



## EXTRAORDINARY COUNCIL MEETING

21 NOVEMBER 2017

### ORDER PAPER

#### WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you make a representation to the meeting, you will be deemed to have consented to being recorded. By entering the Council Chamber, you are also consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding webcasting of meetings, please contact Committee Services on 01483 444102.

On behalf of all councillors, I would like to welcome you to this evening's meeting. I should be grateful if you would ensure that your mobile phones and other hand-held devices are switched to silent during the meeting. If the fire alarm sounds during the course of the meeting - we are not expecting it to go off - please leave the Council Chamber immediately and proceed calmly to the assembly point in Millmead on the paved area adjacent to the river as you exit the site.

This Order Paper sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any matter on the agenda. It also sets out details of any written questions to be asked by councillors, together with any motions or amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under the Public Participation item, they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

*Councillor Nigel Manning*  
*The Mayor of Guildford*

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<b>Time limits on speeches at full Council meetings:</b>	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

## **1 APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

## **2 DISCLOSURES OF INTEREST**

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

## **3 MAYOR'S COMMUNICATIONS**

To receive any communications or announcements from the Mayor.

## **4 LEADER'S COMMUNICATIONS**

The Leader has no communications this evening.

## **5 PUBLIC PARTICIPATION**

### Statements:

The following persons have given notice of their wish to address the Council meeting in respect of agenda item 7: Proposed Submission Local Plan:

- (1) Lisa Wright
- (2) Ramsey Nagaty
- (3) Peter Shaw
- (4) Diana Elliot on behalf of Save the Hogs Back campaign
- (5) Peter Elliot on behalf of Save the Hogs Back campaign
- (6) Mike Murray, (Causeway Land, on behalf of Wisley Property Investments)

The Leader of the Council may respond to the statements from the public.

## 6 QUESTIONS FROM COUNCILLORS

- (a) **Councillor Colin Cross** to ask the Leader of the Council and Lead Councillor for Planning and Regeneration, Councillor Paul Spooner, the following question:

“There is an overwhelming and ever-increasing weight of evidence to the effect that submitting the current Draft Local Plan, with the inclusion of the Former Wisley Airfield Site (A35), for public examination would be unsound and would lead to its rejection. There are manifold unresolved issues regarding this site which include its unsustainability, A3/M25 highways matters, Greenbelt considerations and its overall undeliverability.

Given that it is the role of this Council to act with the utmost responsibility in all such strategically important actions affecting the long term future of Guildford Borough, does the Leader of the Council agree that the Council should take the necessary action to heed the advice received and therefore act to remove site A35 from the Draft Local Plan so as to ensure its progress?”

### **The Leader of the Council’s response is as follows:**

“Whilst I can understand concerns being raised by those opposed to the scheme given views expressed by contributors at the recent Wisley planning appeal, I do not accept that there is an increasing weight of evidence either to remove the Former Wisley Airfield site from the submission plan or that the plan will be found unsound if included. Highways England agree that the proposed new slip roads at Burnt Common is a modification to an existing junction.

On this basis, Highways England does not object in principle to the new slip roads. Nevertheless, they must be provided safely and with a demonstrable benefit to the economy. Highways England’s objection at the Wisley Appeal was technical in nature and related to the fact that at the time of the Appeal’s closure, insufficient technical information had been provided to them to enable them to assess whether the mitigation was technically feasible, and therefore they could not advise whether it mitigated the traffic impact on the strategic road network.

There has been considerable progress since the Inquiry in relation to the technical approval process. This information was not available to the Inspector. The appeal was in relation to a specific planning application not the soundness of a local plan. Clearly the Council did not support that specific planning application as submitted but for the local plan process the considerations are different. The Inquiry was considering the planning application and if very special circumstances exist to justify allowing this development in the green belt. The Local Plan will assess if exceptional circumstances exist to justify taking this site out of the green belt. They are very different tests and we remain confident that exceptional circumstances can be demonstrated. With the appropriate highway mitigation, improvements to public transport, delivery of a primary and secondary school, a local centre for shops and some small scale employment, the site is considered to be sustainable.

