

Contact Officer:

John Armstrong, Democratic Services &  
Elections Manager

21 December 2022

Dear Councillor

Your attendance is requested at a meeting of the **EXECUTIVE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **THURSDAY, 5 JANUARY 2023** at 7.00 pm.

Yours faithfully

Tom Horwood  
Joint Chief Executive  
Guildford & Waverley  
Borough Councils

#### **MEMBERS OF THE EXECUTIVE**

Chairman:

Councillor Julia McShane (Leader of the Council and Lead Councillor for Community and Housing)

Vice-Chairman:

Councillor Joss Bigmore (Deputy Leader of the Council and Lead Councillor for Finance and Planning Policy)

Councillor Tim Anderson, (Lead Councillor for Assets and Property)

Councillor Tom Hunt, (Lead Councillor for Planning Development, Legal and Democratic Services)

Councillor George Potter, (Lead Councillor for Climate Change and Organisational Development)

Councillor John Redpath, (Lead Councillor for Customer and Commercial Services)

Councillor John Rigg, (Lead Councillor for Regeneration)

Councillor James Steel, (Lead Councillor for Environment and Regulatory Services)

#### **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.

#### **QUORUM 3**

## THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

### **Our Vision:**

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### **Our Mission:**

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### **Our Values:**

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### **Our strategic priorities:**

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

#### Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

#### Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

## AGENDA

### ITEM NO.

#### **1 APOLOGIES FOR ABSENCE**

#### **2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST**

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 MINUTES (Pages 5 - 14)**

To confirm the minutes of the meetings of the Executive held on 23 November 2022 and 12 December 2022.

#### **4 LEADER'S ANNOUNCEMENTS**

#### **5 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 15 - 22)**

#### **6 INFRASTRUCTURE FUNDING STATEMENT 2021-22 (Pages 23 - 38)**

#### **7 SEND HILL DISUSED SANDPIT - SUPPLEMENTARY ESTIMATE - STAGE 2 (INVASIVE) CONTAMINATION SURVEY (Pages 39 - 54)**

#### **8 WEYSIDE URBAN VILLAGE FINANCIAL REVIEW \***

The report is to follow.

#### Key Decisions:

Any item on this agenda that is marked with an asterisk is a key decision. The Council's Constitution defines a key decision as an executive decision which is likely to result in expenditure or savings of at least £200,000 or which is likely to have a significant impact on two or more wards within the Borough.

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, whenever the Executive intends to take a key decision, a document setting out prescribed information about the key decision including:

- the date on which it is to be made,
- details of the decision makers,
- a list of the documents to be submitted to the Executive in relation to the matter,

- how copies of such documents may be obtained

must be available for inspection by the public at the Council offices and on the Council's website at least 28 clear days before the key decision is to be made. The relevant notice in respect of the key decisions to be taken at this meeting was published as part of the Forward Plan on 08 December 2022.

## EXECUTIVE

\* Councillor Julia McShane (Chairman) \*  
Councillor Joss Bigmore (Vice-Chairman)

\* Councillor Tim Anderson  
\* Councillor Tom Hunt  
Councillor George Potter

\* Councillor John Redpath  
\* Councillor John Rigg  
\* Councillor James Steel\*

\*Present

Councillor Fiona White was in remote attendance.

### EX51 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Deputy Leader, Councillor Joss Bigmore, and Councillor George Potter, Lead Councillor for Climate Change.

### EX52 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

### EX53 MINUTES

The minutes of the meeting held on 27 October 2022 were confirmed as a correct record. The Chairman signed the minutes.

### EX54 LEADER'S ANNOUNCEMENTS

The Leader made the following announcements:

A wonderful day was enjoyed last Sunday at the Festive Family Fun Day with its huge programme of free family fun, performances and activities. Thanks were given to everyone who joined to celebrate the start of the festive season. Everyone was directed to social media channels and the Visit Surrey web site for more festivities in Guildford up until 5 January.

Carers' Information Fair at the Hive. There was a free event for Surrey's unpaid family and friend carers this Saturday between 10am and 2pm at The Hive. The event was organised by Action for Carers in Surrey. The event would provide an opportunity for people to celebrate Carers' Rights Week. Unpaid carers registered with Action for Carers could get a 50% discount code for the honey pot café at the hive

White Ribbon Campaign for Domestic Abuse. This year's White Ribbon campaign starts on 25 November. The date is designated by the United Nations as the International Day for the Elimination of Violence Against Women. It would be followed by 16 days of activism, concluding on Human Rights Day on 10 December.

Guildford & Waverley Business Question Time was a free networking event for the local business community. The aim of the evening was to explore immediate concerns in terms of the cost-of-living crisis, energy security, climate change, recruitment, post-Brexit trade and other national and local challenges. The event would be held from 5:00pm on Monday 12 December 2022 at Charterhouse School in Godalming and chaired by local broadcaster, Peter Gordon. The question panel of key business leaders included Strategic Director of Place, Dawn Hudd and places could be reserved via Eventbrite:

[Guildford & Waverley Business Question Time Tickets, Mon 12 Dec 2022 at 17:00 | Eventbrite](#)

Christmas Fair at the Hive on Saturday 10 December between 11am to 2pm would include Christmas stalls, Santa's grotto, chestnuts on the fire, and music from Get Plucky Ukulele Group and Rhythm of Voice Community Choir.

The annual Christmas Bereavement Service at the Crematorium would be held on Tuesday 6 December at 6.30pm. There would be carols, readings and a chance to light a candle in memory of loved one.

The government wanted the UK to be the best place for veterans to live in the world. The Veterans' Survey would gather views from the UK veteran community on how to shape future services. The Council was encouraging UK veterans and their families living in our borough to complete the online survey on the [Office of National Statistics web site](#).

The Council was considering building a trim trail in Shalford Park and would like people's feedback on the style and location. The Shalford survey would run until 8 January 2023. Search Shalford Survey on the Council's [website](#) to complete the online survey

The Farmers Market would return on Tuesday 6 December on the High Street (every first Tuesday of the month)

Finally, Guildford Children's Business Fair had taken place last Saturday. Young entrepreneurs aged 7-17, launched 40 businesses and sold to hundreds of customers. Strategic Director of Place, Dawn Hudd, joined as a judge, touring the stands, and awarding prizes for Best Product, Best Stand and Best Sales Pitch.

#### **EX55 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

The intention of the report was to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive decisions on the submitted matters.

The Executive noted the report and that there had been no updates since the previous meeting.

#### **EX56 PARISH COUNCIL'S CONCURRENT FUNCTIONS GRANT AID APPLICATIONS FOR ASSISTANCE 2023-24**

The Executive considered a report on the Council's concurrent functions grant aid scheme that provided financial assistance to parish councils. Concurrent functions

were services which both the Borough Council and the parish councils were empowered to undertake. The Lead Councillor for Resources introduced the report.

The report was produced in time for the parish councils to put together their budgets for the coming year. The Council had received 28 detailed applications from 14 of the 23 parish councils amounting to a total of £93,663. A panel of officers had evaluated the bids. Of those, 4 bids were subsequently withdrawn or rejected. The bids brought forward for approval totalled £67,305, which was £22,695 under the base budget of £90,000. The remaining budget of £22,695 was to be transferred to the Parish Council Urgent Schemes Reserves. Details were set out in the appendices to the report.

