperate’ contained in existing legislation will be repealed and replaced with a more flexible alignment test set out in national policy.
- i. The Bill will enable groups of authorities to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas.
- j. Streamlined system of environmental assessment to replace Strategic Environmental Assessment and Sustainability Assessments with a simpler outcomes-based approach.
- k. Local plans will continue to be examined for whether they are ‘sound’, but the current tests will be reviewed to ensure they are proportionate.



11. The proposed timetable of the planning reforms and transitional arrangements are currently as set out below. These may change.

- The Levelling Up and Regeneration Bill is at Committee Stage in the Lords. Subject to Parliamentary approval, the Government expects the Bill to receive Royal Assent in spring 2023.
- Consultation on initial revisions to the NPPF ended in March 2023 and a revised NPPF was expected in spring 2023.
- The proposed transitional arrangements would allow local planning authorities to continue preparing old-style Local Plans under the existing development plan system as long as they are submitted by 30 June 2025 and adopted by 31 December 2026.
- The expected earliest date when LPAs with a plan which is more than 5 years old must begin new plan-making process is November 2024.

Appendix 2 - Local Housing Need (LHN)

1. The NPPF (para 61) states that '*strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*'
2. The current LPP1 predates the standard method. The Policy ALH1 housing requirement of 590 dwellings pa derives from projections of additional households (396 pa) adjusted upwards by 25% to assist with affordability, to an Objectively Assessed Need of 495 pa. On top of this, LPP1 plans for an additional 95 pa to accommodate unmet housing need from Woking (within the same Housing Market Area) and changes to migration from London.
3. The NPPF and Planning Practice Guidance subsequently introduced the Standard Method for calculating Local Housing Need (LHN). For Waverley, the LHN figure is calculated using:
 - a. Average annual projected household growth over 10 years using 2014 projections (table 406). For WBC this is 392 dpa (for 2023-33).
 - b. Adjusting this for affordability using median workplace-based affordability ratios (AR). The annual household growth projection is increased by 0.25% for every 1% that the AR exceeds 4. For WBC the AR at the time of the LPP1 review was 18.32, so the standard method formula adjusted the baseline housing requirement upward by $89.5\%^2$ to 743 dwellings pa. The latest affordability ratio data published by ONS in March 2023 shows a slight improvement, which results in an LHN of 719 dwellings pa. This is still an uplift of 84% on top of the baseline household projections.
4. The review of LPP1 identified the significant difference between the LPP1 housing requirement and the (26%) higher LHN calculated using the standard method as the most important factor in determining that an update of the plan is required but noted that this does not mean that the housing requirement in an updated plan will necessarily be higher than the current plan.
5. The Council's response on the proposed planning reforms expressed the view that the standard method results in an unattainable assessment of LHN, starting from outdated household projections and making an unrealistic uplift based on affordability ratios.
6. A written ministerial statement by the Secretary of State in December 2022 indicated that the government would consult on revisions to the standard method. However, the DLUHC consultation³ in December 2022 indicated that the standard method must continue to be used to inform housing requirements, at least until new household projections are available in 2024. It also indicated that the revised NPPF will tighten up the definition of 'exceptional circumstances' (NPPF 61) that might justify an authority using an alternative approach to assessing housing requirements.

² $((18.32-4)/4) \times 0.25 + 1 = 1.895$

³ [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

Waverley Borough Council

Report to: Executive committee

Date: 4th July 2023

Ward(s) affected: Haslemere West

Report of Director: Ian Doyle

Author: Debbie Smith, Development Programme Manager

Tel: 01483 523 423

Email: debbie.smith@waverley.gov.uk

Executive Portfolio Holder: Steve Williams, Portfolio Holder for Environment and Sustainability

Email: steve.williams@waverley.gov.uk

Report Status: Open

Woolmer Hill Playing Pitch

1. Executive Summary

The need for a Third Generation Artificial Playing Pitch (3G pitch) in Haslemere has been documented in the Council's Playing Pitch Strategy.

The Football Foundation offers grants to those who are able to demonstrate future use of the pitch in line with their policies. The Foundation have worked with the Council to fund the project to deliver a 3G pitch at the Woolmer Hill Recreation Ground in Haslemere.

