

To: All Members of the EXECUTIVE

When calling please ask for:

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Date: 13 March 2023

Membership of the Executive

Cllr Paul Follows (Chair)
Cllr Peter Clark (Vice Chair)
Cllr Andy MacLeod
Cllr Penny Marriott
Cllr Mark Merryweather

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

Dear Councillors

An Extraordinary meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 21 MARCH 2023

TIME: **5.00 PM (PLEASE NOTE START TIME)**

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

The Agenda for the Meeting is set out below.

Yours sincerely

STEPHEN RIX

Executive Head of Legal & Democratic Services (Interim) & Monitoring Officer

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NOTES FOR MEMBERS

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

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **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.

3. **LOCAL PLAN PART 2: ADOPTION** (Pages 5 - 10)

[Portfolio Holder: Portfolio Holder for Planning and Economic Development]

Please note that the Appendices referred to below and in the attached report are attached to the agenda for the meeting of Full Council taking place at 6pm on Tuesday 21 March, following the meeting of the Executive.

The Appendices are available on the Council's website: [Agenda for Council on Tuesday, 21st March, 2023, 6.00 pm - Waverley Borough Council](#)

- 1.1 Following the Examination of Local Plan Part 2: Strategic Policies and Sites (LPP2), the Council has received the report from the independent Planning Inspector, Mr GJ Fort BA PGDip MCD MRTPI. This is provided as Appendix 1 and the schedule of Main Modifications (MMs) recommended by the Inspector is provided as Appendix 2.
- 1.2 The Inspector has concluded that, subject to the recommended MMs, LPP2 is legally compliant and sound and provides an appropriate basis for the planning of the Borough. The MMs are considered to improve and strengthen the Plan. It should be noted that the Council has no discretion to vary the MMs recommended by the Inspector. If they are not accepted, the Council cannot adopt LPP2.

- 1.3 The next step in the process is for the Council to formally adopt LPP2 as part of the statutory development plan for the Borough. The LPP2 for adoption is the Submitted Plan (comprising the Regulation 19 Draft Plan and Addendum) as amended by the MMs recommended by the Inspector (Appendix 2) and Additional Modifications identified by the Council. This is provided as a tracked-changes version at [Appendix 3](#). The final version of LPP2 will be published as quickly as possible after the Council has resolved to adopt it. Delegated authority is sought to address any further Additional Modifications (minor corrections/ updates/ formatting) identified in finalising the document.
- 1.4 Following adoption of LPP2, the Council will need to update the Policies Map to include the consequential changes identified in the Schedule of Changes to the Adopted Policies Map published for consultation with the proposed MMs and AMs in December 2022. This is provided as [Appendix 4](#).

Recommendation

That the Executive recommends that the Council resolves to:

1. **Adopt the Waverley Borough Local Plan Part 2 incorporating the Main Modifications recommended by the Inspector (Appendix 2) and Additional Modifications identified by the Council (all as shown in the tracked changes version at Appendix 3) and agrees the consequential Changes to the Adopted Policies Map (Appendix 4).**
 2. **Authorise the Executive Head of Regeneration and Planning Policy, in consultation with Planning Portfolio Holder, to make any other Additional Modifications (minor corrections, factual updates, and formatting) identified in finalising LPP2 for publication.**
4. BRAMBLETON HALL - DISPOSAL OF LAND (Pages 11 - 18)
[Portfolio Holder: Portfolio Holder for Finance, Commercial and Assets]

This report seeks approval for disposal, by way of a lease agreement, of a small parcel of public open space on the Weydon Lane former landfill site, as shown in [Annexe 1](#), to Brambleton Hall.

Recommendation

It is recommended that the Executive:

1. appropriate the area of land marked in Red on the plan marked in Annexe 1 for planning purposes as set out in the report.
2. Under s203 Housing and Planning Act 2016, override the Covenant dated 2 June 1972, not to use the land other than as in accordance with the covenant as set out in the report, in order to facilitate the development in accordance with the planning permission granted.
3. approve disposal, by way of a lease agreement, of land marked in Annexe 1 for a term of 20 years at nil consideration to Brambleton

Hall The Parochial Church Council of the Bourne Parish (PCC)
subject to them complying to the requirements set out in the
planning permission.

