

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 7 FEBRUARY 2023

SUBMITTED TO THE COUNCIL MEETING – 21 MARCH 2023

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

Present

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

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

Apologies

Cllr Peter Clark and Cllr Kika Mirylees

Also Present

Councillor Carole Cockburn BEM and Councillor Jerry Hyman

EXE 77/22 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 17 January 2023 were confirmed and signed as a correct record.

EXE 78/22 DECLARATIONS OF INTERESTS (Agenda item 3)

Cllrs Paul Follows, Steve Williams, and Paul Rivers each declared a non-pecuniary interest in relation to agenda item 14, UK Shared prosperity Fund Projects and Rural England Fund, as they were Members of Godalming Town Council which was a delivery partner in one of the projects to be funded.

EXE 79/22 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were no questions from members of the public.

EXE 80/22 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions from Members of the Council.

EXE 81/22 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader and Portfolio Holders gave brief updates on current issues not reported elsewhere on the agenda:

- Cllr MacLeod reported on recent issues relating to Brightwells House, which was an important Listed Building at the centre of the Brightwells Development. Crest Nicholson had planning permission to convert Brightwells House to accommodate a high-end restaurant, and a meeting on site had been arranged with Crest Nicholson to resolve identified defects.
- The Brightwells Development was progressing overall, with flats selling well; the cinema was due to open by August, and a restaurant tenant had been identified for Brightwells House.

- Cllr Penny Marriott reminded Members of the Local Government Authority's Debate Not Hate campaign, and the importance of being kind and tolerant, and respecting others' views.
- Cllr Paul Rivers reminded Members that in the 2022/23 budget, the Council agreed a £30,000 Housing Revenue Account Hardship fund. This discretionary fund aimed to assist tenants who were financially impacted by last year's rent increase. As other funds had become available to support those experiencing hardship, in consultation with the Landlord Services Advisory Board, the policy had been amended to use the fund in a proactive manner and in January 2023, 96 council tenants living in the least energy efficient homes (according to council records) had been written to informing them of a one-off rent credit of £100 to assist with heating costs. Cllr Rivers thanked the Service Improvement Manager for her work on this project.
- The Council continued its work to make all council homes more energy efficient with a range of improvement programmes including replacement windows and loft insulation top-ups.

EXE 82/22 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES, JANUARY 2023 (Agenda item 7)

The Leader introduced the recommendations from the Overview and Scrutiny Committee meetings held in January 2023.

The Executive had discussed the recommendations at their informal meeting with the Chairs and Vice-Chairs of the Overview and Scrutiny Committees, and the Leader thanked Cllrs Mulliner, Heagin and Peter Marriott for attending and for their contributions.

It was noted that the recommendations from the Overview and Scrutiny Committee – Services meeting held on 9 January 2023 had been omitted from the Recommendation Tracker. However, the report on the Air Quality Action Plan which had been considered at that meeting would be coming forward to the Executive at the 7 March 2023 meeting and the Overview and Scrutiny Committee recommendations would be addressed at that time.

The Leader addressed the recommendations, as follows:

- R23-23-1-7 Petition (Save Crown Court Car Park). Recommendation accepted. An update on the Godalming Town Centre Regeneration Project timeline and financial analysis would be provided to Overview and Scrutiny.
- R23-23-1-8 Capital Strategy 2023/24. Recommendations accepted.
- R23-23-1-9 GF Budget 23/24 and MTFP. Agreed in principle. Updates on the collaboration savings would be included in the quarterly performance report; and explanation of financial pressures to be expanded to recognise Cost of Living impacts.
- R23-23-1-10 HRA Business Plan. Discussion on the level of rent increase would be better at Full Council so that all Members can contribute to a finely balanced decision. Recommendation on the delegation would be addressed later in the meeting.
- S24-01-23-8 LPP1. The report on the Executive agenda reflected that the recommendations had been accepted.

EXE 83/22 GENERAL FUND BUDGET 2023/24 AND MEDIUM TERM FINANCIAL PLAN (MTFP) 2023/24 - 2026/27 (Agenda item 8)

The Portfolio Holder for Finance, Commercial and Assets, Cllr Mark Merryweather, gave a detailed presentation on the report which set out the proposed budget for 2023/24 and highlighted key areas for the Executive to consider.

