

# WAVERLEY BOROUGH COUNCIL

## COUNCIL

12 FEBRUARY 2019

### AGENDA ITEM 6 – QUESTIONS FROM COUNCILLORS

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1. **The following question has been received from Cllr Robert Knowles, Haslemere East & Grayswood Ward.**

“Santander Bank has announced the closure of Haslemere Branch in April, 2019, following the closure of Barclays, HSBC and Nat West Banks in the town, leaving only one Branch of Lloyds for a town with a catchment area of over 25,000 people.

Godalming and Guildford High Street Branches are also listed for closure. What representations has the portfolio holder for economic development and the Executive made to Santander regarding the removal of a vital service in Haslemere, which also includes the loss of another ATM, whilst noting that the excuse that a Post Office can be used is not like for like and in Haslemere there are no ATMs at Post Offices for out of hours use.”

***Response from Cllr Jim Edwards, Portfolio Holder for Economic and Community Development:***

“Waverley Borough Council was very concerned to hear of the forthcoming closure of both the Haslemere (Wey Hill) & Godalming branches of Santander on 25 April and 6 June respectively. The key reason given is that many customers are now opting for the convenience of online and telephone banking, with the result that retaining a branch presence on the high street is too expensive.

The development comes on the back of a number of other local bank closures, many of which also offer external cashpoints. This is of course of particular concern in a rural borough like Waverley with a larger proportion of older people who rely on the bank branches and may prefer a face to face presence. Whilst the council is directly consulted when there is a threat to community services (such as post offices, payphones, bus routes and ticket offices) banks are private companies, and the council is not routinely consulted.

The Portfolio Holder for Economic Development met the Branch Manager of the Wey Hill Santander branch on the morning of the announced closure (23 January) and then subsequently met the Branch Manager of Godalming Santander to offer support and assistance in any way possible.

The Economic Development team will be contacting Santander Head Office directly to express concern about the impact on jobs and also the lack of banking facilities especially for those who rely on a face to face service.

In the light of bank branch closures, it is very important that the council does all it can to retain - and strengthen - our 23 post offices in the borough, making best use of the council's Universal Service Obligation to ensure the Post Offices meet the needs of the local community. For many people looking to bank on the high street, the post office will take on a more important role in future and the PO has responded to this demand by broadening its banking services to both business and personal customers. Most personal bank customers are now able to do their day to day banking at their local post offices with basic bank services such as cash withdrawals, cash and cheque deposits and balance enquiries.

If and when the two Santander branches close, this will leave 24 other bank branches in the borough – the Economic Development Team are currently mapping cashpoints to assess location and availability.”

**2. The following question has been received from Cllr Paul Follows, Godalming Central and Ockford Ward:**

“The Leader of the Council is no doubt aware that Ockford Park, a development of 262 houses in my ward of Godalming Central and Ockford was passed by the JPC on 9th January 2019. As this happened pre-CIL, the developer is due to pay only £3.8 million in infrastructure contributions (instead of over £8m that would be due under CIL). A £4m loss to our community.

This has happened despite your personal reassurances that scenarios such as this would not occur - reassurances you made during the initial local plan vote on Feb 20th 2018 and then at Full council sessions on 24th April, 16th October and 11th December 2018 respectively when I asked this question again. As I have said on all these occasions - this was an entirely foreseeable consequence of leaving an 8 month gap between the passing LPP1 and CIL and then allowing a further, consultation period (itself excessive in duration by comparison to other boroughs) for it to come into effect. You have effectively created a window for developers to rush in their applications now to avoid CIL - and they have jumped at the opportunity.

It should also be noted that last site of any real size in the Godalming area, Milford Golf Course - is before the JPC on February 20th. Just days before the introduction of CIL and potentially at a further loss of several million pounds to the community.

Will the Leader explain:

- a) what benefit Godalming will see from this local plan when it has almost reached its local plan period (up to 2032) housing numbers without seeing a penny of CIL?
- b) why you believe it is acceptable that strategic sites be given planning permission despite not yet being subject to the public consultation planned for such sites under LPP2?
- c) how you expect large, strategic sites to ever provide the infrastructure required to mitigate their impact and benefit the wider community (in the way that local plan envisages) absent of the money to actually deliver such infrastructure?
- d) Could the Leader explain how her figure of £94million of CIL over the plan period is actually calculated considering the number of strategic and large sites that have already been approved pre-CIL?"