5. EXCLUSION OF PRESS AND PUBLIC

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

Recommendation

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

6. 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**

WAVERLEY BOROUGH COUNCIL

EXECUTIVE AND COUNCIL

21ST MARCH 2023

Title:

Local Plan Part 2: Adoption

Portfolio Holder: Cllr Liz Townsend, Portfolio Holder for Planning

Head of Service: Abi Lewis, Executive Head of Regeneration and Planning Policy

Key decision: Yes

Access:

1. Purpose and summary

- 1.1 Following the Examination of Local Plan Part 2: Strategic Policies and Sites (LPP2), the Council has received the report from the independent Planning Inspector, Mr GJ Fort BA PGDip MCD MRTPI. This is provided as Appendix 1 and the schedule of Main Modifications (MMs) recommended by the Inspector is provided as Appendix 2.
- 1.2 The Inspector has concluded that, subject to the recommended MMs, LPP2 is legally compliant and sound and provides an appropriate basis for the planning of the Borough. The MMs are considered to improve and strengthen the Plan. It should be noted that the Council has no discretion to vary the MMs recommended by the Inspector. If they are not accepted, the Council cannot adopt LPP2.
- 1.3 The next step in the process is for the Council to formally adopt LPP2 as part of the statutory development plan for the Borough. The LPP2 for adoption is the Submitted Plan (comprising the Regulation 19 Draft Plan and Addendum) as amended by the MMs recommended by the Inspector (Appendix 2) and Additional Modifications identified by the Council. This is provided as a tracked-changes version at Appendix 3. The final version of LPP2 will be published as quickly as possible after the Council has resolved to adopt it. Delegated authority is sought to address any further Additional Modifications (minor corrections/ updates/ formatting) identified in finalising the document.
- 1.4 Following adoption of LPP2, the Council will need to update the Policies Map to include the consequential changes identified in the Schedule of Changes to the Adopted Policies Map published for consultation with the proposed MMs and AMs in December 2022. This is provided as Appendix 4.

2. Recommendation

- 2.1 It is recommended that the Council resolves to:

1. Adopt the Waverley Borough Local Plan Part 2 incorporating the Main Modifications recommended by the Inspector (Appendix 2) and Additional Modifications identified by the Council (all as shown in the tracked changes version at Appendix 3) and agrees the consequential Changes to the Adopted Policies Map (Appendix 4).
2. Authorise the Executive Head of Regeneration and Planning Policy, in consultation with Planning Portfolio Holder, to make any other Additional Modifications (minor corrections, factual updates, and formatting) identified in finalising LPP2 for publication.

3. Reason for the recommendation

- 3.1 To adopt Local Plan Part 2 as part of the statutory development plan for the Borough.

4. Background

Introduction

- 4.1 The new Local Plan for Waverley has been produced in two stages. The adopted Local Plan Part 1 (LPP1) sets out the overall strategy along with strategic planning policies and some strategic site allocations. This was adopted in February 2018. Local Plan Part 2 (LPP2) deals with the detailed site allocations for Haslemere and Milford and Witley because those towns and parishes chose not to include any site allocations in their neighbourhood plan to meet the housing numbers required in those settlements in LPP1. In addition, LPP2 includes allocations to meet the borough's accommodation needs of Gypsy and Travellers and sets out general development management policies for the Borough.

The Examination of LPP2

- 4.2 LPP2 was submitted for examination to the Secretary of State for Levelling Up, Housing and Communities for Examination on 22 December 2021. The purpose of the examination was to allow the Inspector to assess the Plan against the tests of soundness, including considering whether the Plan is consistent with national policy. The Inspector also assessed the Plan for compliance with various legal and procedural tests, including whether the Council has met the Duty to Co-operate.
- 4.3 As part of the examination process, the Council asked the Inspector to recommend any MMs that he considers necessary to make the plan sound and/or legally compliant to enable its adoption.
- 4.4 Public examination hearing sessions took place from 12 to 21 July and on 6 September 2022. During these the Inspector identified aspects of the plan where MMs were likely to be required. The Council worked with the Inspector to prepare a Schedule of proposed MMs to address the identified issues and to update other elements of the plan as necessary.