He reminded Members that even before Covid, cost base inflation had been running ahead of the Council's ability to replace income lost from central government. The impact of Covid and pressures emerging since had resulted in a more structural and possibly sustained period of cost inflation that would compound the structural budget gap.

Cllr Merryweather gave an overview of the financial pressures on the Council including cost inflation which would add a further £3m to the cost base in 2023/24, in addition to a number of activity cost increases. He identified a number of cost mitigations including net savings of at least £700k annually arising from the collaboration with Guildford.

On the income side, he noted that it was becoming harder to distinguish between Covid and the Cost of Living inflation crises as an underlying cause for income still being below pre-pandemic levels, although key income streams including car parking income were recovering. A number of mitigation measures had been implemented.

There were similar pressures on the capital projects budget, and whilst a one-off £170k increase in the contribution to the general property maintenance fund was proposed, the backlog of planned works remained a concern.

The proposed 2023/24 budget was a balanced budget, however the Medium Term Financial Plan continued to show a projected unresolved budget gap, with continued uncertainty about the level of funding that might be received from central government over the Plan period.

The Executive was recommending that the Council's share of Council Tax be increased by 2.99% in 2023/24, amounting to £5.85 for the year for a Band D home. This compared to a £5 increase in 2022/23, which would be a 2.6% increase. The Council Tax Support Scheme would be maintained, and would be supplemented by a prescribed central government Council Tax Support Fund.

Cllr Merryweather thanked the officers for their hard work in pulling together the budget.

Cllr Jerry Hyman spoke on this item and questioned whether it was right to increase the fee for playing pitch hire by 9% as this would impact on the ability of children to enjoy team games, and would contribute to ongoing inflation. He asked if any sensitivity analysis had been undertaken on alternative levels of increase. He also asked for a response on his previous question regarding the appropriation of council-owned garages from the HRA to the General Fund.

In response, Cllr Merryweather advised that an explanation of the approach to increasing fees and charges was set out in section 11 of the report. With regard to the transfer of garages from the HRA to the General Fund, this was essentially an accounting exercise to recognise that the provision of garages was no longer directly connected to the provision of the housing service, as only around 20% of garages were let to HRA tenants. Therefore, the cost of maintaining the garages should not be borne by the HRA as this meant that the HRA would be effectively cross-subsidising the General Fund. A full explanation was set out in the budget report and would be provided to Cllr Hyman. Cllr Merryweather also noted that the Landlord Services Advisory Board had discussed this matter and had been content with the proposals.

The Executive RESOLVED to make the following recommendations to Council, to:

- i) agree a 2.99% increase in Waverley's Band D Council Tax Charge for 2023/24 with resultant increases to the other council tax bands;**
- ii) agree to continue the Council's existing Council Tax Support Scheme at the current levels;**
- iii) agree to a general inflationary increase to Fees and Charges for 2023/24 except for car parking charges and some exceptions as proposed in Annexe 4;**
- iv) note the appropriation of garages from the HRA to General fund and approve an increase of 4% to the weekly charge for all garages from 1 April 2023;**
- v) approve the General Fund Budget for 2023/24 as summarised in Annexe 2, incorporating the baseline net service cost variations included at Annexe 1 and Annexe 3;**
- vi) approve the General Fund Capital Programme as detailed in Annexe 5; and,**
- vii) approve the reserve movements as set out in Annexe 6.**

Reason: The General Fund Budget is a major decision for the Council and setting a balanced budget is a statutory requirement. Scrutiny of these MTFP and Budget proposals demonstrate transparency and good governance. The Covid-19 negative impact on the finances has mostly been overcome through the swift response and actions taken by the council. This challenge was immediately followed by the impact of the global economic crisis driving up UK inflation and interest rates and the resulting current cost of living crisis. The council has been well positioned to respond to these challenges and whilst the latest MTFP for the subsequent years ending 2026/27 continues to project future financial pressures, and opportunities, the council is able to take action to ensure sufficient funding is in place to deliver and maintain services.