This paper updates the Executive regarding the funding of the project and seeks to ensure the correct authorities are in place to enter into the construction agreement, as stipulated by the Football Foundation, to build the pitch and offer the requisite warranties.

2. Recommendation to Executive

That the Executive approves:

- 2.1. Following the recommendation of MGAC, the Employer's Agent appointed by the Football Foundation in this project, delegation of authority to the Waverley BC Executive Head of Commercial Services to enter into a JCT Design and Build Contract (prepared by the Football Foundation) with Field Turf Tarkett SAS (a contractor appointed by the Football Foundation) to build the Woolmer Hill 3rd Generation Artificial Turf Pitch.
- 2.2. The total estimated value of the contract is £937,308 which is to be funded from various sources as set in the Financial Implications section of this Report.

3. Reason(s) for Recommendation:

- 3.1. The Executive has previously approved acceptance of the Football Foundation grant, together with its obligations to deliver the new 3G pitch facility at Woolmer Hill.
- 3.2. The Football Foundation grant is conditioned upon the council agreeing to join the Football Foundation's framework for approved contractors, and for the Council to enter into a JCT Design and Build Contract with the recommended provider. Authority is required to enter into the construction contract.

4. Exemption from publication

The report is not exempt.

5. Purpose of Report

- 5.1. To seek approval to enter into a JCT Design and Build Contract for the 3rd Generation Artificial Turf Pitch at Woolmer Hill.

6. Strategic Priorities

- 6.1. This project demonstrates the Council's priority to improve the health & wellbeing of its community.

7. Background

- 7.1. The need for sports pitches in Haslemere is clearly set out in the Council's Playing Pitch Strategy.
- 7.2. The Council have worked with the Football Foundation to identify a suitable site for a 3G pitch which will be able to be used for over 67 hours a week of football for all ages and stages.
- 7.3. Grant applications were successfully made to the Foundation and other funding bodies, including Waverley Community Infrastructure Levy, East Hampshire District Community Infrastructure Levy, and the main Football Clubs using the pitch.
- 7.4. In July 2022, the Executive gave authority to progress the project and in particular to lodge a restriction against title and to enter into a deed of dedication for the land where the 3rd Generation Artificial Turf Pitch was to be constructed.
- 7.5. The paper also set out the details of construction and grants received.
- 7.6. A procurement of a construction contractor took place with the Council joining the Football Foundation's OJEU compliant Framework and a tender exercise was completed by the Football Foundation's appointed Employer's Agent (MGAC).
- 7.7. Shortly after the procurement process there were significant cost increases in build contracts due to the start of a period of increased inflation, rising energy costs and subsequent increases to labour and building material costs.
- 7.8. A cost increase was requested by the procured contractor and further funding secured from the Football Foundation.

7.9. This paper therefore asks now for the approval to enter into the formal JCT Design and Build contract for the works.

8. Consultations

8.1. Limited consultation been undertaken on this specific item, although the approval of the project and process of contracting was shared with the Executive in July 2022.

9. Key Risks

9.1. Not completing the JCT Design and Build contract could mean that warranties on the pitch are not valid, it is therefore imperative that the contract is signed as soon as we have the authority in place.

10. Financial Implications

10.1. The cost of the works included in the JCT Design and Build Contract is £937,308.

10.2. These works costs, alongside the other costs associated with the delivery of this scheme, are funded from external sources detailed in the table below. The ongoing maintenance costs will be funded from the income generated from the pitch.

| | |
|-------------------------|-------------------|
| Football Foundation | £699,308 |
| Waverley CIL | £155,000 |
| East Hants District CIL | £350,000 |
| Football Clubs | £51,500 |
| TOTAL FUNDING | £1,255,808 |

10.3. The Council is responsible for payment of the works and then the grant drawdown applications made to the Football Foundation. WBC

CIL monies and contributions from partner football clubs have been received. EHDC CIL is to be claimed post-completion of works.