4.5 The Schedule of MMs and related documents were consulted upon for a period of seven weeks from 9 December 2022 to 27 January 2023. The Council also published a schedule of Additional Modifications (minor updates and corrections). Representations were sought on the proposed MMs and related changes to the Adopted Policies Map. It was also possible to comment on the Addenda to the Sustainability Appraisal and Habitats Regulations Assessment of LPP2 relating to the MMs. All representations were provided to the Inspector together with a summary schedule.

The Inspectors Report

4.6 The Inspector's report is provided as Appendix 1. In accordance with the Development Plan Regulations, this will be published on the Council's website and notice given to those persons who have asked to be notified.

4.7 The Inspector has concluded that the Council has met the statutory Duty to Cooperate. In relation to other aspects of legal compliance and matters of soundness, he has broadly supported the Council's position, recommending MMs to address any identified deficiencies.

4.8 On the housing issues that dominated the examination hearings, the Inspector endorses the Council's position that it is not necessary for LPP2 to identify a five-year supply of housing land for the Borough as a whole, as it is only one component of the policies directed to this matter (para 31). He recognises the slippage in delivery of strategic sites including Dunsfold Aerodrome but agrees with the Council that this is a strategic matter that should be addressed through the update to LPP1 (para 33). He supports the timely adoption of LPP2, which will bring forward a considerable number of allocations to make a significant contribution to housing supply in a heavily constrained Borough (para 34). These conclusions, coupled with his acceptance of all the proposed site allocations, mean that the Inspector has not recommended any additional housing sites for inclusion in LPP2.

4.9 The Inspector's conclusion (para 177) is that the plan as submitted has a number of deficiencies in respect of soundness and legal compliance. He therefore recommends that it is not adopted in this form. However, at the outset of the examination the Council formally asked the Inspector to recommend any MMs that he considered necessary to make the Plan sound and/or legally compliant and capable of adoption. The MMs recommended by the Inspector are set out in Appendix 2. He has recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to the consultation.

4.10 The MMs recommended by the Inspector involve:

- Adjustments to ensure that development management policies are justified, consistent with national policy and effective;
- Changes to ensure that allocations would be effective and consistent with national policy;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

- 4.11 Officers consider that the proposed MMs will improve and strengthen LPP2. None of the proposed MMs is considered to fundamentally change the substance of the Plan.

Adopting the Plan

- 4.12 The next stage in the process is for the Council to adopt LPP2 as part of the statutory development plan for the Borough, replacing the policies in the 2002 Local Plan that are currently “saved”. This will provide an up-to-date suite of development management policies and specific site allocations to assist in achieving a 5-year housing supply. It will put the Council in a stronger position to defend planning decisions at appeal and to secure the necessary infrastructure to support growth.
- 4.13 The LPP2 for adoption is the Submitted Plan (comprising the Regulation 19 Draft Plan and Addendum) as amended by the MMs recommended by the Inspector (Appendix 2) and Additional Modifications (minor corrections/ updates) identified by the Council. This is provided as a tracked-changes version at Appendix 3. The final version of LPP2 will be published as quickly as possible after the Council has resolved to adopt it. Delegated authority is sought to address any further Additional Modifications identified in finalising the document.
- 4.14 Following adoption of LPP2, the Council will need to update the Policies Map to include the consequential changes identified in the Schedule of Changes to the Adopted Policies Map published for consultation with the proposed MMs and AMs in December 2022. This is provided at Appendix 4.