EXE 84/22 HRA BUSINESS PLAN - REVENUE BUDGET AND CAPITAL PROGRAMME 2023/24 (Agenda item 9)

The Portfolio Holder for Finance, Commercial and Assets, Cllr Mark Merryweather, presented the report which set out the proposed budget and capital programme for the Housing Revenue Account (HRA), which was the ring-fenced account entirely funded by council house rent income to meet the annual cost of operating, administering and maintaining council homes as well major repairs and upgrades, building new affordable homes, and servicing the legacy £189m mortgage the Council was required to take out in 2012 to transfer the HRA to a self-financing basis.

The HRA was self-financing and the annual budget had to balance. The rolling 30-year business plan had been reviewed during 2022/23 and in December 2022, Council had agreed to revise the mortgage debt strategy to rephase net repayments and free up rent income in the short-term to fund housing maintenance and the energy efficiency programme.

The net impact of inflation on costs in 2023/24 was estimated at around £1.1m and this had been part of the careful consideration of the appropriate level of rent increase. On balance, the Executive proposed a 4% increase in rents, service charges and energy recharges in 2023/24. Higher and lower rates of increase had been considered, and while 4% was felt to be fair, the Portfolio encouraged Council to consider and debate this fully.

The final recommendation, to delegate certain authority for work in the maintenance budget was considered beneficial for the delivery of the works identified.

Cllr Merryweather again thanked Officers for their work in developing the HRA budget over many weeks.

Cllr Jerry Hyman spoke on this item and noted that on Annexe 5, the budget for sewerage works would end after 2023/24. He also noted that the stock condition survey had been promised for many years and was desperately needed to plan works required for council housing stock.

The Leader advised that the cost for ongoing sewerage works would be met from the revenue budget rather than the capital budget. The Co-Portfolio Holder for Housing (Operations), Cllr Paul Rivers, advised that the council held a great deal of data about its housing stock, but recognised the need for a comprehensive stock condition survey to update records, and the procurement of a contractor was at an advanced stage.

In moving the recommendation, the Leader advised an amendment to recommendation 8, to include the Co-Portfolios for Housing in the delegation arrangements.

The Executive RESOLVED to recommend to Council that:

1. the rent level for Council dwellings be increased by up to 4% from the 22/23 level with effect from 1 April 2023 within the permitted guidelines contained within the Government's rent setting policy;
2. the service charges in senior living accommodation be increased by 4% per week from 1 April 2023 to £20.90;
3. the recharge for energy costs in HRA properties be increased by 4% per week from 1 April 2023;
4. the revised HRA Business Plan for 2023/24 to 2053/54 as set out in Annexe 1 be approved;
5. the approval change for the fees and charges as set out in Annexe 4 is noted
6. the Housing Revenue Account Capital Programmes as shown in Annexe 5 & Annexe 6 be approved; and,
7. the financing of the capital programmes be approved in line with the resources shown in Annexe 7.
8. to deliver the works identified in the maintenance budgets it is recommended that authority is delegated to the Executive Head of Housing, in consultation with the Co-Portfolio Holders for Housing and the s151 Officer, to procure and enter into contracts valued over £100,000 shown in Annexe 8.

Reason: In order to approve the use of reserves and resources to fund Waverley Borough Council's Landlord Services, the 30 year maintenance programme, deliver proposals for building new affordable homes and stock remodelling.

EXE 85/22 CAPITAL STRATEGY 2023/24 - INCORPORATING TREASURY MANAGEMENT AND ASSET MANAGEMENT INVESTMENT STRATEGY (Agenda item 10)

The Portfolio Holder for Finance, Commercial and Assets, Cllr Mark Merryweather, presented the Capital Strategy for 2023/24 which incorporated a number of interdependent strategies, policies, practices, principles, plans and other statements that set out how the council approached capital investments and expenditure in a prudent, sustainable and resilient manner. He highlighted the key elements of the strategy, and noted that it was proposed to renew the delegated authority to the Executive to enable an efficient and timely response on property investments at the same level of £10m. This limit was considered to be adequate for the time being, but might need to be reviewed in future years.