11. Legal Implications

- 11.1. To regularise the current situation, the Executive is being asked to approve a delegation enabling the WBC Executive Head of Commercial Services to enter into a JCT Design and Build Contract with the appointed contractor, Field Turf Tarkett SAS to build the Woolmer Hill 3rd Generation Artificial Turf Pitch.
- 11.2. To comply with the construction timetable, and funding obligations, the WBC S.151 Officer and Executive Head of Commercial Services both issued non-binding letters of comfort in November 2022 to enable construction to commence in January 2023.
- 11.3. The Employer's Agent, MGAC who has been appointed by the Football Foundation to act on behalf of WBC (and other Local Authorities involved in similar projects funded by the Football Foundation) did not provide a draft copy of the prescribed JCT Design and Build Contract to WBC until the end of March 2023.
- 11.4. This contract was so heavily amended from the standard form JCT Design and Build Contract that no party that was not directly involved in its drafting would be able to approve its content. WBC is therefore reliant on the recommendation of MGAC to approve its terms. This does present a risk to WBC but needs to be seen in the context that other Local Authorities involved in similar projects funded by the Football Foundation are being asked to enter into the same amended contract and that MGAC are being paid to take on the role of Employer's Agent for this project and by definition are required to act on behalf of and in the interests of WBC.
- 11.5. Construction of the Woolmer Hill 3rd Generation Artificial Turf Pitch was completed on 5th June 2023. The defects period will end on 5th June 2024.

12. Human Resource Implications

12.1. There are no Human Resource implications.

13. Equality and Diversity Implications

13.1. An Equality and Diversity Impact Assessment was completed ahead of construction of the work.

14. Climate Change/Sustainability Implications

14.1. Considerations were made to the placement of the pitch as to not affect the trees in the area.

15. Summary of Options

15.1. The option is outlined in the paper.

16. Conclusion

16.1. It is recommended the Executive approve delegation to the WBC Executive Head of Commercial Services to enter into the JCT Design and Build Contract for the construction of the Woolmer Hill 3rd Generation Artificial Turf Pitch.

17. Background Papers

17.1. Report to Executive, July 2022

18. Appendices

18.1. None.

Waverley Borough Council

Report to: Executive

Date: Tuesday 4th July 2023

Ward(s) affected: Farnham Castle

Report of Director: Place

Author: Louisa Blundell

Tel: 01483 523205

Email: louisa.blundell@waverley.gov.uk

Executive Portfolio Holder: Councillor Nick Palmer

Email: nick.palmer@waverley.gov.uk

Report Status: Open

Housing Delivery – Building Contract for Riverside Court

1. Executive Summary

- 1.1 The purpose of this report is to seek formal approval to enter into a contract to undertake remodelling and extension works at Riverside Court, Farnham, to deliver two new one-bedroom flats and associated works.
- 1.2 Members have already considered and approved the delivery of these two homes and associated full project budget at a meeting of Full Council on 13 December 2022.

2. Recommendation to Executive

It is recommended that the Executive approves:

- i. Entering into a contract with the preferred contractor - Fowler Building Contractors Limited – for the delivery of the works.
- ii. Entering into any related contractual documentation (including collateral warranties or agreements) relating to the project; and
- iii. Giving delegated authority to the Strategic Director of Place to enter into the JCT Contract and any associated contracts, in consultation with the Executive Head of Legal and Democratic Service and the Portfolio Holder for Housing (Delivery)

3. Reason for Recommendation:

- 3.1 The Executive and Full Council have previously approved the business case and budget for delivery of two one-bedroom flats at Riverside Court and the recommended authority is required to enter into the contract with a build contractor to facilitate delivery of the new homes.

4. Exemption from publication

- 4.1 No

5. Purpose of Report

- 5.1 To obtain Executive approval to enter into a JCT Contract with a build contractor to facilitate delivery of the two new homes.

6. Strategic Priorities

- 6.1 Affordable housing is central to community well-being. It is consistent with the Council's [Corporate Strategy 2020 – 2025](#), strategic priority to deliver 'good quality housing for all income levels

and age groups’ and ‘effective strategic planning and development management to meet the needs of our communities.’

- 6.2 This project aims to increase the number of affordable homes available for those that are in housing need and registered on the Council’s housing register.

