

To: All Members of the EXECUTIVE

When calling please ask for:

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Date: 2 May 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

A meeting of the EXECUTIVE will be held as follows:

DATE: THURSDAY, 11 MAY 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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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. **LOXLEY WELL, DUNSFOLD** (Pages 5 - 20)

The Executive at its meeting on 18 July 2022 resolved to apply to the High Court seeking permission to challenge the Secretary of State's decision of 7 June 2022 to grant planning permission at Loxley Well under s.288 of the Town and Country Planning Act 1990 and to authorise officers to make the necessary virement to meet the Council's external legal costs of up to £13,500 (excluding VAT and disbursements) up to the permission stage.

The Council's initial application for permission to challenge the SoS's decision was unsuccessful on the papers and the Council made a renewed application for an oral hearing which took place on 2 March 2023. At the oral hearing the Council was successful, and the Council was granted permission to proceed to substantive hearing on one of its grounds of challenge.

This report asks the Executive to decide whether to proceed to substantive hearing at the High Court on 8th June 2023, with a time estimate of 1 day, to challenge the decision of the Secretary of State (SoS) made on 7 June 2022 to grant planning permission at Loxley Well and, if the Executive resolves to do so, to authorise officers to make the necessary virement to meet the Council's external legal costs of up to £32,500 and a portion of the SoS's and UKOG's legal costs of up to £50,000 in the event the Council is unsuccessful and is ordered to pay a portion of their costs.

Recommendation

- i. The Executive considers whether to proceed to a substantive hearing at the High Court on 8 June 2023 to challenge the Secretary of State's decision of 7 June 2022 to grant planning permission at Loxley Well under s.288 of the Town and Country Planning Act 1990.
- ii. And, if the Executive resolves to do so, to authorise officers to make the necessary virement to meet the Council's external legal costs of up to £32,500 and the SoS's and UKOGs legal costs of up to £50,000 in the event the Council is unsuccessful and is ordered to pay a portion of their costs.

4. 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.

5. 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
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