The Executive RESOLVED to recommend to Council:

1. That the five-year Capital Strategy for 2023/2028, incorporating the Treasury Management Strategy, Prudential Indicators and Asset Investment Strategy, is approved.
2. That Full Council delegate authority to the Executive for the financial year 2023/2024, subject to a positive recommendation from the Asset Investment Advisory Board and agreement from the Joint Chief Executive and Joint Strategic Director:
 - a. to bid, negotiate and complete on property acquisitions and investments in land and buildings with a total individual cost of up to £10m, subject to the decision fully satisfying all criteria and process requirements set out in this Strategy; and

- b. **to determine a funding strategy for the acquisition or investment in line with the Treasury Management Strategy; and**
- c. **to appoint advisors and undertake appropriate due diligence for each property acquisition and investment proposal as necessary; and**
- d. **to complete the legal matters and signing of contracts to execute the transactions referred to above.**

Reason: The Capital Strategy is a whole organisation approach to capital investments (expenditure) and overall strategic planning. It has historically been seen as a finance responsibility but should be steered by the leadership of the Council and is a responsibility of all.

EXE 86/22 PAY POLICY STATEMENT 2023/24 (Agenda item 11)

The Leader presented the report which set out the Council's Pay Policy Statement, which the Council was required to review and adopt annually. The Pay Policy Statement had been aligned with Guildford's and where there were differences these were shown in the covering report.

Cllr Jerry Hyman spoke on this item and pointed out that in section 11 incorrectly stated that the Joint Chief Executive was Waverley's Returning Officer. The Leader thanked Cllr Hyman for pointing out this error and

The Executive RESOLVED to recommend to Council that the Pay Policy Statement for the 2023/24 financial year, attached at Annexe 1 to the report, be approved, subject to an amendment to correct the reference to the Joint Chief Executive being the Council's Returning Officer.

Reason: To comply with the Localism Act 2011 (Sections 38 and 39).

EXE 87/22 LOCAL PLAN PART 1 REVIEW (Agenda item 12)

The Portfolio Holder for Planning and Economic Development, Cllr Liz Townsend, advised that as there were a number of questions and a statement from Members, she would move straight to these in order to avoid too much repetition.

Cllr Carole Cockburn had a number of questions, to which the Portfolio Holder responded in turn.

Cllr Cockburn: "Planning Policy Guidance suggests that the LPA should complete a review of a five-year-old plan and decide either that its policies do not need updating and publish the reasons for this decision or that one or more policies do need updating.

It is a matter of judgment for the LPA. Where in regulation 10A of the Town and Country Planning Regulations 2012 does it say that a full review of LPP1 must result in a major update?"

Cllr Townsend responded: "As set out in paras 4.1 and 4.2, there is a statutory duty (not just a suggestion) to review a Local Plan no later than 5 years from the adoption date. This is to ensure that the policies remain relevant and effectively address the needs of the local community. The NPPF and NPPG are clear that most plans are likely to require updating in whole or part at least every 5 years when their applicable local housing need figure has changed significantly.

Officers have undertaken the review of LPP1 as set out in Section 5 of the report, using the toolkit provided by PAS (Planning Advisory Service) and looking at conformity with the NPPF and changes in local housing need, as well as housing delivery, the conclusion is that LPP1 needs updating, it would be misleading to suggest otherwise, and also given that the evidence base for the plan was largely assembled between 2013 and 2016. In addition, the Government's calculation of Local Housing Need is significantly higher than the housing requirement in LPP1. However as is clearly laid out in point 5.10 of the report it would be wrong to assume at this stage that the LPP1 annual housing requirement is incorrect or that a similar number would be unlikely to form the basis of an updated plan.

I must stress again that the extent of the update has not been decided and will be based on robust evidence that will stand up to scrutiny and examination."

Cllr Cockburn: "The portfolio-holder very rudely shouted me down at the O&S meeting for stating that the papers before us clearly indicated that the core strategy in LPP1 should be torn up, sending all neighbourhood plans back to the drawing board. Please could she explain how modifying aspects of the core strategy, such as key policies SP2 and ALH1, does not effectively change the essence of that strategy and how can that not render all the documents, created to deliver the original strategy, immediately out of date?"