7. Background

- 7.1 Members have already considered the business case and supporting appendices for this scheme and approved the delivery of these two homes and associated full project budget at a meeting of Full Council on 13 December 2022.
- 7.2 Due to changes in the way that the services of the Senior Living Team are delivered, the former staff accommodation is now not used and this space together with two other unused smaller rooms can be remodelled to deliver two new homes within Riverside Court.
- 7.3 The new flats will generate additional rental income for the Council’s Housing Revenue Account and provide modern well-designed quality homes for local people to live, in a location easily accessible to the Farnham Town Centre. Planning permission was secured in March 2022 for a single storey extension to facilitate delivery of two M4(3) wheelchair accessible homes.

8. Procurement

- 8.1 Procurement has been undertaken in compliance with the Council’s Financial Regulations and Contract Procedure Rules. The Most Economically Advantageous Tender (MEAT) methodology was used to enable consideration of both qualitative and technical aspects of the tender submissions as well as price to reach an award decision. The evaluation of the tenders received was undertaken based on 60% quality and 40% compliant price.
- 8.2 Allen Construction Consultancy is appointed as employer’s agent and quantity surveyor for the scheme and assessed the seven tender

returns together with a Development Officer and mediation completed by the Procurement Officer. In their tender report, Allen Construction Consultancy confirmed that they were satisfied that a competitive and Public Contracts Regulations 2015 compliant tender process had taken place and that the current open market had been adequately tested.

- 8.3 Of the seven tenders submitted two were compliant and of the remaining two, Allen Construction Consultancy was satisfied that Fowler Building Contractors Limited had submitted a fully compliant tender, demonstrated high standards in terms of quality and technical ability, offered overall best value for money and was reflective of competitive market rates and that they should be awarded the contract.

9. Consultations

- 9.1 The Portfolio Holders for Housing Operations and Delivery together with members of the Resources Overview and Scrutiny Committee have considered the business case for this scheme prior to its approval by Executive on 29 November 2022 and by Full Council on 13 December 2022.
- 9.2 Residents at Riverside Court have been consulted with informally by the project team and on a formal basis through the planning application process for the single storey extension.

10. Key Risks

- 10.1 If the Executive do not approve the recommendations the Council will be unable to enter into the works contract and therefore the scheme will not be delivered.
- 10.2 Delaying a decision to approve the recommendations will have additional cost implications as the preferred contractor and their sub-contractors are ready to mobilise and start on site subject to contract. A delay in entering into contract would likely mean the contractor would seek to revise their submitted cost to take account of ongoing construction cost increases. It is therefore imperative that

the contract is signed as soon as the relevant authority and delegations in place.

11. Financial Implications

- 11.1 The total budget approved for this development at Full Council on 13 December 2022 was £333,146. However, inflation has increased the build cost element by £30,000 and a virement from the pre-development budget was made in April 2023. This has increased the total scheme budget to £363,146.
- 11.2 The financial viability of the scheme was reviewed when the scheme cost was uplifted by £30k and remained positive with a good NPV and net income to the business plan over the life of the asset.

12. Legal Implications

- 12.1 Procurement of a build contractor has been completed in accordance with the Council's Contract Procedure Rules.
- 12.2 Members have already considered the business case and approved the recommendations made at the meeting of the Council of 13 December 2022 however formal approval is needed to enter into the JCT contract (which has been subject to review by Waverley's internal legal team) with Fowler Building Contractors Limited. Additional delegations permit the entering into of related contractual documentation such as collateral warranties which are a routine part of developments such as this.

13. Human Resource Implications

- 13.1 There are no human resource implications as the recommendations outlined within this report can be delivered within the existing Housing Development team staffing establishment.
- 13.2 The team will continue to liaise with the WBC Senior Living Team throughout the building work and Home Choice and Property Services Teams prior to handover of the new flats.

14. Equality and Diversity Implications

14.1 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.

15. Climate Change/Sustainability Implications

15.1 The tender evaluation process for the works contract included an assessment of potential contractors' approach to minimise the carbon impact on delivery of the scheme. In particular, a consideration of the approach to addressing their environmental impact, pre-construction activity, build and post construction phases and management of their supply chain.