In terms of the Council acting responsibly, then submitting this plan is the most prudent course of action. Removing the site from the plan would constitute a main modification and would result in the need for a further consultation. The impact of this would be that Guildford would not be able to take advantage of the transitional arrangements in relation to the proposed approach to calculating OAN so a new plan would need to be produced based on the higher housing figure of 789 units per annum and not the 654 that this submission plan is based on. To simply remove this site will make the whole plan unsound.

We have considered the implications of the recent Inquiry and continue to think the plan is and will be found to be sound and recommend it is submitted to the Secretary of State.”

Councillor Paul Spooner  
Leader of the Council and Lead Councillor for Planning and Regeneration

- (b) **Councillor Susan Parker** to ask the Leader of the Council and Lead Councillor for Planning and Regeneration, Councillor Paul Spooner, the following question:

“In view of Government guidance that local authorities are all required to prepare a register of Brownfield land for publication before 31 December 2017\*, can the Lead Councillor for Planning and Regeneration please indicate:

- (i) where the public can find the register of brownfield land for Guildford and summarise the amount of land available;
- (ii) also indicate the estimated number of sites (in aggregate, expressed in number of dwellings or hectares) that might provide housing sites but which individually fall below the de minimis threshold for 0.25 hectares or 5 dwellings required for the register;
- (iii) if such a register is not yet in existence, please may we be informed as to the date when the required register will be available?
- (iv) if such a register has not been prepared, and will not be available prior to 31 December 2017, can the Lead Councillor please explain why government guidance has not been complied with, and why (in the absence of such a register) the Local Plan can be deemed ready for submission?

(\*please note Government guidance on the requirement to provide Brownfield registers: <https://www.gov.uk/guidance/brownfield-land-registers>)”

**The Leader of the Council’s response is as follows:**

- “(i) The Brownfield Land Register is still being prepared and therefore currently not in the public domain; however, it is on track to be completed and on our website by the Government’s deadline of 31 December 2017. The main area of work involved – the process of identifying and assessing suitable sites for inclusion – has now been completed and we have identified a total of approximately 92 ha of land that meets the criteria laid out in paragraph 1 of regulation 4 of the The Town and Country Planning (Brownfield Land Register) Regulations 2017. This land will be included in Part 1 of the published register.
- (ii) There is no legal requirement for Brownfield Land Registers to identify potential housing sites that do not meet the criteria in regulation 4(1)(a) i.e. which fall below the 0.25ha and 5 dwelling threshold; therefore we have not assessed and do not intend to include any such sites. The sites that we have assessed and will include in the register are either a) at least 0.25ha and/or b) are capable of providing at least 5 dwellings. The housing supply in the Local Plan includes an element for small ‘windfall sites’ based in part on historical completion rates.
- (iii) As stated in paragraph (i) above, the register (Part 1) will be published on our website by the Government’s deadline of 31 December 2017.
- (iv) This scenario does not apply, as our register will be available by 31 December 2017. Furthermore, the completion of a Brownfield Land Register is not a requirement in terms of Submission of a Local Plan”.

Councillor Paul Spooner  
 Leader of the Council and Lead Councillor for Planning and Regeneration

**7 PROPOSED SUBMISSION LOCAL PLAN**  
 (Pages 1 - 1612 of the Council agenda)

**Special Meeting of the Executive – 20 November 2017**

At its special meeting yesterday afternoon, the Executive considered the proposed Submission Local Plan and have endorsed the recommendation in the report submitted to the Council. A copy of the draft minutes is attached as **Appendix 1** to this Order Paper.

**Former Wisley Airfield**

On 9 November 2017, officers received an email from Wisley Action Group outlining concerns about the submission of the current draft Local Plan. Attached to this email were two legal Opinions from Richard Harwood QC. The first dated 17 May 2016 and the second dated 28 October 2017. Officers have carefully considered the concerns raised and the legal issues presented and have discussed these with our Counsel. However, they do not agree with the conclusions reached and therefore continue to support submission of the Local Plan at this stage. It should be noted that the representation submitted by Highways England at Regulation 19 stage remains unchanged.