Cllr Townsend responded: "LPP1 is not being torn up and neighbourhood plans are not being sent back to the drawing board. As explained earlier, the ongoing review process of local plans is a legal requirement and whether a plan needs updating or not requires the council to provide a robust argument that will stand up to challenge. As I have said on numerous occasions the extent of the update will be evidence based and the scope and the timeline is yet to be decided and will be presented to O&S, Executive and full Council. I would also like to highlight that should we not update the plan and ignore changes in planning policy as well as the standard method for calculating housing need, this decision will also come under extensive examination by developers and no doubt repeated challenges by them. If only one appeal was to be successful on the grounds of our decision NOT to update, the floodgates would be opened for speculative development across the borough.

Whilst evidence is being gathered for an update, the statutory development plan, including LPP1, LPP2 and Neighbourhood Plans will remain the starting point for planning decisions. As highlighted in the report at 1.5 the local plan and neighbourhood plans are considered to provide an up-to-date development plan for the purpose of decision making while an updated plan is brought forward. Based on the evidence should SP2 and ALH1 require updating this would likely impact on Neighbourhood Plans, however in a plan-led system development plans have to be kept up to date and this would not be a defensible reason in itself not to update LPP1."

Cllr Cockburn: "Why was the option of a light-touch review at this point, in the light of the imminent adoption of the long-awaited LPP2, the recent adoption of several SPDs, the number of outstanding planning permissions and our improving housing delivery, not even mentioned in the papers that went to O&S?"

The portfolio-holder must have agreed that all the supporting documents should be published. Why did she effectively decide to tell residents and developers alike that major updates will be necessary, when members are being told that the decision has yet to be made?"

Cllr Townsend responded: "The update to the local plan must be evidence led. This council has tried previously to avoid the local plan evidence led process. In 2013 the previous administration tried unsuccessfully and despite overwhelming evidence to the contrary to progress with a plan based on housing numbers which they were repeatedly advised would not be accepted by the Examiner. What happened then was the plan was immediately

thrown out and it would not be for another 5 years that this borough would have a local plan in place, leaving the entire borough exposed to speculative development. The final housing number that was allocated in LPP1 of 590 dwellings per annum was not challenged and no evidence was provided to justify a lower number. It was then promised that LPP1 would be quickly followed by LPP2 which would help to strengthen existing policies and would also protect us with a 5 Year Housing Supply. What happened was yet again an error of judgement by the previous administration when LPP2 was thrown away the day before it was due to be adopted because they couldn't sort out internal arguments over allocated sites in Haslemere. Leaving this borough yet again exposed to speculative development and to the legacy of that decision making has contributed to the unenviable place we now find ourselves in.

This administration does not intend to repeat the mistakes of the past. We may not like the planning system and we may want and hope to be able to make fundamental changes to this system in the future. However, what is clear is that trying to ignore the evidence from this borough and the clear process that a plan led system should follow, will open and has opened this borough and our residents to continued speculative development.

The review process undertaken by officers follows national planning practice guidance and utilises the recommended PAS toolkit. It suggests that on first inspection some policies in LPP1 are likely to need some form of updating. Using the terminology of the PAS toolkit, this was described in the O&S report as likely to involve a 'full' rather than 'partial' update. However, it is clear that there are several points of scale between these two points and currently the scope and timeline of the update is yet to be developed and agreed. I can only begin to imagine the scale of displeasure of the O&S committee if the background information was not provided to the committee and ultimately to the residents we serve for scrutiny. That is the correct and proper process rather than the suppression of what should be public documents. Commitment to transparency is something that this administration values and it would be highly irresponsible to believe that developers who have highly experienced and retained legal teams at their fingertips are not aware and scrutinising decisions being made by Waverley along with other borough and district councils.

The review and update of LPP1 should not be interpreted as implying that the current plan is no longer the starting point for planning decisions. This is not what officers said and the report has quite rightly been revised to avoid any confusion and to emphasise that the scope of the update and the timetable for its preparation are matters for future scrutiny by the O&S committee before consideration by Executive and Full Council. We will also have a clearer understanding of the implications and timeline of the proposed planning reforms.”

