

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 11 MAY 2023

SUBMITTED TO THE COUNCIL MEETING – 18 JULY 2023

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

Present

Cllr Paul Follows (Chair)	Cllr Kika Mirylees
Cllr Peter Clark (Vice Chair)	Cllr Paul Rivers
Cllr Andy MacLeod	Cllr Liz Townsend
Cllr Mark Merryweather	Cllr Steve Williams

Apologies

Cllr Nick Palmer

EXE 113/22DECLARATIONS OF INTERESTS (Agenda item 2)

There were no declarations of interest raised under this heading.

EXE 114/22LOXLEY WELL, DUNSFOLD (Agenda item 3)

The Leader, Cllr Paul Follows, introduced the item highlighting the decision for the Executive on whether to proceed to a substantive hearing at the High Court, weighing up the legal advice provided and the potential costs.

Cllr Steve Williams, Portfolio Holder for Environment & Sustainability, opened his remarks by thanking representatives from Protect Dunsfold for their attendance at the Executive meeting. Cllr Williams noted that Waverley Borough Council had been working to protect Dunsfold from the UKOG development since 2019, when the council had held a Listening Panel to hear directly from residents and business owners about the potential impact of Loxley Well. The Listening Panel had also heard about the wider environmental concerns of the local impacts of drilling, and the moral case against enabling fossil fuel extraction in the face of a global climate emergency. Waverley's representations to Surrey County Council in objection to the UKOG drilling application were made against the background of the Council's own Climate Emergency Declaration in September 2019.

Waverley Borough Council had been a steadfast and active partner in the opposition to the planning application, including its role as a Rule 6 party to the UKOG appeal against the refusal of planning, and in joining with Protect Dunsfold and the Good Law Project to apply for Judicial Review of the Secretary of State's decision to allow planning permission. At the High Court hearing on 2 March 2023 a Judicial Review had been granted on three grounds, and there was a moral imperative to continue the fight to protect Dunsfold, and proceed to the High Court hearing on 8 June.

Cllrs Liz Townsend, Mark Merryweather and Peter Clark all spoke in support of continuing the legal challenge and echoed the words of Cllr Williams in supporting

the residents of Dunsfold, protecting the local environment, and being consistent with the council's climate emergency declaration. The oral hearing on 2 March 2023 had established that there were questions to be answered and it would be wrong for the Council to step back at this point.

The Executive RESOLVED

- i. 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; and,
- ii. authorised 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; and,
- iii. asked the Joint Chief Executive to contact Dunsfold and Alfold Parish Councils to inform them of these resolutions and explore whether those Parish Councils wish to offer their substantive support.

Reason: To continue the Council's opposition to the grant of planning permission to UKOG for drilling at Loxley Well, Dunsfold. Since holding a Listening Panel in July 2019 and hearing the concerns of local residents and businesses, and considering the wider environmental concerns, the Council has consistently expressed its opposition to any oil and gas drilling at the site. In September 2019, the Council declared a Climate Emergency and opposition to UKOG's planning permission is consistent with that declaration. Given the potential significance of the outcome of the Judicial Review, the Executive consider it a moral imperative to continue its legal challenge.

The meeting commenced at 6.00 pm and concluded at 6.15 pm

Chairman