Conclusions

- 4.15 Having regard to the Inspector’s findings, and the clear benefits of having an up-to-date LPP2 in place, officers strongly recommend that the Council adopts LPP2 incorporating the MMs recommended by the Inspector, together with AMs identified by the Council. For completeness, it is recommended that the consequential changes to the Adopted Policies Map are also agreed.
- 4.16 The MMs are considered to improve and strengthen the Plan. It should be noted that the Council has no discretion to vary the MMs recommended by the Inspector. If the recommendations were not accepted, the Council could not adopt LPP2.
- 4.17 The receipt of the Inspector’s report and its positive finding that, with MMs the Plan is ‘sound’ and legally compliant, is the successful culmination of several years’ work including engaging with the communities that are most affected by the proposed allocations. Together with those neighbourhood plans that have been “made”, the adoption of LPP2 will provide detailed planning policies and site allocations for the Borough.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 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”.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

The only cost of resourcing the adoption of LPP2 will be incurred by the legal requirement to notify the public of its adoption and subsequently to make copies of the LPP2 and the adopted policies maps suitably available for inspection. Where hard copies of LPP2 documents are needed then there will be a cost of the printing, but this will be recovered through their sale.

6.2 Risk management

There are clear risks to the Council were it to decide not to adopt the Plan. These include:

- Wasted expenditure on the preparation and examination of LPP2. Further resources would be needed to repeat the exercise of producing site specific policies.
- Lost opportunities to implement up to date policies including development management policies.
- Greater uncertainty for communities regarding where development will go and how much needs to be accommodated.
- Reduction in the pipeline of allocated housing sites, resulting in greater pressure for speculative developments and planning-by-appeal rather than a plan-led approach. This would increase the risk of the Council failing to meet Government targets in respect of the quality of decision making.

6.3 Legal

The Inspector is satisfied that LPP2 is legally compliant with the requirements of relevant legislation.

A person aggrieved by the adoption of LPP2 may make an application to the High Court within 6 weeks of the Council's decision.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity, or inclusion implications in this report.

6.5 Climate emergency declaration

The adoption of LPP2 will allow the Council to utilise up to date policies of climate change and energy efficiency.

7. Consultation and engagement

If the Council agrees to adopt LPP2, it is required under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to publicise this, notify those who wish to be, and make it available for inspection.

8. Other options considered

8.1 There is an option to not adopt LPP2 and to withdraw it. The Council would then need to decide if it wanted to start the process of preparing LPP2 again or prepare a new single local plan. However, in coming to a decision, the risks set out in paragraph 6.2 of this report would need to be considered.

9. Governance journey

Executive	Tues 21/03/23
Council	Tues 21/03/23

Appendices:

1. Report on the Examination of the Waverley Local Plan Part 2
2. Schedule of Main Modifications to LPP2 recommended by the Inspector
3. Tracked changes copy of LPP2 showing Main Modifications and Additional Modifications
4. Consequential Changes to the Adopted Policies Map

Background Papers

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

CONTACT OFFICER:

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Email: andrew.longley@waverley.gov.uk

Agreed and signed off by:
Legal Services:
Head of Finance:
Strategic Director: 13/3/23
Portfolio Holder: 13/3/23

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

21 MARCH 2023

Title:

Brambleton Hall
Disposal of land

Portfolio Holder: Cllr Mark Merryweather, Portfolio Holder for Finance

Head of Service: Marieke van der Reijden, Executive Head of Assets and Property

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 This report seeks approval for disposal, by way of a lease agreement, of a small parcel of public open space on the Weydon Lane former landfill site, as shown in annexe 1, to Brambleton Hall.

2. Recommendation

It is recommended that the Executive:

1. appropriate the area of land marked in Red on the plan marked in Annexe 1 for planning purposes as set out in the report.
2. Under s203 Housing and Planning Act 2016, override the Covenant dated 2 June 1972, not to use the land other than as in accordance with the covenant as set out in the report, in order to facilitate the development in accordance with the planning permission granted.
3. approve disposal, by way of a lease agreement, of land marked in Annexe 1 for a term of 20 years at nil consideration to Brambleton Hall The Parochial Church Council of the Bourne Parish (PCC) subject to them complying to the requirements set out in the planning permission.