Cllr Cockburn: “The proposed wording in the NPPF consultation suggests that when the housing requirement in adopted strategic policies becomes more than five years old, LPAs should identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing. What is the role of LPP2 in the Development Plan, if it is not to provide the available and deliverable sites, to enable the strategy in LPP1 to be delivered?”

Cllr Townsend responded: “A key role for LPP2 is to bring forward the required additional sites for housing and its adoption should assist the Council in achieving a 5YHLS. However, the overall strategic housing requirement is set out in LPP1, which is 5 years old this month. There is no option but to review LPP1 and the scope and timeline of the update will be scrutinised by O&S before consideration and agreement by Executive and Full Council. I would also draw your attention to point 4.1 and 4.2 in the report.”

Cllr Cockburn: “Many of us have fought for years to get decision-making to be genuinely plan-led. The government has eventually listened and proposed imminent changes to the NPPF that could be beneficial to large parts of the borough. Why, therefore, is the executive ignoring the needs of vast numbers of our residents, not defending its own

Development Plan by seeking a swift and minimal update and, instead, preparing to spend over £800,000 of taxpayers' money on a lengthy update?"

Cllr Townsend responded: "I also fought for years, whilst the then administration of this council pursued an unreasonable and unevidenced housing number leading to an abandoned core strategy which then threw the borough into the laps of the developers and speculative development, particularly I should add in Farnham and Cranleigh and later in Alfold.

We will be making representations on the Government's planning reforms to maintain that Waverley should benefit from any positive changes proposed. However, delaying action has never worked well for this borough, and we must work with the planning system as it currently stands.

The update of the local plan requires a robust evidence base. You cannot argue that a minimal update is required without the evidence, you would simply expose this council to one legal challenge after another. We are more than aware of the changes to planning policy being proposed by the government and that is exactly why we are working to ensure that we have started gathering the evidence required to defend or update our policies and we can hit the ground running once the updates to the NPPF and the Levelling up and Regeneration Bill are published. With the budget secured to cover all eventualities we will have the ability and agility to move quickly based on what will provide the greatest advantages to the whole of the borough. We will continue to take legal advice on this matter and to share that with members when available.

With regard to costs, the report is very clear that the indicative costs relate to a comprehensive update of evidence for the plan only if that is required. It is only prudent to ensure that we are in a position to be able to act swiftly by securing an adequate budget (at this time of budget setting) in the best interests of the borough. The actual costs will reflect the agreed scope of the plan once that has been agreed, which will be after the budget has been set, and we will look for cost savings within whatever scope is then decided and wherever possible."

Cllr Cockburn asked the Leader if a KC's opinion could be obtained on whether or not Waverley's extant LPP1 would carry weight during the time when an update was being carried out, as this was a major concern for many residents. The Leader advised that he and the Deputy Leader had asked for the same legal advice from Wayne Beglan, who had advised the Council throughout the development of the Local Plan. Further assurance would be sought on this matter but Officers had been taking legal advice throughout the review process and this had been shared with Members, and it was clearly stated in the report that the development plan and neighbourhood plans would remain the starting point for decision-making whilst any update was taking place.

It was noted that Wayne Beglan was not a KC, and the Leader confirmed that an appropriately qualified opinion would be sought.

The Leader invited Cllr David Beaman, Ward Councillor for Farnham Castle Ward and Joint Leader, Farnham Town Council, to read his statement:

"Thank you for giving me an opportunity to address this meeting of the Executive Committee regarding the recommendations of the Services Overview and Scrutiny Committee regarding the proposed review (or rather update) of LPP1. I welcome all the proposed recommendations which I hope will be accepted unchanged to be recommended for approval by Full Council on 21st February.

Whilst it is accepted without question that there is a statutory obligation to undertake an update the scale of the update still remains undetermined.

For most of Waverley a full update might have few material consequences. In Farnham, however, there are several outstanding appeals for residential developments on locations not allocated in Farnham's Neighbourhood Plan and with developers known to be looking at other unallocated sites for residential developments this update could not come at a worse time for Farnham.

At a Full Council meeting of Farnham Town Council held on Thursday 26th January the following motion was passed unanimously without any votes against or abstentions : -

"Farnham Town Council is very concerned that Waverley Borough Council is considering a comprehensive update of LPP1 since this will undermine Farnham's Neighbourhood Plan at a critical time with a number of planning applications for residential developments in locations not allocated for development subject to appeal having been refused by Waverley Borough Council and applications for residential developments on other unallocated sites are thought to being considered.