The Executive

RESOLVED:

- (1) That the concurrent functions grant budget for 2023-24 be set at £90,000, subject to final confirmation by the Council, at its budget meeting in February 2023.
- (2) That future years' budget from 2024-25 be reviewed in consultation with parish councils.
- (3) That the parish council requests for grant aid for 2023-24, as set out in Appendix 3 to the report, be approved.

Reason(s):

- To assist parish councils with expenditure on concurrent function schemes in 2023-24.
- To enable parish councils to take account of financial assistance from Guildford Borough Council when calculating their precept requirements for 2023-24.

#### **EX57 SUPPLEMENTARY ESTIMATE FOR FUNDS IN RESPECT OF PLANNING APPEALS RELATING TO MEMBER OVERTURN DECISIONS**

Appeals against planning decisions were a statutory provision within planning law. An applicant could appeal any decision or a failure to make a decision on a planning application. When an appeal was lodged, the local planning authority should be prepared to make a robust defence of its decision. Most appeals were addressed at officer level incurring a time cost, but for large scale appeals on complex applications there was a necessity to appoint additional counsel and specialist witnesses. There was currently no budget for such appointments and therefore a supplementary budget was sought.

The Executive considered a report that sought a supplementary budget for three appeals which had already been considered (Ash Manor, the Howard of Effingham and Urnfield) and a supplementary estimate to be brought forward at the time an appeal was made to secure agreement for monies to defend the appeal. The report was introduced by the Lead Councillor for Development Management.

It was noted that the funding would be drawn from the revenue budget which was a serious level of cost to the Council and that every care should be taken to ensure that planning refusals were underpinned by policy. The Chairman of the Planning Committee, Councillor Fiona White was in attendance and commented that Planning Committee members must be able to use their discretion if they understood there to be sound policy reasons for refusal.

The Executive

RESOLVED:

- (1) That the need for a supplementary estimate for the Development Management service of £535,000 to cover the payments required to defend three significant appeals relating to Member overturn decisions which were subsequently heard at either public inquiry or as a hearing, be noted.
- (2) That full Council (6 December 2022) be recommended to note the report and to approve the supplementary estimate.

Reason:

To ensure robust defence of planning appeals resulting from Member overturn decisions.

### **EX58 DEVELOPMENT MANAGEMENT ESTABLISHMENT REVIEW**

The Executive noted that the Council had seen an unprecedented number of planning applications submitted during the past two years. This, combined with the effects of the pandemic and the loss of several key staff members, had left the organisation in a position where a significant backlog of applications had built up affecting performance and customer service.

The Executive considered a report that set out a series of mitigations to address the backlog undertaken to date and which proposed a supplementary budget to support several short-term measures to bolster performance and secure longer-term support to ensure that performance returned to pre-pandemic levels. To achieve this there was a requirement to increase the number of establishment roles within the Development Management and Customer Case and Parking services, where key validation tasks were carried out when planning applications were first received. The Lead Councillor for Development Management introduced the report.

The measures set out in the report were considered essential to address the impact on the service over the past two years to improve performance and efficiency and to establish a robust and customer focused service that met all key indicators and reduced the threat of designation.

The Executive agreed that customer service and communications with applicants needed to be improved. Consequently, the Executive

RESOLVED:

- (1) That a supplementary budget for the 2022-23 financial year for the Development Management service of £465,400 and £15,800 for the Customer Case and Parking Service to provide additional resources and support to address the backlog of planning applications and ensure the delivery of a robust service, be approved.
- (2) That additional funding for the 2023-24 financial year for the Development Management service of £387,700 and £100,420 for the Customer Case and Parking Service to provide additional resources and support, be approved.



Reasons:

To ensure the return to a robust and customer focused Development Management function and to ensure that we can meet Key Performance Indicators and reduce the threat of Designation.

**EX59 GUILDFORD JOINT COMMITTEE**

The Executive considered a report on the future of the Guildford Joint Committee, which had been established in 2018, and had dealt with a range of GBC and SCC executive and non-executive functions.

The report noted that Surrey County Council's Cabinet had decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Guildford Joint Committee, and other Joint Committees and Local Committees in Surrey, to county officers, in consultation with relevant divisional members. Those changes took effect from 1 April 2022. The County Council had also agreed at its Annual Meeting on 24 May 2022 that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county should hold those offices only until 31 October 2022. On 27 September 2022, the Leader of Surrey County Council had decided to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022. At the County Council meeting on 11 October 2022, formal approval was given to serve notice of the County Council's intention to withdraw from all of Joint Committees in Surrey (the notice to expire on or before 30 April 2023), and to transfer all non-executive functions relating to Public Rights of Way back to the County's own local governance arrangements.

Given the series of decisions taken by Surrey County Council, the Executive considered a report proposing the transfer the existing executive and advisory functions currently within the remit of the Joint Committee back to Guildford Borough Council. If agreed, full Council would be asked on 6 December 2022, to transfer the existing non-executive functions relating to public rights of way back to Guildford Borough Council. If the Executive and Council agreed to this action, then the Joint Committee would effectively be dissolved as of 6 December (rather than next April) as it would have no functions delegated to it.

The Lead Councillor for Resources introduced the report in the absence of the Deputy Leader of the Council.

The Executive, having considered that the decisions taken by the County Council to be regrettable,

**RESOLVED:**

- (1) That the transfer of all the Borough Council's executive and advisory functions from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, be approved with immediate effect, and that those functions revert back to being delegated to the Executive.
- (2) That full Council, on 6 December 2022, be asked to approve the transfer of all the Borough Council's non-executive functions relating to public rights of way from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, and that those functions be delegated back to the Lead Specialist – Legal.

Reason:

To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Guildford Joint Committee.

**EX60 SELECTION OF MAYOR AND DEPUTY MAYOR 2023-24**

At its meeting on 6 December 2022, the Council would be asked to consider nominations for the Mayoralty and Deputy Mayoralty of the Borough for the municipal year 2023-24. The Council would be requested to consider formally the nomination of the current Deputy Mayor, Councillor Masuk Miah for the Mayoralty of the Borough for 2023-24, subject to Councillor Miah’s re-election to the Council on 4 May 2023.

Group leaders had been asked to submit nominations for the Deputy Mayoralty for 2023-24 by no later than 18 November 2022. No nominations had been received.

It was noted in the Supplementary Information Sheet that if no nominations had been received before the Council meeting on 6 December, the Council would be asked to agree to defer consideration of that matter to the meeting of the Council to be held on 8 February 2023.

The Executive

**RESOLVED:**

To recommend to Council on 6 December 2022:

That, subject to the outcome of the Borough Council elections in May 2023, the Deputy Mayor, Councillor Masuk Miah be nominated for the Mayoralty of the Borough for the 2023-24 municipal year.

Reason:

To make early preparations, subject to the outcome of the Borough Council elections in May 2023, for the selection of the Mayor and Deputy Mayor for the municipal year 2023-24.

The meeting finished at 7:35pm.

Signed .....

Date .....

Chairman

## EXECUTIVE

- \* Councillor Julia McShane (Chairman)
- \* Councillor Joss Bigmore (Vice-Chairman)

- \* Councillor Tim Anderson
- \* Councillor Tom Hunt
- \* Councillor George Potter

- Councillor John Redpath
- Councillor John Rigg
- Councillor James Steel

\*Present

### EX1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Redpath, John Rigg and James Steel.

### EX2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

### EX3 LEADER'S ANNOUNCEMENTS

'Warm hubs' were being opened across Surrey in local community spaces which were run by Surrey County Council (SCC). The hubs were drop-in centres where residents might have a hot drink, meet others and receive supportive information and advice about energy costs. A map showing the location of the hubs across Surrey was available on the SCC website. A list of the hubs in Guildford was available on the Council's website.