**Motion for debate**

The Leader of the Council and Lead Councillor for Planning and Regeneration, Councillor Paul Spooner to propose, and the Deputy Leader and Lead Councillor for Infrastructure and Governance, Councillor Matt Furniss to second, the adoption of the following motion, which is set out below:

- “(1) That the draft Local Plan: strategy and sites document, together with all relevant associated documentation referred to in Appendix 4 to the report submitted to the Council, be approved for submission to the Secretary of State for the purpose of proceeding to and through the Examination in Public process.
- (2) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the submission documents as she may deem necessary.

**Reasons for Recommendation:**

- The draft Local Plan provides a coherent approach to meeting future development needs and allocates sites to accommodate sustainable development in the borough up to 2034. The document is considered to be positively prepared, justified, effective and consistent with national policy.
- The recommendations above will enable an Inspector to test the plan in terms of its legal compliance and ‘soundness’ to enable the Council to move a step closer to adopting an up-to-date Local Plan.”

**Comments:**

Councillor Caroline Reeves  
 Councillor Tony Phillips  
 Councillor Liz Hogger  
 Councillor Bob McShee  
 Councillor Mike Hurdle  
 Councillor Mike Piper

Councillor Susan Parker  
 Councillor Angela Gunning  
 Councillor Jenny Wicks  
 Councillor Tony Rooth

Following the debate on the original motion, the amendment set out below will be proposed, debated and voted on separately by councillors before the vote is taken on the motion, whether amended or otherwise:

### **Amendment**

Councillor Susan Parker to propose the following amendment:

“Substitute the following in place of the motion:

- (1) That the submission of the draft Local Plan to the Secretary of State for Examination in Public be deferred for the following reasons:
  - In light of the consultation responses in relation to the Strategic Housing Market Assessment (SHMA), it has become clear that the current draft assessment of objectively assessed need (OAN) is considered by the population of Guildford to be more than is required to meet the reasonable foreseeable needs of the community, given the fact that 89% of the borough is Green Belt, 44% is AONB, and especially given the problems with local infrastructure and the issue of air quality.
  - Given that the analysis prepared for the SHMA includes an uplift for economic factors, and that the analysis was prepared before the EU Referendum, the SHMA analysis does not take into account the prospective impact of Brexit and is therefore overstated.
  - Furthermore, the SHMA calculations were prepared in conjunction with those for the borough of Waverley, which were themselves found by an inspector to be questionable within an inquiry.
- (2) That a small cross-party working group be established:
  - (a) to review the SHMA in the light of the circumstances referred to in paragraph (1) above, and finalise the number for the OAN and the revised housing target number, for inclusion in the draft Local Plan,
  - (b) to reconsider the proposed inclusion in the draft Local Plan of greenfield sites in terms of their suitability and sustainability,
  - (c) to consider whether the inclusion of greenfield sites should be conditional only, with their inclusion being subject to the creation of a suitable register of available brownfield sites, and where such a register provides adequate space on available sites for the revised housing target number, then greenfield and Green Belt sites would be withdrawn from the final version of the Local Plan; and
  - (d) to suggest suitable amendments to the text of the draft Local Plan prior to further consideration by the Council.”

Councillor David Reeve to second the amendment.

To order the Common Seal.

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**EXECUTIVE**

20 November 2017

- \* Councillor Paul Spooner (Chairman)
- \* Councillor Matt Furniss (Vice-Chairman)

- |                                 |                                 |
|---------------------------------|---------------------------------|
| * Councillor David Bilbé        | * Councillor Graham Ellwood     |
| * Councillor Richard Billington | * Councillor Michael Illman     |
| * Councillor Philip Brooker     | * Councillor Nikki Nelson-Smith |
| * Councillor Geoff Davis        | * Councillor Iseult Roche       |

\*Present

Councillors Susan Parker and Caroline Reeves were also in attendance.

**EX48 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**EX49 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST**

There were no disclosures of interest,

**EX50 PROPOSED SUBMISSION LOCAL PLAN**

In accordance with Public Speaking Procedure Rule 3, the following persons addressed the meeting:

- Ramsey Nagaty
- Mike Murray (Causeway Land, on behalf of Wisley Property Investments Ltd)
- Lisa Wright on behalf of the Save the Hog's Back campaign

The Executive considered the Proposed Submission Local Plan: strategy and sites ("the draft Local Plan") which outlined the spatial development strategy for the borough up to 2034. The draft Local Plan had set out the quantum and location of development based on an evaluation of objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development could be provided in a sustainable way following consideration of other policy constraints. The conclusion reached was that appropriate sustainable sites could be allocated within the plan to meet the OAN for both housing and employment.