***Response from Cllr Chris Storey, Portfolio Holder for Planning Policy and Customer Services, and Cllr Kevin Deanus, Portfolio Holder for Planning Operations and Enforcement Services:***

a) "The Council was very mindful of the need to get CIL in place as soon as reasonably possible following the examination and adoption of Local Plan Part 1. A lot of preparatory work and consultation on CIL took place during the Local Plan Examination and following the adoption of the Plan the Council moved quickly to formally agree the proposed CIL for submission for examination. Clearly the timescale for the CIL examination was out of the Council's control. However, once the Council received the Examiner's report on 1 October 2018 approving the CIL charge the Council moved quickly to adopt CIL on 31 October 2018. The Council had to decide on a reasonable period leading to the implementation of CIL. It agreed a period of 4 months which, given that this also covered the Christmas/New Year period, was considered to be reasonable and consistent with the approach taken by other councils. It should be added that CIL will be Borough-wide and that in the future Godalming may benefit from CIL derived from schemes elsewhere in the Borough."

b) "Most of the key strategic sites were included in Local Plan Part 1. However, one of the agreed modifications to the Plan, arising from the Examination, was the acceptance that some large sites could still come forward through Local Plan Part 2. One of the sites proposed for allocation in Local Plan Part 2 was the site at Aaron's Hill. However, that site was also subject to modification in Local Plan Part 1, where its removal from the Green Belt was confirmed. This was another modification arising from the Examination of Local Plan Part 1. The removal of that site from the Green Belt in Part 1 did not prevent the site coming forward through a planning application in advance of Part 2. That application had to be considered on its merits at the time."

c) “The Local Plan is accompanied by an Infrastructure Delivery Plan that sets out the infrastructure identified to support growth. Where sites have come forward in advance of CIL, they have still been assessed to identify infrastructure required to mitigate the impact of development. In some cases that will have been to require specific mitigation for an individual site. In other cases this has been through the limited pooling of infrastructure payments in order to deliver infrastructure, such as in the case of some of the large schemes in Cranleigh. Once CIL is in place there will be a formal process of considering what infrastructure projects should be allocated CIL funding.”

d) “The projection of £94million is included in one of the documents that the Council produced for the CIL Examination. The figures included are based on the position as at 1<sup>st</sup> April 2018. The document in question can be viewed on the web site at: [https://www.waverley.gov.uk/downloads/file/6352/wbc-cil-001 - cil\\_income\\_projections](https://www.waverley.gov.uk/downloads/file/6352/wbc-cil-001 - cil_income_projections)

**3. The following question has been received from Cllr Paul Follows, Godalming Central and Ockford Ward:**

“The Leader is likely aware of the existence of a task and finish group of the Housing O&S Committee considering views and perceptions of stigma felt by council tenants. You may also be aware that this group came into existence because of the comments of one member that “there was no stigma surrounding social housing in Waverley”. A point challenged vociferously by the tenants panel reps and myself.

This group has been chaired positively and effectively by Cllr Townsend and includes Cllrs. Seaborne, Cockburn and myself as members and has been fantastically managed and supported by Yasmine Makin and Annalisa Howson. However this exceptional piece of work has laid bare the poor participation and engagement levels of many members of this council.

As a fellow member representing a ward containing a substantial proportion of social housing and considering the origin of this task and finish group and its subject matter,

a) Would the Leader care to comment on the fact that only 18 members of this council could be bothered to complete the survey?

b) What does the Leader believe this says about her councillors and what they think or understand about council tenants in Waverley?”

***Response from Cllr Julia Potts, Leader of the Council:***

“First of all, I want to say how much I am looking forward to reading the report of the Task & Finish Group when it is published later this month.

Tackling stigma is one of the themes of the 2018 Housing Green Paper, and I know that the Members on the Task & Finish Group, members of the Tenants’ Panel, and officers have worked tremendously hard to ensure that our tenants’ voices are heard in exploring this topic.

It is disappointing that only 18 out of 57 councillors completed the survey, but I notice that is still more than the number who completed the survey last year about the effectiveness of overview and scrutiny. And I do think that many councillors have a slightly skewed view, because they are more aware of the efforts to which the council goes to ensure that our tenants do have quality homes to live in. Cllr Seaborne and Cllr Townsend were both part of the previous Housing O&S Task & Finish Group that looked at the design standards for new council housing development, and which incorporated the National Space Standards into the recommendations adopted by the council – so we have design guidelines for our own council housing developments that are of a higher standard than those that we currently require for market housing.