[Help with finding a warm hub - Guildford Borough Council](#)

There was a cold weather warning in place across Guildford and residents were asked to be prepared and to check in on vulnerable friends and neighbours.

Residents concerned for anyone sleeping 'rough' or outdoors could contact the Council's support team on 01483 302495.

Over the Christmas period there would be changes to bin collections and no garden waste collection for two weeks between 26 December and 6 January. A full list of the bin collection schedule was available on the Council's website.

[Changes to bin collection days over Christmas and New Year - Guildford Borough Council](#)

Events at Guildford Museum included 'A History of Guildford Football and the Beautiful Game' as well as the Twelve Days of Christmas Trail' which was suitable for children aged four and above. Entry to the museum and the Trail was free. The museum was open Wednesday – Saturday 12 Noon to 4:30pm (last entry 4:00pm).

**EX4 GUILDFORD PARK ROAD REDEVELOPMENT - ACTION TO SECURE ELECTRICAL CONNECTIONS AND CAPACITY FOR THE NEW DEVELOPMENT**

The Council had been working with the appointed professional team to develop a new planning application for the Guildford Park site to deliver a residential scheme of circa 240 new homes. This work had progressed to RIBA stage 3 and the planning application would be submitted soon.

It had been established that there were electrical distribution network capacity issues in Guildford that could have significant consequences for the cost and deliverability of the redevelopment scheme in the future. The Council had the opportunity to act now to secure capacity for its development through early funding of the future electrical connections required for the scheme. The cost was £360,000 based upon the quotation received from UK Power Networks (UKPN). This cost had been budgeted for but was not expected to be incurred at this early stage of the project. Officers had no existing delegation to authorise payment in respect of this cost at this stage.

Given the urgency of the decision which, in compliance with the UKPN contractual arrangement, was to be taken no later than 15 December 2022 the special meeting of the Executive had been convened.

The Leader of the Council introduced the report and thanked the Chairman of the Overview and Scrutiny Committee for waiving the call-in procedure and the requirement to wait the 28-day period for a key decision.

It was explained that since the agenda had been published, legal advice had been received which considered that instructing UKPN to undertake all works, including those that were contestable, would not comply with procurement regulations unless an appropriate exemption was sought. Contestable works were the elements of the connections work which could be undertaken by others.

For the purposes of securing the capacity it was acceptable to instruct UKPN to undertake non-contestable works only. This work had been costed at £70,106.89. Non-contestable works were the elements of the connections work which must be completed by UKPN.

There was scope to instruct UKPN to undertake the contestable works at a later stage if it could be determined that this would provide best value for the project and an appropriate procurement exemption was sought. This information was set out in the Supplementary Information Sheet circulated at the meeting.

The UKPN quotation for the contestable works set out terms and conditions regarding timescales for take up but these were negotiable given the Council had entered into the agreement. If, in future, either the Council as developer or another party as developer required negotiations for contestable works this could be agreed alongside the non-contestable works.

UKPN would reimburse the Council should the work to develop the site not proceed, but the level of reimbursement would be subject to deductions dependent upon how much advance preparatory work had been undertaken by UKPN. Consequently, the Executive,

RESOLVED:

- (1) To authorise immediate payment of £70,106.89 to UK Power Networks (UKPN) to establish the capacity for, and cost of, the electrical connections that will be required for the Guildford Park Road Redevelopment scheme.
- (2) To authorise the Strategic Director: Place, in consultation with the Lead Councillor for Resources, to enter into such agreements as are necessary with UKPN.
- (3) To agree that funding for this payment be brought forward into this financial year from the approved HRA capital programme budget for 2023/24 in respect of this project.
- (4) To agree that the call-in provisions of Overview and Scrutiny Procedure Rule 16 (h) should not apply in respect of the decision in respect of this matter due to its urgency.

Reasons:

Officers consider that authorising this payment now will be of significant benefit to this project in the future. Making the payment will secure electrical capacity for the scheme and shield it from unquantified but potentially significant cost, programme and deliverability risk.

The meeting finished at 7.13 pm

Signed .....

Chairman

Date .....

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## Recommendations to the Executive from the Overview and Scrutiny Committee

### Document Purpose

The intention of this document is to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive decisions on the submitted matters. The Executive's agreed response to the recommendations will be fed back to the Overview and Scrutiny Committee, and relevant officers.

### Explanatory note:

**Progress Status:** This column indicates individual progress status for each recommendation and will present one of three options:

- Awaiting Executive Consideration
- Accepted or Approved by the Executive
- Rejected by the Executive

**Suggested Response to Recommendation and Reasons:** This column indicates what action, if any, the Executive proposes to take or may already have been taken in response to the recommendation and the reasons) for the action, or no action.

### Approved Recommendations:

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
2 March 2021 Reference OS63	Guildford Crematorium Redevelopment	That the Executive be requested to ensure that:	22 March 2022	Executive approved suggested response.	The Future Guildford Programme implemented the Council's transformation plan.	Abi Lewis/ Directors

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
	Post Project Review	<p>1.Council projects are accurately scoped and well-defined at the outset and any extension of scope is assessed carefully.</p> <p>2.Council projects go beyond legal minimum standards and aspire to be the best possible.</p> <p>3.Senior officers be held accountable for ensuring that resources in place for projects are adequate.</p>			<p>As part of Phase A of the Programme, a new Project and Performance Management (PPM) Governance team was established in 2020 which has undertaken extensive work to implement a new PPM Governance Framework to improve the delivery of all GBC projects and programmes to achieve the strategic objectives set out in the Corporate and Local Plans. Now an Enterprise Portfolio Structure has been defined, work is underway to rationalise boards and clarify decision-making.</p> <p>The following specific processes implemented help to ensure the right project controls are in place from the outset:</p> <ul style="list-style-type: none"> <li>• A start-up process to control the number of projects initiated</li> <li>• A mandate being developed for each project for consideration by service leaders and Councillors helping to develop a common understanding of</li> </ul>	



O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					<p>objectives and anticipated outcomes of projects.</p> <ul style="list-style-type: none"> <li>• The Business Case, developed from the Strategic, through the Outline Business Case and confirmed at Full Business Case is a clear statement of scope and baselines and a robust rationale for proceeding with the project.</li> <li>• Progress through the stages is controlled by gates, these are managed by the Corporate Governance Team.</li> </ul> <p>The project mandate will provide a broad definition of a project’s objectives, scope, constraints, benefits, risks and costs – which are further defined in the development of the business case. Aspirations to exceed minimum standards tends to come at the cost of time and money. The business case should recommend the option that provides best social value or best value for money and responds to any statutory requirements.</p>	

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					<p>The new PPM Governance Framework provides the opportunity for officers across the organisation to review project mandates and business cases, and to consider the potential impact of the proposals on their service area. This includes consideration of whether the project is achievable within the existing resources (financial and staffing) and whether mitigation is required to deliver the preferred option successfully. This might include highlighting a need to recruit to fill a specialist skillset that is necessary for the project and the required budget to enable this. The internal project governance structures ensure officers provide regular updates on the status of projects and provide the opportunity for risks and issues to be escalated to senior decision makers as necessary. An Enterprise Portfolio Board is being considered to ensure that resource constraints are understood across all GBC service areas before a project is initiated.</p>	