Farnham Town Council urges Waverley Borough Council to only undertake the minor update required to its existing LPP1 as quickly as possible to help protect Farnham from unwanted and unsustainable speculative development"

In particular any update needs to seriously question the assessed housing need of 744 homes as calculated under the standard method which is significantly (26%) higher than the housing need of 590 homes, which itself includes 83 homes to meet Woking's unmet housing need, in LPP1. Whilst I understand that Waverley is currently managing to exceed the current target of 590 homes mainly through small developments on windfall sites I am not aware that it has ever managed to achieve 744 homes.

If WBC now accepts adopting the higher housing need calculation of 744 homes in even a partial update of the Plan this will inevitably be seized on by developers to argue the case for further speculative development and that the existing LPP1 target of 590 homes is "out of date". As I understand the situation there is no mandatory requirement on Waverley to use the standard method to calculate housing need and why should it do so given that 744 homes is so much more difficult to actually achieve than the present LPP1 target of 590 homes?

What applies to Farnham would, of course, also apply to the rest of the Borough and potentially all the other made Neighbourhood Plans which is likely to make them not worth the paper they are written on.

I do, however, recognise that I am a Waverley Borough Councillor and need to act in the overall interests of the Borough and not just in the interests of Farnham where I represent Farnham Castle ward.

There is currently so much uncertainty surrounding proposed changes to national planning legislation and guidelines that, in my personal opinion, it would seem more prudent to go for a partial updating of LPP1 however imperfect this might be. At least Waverley has a made Local Plan (which is more than can be said for many local authorities) and it seems foolish and short sighted to potentially just throw away this position.

There is an indicative cost of £850,000 to undertake a full update. Why make a commitment to spend so much money when there is so much uncertainty over developing national planning legislation and guidelines especially against a background of a General Election within the next 2 years that, depending on its result, might result in still further changes to national planning legislation and guidelines.

At a time when Waverley Borough Council is facing a difficult financial position to allocate £850,000 to a lengthy data gathering exercise to undertake a review of LPP1 against a background of still undecided changes to national planning legislation and guidelines is not, in my opinion, in the overall best interests of Waverley as a whole.

If there are any spare financial resources available then it would be far better for these to be spent on ensuring that Waverley is able to meet the time targets for dealing with minor planning applications which all members are aware WBC have recently been advised by the Department for Levelling Up, Housing and Communities (DLUHC) that it is failing to achieve.

Thank you for the time you have kindly provided to me to address the Executive Committee.”

The Leader thanked Cllr Beaman for his statement, and Farnham Town Council for their motion on this matter, but reiterated that the Council could not agree the scope of the update without understanding fully the extent of update required. The Leader advised that he had offered to attend a meeting at Farnham Town Council to address the council's questions in a suitable forum.

Cllr Jerry Hyman had registered to speak on this item, and argued that an extensive update may not be required due to the protections afforded by legal constraints on development relating to Habitats Regulations, which he did not feel had been properly considered and addressed in the review of Local Plan Part 1. The Leader reminded Cllr Hyman that Waverley had obtained multiple legal opinions that had confirmed that Waverley's approach to the Habitats Regulations was legally compliant.

Cllr Merryweather expressed concern that not following due process in reviewing and updating LPP1 could leave the Council open to challenge by developers. In response to Cllr Beaman's reference to the budget provision of £850k, Cllr Merryweather advised that only £150k of this was scheduled in 2023/24.

In summing up, Cllr Townsend reminded Members that the scope of the update was still to be agreed, and it would be presumptive to constrain this in advance of having a full understanding of the requirements.