16. Summary of Options

16.1 The options available to the Council to progress with this site were proposed within the business case and covering report presented to members at Executive in November and Full Council in December 2022.

16.2 With specific reference to this report, the options available are:

- Approve the recommendations: the Executive could decide to approve the recommendations outlined which would enable the signing of the contract with Fowler Building Contractors Limited and progression of the scheme as approved by Full Council in December 2022.
- Not approve the recommendations: The Executive could decide not to endorse the recommendations; however, this would mean that the scheme could not progress to delivery and the Council would have incurred significant abortive costs.

17. Conclusion

17.1 The Executive and Full Council have previously approved the business case and budget for delivery of two one-bedroom flats at Riverside

Court and it is recommended that the Executive approve the recommendations outlined within this report to allow the scheme to progress as envisaged and previously supported by Councillors.

18. Background Papers

- HRA Business Plan Strategic Review Housing Delivery - Executive
29 November 2022
- HRA Business Plan Strategic Review Housing Delivery - Full Council
13 December 2022

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Waverley Borough Council

Report to: Executive Committee

Date: 04/07/23

Ward affected: Godalming Farncombe & Catteshall

Report of Director: Community Wellbeing

Author: Matthew Lank, Greenspaces Manager

Tel: 01483 523190

Email: matt.lank@waverley.gov.uk

Executive Portfolio Holder responsible: Steve Williams

Tel: 07715076023

Email: steve.williams@waverley.gov.uk

Report Status: Part Confidential

Broadwater Park Changing Rooms Refurbishment Works

1. Executive Summary

The purpose of this report is to seek approval to enter into a contract for works to refurbish and reconfigure the changing rooms at Broadwater Park, Godalming. The facilities are used throughout the year by local community football and cricket teams. The facility is in a poor condition, no longer fit for purpose and has been closed to all users since the winter following the collapse of the ceilings due to a water leak.

2. Recommendation to Executive

That the Executive Committee approves:

- 2.1. The authority to enter into a contract with Abacus Property Solutions for the changing rooms refurbishment works in line with the capital budget programme.

3. Reason(s) for Recommendation:

- 3.1. The council currently has responsibility for major works on its pavilions. The asset management plan for Parks & Countryside buildings and facilities identifies that Broadwater Park changing rooms require refurbishment.
- 3.2. The changing rooms are currently unusable due to a major water leak and are causing a significant inconvenience to the local sports clubs.

4. Exemption from publication

- 4.1. Yes, part of the report.
- 4.2. The content is to be treated as exempt from the Access to Information publication rules because of commercial sensitivity and is therefore exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

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

5. Purpose of Report

- 5.1. To seek Executive authority and approval to enter into a contract to refurbish the changing rooms at Broadwater Park Pavilion, Godalming.

6. Strategic Priorities

- 6.1. Corporate Priorities: High quality public services accessible for all and the health and wellbeing of our communities.
- 6.2. Service Plan; Outcome 6. The quality and provision of outdoor sports facilities is improved. SP23/26 ES6.1 Delivery of councils playing pitch strategy. Outcome 9. Delivery of the capital programme. SP23/26 ES9.1 Delivery of capital projects as agreed within the budget framework.

7. Background

- 7.1. The council currently has responsibility for major works on its pavilions. As identified through the recent asset management plan produced, many pavilions require ongoing maintenance works to ensure they remain compliant with current legislation, are safe to use and are fit for purpose.
- 7.2. Broadwater Park changing rooms have been in a deteriorating condition due to limited investment from a lack of funds, whilst they have remained safe until recently, they are very tired, old and not fit for modern purposes. Due to changes in sports teams use and needs, the current configuration of the changing rooms and toilets are outdated and require alteration.
- 7.3. In 2021 Godalming Town Council worked with the council to re-purpose the changing room; creating a community store within part of the building, in addition to this a plan was worked on to completely reconfigure and refurbish the changing rooms due to the poor condition they were in and meet full Football Association requirements. A strategic CIL application was made to the council to fund these improvements, however it was not successful.
- 7.4. Godalming Town Council have under a licence with council created the community store room they required to serve the local community.