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
9 November 2021 reference OS46	Guildford Crematorium Air Quality Audit	<p>That the following recommendations within section 3 of the SLR audit at Appendix 1 of the report submitted to the O&amp;S Committee be endorsed:</p> <ul style="list-style-type: none"> <li>• That measures or procedures are reviewed and where necessary improved, to allow Regulatory Services to satisfy themselves that work undertaken on their behalf has been undertaken in a comprehensive and technically robust manner, such as:</li> <li>• requiring evidence of the audit procedure, and documented audit trail; and</li> </ul>	22 March 2022	Executive approved suggested response.	<p>GBC's current Standard Selection Questionnaire (SSQ) - used at the outset of a procurement process to determine compliance of a potential supplier with any mandatory requirements - does not request confirmation of statutory or regulatory certification.</p> <p>However, the subsequent technical evaluation process is tailored according to the specifics of the project and the scope of services being procured. Where appropriate, confirmation and evidence of accreditation will be requested and evaluated. If works are procured via a framework e.g. construction works, the contractors are subject to significant scrutiny and vetting before being accepted onto the framework. If a project is particularly complex or technical, the Council will need to consider what specialist resource is needed to support the drafting of technical evaluation criteria</p>	Abi Lewis/ Directors

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
		<ul style="list-style-type: none"> <li>requiring contractors to have a quality assurance system certified to a recognised standard (e.g., ISO 9001).</li> </ul>			<p>and the evaluation of tender responses. This would be established at the mandate stage.</p> <p>The Corporate Procurement Board acts as a gateway for projects that are above a certain financial threshold, or constitute high risk or sensitivity, providing further scrutiny over the most appropriate route to engage a supplier.</p> <p>The new project management and governance toolset, Verto, has the functionality to capture decisions made to ensure that there is an audit trail throughout the project lifecycle.</p>	
9 November 2021 reference OS47	Update on Project & Programme Management Governance	<ul style="list-style-type: none"> <li>That the Executive be requested to ensure that in relation to the closure and evaluation stages of Council projects the author of both the lessons learned report</li> </ul>	22 March 2022	Executive approved suggested response.	The Council's implemented PPM Governance Framework outlines the project lifecycle and approval gates that projects will ensure all lifecycle stages are undertaken for all projects, including closure, evaluation and lessons learned.	Abi Lewis/ Directors

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
		<p>and the post-project evaluation be someone unconnected to the project.</p> <ul style="list-style-type: none"> <li>• That further training and information on the Council's project and programme management be organised for Councillors.</li> </ul>			<p>Going forward the governance team can provide independent review at project closure stage and report to the Enterprise Portfolio Board if that is established.</p> <p>A series of formal training sessions explaining the reasons for mandates and business cases was delivered in November 2020 to introduce the new PPM governance arrangements. Follow up sessions relating to improving their understanding of programme and project governance in order to streamline governance and improve reporting were held for Councillors in December 2021. These sessions outlined the work done on the development of the governance structure and provided a demonstration of the reporting deck that is presented at Major Projects Portfolio Board. Ongoing training is being provided to induct new</p>	

O&S Meeting Date /O&S Minute No.	O&S Agenda Item	O&S Recommendation	Considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					Councillors and keep all Councillors up to date with developments.	

Executive Report

Ward(s) affected: None

Report of Director of Service Delivery

Author: Rosie Trussler, Specialist – S106

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Lead Councillor responsible: Tom Hunt

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Date: 05 January 2023

## Infrastructure Funding Statement 2021-2022

### Executive Summary

The Infrastructure Funding Statement (IFS) is a factual report which summarises the amount of developer contributions that have been secured, received, and spent in the reported year. As will be set out below, the Council is required to produce an IFS on an annual basis and publish online.

Regulation 121A of The Community Infrastructure Levy Regulations 2010, as amended (“the CIL Regulations”), requires any authority receiving contributions through the Community Infrastructure Levy (CIL) and / or through planning obligations to produce an annual Infrastructure Funding Statement. The IFS should be published by 31 December following the reported year.

The Regulations require the IFS to comprise;

- a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL.
- a report about CIL, in relation to the previous financial year.
- a report about planning obligations in relation to the reported year.

GBC is not yet a CIL collecting authority and as such is not required to report data in relation to this and this is confirmed in Annexes 1 and 2 of the IFS 2021-2022.

GBC does collect developer contributions through Section 106 Agreements; therefore, the Council is required to report on developer contributions that have been secured, received, and spent during the reported year, including summary details of non-monetary obligations. The specific matters that must be reported on, which are in accordance with paragraph 3 of Schedule 2 of The CIL Regulations, are set out in Annex 3 of the IFS 2021-2022.

### **Recommendation to Executive**

That the Executive approves the IFS 2021-2022 which, as noted above, is a factual report of the amount of developer contributions that have been secured, received, and spent in the year 2020-21 for submission to the DLUHC and for its publication on the Council's website.

It is also recommended that the Executive delegates authority to approve future IFSs to the Joint Executive Head of Planning Development.

#### Reason(s) for Recommendation:

To ensure that the Council complies with the CIL Regulations to produce and publish an annual Infrastructure Funding Statement.

**Is the report (or part of it) exempt from publication? No**

## **1. Purpose of Report**

- 1.1 This report notifies the Executive of the requirement to produce an annual Infrastructure Funding Statement (IFS). The report will also seek to provide detail on the purpose and scope of the IFS.

## **2. Strategic Priorities**

- 2.1 The Infrastructure Funding Statement is a factual document which sets out the amount of developer contributions that have been secured, received, and spent in the year 2021-22. As such, it is not considered that this report has any impact on the strategic priorities of the Council.

## **3. Background**

- 3.1 The CIL Regulations were amended in September 2019 to introduce a requirement for Councils to produce an annual Infrastructure Funding Statement (IFS). The aim of this is to improve transparency and accountability around the spending of CIL and developer contributions from section 106 planning obligations.



- 3.2 Regulation 121A of the CIL Regulations, requires any authority receiving contributions through the Community Infrastructure Levy and / or through planning obligations to produce an annual IFS.
- 3.3 The IFS should be published by 31 December following the reported year.
- 3.4 The IFS 2021-2022 is the third such report produced by the Council. The IFSs for 2019-2020 and 2020-2021 are available on the Councils website.
- 3.5 Regulation 121A requires the IFS to comprise;
- a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL.
  - a report about CIL, in relation to the previous financial year.
  - a report about planning obligations in relation to the reported year.
- 3.6 This Council is not yet a CIL collecting authority and as such is not required to report data in relation to this and this is confirmed in Annexes 1 and 2 of the IFS 2021-2022. The Council has been working towards implementing CIL and is aware of Government proposals to replace the existing s106/CIL regimes with a new national 'Infrastructure Levy' and as such will be monitoring developments in this regard and any implications for the Council's processes.
- 3.7 The Council does, however, collect developer contributions through Section 106 Agreements; therefore, the Council is required to report on those contributions that have been secured, received, and spent during the reported year, including summary details of non-monetary obligations. The specific matters that must be reported on, which are in accordance with paragraph 3 of Schedule 2 of The CIL Regulations, are set out in Annex 3 of the IFS 2021-2022.
- 3.8 It is noted that due to the nature of the IFS and the data which needs to be returned to the DLUHC, the information and figures which it contains is a purely factual account of the situation during the reporting year. The data to be provided in the IFS is set out by DLUHC and is returned via a standardised form which is used by all Councils across the Country. The Executive is therefore asked to note the contents and approve its publication.