The draft Local Plan was also concerned with the protection and enhancement of our environment, the provision of appropriate infrastructure to support the planned growth of the borough and the promotion of sustainable transport.

The draft Local Plan contained minor corrections and suggested minor amendments as tracked changes which, if approved by the Council at its extraordinary meeting on 21 November 2017, would be put before the Inspector for consideration at the forthcoming Examination.

Subject to the Council's approval, it was proposed to submit the plan to the Secretary of State by 15 December 2017.

The following points were highlighted during the debate by non-Executive councillors:

- The Council has been told by Government that, on the one hand we must protect our green belt and areas of outstanding natural beauty and on the other that, at the same time, we must build more houses.
- We need a Local Plan that will protect the Council and give us some control by ensuring that development is located in the right places and in accordance with need, particularly the need for smaller homes
- Increasing density in the urban areas will only exacerbate existing congestion problems
- A Local Plan will ensure that developers contribute towards infrastructure improvements and create genuine sustainability
- Increasing density does not necessarily increase congestion as the provision of good public transport can actually reduce congestion
- We need starter homes and social homes not detached houses in the countryside
- Given the emphasis on preservation of the greenbelt, has the Council complied with the requirement to establish a register of brownfield sites?
- Given the promises that have been made historically that the housing number will be dependent on delivery of infrastructure, this Local Plan appears to be identifying sites for development without the necessary infrastructure being in place
- No attempt has been made to constrain the housing number because of the level of green belt and areas of outstanding natural beauty in the borough

The following points were highlighted during the debate by Executive councillors:

- The register of brownfield sites would be in place before the end of the year and all available brownfield sites had already been identified and any such sites that are available during the plan period are in the draft Local Plan
- The Housing Topic Paper confirms that Guildford cannot meet any unmet housing need from neighbouring boroughs
- Removing a strategic site allocation will necessitate the identification of a new site in order to meet our housing number
- The Council should express its confidence in the significant work undertaken to date in respect of the plan-making process, and this well-balanced draft Local Plan now provides a base from which future planning decisions can be made
- The borough urgently needs a Local Plan in order to maintain control over the location and type of development to meet the identified needs of the people who live and work here
- It was apparent at the recent Wisley and Railway Station Inquiries how much weaker the Council's position was in the absence of an up to date Local Plan
- Failure to submit our draft Local Plan now may result in having a higher housing target imposed on us
- Concern over the continuing inability for young people and key workers to find affordable housing in the borough
- Concern over ongoing cost to the Council of developing our Local Plan
- The Infrastructure Schedule sets out all the infrastructure that is needed, and this is linked to the individual site policies
- We are receiving money and grants for infrastructure projects from government and Enterprise M3 Local Enterprise Partnership based on our plans for growth to address current infrastructure issues, for example Slyfield Area Regeneration Project, two new railway stations in the town and the Sustainable Movement Corridor
- Thanks to Stuart Harrison and his team for the huge amount of work they have undertaken in getting the draft Local Plan to this submission stage

The Executive acknowledged that the plan process to date had been a long journey and many changes had been made to it along the way, but that the Council was now in a position to submit a sound plan for examination.

The Executive therefore

**RECOMMEND:**

- (1) That the draft Local Plan: strategy and sites document, together with all relevant associated documentation referred to in Appendix 4 to the report submitted to the Council, be approved for submission to the Secretary of State for the purpose of proceeding to and through the Examination in Public process.
- (2) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the submission documents as she may deem necessary.

Reasons for Recommendation:

- The draft Local Plan provides a coherent approach to meeting future development needs and allocates sites to accommodate sustainable development in the borough up to 2034. The document is considered to be positively prepared, justified, effective and consistent with national policy.
- The recommendations above will enable an Inspector to test the plan in terms of its legal compliance and ‘soundness’ to enable the Council to move a step closer to adopting an up-to-date Local Plan.

The meeting finished at 3.25 pm

Signed .....

Chairman

Date .....

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