- 7.5. During the last winter Broadwater Park changing rooms suffered a water leak above the ceilings which led to significant damage to ceilings and walls, resulting in the ceilings having to be removed to make the area safe. This has resulted in the changing room condition deteriorating further and rendering it unusable.
- 7.6. Working with the council Engineers section, the Parks & Countryside team worked up a more modest specification required for the refurbishment works to fully repair, reconfigure and re-decorate the changing rooms to make them fit for purpose and serve local sports clubs and teams adequately.
- 7.7. The specification for the works were openly tendered in February 2023 in accordance with the councils Corporate Procurement Rules (CPRs) through the In-tend procurement system, following evaluation in March, a successful tender was selected.
- 7.8. Due to the value of the works and in accordance with the councils CPRs, executive authority is required to enter into a contract for the works to be delivered.

8. Consultations

- 8.1. Both Farncombe Cricket Club and Milford Pumas FC are aware of the intention to refurbish the changing rooms and designs for the reconfigured interior have been shared with them.
- 8.2. The report has been shared with Ward Members.

9. Key Risks

- 9.1. Not entering into a contract to refurbish the changing rooms at Broadwater Park, will leave an unsafe and unusable sports facility.
- 9.2. Additional budget could be required if extra unaccounted for works become a requirement. The tendered sum does however include a contingency.

10. Financial Implications

- 10.1. There is an approved capital pavilion budget carry forward from 2022/23 of £103,663 and then the approved capital pavilion budget for 2023/24 to fund the required works identified in the tender.
- 10.2. The value of the proposed contract is set out in Exempt Appendix 1.

11. Legal Implications

- 11.1. The report is seeking authority to award a contract for works to Abacus Property Solutions. The value of the proposed contract places it out of scope of Part 2 Public Contracts Regulations 2015 (PCR 2015). There is, however, a requirement to comply with Chapter 8 PCR 2015 (below threshold procurements). Chapter 8 requirements can be complied with by following the procedure set out in the Council's Contract Procedure Rules, namely, seeking and obtaining quotes. Paragraph 7 of the report sets out the procedure that was adopted in procuring, thereby, ensuring, compliance with Chapter 8 PCR 2015. There is a further requirement to publish certain information about the contract on Contracts Finder.
- 11.2. The value of the proposed contract places it in scope of key decision, thereby, requiring executive approval.
- 11.3. In order to fully protect the Council's position and on the basis of value and scope of works, the proposed contract should be in the form of JCT Minor Works 2016 Edition with amendments. This form of contract will ensure full compliance with paragraph 24 of the Council's Contract Procurement Rule.
- 11.4. There are no social value or data protection implications associated with the contract to be signed with Abacus Property Solutions.
- 11.5. Finally, the proposed contract must be completed as a deed. Legal must therefore, be consulted for the purposes of engrossment and sealing.

12. Human Resource Implications

12.1. No HR implications apply.

13. Equality and Diversity Implications

13.1. An equality impact assessment has been undertaken for this project. There are positive direct equality, diversity or inclusion implications in this report positive impacts for access for disability through a revised DDA toilet area and widening of the entrance area to the facility. There are further positive impacts on protected characteristic groups and age through the general improved facilities that will be provided.

14. Climate Change/Sustainability Implications

14.1. The refurbishment works to pavilions will seek improvements to reduce carbon emissions through more efficient energy systems wherever possible. Options appraisals from the sustainability reports undertaken on pavilions and other buildings will provide guidance in this regard.

14.2. The lighting scheme within the changing rooms will be changed to a LED type

14.3. In this particular scheme due to budget limitations and urgency of refurbishment works we are not proposing to change the water heating system at the present time, but this will be looked at in the future as part of an energy improvement scheme for all pavilions.

15. Summary of Options

15.1 Do nothing – This not an option as the facility is required for use by local sports clubs and the council must provide safe and fit for purpose facilities to use.

15.2 Demolish and rebuild – Significant costs to re-develop site.

15.3 Refurbish existing to a high specification – Costly to achieve, previous CIL bid was £564,556.

15.4 Refurbish to basic standard and make repairs.

16. Conclusion

16.1 The changing rooms require urgent refurbishment and reconfiguration to ensure they remain safe and fit for purpose and can be used.