- 3.9 Section 106 obligations are recorded and monitored using a module of the main planning database called Acolaid, from the signing of the agreement to spending the contributions. The Council's Finance team also keep a monitor of income and spend of developer contributions. Both records have been used to produce the IFS.
- 3.10 Many of the developer contributions are collected on behalf of other organisations such as Surrey County Council, Clinical Commissioning Groups, Surrey Police, etc. These contributions are passed on to the organisations in accordance with provisions of the relevant Section 106 Agreement. The contributions that GBC are responsible for spending are allocated and spent by the relevant spending officer or team.
- 3.11 The Infrastructure Funding Statement 2021-2022 is a factual report that has been produced in accordance with the requirements of the CIL Regulations, therefore Officers propose that the statement is approved for publication.

#### **4. Consultations**

- 4.1 None

#### **5. Key Risks**

- 5.1 None

#### **6. Financial Implications**

- 6.1 Where the Council is the spending authority we budget and monitor contributions and expenditure within our own monitoring reports. This includes:
- S106 receipts which are held on the balance sheet. Under the financial regulations, schemes that are fully funded by s106 receipts can be added to the capital programme, where they have been approved by the relevant Lead Councillor and Director in consultation with the Lead Specialist - Finance and,
  - The Council is also required, under accounting practices, to hold endowment funds received as developer planning contributions in earmarked reserves for the long-term repairs and maintenance expenditure on Special Protection Areas (SPAs) or Suitable Alternative Natural Greenspaces (SANGs), these reserves are required to fund the revenue costs of SPA/SANGs in perpetuity. The Council has five strategic SANG sites which are Chantry Woods, Lakeside Nature Reserve, Effingham Common, Riverside Nature

Reserve and Parsonage Watermeadows. The SANG contributions held in the SPA Reserves cannot be used towards a different SANG or infrastructure improvements.

- 6.2 The funds for SCC and other authorities are held on our balance sheet as a creditor but are not budgeted for and do not form part of the Capital and Investment Strategy. These amounts are passed to the relevant authorities upon receipt of a qualifying invoice.
- 6.3 The following table shows the balances in hand (i.e., contributions received but not spent or passed to relevant bodies) as at the end of the reported year 2021-2022 for both the S106 balance sheet and the SPA (SANGs) Reserve,

<b>BALANCES as at 31 March 2022</b>	
	<b>£</b>
s106 - GBC	3,798,626
SPA Reserves	11,574,658
s106 - SCC/Other	8,278,877

**7. Legal Implications**

- 7.1 The CIL Regulations require the Council to produce an annual IFS. Regulation 121A sets out the matters that must be included. The IFS which is submitted to the DLUHC will comply with these regulations.

**8. Human Resource Implications**

- 8.1 No HR implications apply

**9. Equality and Diversity Implications**

- 9.1 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising.

**10. Climate Change/Sustainability Implications**

- 10.1 No such implications apply

**11. Summary of Options**

- 11.1 As the IFS is a factual return of information which is held by the Council to the DLUHC, the Executive is asked to approve the IFS for submission and publication. No other options are available.

**12. Conclusion**

- 12.1 It should be noted that the Infrastructure Funding Statement is a factual report that the Council is required by the CIL Regulations to produce, and as such should be approved for publication and submission to the DLUHC.

**13. Background Papers**

None

**14. Appendices**

Appendix 1: Draft Infrastructure Funding Statement 2021-2022

## **GUILDFORD BOROUGH COUNCIL: INFRASTRUCTURE FUNDING STATEMENT 2022**

Regulation 121A of The Community Infrastructure Levy Regulations 2010, as amended, requires any authority receiving contributions through Community Infrastructure Levy (CIL) and / or through planning obligations must produce an annual Infrastructure Funding Statement (IFS)

The Regulations further require the IFS to comprise;

- (a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL.

This is **“The Infrastructure List 2022”** and it is attached at Annex 1.

- (b) a report about CIL, in relation to the previous financial year.

This is **“The CIL Report 2022”** and it is attached at Annex 2.

- (c) a report about planning obligations in relation to the reported year.

This is **“The Section 106 Report 2022”** and it is attached at Annex 3.

The documents combined comprises Guildford Borough Councils Infrastructure Funding Statement 2022.

## **ANNEX 1**

### **The Infrastructure List 2022**

This list is required to be published by Regulation 121A of the Community Infrastructure Levy Regulations 2010, as amended. The Regulations require that this list comprise a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by a Community Infrastructure Levy.

In this regard, Guildford Borough Council (GBC) has not yet introduced a CIL (see GBC website: <https://www.guildford.gov.uk/localplan/cil> for further information on the process). Thus, an infrastructure list as per Regulation 121A has not been published.

### **Infrastructure Projects**

None.

### **Infrastructure Type**

None.

Note: an Infrastructure Schedule (IS) is included as part of the Guildford borough Local Plan: strategy and sites, 2015 - 2034 (LPSS) at appendix 6. The IS sets out the key infrastructure requirements on which the delivery of the plan depends. It is not an exhaustive list of all infrastructure that will be provided or improved in the borough during the plan period. The IS includes information on infrastructure projects or types of infrastructure that will be delivered, when, by whom, and their likely costs (where known). The IS also reflects the anticipated funding source for the infrastructure type/projects identified. This includes an indication of where developer contributions will be expected to fund or partially fund infrastructure projects.

## **ANNEX 2**

### **The CIL Report 2022**

This report is required to be published by Regulation 121A of the Community Infrastructure Levy Regulations 2010, as amended. The Regulations require that the report includes information about the Community Infrastructure Levy (CIL) for the previous financial year.

Guildford Borough is not a CIL collecting authority and accordingly it has received no monies under CIL during the previous financial year.

## **ANNEX 3**

### **The Section 106 Report 2022**

This report is required to be published by Regulation 121A of the Community Infrastructure Levy Regulations 2010, as amended, and must include the matters specified in paragraph 3 of Schedule 2 to the Regulations.

- a) the total amount of money to be provided under any planning obligations which were entered into during the reported year,
- Infrastructure Contributions Total - £4,030,701.95  
(Includes contributions collected by GBC on behalf of other organisations, including Surrey County Council, Clinical Commissioning Groups, Surrey Police, Surrey Wildlife Trust and the National Trust)
  - SANG & SAMM Contributions - £1,750,985.33
- b) the total amount of money under any planning obligations which was received during the reported year,
- Infrastructure Contributions Total - £4,905,376.67  
(Includes contributions collected by GBC on behalf of other organisations, including Surrey County Council, Clinical Commissioning Groups, Surrey Police, Surrey Wildlife Trust and the National Trust)
  - SANG & SAMM Contributions - £1,655,218.43
- c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority,
- Infrastructure Contributions Total - £4,873,125.85  
(Includes contributions collected by GBC on behalf of other organisations, including Surrey County Council, Clinical Commissioning Groups, Surrey Police, Surrey Wildlife Trust and the National Trust)
  - SANG & SAMM Contributions



Contributions for SANG & SAMM are allocated on receipt.

d) Summary details of any non- monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of,

1) In relation to affordable housing, the total number of units which will be provided,

- 100

2) In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided,

- This relates only to obligations to directly provide new school places and it is the responsibility of Surrey County Council to report in relation to educational facilities. Financial contributions towards the creation of education are provided in other sections of this report.