3. Reason for the recommendation

- 3.1. Brambleton Hall is owned by The Parochial Church Council of the Bourne Parish (PCC) and is managed from the Parish Office at the church of St Thomas-on-The Bourne in Frensham Road. It is a multi-purpose facility for the local community. The building backs onto the Weydon Lane former landfill site which is owned by the Council.
- 3.2. The Weydon Lane closed land fill site comprised a sand and gravel pit between the 1930s and 1970s and was subsequently backfilled with landfill material

(mixed commercial, inert and domestic waste). Since closure as a landfill site in the early 1980s the site has been restored to grassland and has become a public open space. It is now mainly used for recreational purposes, such as walking dogs.

- 3.3. The PCC have put in a request to lease a small section of land directly adjoining the Hall to construct a Children's play Area and site a storage unit which is on the Council owned land known as Weydon Lane Land fill site. (see Annexe 1)
- 3.4. Brambleton Hall has a busy schedule as a multi-purpose facility and is used every day of the week by a variety of community groups:
 - Sundays – morning and afternoon church service
 - Weekdays - building and grounds are used by the Babes and Tots group.
 - Early evenings - Slimming World, Youth Church activities twice a week, and a fortnightly community Bingo night.
 - Weekly sessions for Homestart, to help young families in the community.
 - Community Fridge and Community Warehouse
 - Luncheon provided for local elderly residents.
 - Women's Institute meeting
 - Dance club, Pilates club, concerts and Atomic Boxing Club
- 3.5. In order to facilitate the Hall's activities a planning application was made (WA/2020/1093) on the 23/06/2020, and subsequently 31/08/2022, for the 'Erection of An Extension and Alterations to Provide A Boxing Gym; Provision Of Timber Clad Storage Container; Construction Of A Children's Outside Play Area on Part Of Brambleton Park with New Pedestrian Access And Landscaping'.
- 3.6. Planning permission was granted (subject to conditions) by the Council on 19 July 2021 for a new boxing gym and external play area with associated landscaping. However, due to the ongoing adverse national economic situation and the withdrawal of previous offers of grants, the PCC have realised that they are unlikely to be able to raise sufficient funds to construct the new boxing gym extension to Brambleton Hall as detailed in the original planning. Therefore, a smaller boxing ring only was proposed.
- 3.7. With the new planning permission granted, negotiations have taken place between the PCC and the Council for the lease of the land on a small part of the Weydon Lane closed land fill site to create a children's play area and a storage unit. This is to enable improved facilities for the boxing club within the funds available and also retain adequate space for the other users of Brambleton Hall.
- 3.8. The issues to address on the land to be disposed of for the purpose of a children's play area and storage are, as referenced in the planning applications are:
 - the contamination concerns of the land being adjacent to a disused closed landfill site - the playground and storage unit will comply to recommendations in the Card Geotechnics Limited report to mitigate against residual risks from remaining Made Ground, if present.

- Restricted covenant from 1972 registered against the title prohibiting disposals unless for public recreation and open space for which a procedure needs to be followed.
- 3.9. Card Geotechnics Limited (CGL) was commissioned by the Bourne Parish Council to undertake a geotechnical and geoenvironmental site investigation at Brambleton Hall and their recommendations are part of the planning application and must be concurred with as part of the permission. Waverley's environmental officers have also made comment which is part of the planning application.
 - 3.10. The value of the land is considered to be low and, therefore, the recommendation is that the council is willing to agree the lease for a term of 20 years at a nil consideration to reflect the social value rather as there is only a small potential for a modest income.
 - 3.11. The proposed Weydon Lane site would not be easily accessible for any other user and will not have an impact on any future projects for the site. The social value of agreeing the terms with the PCC to utilise the land in a safe way as a community use, as a special purchaser is in line with the spirit of the use of a public open space. No detriment will be suffered to the existing users of the Weydon Lane site.
 - 3.12. The protection of the roots of the established oak tree has been considered and is also part of the planning considerations and requirements. The pedestrian access way which runs from the public open space to the Brambleton Hall Car park and Talbot Road will not be affected.
 - 3.13. By way of a transfer to Farnham Urban District Council on the 2nd June 1972 a covenant was entered into which binds the land the covenant provides:
 "IN consideration of the foregoing the Purchaser hereby covenants with the Vendor for the benefit and protection of the land owned by the Vendor in the surrounding district and every part thereof that the Purchaser shall not use or permit or suffer to be used the land first before described for any purpose other than that of a public recreation ground or public open space which permitted user shall include the right to erect ancillary buildings thereon connection with such use together with car parking facilities for the user thereof and in addition public conveniences."
 - 3.14. Whilst the use by the PCC will be broadly in accordance with this covenant in that it promotes public recreation it is not directly covered. Therefore, there is a need to disapply the covenant. Under the terms of s203 Housing and Planning Act 2016 the Council can disapply the covenant for the area of land concerned.
 - 3.15. In order to do this the following test must be considered, namely that the land is owned by the Council, that there is an appropriate planning permission in place, and that the permission cannot be implemented due to the covenant.
 - 3.16. In the present case there is a planning permission for the proposed use (as set out above which cannot be implemented without disapplying the covenant. The test in principle is therefore satisfied.

