



COUNCIL MEETING

THURSDAY, 25 APRIL 2019

ORDER PAPER

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GUILDFORD
BOROUGH

EXTRAORDINARY COUNCIL MEETING

25 APRIL 2019

ORDER PAPER

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014.

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 have any queries regarding webcasting of meetings, please contact Committee Services.

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 the business for which this extraordinary Council meeting has been called. It also sets out details of any motions and 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 Item 5 (Public Participation), 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 Mike Parsons
The Mayor of Guildford

| Time limits on speeches at full Council meetings: | |
|---|------------|
| 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.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

4 LEADER'S COMMUNICATIONS

The Leader to comment on, and thank, councillors of all parties who are not seeking re-election.

Councillors shall have the opportunity of asking questions of the Leader in respect of his communications.

5 PUBLIC PARTICIPATION

Statements:

The following persons have given notice of their wish to address the Council meeting in respect of agenda item 7: Adoption of the Guildford Borough Local Plan: Strategy and Sites:

- (1) John Rigg, on behalf of the Guildford Vision Group
- (2) Ramsey Nagaty, on behalf of Fiona Curtis
- (3) Annie Cross, on behalf of the Lovelace Neighbourhood Plan Group
- (4) Karen Stevens, on behalf of Compton PC and Save Hogs Back
- (5) Peter Elliott, GGG candidate for Normandy and member of the Save Hogs' Back Committee
- (6) Julian Lyon
- (7) Joss Bigmore, on behalf of Residents for Guildford and Villages
- (8) Lisa Wright
- (9) Kenneth Miller
- (10) Amanda Mullarkey, on behalf of Guildford Residents Association

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

6 QUESTIONS FROM COUNCILLORS

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

"In view of the short amount of time to read the 606 pages of the Council report and appendices relating to the Local Plan before the date of this meeting, and with the Easter Bank Holiday covering four days, as well as Councillors being busy electioneering they will not have had sufficient time to fully absorb the contents, does the Leader of the Council agree that the question as to whether the Council should adopt the Local Plan should be deferred until after 2 May 2019?"

The Leader of the Council's response is as follows:

"I am very happy to confirm to Councillor McShee that I emphatically do not agree that the Council should defer consideration of the adoption of the Local Plan until after 2 May 2019. I would remind him that, at the last Council meeting on 9 April, he had originally proposed a motion asking the Council to agree to defer consideration of this matter until after the Borough Council Elections. By 25 votes to 14, the Council decided that it did not wish to defer. Nothing has changed materially since then."

Councillor Paul Spooner

Leader of the Council and Lead Councillor for Planning and Regeneration

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

"In relation to the officer's report on the Council agenda, could the Leader of the Council please explain:

- (a) what does "quickly" in paragraph 5.5 mean for the required timescale for the Council to adopt a local plan?;
- (b) what period of time does the draft local plan carry material weight (paragraphs 5.15 and 5.23 refer)?;
- (c) whether any and/or all of the officer's report, the Inspector's Report dated 27 March 2019 (Appendix 1) and the AECOM Sustainability Appraisal Statement (Appendix 6) complies with the LGA guidance on publicity during the pre-election period which states that councils should "not publish report findings from consultation exercises, which could be politically sensitive"?; and
- (d) what are the circumstances and timescales in which the three councils named in paragraph 5.21 have not made progress in plan making as to warrant government intervention, and the current position with regard to each of the three councils?"

The Leader of the Council's response is as follows:

"In response to part (a) of Councillor Rooth's question, "quickly" is not defined in this context, and does not indicate a specific timeframe so it must be taken to have its accepted meaning, that is "*with little or no delay; promptly*".

In response to part (b), if a decision was taken not to adopt the Local Plan then the document can carry very little, if any, weight. The document will never progress to adoption so its content is not progressing towards adoption. NPPF para 48 states 'A Local Authority may give weight to relevant policies in emerging plans according to'. This plan could no longer be described as emerging. If however the Local Plan were adopted then from day one it would carry full weight.

In response to part (c), the Council is aware of the LGA guidance, and has had regard to the Code of Recommended Practice on Local Authority Publicity in its observation and compliance with the legal duty, which is contained within the Local Government Act 1986, and legal advice has been sought and taken appropriately.

In response to part (d), I can confirm the following:

Wirral – The current Local Plan was adopted in 2000. They have recently published an action plan in response to the direction of the Secretary of State for Housing, Communities and Local Government dated 28 January 2019. Their current Local Development Scheme states that Submission is expected in January 2020 and adoption in January 2021.

Thanet – The current Local Plan was adopted in 2006. They submitted their plan in October 2018 and are currently undergoing examination.

Castle Point – The current Local Plan was adopted in 1998. In November 2018 the Council resolved to not submit their plan for examination. The Council is now in discussions with the Ministry of Housing, Communities and Local Government in relation to next steps”.