3) Other non-monetary obligations,

- Restrictions on implementing previous permission
- Onsite Open Space
- Pedestrian and/or Cycle improvements
- Travel Plan
- Traffic Survey
- Restriction on Implementation
- Bespoke/Private SANG
- Self/Custom Build
- Early Years Facility
- Sports Facility
- Estate Management
- Link obligations to new planning permission
- Land Dedication for Highways Improvements
- Amendment to wording
- Variation to delivery of Section 278 agreement

e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure

- Infrastructure Contributions Total - £2,148,536.86  
(The summary details of the allocated projects are shown in section (g) below)

- SANG & SAMM Contributions
  - SANG - £11,574,658.32
  - Contributions for SAMM are passed on to Natural England quarterly.

f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend),

- Infrastructure Contributions Total - £1,067,020.59  
(The summary details of the projects are shown in section (h(i)) below)

- SANG & SAMM Contributions
  - SANG - £50,349.59
  - SAMM - £235,197.23

g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item,

- GBC Contributions,

Contribution	Allocation
£115,878.75	Foxenden Quarry Playground Improvements
£1,668.32	Alterations to waiting restrictions
£12,486.04	Martyr Road/Haydon Place Action Area
£5,000.00	Review of the implementation of waiting restrictions along Station Road, Shalford
£2,126.74	Baird Drive Play Improvements

£8,527.92	Chantry Wood Campsite
£1,179.36	Civic Hall/G Live Art, Art Lighting on west elevation
£11,550.00	Merrow Downs, signage, and boundary work
£39,742.99	CCTV on pedestrian access between G Live and car park
£2,649.53	CCTV towards capital bid for CCTV for town centre
£7,849.68	Tilehouse Playground and boundary works
£966.20	Cycle, racks, litter bins, removal of epicormic growth, tree seat
£37,153.29	Baird Drive Play Improvements or Barnwood Drive
£381.46	Play area improvements & drainage works at sports pitch, Pirbright PC
£18,313.08	Shalford Park Trim Trail
£55,993.34	The Briars, Play Equipment
£3,655.56	Stoke Park Playground & Trim Trail
£25,060.64	Biodiversity and open space at Millmead island natural fish pass
£14,705.98	Gunpowder Mills
£14,006.79	Stoke Fields/Stoke Park
£86,844.78	Tongham Railway & Moore Close
£11,661.25	Sutherland Memorial Park, MUGA and improvements
£13,244.92	Heathfield Nature Reserve boardwalk & safety signage
£15,678.81	Drainage and track improvements, Albury PC
£300.00	Landscape maintenance
£25,410.68	Stoke Park or Thorny Croft Wood
£4,000.00	Walnut Tree Bridge Project (arts element)
£31,387.93	Tree next to G Live

£459,922.62	Ash Road Bridge
£71,138.01	Parking Control measures at car parks on Lido Road and Stoke Park
£210,000.00	New Pavilion at Send Recreation Ground, Send PC
£26,000.00	Outdoor Community Areas, Send Parish
£54,726.93	Harpers Recreation Ground
£1,068.96	Two new bins, West Horsley P
£226,362.53	Fitness Suite, Kings College
£15,535.58	Stoke Recreation Ground Improvements

- Non GBC Contributions,

Contribution	Allocation
£50,875.00	Send Villages Practice Improvements
£300,000.00	Improvements to River Wey Towpath
£128,821.15	North Guildford Scheme Improvements
£36,662.04	Improvements to River Wey Towpath

- SANG Contributions,

SANG contributions are spent in accordance with the maintenance plans for each SANG.

h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of,

1) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;

- GBC Contributions,

Contribution	Project
£10,500.00	Foxenden Quarry Playground Improvements
£22,883.85	Multi Unit, Waterside Road Play Area

£10,926.61	Play Area Improvements & Drainage works at sports pitch, Pirbright PC
£5,225.46	Multi Unit, Waterside Road Play Area
£364,709.09	Ash Road Bridge
£5,180.09	Parking Control measures at car parks on Lido Road and Stoke Park
£7,301.60	Notice Boards, West Horsley PC
£10,079.04	Toddler multi-play unit, West Horsley Village Hall playground

- Non GBC Contributions

Contribution	Project
£32,440.60	Realtime display installed in bus shelter and accessibility
£4,057.25	Road safety project to install advanced warning signs on Walnut Tree Close junction with Woodbridge Road
£88,478.47	Improve links between RHS Wisley and West Byfleet
£3,103.95	Dropped kerbs at Merrow Copse and Collingwood Crescent for the improvement of access of London Road Station
£50,555.78	Passenger feasibility study including new bus shelters, raised kerbs, RTPI and flagpoles at bus stops in Ash
£30,445.72	Travel Plan
£5000.00	Road Traffic Order, waiting restrictions on Tannery Lane
£41,178.53	Improvements to two bus stops in the vicinity of the site, including shelters, RTPI and raise kerbs
£41,178.53.	Improvement scheme at the Street/Poyle Road/Grange Road roundabout
£60,000.00	Improvement scheme to provide shared footway/cycleway along Ladymead
£194,273.94	Passenger transport feasibility study to determine improvements within vicinity of site
£79,502.08	Hotspots Scheme (A31/A331)

2) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part),

- £0.00

- 3) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;
- £31,395
- i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.
- £0.00

Executive Report

Ward(s) affected: Send

Report of Joint Strategic Director: Place

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Lead Councillor responsible: Tim Anderson

Tel: 07710 328560

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Date: 5 January 2023

## **Send Hill Disused Sandpit – Supplementary Estimate - Stage 2 (invasive) contamination survey**

### **Executive Summary**

Land West of Winds Ridge, Send Hill, known as Send Hill Disused Sandpit, is a former landfill site. The asset was transferred to the Council in the 1980s and is identified in the Council's asset register as Surplus. It is currently used as amenity land for the purposes of public recreation. It is allocated in the Local Plan as a site for housing development.

The site is contaminated due to being used for landfill. Formal landfill records confirm the waste types were Household, Commercial, Special, Liquid Sludge and Industrial Waste. If the site were to be developed, it is anticipated that a significant amount of remediation work may need to be undertaken.

In order to inform the Executive's decision on whether to dispose of the asset this report seeks approval of a supplementary estimate of £25,000 to pay for a Stage 2 (invasive) contamination survey.

With the knowledge gained from the results of the survey, the Council can obtain a more informed residual land valuation with which to advertise the sale of land on the open market and thereby obtain best consideration with risks and opportunities being made explicit. There are risks and potential gains from both options which are explained in the report.

### **Recommendation to Executive**

That the Executive approves a supplementary estimate of £25,000, from the Budget Pressures Reserve, for the purpose of commissioning a Stage 2 (invasive) contamination land survey.

#### Reasons for Recommendation:

- To inform a more accurate valuation of the land and generate a more detailed picture of the types of waste present.
- The land may be heavily contaminated and does not support service delivery.

#### **Is the report (or part of it) exempt from publication?**

No

## **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval from the Executive for a supplementary estimate of £25,000 to be made available for the commissioning of a Stage 2 (invasive) contamination land survey of the asset known as Send Hill Disused Sandpit, before any decision is made on the possible sale of the asset. The land is currently listed in the Council's asset register as Surplus.

## **2. Strategic Priorities**

- 2.1 In agreeing the supplementary estimate, informed decisions can be taken on the disposal of the asset, which may lead to new homes being built. This supports the corporate priority to "provide and facilitate housing that people can afford" under the corporate theme of Homes and Jobs – Residents having access to the homes and jobs they need.