- 3.17. In disapplying the covenant the Council has to consider the benefit of the covenant in securing public accessibility to this section of the site, however as noted above the interference with the site is very limited in respect of the wider area and it should be noted that during the public consultation process there were no comments received.
- 3.18. The owners of the Covenant have not been identified, however in theory they are entitled to compensation for the loss of the benefit of the covenant in line with the Housing and Planning Act 2016. The level of compensation is that as ascribed under compulsory purchase. In this case the valuation is limited to the area appropriated and the covenant value. The estimate of the value of this is less than £2,000 based on open storage comparables ranging from £0.80 psf to £1.00 psf. Should an approach be made to the Council by a party arguing that they benefit from the Covenant normal processes will be undertaken to establish the accuracy of the claim.

4. Relationship to the Corporate Strategy and Service Plan

- 41 This supports the Council's priority to improve the health and wellbeing of residents and communities through enabling Brambleton Hall to open up their facilities to a larger number of users and grow the activities on offer.

5. Implications of decision

5.1 Resource (Finance, procurement, staffing, IT)

Drafted by: Vicki Basley, Corporate Asset Manager

Brambleton Hall have given an undertaking to meet the cost of the public consultation process.

The Council will insist on indemnity insurance and public liability insurance.

5.2 Risk management

Public consultation was undertaken as required for the appropriation and disposal of public open space and to mitigate the risk of public objection.

A lease will be put in place to protect the land for the period of the lease.

5.3 Legal

Drafted by: Ian Hunt, Interim Deputy Borough Solicitor

The legal implications are contained within the body of the report.

5.4 Equality, diversity and inclusion

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

5.5 Climate emergency declaration

The contamination concerns of the land being adjacent to a disused land fill site have been addressed as part of the planning application requirements and advice sought from a specialist environmental team for construction and monitoring.

This will include the use of permeable paving and vents to prevent the build-up of any ground gases as a result of the ground conditions.

6. Consultation and engagement

- 6.1. The disposal of land described as which is categorized as public open space into private ownership, albeit possibly for some social value, requires the council to openly notify and give members of the public any opportunity to make representations through a public consultation process.
- 6.2. This public consultation process informing the intentions for this appropriation of public open space for the delivering and effecting the planning permission secured by Brambleton Hall have been advertised in the local paper for two consecutive weeks commencing from 30th December 2022 and the council have received no responses or objections from any member of the public.
- 6.3. Following the public consultation period the Executive is to decide whether or not to appropriate the land for the purposes of carrying out the planning permission and dispose of the land under a lease, considering the terms, and the acceptance of the nil consideration.

7. Other options considered

- 7.1 Granting of this lease will not impact on any future projects for the site.