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

7 ADOPTION OF THE GUILDFORD BOROUGH LOCAL PLAN: STRATEGY AND SITES:
(Pages 1 - 606 of the Council agenda)

Special Meeting of the Executive – 25 April 2019

At its special meeting this morning, the Executive considered the report to Council on the proposed adoption of the Local Plan. The Executive commented as follows:

“The Executive notes the Inspector’s conclusion that the Guildford Borough Local Plan: Strategy and Sites is sound, subject to a number of Main Modifications being made, and that these, together with minor modifications, have now been incorporated into the Final Version of the Local Plan set out in Appendix 4 to the report to Council.

The Executive notes, therefore, that full Council may now proceed to consider and decide whether to adopt, or not adopt, the Guildford Borough Local Plan: Strategy and Sites at its extraordinary meeting this evening”

Recorded votes

The Mayor to propose that any vote taken on the motion and amendments are carried out by way of a recorded vote. Four other councillors are requested to support the Mayor’s proposal.

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 Local Plan: strategy and sites (at Appendix 4 to this report), which incorporates the Inspector’s Main Modifications (at Appendix 2 to this report) and the Council’s Minor Modifications (at Appendix 3 to this report), be adopted.
- (2) That those policies within the Guildford Borough Local Plan 2003 that are not being retained, as set out in Appendix 8 of the Local Plan: strategy and sites, be withdrawn.
- (3) That updates to the Guildford Borough Policies Map be adopted in line with the Local Plan: strategy and sites policies maps at Appendix 5 to this report.
- (4) 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 clarity of the adopted Local Plan and Policies Map as she may deem necessary”.

The Local Plan provides a coherent approach to meeting future development needs and allocates sites to accommodate sustainable development in the borough up to 2034.

Reasons:

The motion, if approved, will enable the Local Plan: strategy and sites to become part of the Council’s development plan and carry full weight in the determination of planning applications. This first paragraph of the motion is made in light of a consideration of the restricted options now available to Council, which are limited to the binary choice of adopting the Local Plan (with Main Modifications recommended by the Inspector) or not. As a matter of law, the Council is not

permitted to adopt the Local Plan without the Main Modifications proposed by the Inspector, or to choose only some of them. Nor can it, at this stage, seek to alter the Local Plan (beyond the minor modifications explained above).

The benefits of adopting the Local Plan include that this would:

- (i) create an environment of planning certainty where new development can come forward to meet need in a planned manner;
- (ii) provide the Council with a 5-year housing land supply and the benefits associated with this in terms of decision-making relating to planning applications;
- (iii) secure planning benefits for the Borough's community; and
- (iv) ensure longevity of the plan.

Adoption would avoid risks of:

- (i) government intervention;
- (ii) the potential need to prepare a new Local Plan, with the time and costs associated with such preparation;
- (iii) the likelihood of needing to adopt a higher housing requirement of at least 14,000 homes over 19 years (the minimum local housing need figure would be 740 dwellings per annum based on the government's standard method); and
- (iv) all the range of dis-benefits that go with not having an up to date Plan.

The second paragraph of the motion is to enable the Local Plan 2003 policies that are superseded by new policies in the Local Plan: strategy and sites document to be withdrawn. The Local Plan 2003 policies that are not superseded will be retained and continue to be used in determining planning applications.

The third paragraph of the motion allows for the update to the Guildford borough Policies map in line with, and as a consequence of, the proposed adoption of the Local Plan: strategy and sites.

The fourth paragraph of the motion is provided to enable minor alterations to be made should they be necessary post adoption.

Comments:

Councillor Mike Piper
 Councillor Susan Parker
 Councillor Mike Hurdle
 Councillor David Reeve
 Councillor Angela Gunning
 Councillor Jenny Wicks
 Councillor Caroline Reeves
 Councillor Liz Hogger

Amendment No.1

Councillor Susan Parker to propose the following amendment:

"That consideration of the adoption of the Local Plan be deferred to provide for a period of time pending consideration of:

- (a) the question as to the legality of the Habitat Regulations Assessment;
- (b) whether, given that the brownfield review was not available to councillors at the time the Council resolved to submit the Local Plan to the Secretary of State for examination in November 2017, any procedural irregularity has arisen;
- (c) whether consultation on the Main Modifications was appropriately conducted and complete; and

- (d) the question as to whether the proposed infrastructure improvements to Junction 10 of the M25 will be proceeding”

Councillor Tony Rooth to second the amendment.

NB. Amendment No. 2 below will only be considered if Amendment No. 1 is lost.

Amendment No. 2

Councillor Tony Rooth to propose the following amendment:

After paragraph (4) of the motion, add the following paragraph:

“(5) That, in the event that the proposed Local Plan is adopted this evening, the following matters in relation to that decision be reviewed by the Corporate Governance and Standards Committee for subsequent referral to Council:

- (a) whether the procedure for the adoption of this motion fully complies with the requirements of the Local Government 1986 section 2 and the supporting LGA guidance
- (b) whether the schedule of meetings (including the briefing for councillors on 18 April 2019) arranged for consideration of the proposed Local Plan was sufficient and appropriate to enable a proper and informed decision to adopt the Local Plan
- (c) whether the requirements of the Councillors' Code of Conduct were observed, in particular the requirement for objectivity – that holders of public office must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination or bias”.

Councillor Susan Parker to second the amendment.

8 COMMON SEAL

To order the Common Seal.