Rather than speculating on what I think our councillors think about council tenants in Waverley, I think the important thing is to take note of what the council tenants think – if they feel that there is a stigma attached to being a council tenant then we need to do what we can to understand the reasons for that, and what Waverley can do to change perceptions.

This is a very important piece of work by Overview Scrutiny, and I think it may be the first time – certainly for a long time – that scrutiny have tackled this type of review, and it demonstrates the value there is in investing in our scrutiny function by resourcing it properly with dedicated officer support.”

**4) The following question has been received from Cllr Jerry Hyman, Farnham Castle Ward:**

“The Chief Executive has obtained legal advice from Wayne Beglan which concludes that,

*“ the Council does have convincing objective evidence that the Farnham Park SANG and the SAMM strategy are effective, applying the Waddenzee judgment; ”*

Natural England have confirmed that they have no such evidence, and as it is necessary for this information to be included in an appropriate assessment in order for Council to grant consents to SPA-affected planning applications, can you please provide and publicise such an appropriate assessment immediately?”

***Response from Cllr Julia Potts, Leader of the Council:***

“The question asks for the provision of an appropriate assessment containing “convincing objective evidence” relating to Thames Basin Heath SPA-affected planning applications and also referencing Farnham Park SANG and SAMM.

From the evidential context, it is clear from decided case law that ‘appropriate assessment’ is not a precise, technical term or process but indicates no more than such assessment that should be appropriate to satisfy the responsible local planning authority that the project will not adversely affect the integrity of the site concerned. This implies a high standard of investigation, but that issue ultimately rests on the judgement of the local planning authority concerned.

The required degree of certainty about adverse effects is explained in the *Waddenzee* case; namely that the necessary certainty cannot be construed as achieving absolute certainty since that is impossible to attain and therefore such a decision must be based on relevant information (based on that high standard of investigation) being set out in such an appropriate assessment.

So the responsible authority (i.e. the Council) is able, from its point of view, to come to a decision that there will be no adverse effect, although from an objective point of view there would be no absolute certainty. The required standard expressed in case law is to establish that there is no risk of adverse effect to a standard “beyond reasonable scientific doubt”, in the judgement of the relevant authority.

The case law is also clear that the Council is entitled to place considerable weight on the opinion of Natural England, as the expert national agency, with responsibility for oversight of nature conservation, and ought to do so in the absence of a good reason not to. The duty to consult the appropriate nature conservation body is compulsory under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 with regard to European protected sites such as SPAs.

The approach adopted under the Thames Basin Heath SPA Delivery Framework has been subjected to scrutiny in the past, including in Waverley’s Local Plan Part 1 Examination, and found to be sound. SANG and SAMM are not novel techniques and are widely-accepted mechanisms used by local planning authorities to avoid adverse effects on European Protected sites.

In this context the “appropriate assessment” requested already exists in an extant and published document. It is set out in the Aecom Habitats Regulation Assessment 2016, prepared by independent ecologically, and technically-qualified consultants, acting in consultation with Natural England. It was scoped to consider impact pathways, likely significant effects, mitigation and other matters relevant to an appropriate assessment in the context of the emerging Local Plan Part 1, with regard to the Thames Basin Heath SPA. The assessment comprised a

consideration of historic trends and conditions, key environmental conditions, potential effects of the Plan, urbanisation, recreational pressure and disturbance, “in-combination effects”, atmospheric pressure and water resources.

The Habitats Regulation Assessment (HRA) also assessed in the same way other protected sites such as Wealden Heath Phase I and II SPA, the Thursley, Ash, Pirbright and Chobham European protected Site of Area Conservation (SAC) and the Thursley and Ockley Bog European protected RAMSAR site.

The contents and findings of that HRA were submitted to and considered by the Government-appointed Inspector, Mr Bore, at the Local Plan Examination, during which he concluded that sufficient SANG could be identified under the Plan and found the Plan’s approach to be “sound” in this respect. He specifically considered the Farnham Park SANG and found that the Local Plan was also sound in this respect and that the Local Plan strategy for SANG and SAMM was likewise sound, based on convincing evidence.

On the above basis the request for the provision and publication of a further appropriate assessment relating to plans or projects in relation to “SPA affected planning applications” is not considered to be necessary.

In addition, to secure compliance with recent European case law, site-specific appropriate assessments are carried out where a SPA is affected, in a manner agreed with Natural England, to ensure all likely significant effects are appropriately assessed and avoided.”