8. Governance journey

- 8.1 Executive – 21 March 2023

Annexes:

Annexe 1 – Site plan of land for disposal

Background Papers

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

CONTACT OFFICER:

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Agreed and signed off by:

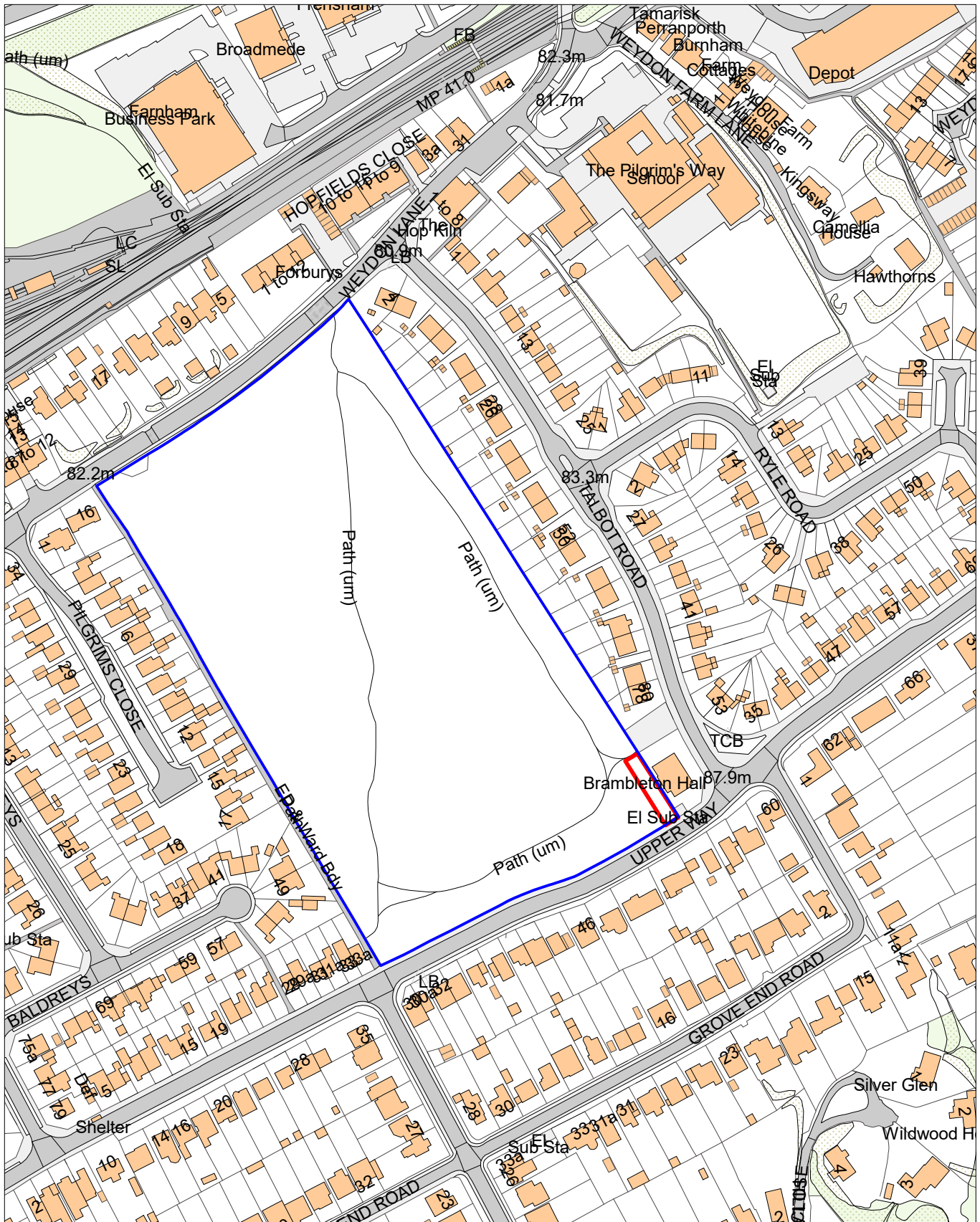
Legal Services: Ian Hunt, Interim Deputy Borough Solicitor, 13/03/2023

Head of Finance: Name, Post, date

Strategic Director: Name, Post, date

Portfolio Holder: Name, Post, date

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

**Blue = 40,000sqm
 Open Space
 Weydon Lane
 Farnham**

**Red = 234sqm
 Proposed Play Area
 Brambleton Hall
 Talbot Road Farnham**

Scale 1: 2,500

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