## **3. Background**

- 3.1 The land sits to the west of Send Hill opposite Winds Ridge. It was used for sand extraction between the 1940s to late 1970s and was subsequently used as a landfill site until 1985. The landfill recorded waste types were Household, Commercial, Special, Liquid Sludge and Industrial Waste. The freehold interest was transferred to the Council on 17 April 1985. It is held as surplus amenity land.
- 3.2 The site, along with the land immediately to the south-west of it, is earmarked in the Local Plan for development under 'Policy A43'. The site is allocated for approximately 40 homes (Town & Country Planning Act



Use Class C3) and 2 Traveller Pitches (Sui Generis) (see Appendix 1)

- 3.3 All concerns regarding development of the site were addressed before the site was allocated and the Local Plan adopted in 2019. The planning inspector's comments were as follows:

"Policy A42 Clockbarn Nursery, Tannery Lane, Send, Policy A43 Land west of Winds Ridge and Send Hill, Send and Policy A45 Land at the rear of the Talbot, High Street, Ripley are modest-sized housing allocations (with 2 traveller pitches in the case of A43) on the edges of these villages. A42 is on the site of the Clockbarn Nursery; A44 and A45 are adjacent to existing development and are enclosed by vegetation. They are well-located and proportionate in relation to the villages; their allocation would have limited impact on the openness of the Green Belt and in each instance, it would be possible to create good defensible boundaries. Their size is modest enough to have only a very limited effect on vehicle movements. There are therefore exceptional circumstances to alter Green Belt boundaries to provide for the allocations."

- 3.4 The land is surplus amenity land used for the purposes of public recreation. The Council maintains the land and carries out regular ground maintenance works at a cost of £3,500 per year. However, recent incursions caused a large wildfire, fly tipping and unauthorised tethering and grazing of animals to the annoyance of residents and users of the space. Garden waste is also fly tipped on the land. Assets and Property officers now appoint a security firm to undertake weekly patrols to keep watch and so minimise the chance of such activities. This is an additional cost to the Council's revenue budget of £975 per year.
- 3.5 A desk-top contamination survey was carried out by the adjoining landowner and shared with the Council. This identifies the landfill waste types as Household, Commercial, 'Special', Liquid Sludge and Industrial Waste. The report concluded that there is significant ground contamination with a high risk associated with ground gases (Carbon Monoxide, Hydrogen Sulphide and Methane) and aggressive ground conditions (metals, Petroleum Hydrocarbons (TPHs), Polycyclic Aromatic Hydrocarbons (PAHs), Asbestos, Sulphates, Volatile Organic Compounds (VOCs). These pose significant ongoing risks to public users and neighbours.
- 3.6 The Council must comply with the Occupiers Liability Act 1984 to protect users of the land. Investigation and remediation works would be required before any development which heavily impacts the value of the land.
- 3.7 The Executive Liaison Group considered a draft report on the disposal of the asset at its meeting on 5 October 2022. The report contained details

pertaining to a possible disposal and included land valuations with and without the benefit of planning permission.

- 3.8 The Group felt that a Stage 2 (invasive) contamination survey would provide a more informed view on a potential disposal with knowledge of both the possible contaminants and an indication of possible remediation costs. Officers have sought quotations for a Stage 2 (invasive) contamination survey to understand the nature of the contaminants present and better inform the land valuation. Once a survey is completed, officers will bring a report on the possible disposal of the land before the Executive.
- 3.9 Three quotations have been received for a Stage 2 survey with core samples, gas and groundwater monitoring. The cheapest of these was £21,989 plus VAT. As there is no current budget for this work, the Executive is being asked to approve a supplementary estimate for this expenditure plus contingency as explained in section 5 below.

#### **4. Consultations**

- 4.1 Ward Councillors, Guida Esteves and Susan Parker, were consulted. Councillor Esteves agreed that proceeding with the survey was a realistic request from the Executive before any decision is made on a disposal. However, she questioned whether the survey would provide the necessary detail for a fully informed decision.
- 4.2 Lead Councillor for Resources, Councillor Tim Anderson was consulted and is of the opinion that officers should instruct a Stage 2 (invasive) contamination survey. Councillor Anderson understands that the results of the survey would enable a residual valuation to be obtained by deducting the estimated remediation costs from the reported valuations, upon which to advertise the land on the open market. However, there is a risk that the survey does not provide the surety and accuracy sought by Councillors as core samples will only provide indicative results and a broad assumption on cost estimates. Once the survey is completed, Councillor Anderson is of the opinion that the property should be recommended for sale on the open market.
- 4.3 The Corporate Management Board (CMB) were consulted and concluded that a contamination survey posed many risks including the possibility that it reveals significant contaminants such that any remediation costs are more than any development value.

#### **5. Key Risks**

- 5.1 Contaminants pose significant ongoing risks to public users and neighbours should they escape the bounds of the site into neighbouring land and may lead to possible claims against the Council. The Council must comply with the Occupiers Liability Act 1984 when anyone visits or enters the site. Gas monitoring ceased from 2000 onwards.
- 5.2 If the Council instructs a Stage 2 (invasive) contamination survey it may give a better indication of contaminants, costs for remediation and residual value. However, this may in turn reveal significant contaminants and remediation costs more than the independent valuations received.
- 5.3 The Council is currently, and will remain, responsible for the administration of the waste (but not removal) on this site whether the land is disposed of or not, as it would not be administered by the Environment Agency. Records of gas monitoring and landfill are kept securely by the Council and if the site were to be developed, officers' time would be used in administering the waste on the site.

## **6. Financial Implications**

- 6.1 The Council has undertaken three independent valuations of the site. The first considered the land value as it currently stands based on the knowledge officers currently have of the levels of contamination and estimated remediation required for any future development.
- 6.2 The second and third valuation considered the land value with and without the benefit of planning consent but did not include any allowances for remediation of the contamination.
- 6.3 The Executive is asked to note that a Stage 2 (invasive) contamination land survey will still present a caveated report on what is contained within the landfill. The investigation will involve taking core samples to provide an indication of what is present within the ground, but it will not present or guarantee an absolute answer of what contaminants are contained within and across the whole site. Similarly, the provision of remediation costs will be refined, but will remain broad estimates based on the core samples.
- 6.4 Three quotations have been received for a Stage 2 survey with core samples, gas and groundwater monitoring. The best value quote was £21,989 plus VAT, which is the recommended quotation. The other quotes were £35,900 plus VAT and £23,000 plus VAT. There is no current budget available to pay for this work. Hence, the Executive is being asked to approve a supplementary estimate for this expenditure from the Budget Pressures Reserve. Officers recommend an additional £3,000 be added as a contingency with a total supplementary estimate request of £25,000.

- 6.5 Should the Executive wish to further evaluate the results obtained from the Stage 2 survey, specialist quantity surveying advice may be required at an additional cost to the Council.
- 6.6 Should the survey return favourable results and the land is sold, any capital receipt is not currently accounted for in the capital programme budget and would provide a financial benefit to reduce the Council's underlying need to borrow for the capital programme and in turn reduce the Council's General Fund borrowing cost (Minimum Revenue Provision and debt interest).