16.2 The changing rooms are required to provide the necessary changing, showering and toilet facility for local sports clubs to use. The planned refurbishment works will also provide improved accessibility to any disabled users wishing to use the facilities.

17. Background Papers

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

18. Appendices

Exempt Appendix 1 - Details of successful tender

Appendix 2 – Photos of current condition.

Appendix 3 - Existing and proposed layout of changing rooms.

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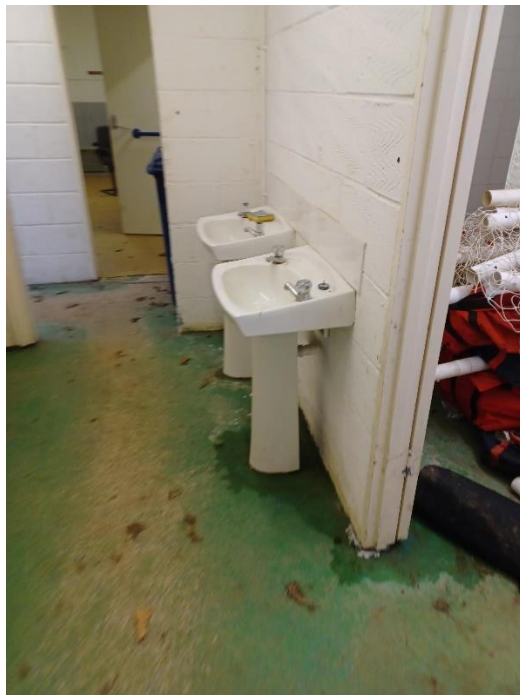
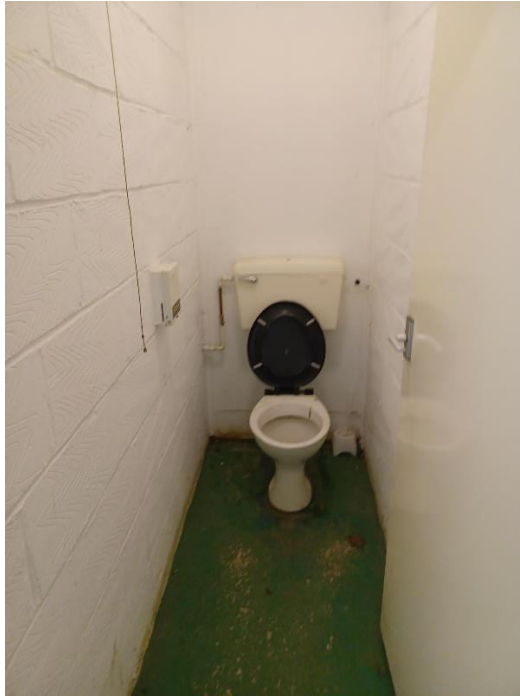
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of the Local Government Act 1972.

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Appendix 2. Photos of current condition.





Appendix 3. Existing and proposed changing rooms

Existing

Notes
DO NOT SCALE FROM THIS DRAWING
Work to figured dimensions only. site dimensions are to be checked before work is started. Any discrepancy whatsoever between any information contained on this drawing and any other document or drawing must be drawn to the attention of the supervising officer by the contractor before the work is executed.
IF IN DOUBT ASK IMMEDIATELY

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PROPERTY & ENGINEERING

David Allum
Head of Customer and Corporate Services
Council Offices, The Bury, Godalming Surrey
SUT 1HR
Tel: 01483 623338

Title: Existing
Project: Broadwater Park Changing Rooms
Broadwater Park
Godalming
Scale: 1:100 @ A3
drawn: W. Bravery
date: 25/11/2022
project no.: drawing no.: rev: 001

Proposed

Notes
DO NOT SCALE FROM THIS DRAWING
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PROPERTY & ENGINEERING

David Allum
Head of Customer and Corporate Services
Council Offices, The Bury, Godalming Surrey
SUT 1HR
Tel: 01483 623338

Title: Proposed
Project: Broadwater Park Changing Rooms
Broadwater Park
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drawn: W. Bravery
date: 25/11/2022
project no.: drawing no.: rev: 002

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