The Executive RESOLVED to recommend to Full Council that:

- 1. 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 to a greater or lesser extent. However, the 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.**

The Executive further RESOLVED that:

- 2. A further report on the detailed scope of the update and the timetable for its preparation is prepared for consideration by Overview & Scrutiny to allow comments and recommendations to be made prior to the presentation to Executive and Full Council. This should include the implications of a new National Planning Policy Framework (NPPF) and the emerging Levelling Up and Regeneration Bill once fully understood.**

3. **Budgetary provision is made to enable technical work on an updated evidence base to commence during 2023/24.**
4. **The budget should be reviewed in the light of the agreed scope of the update and work programme, with clear alignment and monitoring arrangements.**
5. **The governance journey for the update process should be clarified, to include the role of Overview and Scrutiny.**

Reason: There is a statutory requirement to review Local Plan Part 1 to decide if an update is required.

EXE 88/22 GUILDFORD - GODALMING GREENWAY LAMMAS LAND CROSSING OPTIONS
(Agenda item 13)

The Portfolio Holder for Environment and Sustainability, Cllr Steve Williams, introduced the report which set out a number of options for enabling the Guildford to Godalming Greenway to cross the Lammas Lands and connect with the route through Godalming town centre. As landowner and manager of the Lammas Lands, Waverley Borough Council needed to provide Surrey County Council with a preferred route which could be put forward for detailed design, planning permission, flood modelling and common land consent.

The recommended option, Option 3 in the report, minimised the length of the Greenway crossing the Lammas Lands whilst providing a safe route from Farncombe into Godalming avoiding Bridge Road, and addressed a number of weaknesses of the other two options.

Cllr Jerry Hyman had registered to speak on this item. He queried whether this was a realistic option given potential flooding and common land issues. He also asked whether the planning application would be submitted by Surrey County Council or Waverley, and whether the Executive decision would in any way fetter the discretion of Waverley as Local Planning Authority to determine a planning application.

The Leader agreed that there were issues to be explored and resolved, but this would be done as part of the next stage of the work to be carried out by Surrey County Council once they had been given Waverley's preferred route. The decision by the Executive would not fetter the decision of a future planning committee which would consider any planning applications on their planning merits. Local stakeholders including Godalming Town Council, the Environment Agency and National Trust had already been involved in discussions and there would be further consultation including with residents.

Cllr Williams noted that Waverley officers had put a huge amount of work into developing an option that attempted to address some of the identified issues with the other two options, and the Council had benefited from being the only one of the Surrey District and Borough Councils to have an in-house sustainable transport projects officer on its staff. An Executive decision to support Option 3 would enable Surrey County Council to proceed with the next stage of the project and working to address any legal and regulatory issues.

The Executive RESOLVED to:

- a. **Authorise SCC to proceed with detailed design and application for consents to cross the Lammas Lands using Option 3, hybrid route alignment, subject to in principle landowner permission from National Trust.**
- b. **Make route approval on the basis that SCC would have the primary responsibility for route maintenance.**

Reason: Authorisation will enable SCC Highways to proceed with detailed design, planning and other consents. The hybrid route (Option 3) minimises disturbance to the Lammas lands whilst still supporting active travel between the centres of Farncombe and Godalming.

EXE 89/22 UK SHARED PROSPERITY FUND PROJECTS AND RURAL ENGLAND FUND
(Agenda item 14)

The Portfolio Holder for Planning and Economic Development introduced the report which set out proposals for allocating £1m of UK Shared Prosperity Fund awarded to Waverley in April 2022, and a further award of £400,000 from the Rural Prosperity Fund. The due diligence and governance requirements of the proposed projects had now been completed, which were now recommended to the Executive for approval.

The Executive RESOLVED to approve:

1. **the projects that had gone through the governance journey required by government, engagement with MPs in addition to internal governance requirements, for the £1 million UK Shared Prosperity Fund (UKSPF) allocation to Waverley.**
2. **Waverley's Rural England Prosperity Fund (REPF) allocation of £400,000 to be used as a continuation of the Rural Development Programme for England: LEADER Funding (2015-2020) to support Waverley's rural business community, working with Surrey County Council, Guildford BC and Tandridge DC.**

Reason: The allocation of £1.4 million is a considerable sum that will have a significant impact on local communities and businesses. The projects funded support the priorities of the Council during the recent cost-of-living crisis and new Economic Development Strategy, currently being consulted on with external and internal stakeholders. The projects have travelled through the internal and external governance route, as approved in July 2022.

The meeting commenced at 6.00 pm and concluded at 8.04 pm