## **7. Legal Implications**

- 7.1 The Council acquired the land pursuant to the Town and Country Planning Act 1971. There is a restriction on the title which states that "no disposition of the land is to be registered unless made in accordance with the Town and Country Planning Act 1971 or some other Act or authority". The 1971 Act was replaced by the Town and Country Planning Act 1990.
- 7.2 As the land was acquired for planning purposes and, pursuant to s233(1) of the Town and Country Planning Act 1990, the Council is authorised to dispose of it.
- 7.3 The land is surplus amenity land which is used for the purposes of public recreation. Whilst the land is not formally designated as open space, it is considered open space because it falls within the definition of open space under s336 of the Town and Country Planning Act 1990 being "any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground". The Executive should note that this is not a constraint to any future development and the ownership of a site does not change a site's planning status.
- 7.4 There is a formally designated footpath crossing the eastern edge which is maintained by Surrey County Council (Footpath No. 58). This right of way would remain should the land be disposed of.

## **8. Human Resource Implications**

- 8.1 There are no human resource implications and the matter would be finalised within existing resources.

## **9. Equality and Diversity Implications**

- 9.1 An impact assessment has been carried out. See appendix 3.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no climate change or sustainability implications arising from the recommendations laid out in this report.

## **11. Summary of Options**

- 11.1 The options available to the Council are:

11.1.1 Do nothing – The Executive can decide on the disposal of the land without the survey and associated cost. There is a risk of possible future claims against the Council if contaminants escape the bounds of the site. In addition, the Council would have to comply with the Occupiers Liability Act 1984.

11.1.2 Complete a Stage 2 (invasive) contamination survey – Procure and commission the survey at an estimated cost of £21,989 plus VAT. Officers also recommend an additional £3,000 be added as a contingency meaning that the Executive would need to approve a supplementary estimate of £25,000 in total.

## **12. Conclusion**

- 12.1 The land is contaminated however the nature and extent of the contamination is unknown. The cost of remediating the land for the purposes of redevelopment is also unknown.
- 12.2 The Executive, in authorising a supplementary estimate for a Stage 2 (invasive) contamination survey, will have ensured that the Council has understood its position in relation to the Occupiers Liability Act 1984 and will have more informed knowledge of the contaminants present.
- 12.3 The Executive is advised to note the contamination risks identified in undertaking the survey as described in section 5 as well as the financial risks laid out in paragraph 6.3.
- 12.4 In completing a survey the Council will have completed all the necessary due diligence to make an informed decision on any future disposal of the land and inform any valuation to ensure best consideration.

## **13. Background Papers**

None

## **14. Appendices**

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Appendix 1 – Local Plan, Policy A43

Appendix 2 – Land Registry plan

Appendix 3 – Equality Impact Assessment

<b>POLICY A43: Land west of Winds Ridge and Send Hill, Send</b>	
Allocation	The site is allocated for approximately 40 homes (C3), and 2 Traveller pitches (sui generis)
Requirements	<p><u>Design</u></p> <p>(1) Sensitive design at site boundaries that has significant regard to the transition from village to greenfield</p> <p><u>Traveller pitches</u></p> <p>(2) The Traveller pitches will be provided on the part of this site that is owned by Guildford Borough Council, as well as housing (C3), to help meet the affordable housing needs of all members of the community</p> <p>(3) The pitches will be public (tenure) forming part of the affordable housing contribution (1 pitch equates to 1 affordable home)</p> <p>(4) The Local Authority (Guildford Borough Council) will allocate the occupancy of pitches and be responsible for their future management</p> <p>(5) Traveller pitches should reflect modern Traveller lifestyles. They should be serviced pitches, providing hard standing, garden and connections for drainage, electricity and water. Service meters should be provided. Utility blocks are not required</p> <p>(6) Traveller pitches should not be isolated, and should be reasonably integrated with other residential development, with services and facilities accessible, helping to create sustainable, mixed and inclusive communities for all</p> <p>(7) The pitches should not be enclosed with hard landscaping, high walls or fences, to an extent that suggests deliberate isolation from the community</p> <p>(8) Within the area to provide Traveller pitches, bricks and mortar housing, or any buildings capable of being converted to bricks and mortar housing, are not appropriate and will be resisted</p> <p>(9) Ancillary buildings must be proportionate in size to the mobile homes and caravans and should be no more than one storey in height</p> <p>(10) Improved visibility to be provided at the junction of Send Hill with Potters Lane</p>
Opportunities	(1) Green corridors and linkages to habitats outside of the site

Description

Location	Village
Ward	Send
Ownership	Private and Guildford Borough Council
Area (size)	1.9 ha
Existing use	Used for informal recreation (with former quarry workings evident)
LAA reference	Site 2081
Key considerations	<p>(1) Location of Traveller pitches within the site</p> <p>(2) Boundary treatment</p> <p>(3) Contamination</p>

Appendix 1 Land west of Winds Ridge and Send Hill, Send



Publication Date: 2016-03-07

N Scale at A4:  
1:2,200

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H.M. LAND REGISTRY

TITLE NUMBER

SY546556

ORDNANCE SURVEY  
PLAN REFERENCE

TQ 0254,0255

Scale  
1/2500

COUNTY SURREY

DISTRICT GUILDFORD

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### Equality Impact Assessment

The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.  
(\*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

Name of person completing the assessment	Damien Cannell	Date of assessment	09/11/2022
Name of the proposed activity being assessed	Stage 2 invasive contamination survey of Land to the West of Winds Ridge, Send Hill.	Is this a new or existing activity?	Existing
Who will implement the activity and who will be responsible for it?	Officers will implement any descision on the supplementary estimate and any subsequent survey of of the land.		

#### 1. Determining the relevance to equality

What are the aims, objectives and purpose of the activity?	To request a supplementary estimate for a stage 2 invasive contamination survey of Send Hill Disused Sandpit.		
Is this a major activity that significantly affects how services or functions are delivered?	No	Who will benefit from this activity and how?	The Council will benefit by understanding the nature of the contaminants present and remediation costs
Does it relate to a function that has been identified as being important to people with particular protected characteristics?	No	Who are the stakeholders? Does the activity affect employees, service users or the wider community?	Councillors, officers, professional advisors, contractors, members of the public

#### Based on the above information, is the activity relevant to equality?

<b>Yes – continue to section 2</b>	No.
<b>No – please record your reasons why the activity is not relevant to equality</b>	The activity does not have an impact or create barriers to any of the groups with protected characteristics.  It is also difficult to assess any impact when no decision has been made on whether or not to dispose of the land or whether or not funds are available for a stage 2 survey.

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2. Is the proposed activity accessible for all the protected groups listed below? <i>(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)</i>			
Protected groups	Yes	No	Evidence
Disability			
Race			
Gender			
Sexual orientation			
Age			
Religion or belief			
Transgender or transsexual			
Marriage and civil partnership			
Pregnancy or maternity			

3. Is it likely the proposed activity will have a negative impact on one or more protected groups?			
Protected groups	Yes	No	Evidence
Disability			
Race			
Gender			
Sexual orientation			
Age			
Religion or belief			
Transgender or transsexual			
Marriage and civil partnership			
Pregnancy or maternity			

4. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (*Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?*)

5. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (*Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities*).

6. Has any consultation been carried out (e.g. with employees, service users or the wider community)? Please provide details

7. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

8. Conclusion of Equality Impact Assessment - please summarise your findings

There is little to no impact to any protected groups as a result of the proposed activity.

Name of person completing assessment: Damien Cannell

Date: 09/11/2022

Job title: Asset and Property Manager

Agenda item number: 7

Appendix 3

Signature:



Senior manager name:

**Mark Appleton**

Asset and Property Manager

Signature:

*Mark Appleton*  
Mark Appleton (Nov 9, 2022 13:56 GMT)

**Date:** Nov 9, 2022