



Contact Officer:

John Armstrong, Democratic Services &
Elections Manager

8 March 2023

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, 16 MARCH 2023** at 10.00 am.

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

To confirm the minutes of the meeting of the special Executive held on 22 February 2023.

4 LEADER'S ANNOUNCEMENTS

5 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 5 - 14)

6 GUILDFORD PARK ROAD REDEVELOPMENT - APPROVAL TO PROCEED TO NEXT STAGE * (Pages 15 - 72)

7 ASH ROAD BRIDGE SCHEME UPDATE AND BUDGET APPROVAL * (Pages 73 - 122)

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 16 February 2023.

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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 also in attendance.
Councillor Ramsey Nagaty was in remote attendance.

EX81 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Leader of the Council, Councillor Julia McShane and the Lead Councillor for Environment and Regulatory Services, Councillor James Steel.

EX82 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests.

EX83 MINUTES

The minutes of the meeting held on 26 January 2023 were agreed as a correct record. The Chairman signed the minutes.

EX84 LEADER'S ANNOUNCEMENTS

The Deputy Leader of the Council reminded everyone that there was just one month to apply to Crowdfund Guildford. The current funding round deadline was Wednesday 29 March. There would be a lunchtime workshop on Thursday 23 February to provide further information and advice on how to apply. It was noted that, to date, 15 projects had received funding totalling £55,000.

[Crowdfund Guildford - Launch Event Tickets, Thu 23 Feb 2023 at 12:00 | Eventbrite](#)

The Council's Communications Team received praise and gratitude for the recently launched social media campaign featuring #weloveGuildford and #Guildfordlovesyou which had been very successful.

EX85 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

There were no new recommendations from Overview and Scrutiny Committee for the Executive to consider. The paper was noted.

EX86 REVIEW AND IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PLANNING COMMITTEE PEER REVIEW - FINDINGS OF THE WORKING GROUP

The Executive considered the report that set out the findings and recommendations of Planning Review Working Group.

The Council had originally scheduled a Planning Committee Peer Review to be undertaken by the Local Government Association (LGA) with the Planning Advisory Service (PAS) in March 2020, but this was postponed due to the Coronavirus pandemic. The Peer Review was rescheduled and took place in early November 2020, following which the LGA published their final report which included 12 recommendations for the Council to consider. The report was circulated to all councillors.

In January 2021 the Executive responded to the LGA/PAS recommendations by convening a Planning Committee Review Working Group which was to consider and respond to those peer review recommendations along with some other pertinent matters. The Working Group met six times in total and presented its findings to the Corporate Governance and Standards Committee on 19 January and a special meeting of the Planning Committee on 7 February 2023 where a number of amendments were made. The recommendations resulting from that consultation were set out in the Executive's Supplementary Information Sheet

The Executive was asked by the Lead Councillor for Planning Development, Legal and Democratic Services to consider the recommendations of the Working Group and the Planning Committee and, if agreeable, to refer these on to full Council for adoption.

The Chairman of the Planning Committee was in attendance and endorsed the recommendations.

It was explained that recommendation 4 (R4) had not been put forward for adoption as the Council already took account of the materiality of planning policy and neighbourhood plans routinely within the planning reports. It was noted that the recommendations included an alternative and more transparent process to the 'huddle' at Planning Committee which was welcomed. Recommendation 7 (R7) had caused much discussion amongst councillors during consultation but was described as a necessary change in procedure to enable the Council to make progress in processing a backlog of applications and to deliver an improved service going forward. A 12-month review was also welcomed.

Everyone involved in arriving at the final draft of recommendations were thanked for their input by the Chairman and officers were commended for the report.

RESOLVED:

That, taking into account the comments and recommendations made by the Planning Committee Review Working Group and the Planning Committee in response to the recommendations of the Planning Committee Peer Review undertaken by the Local Government Association with the Planning Advisory Service, the Council is recommended to agree the following actions:

- (1) That, in response to the LGA/PAS Recommendation R1: (Provide greater certainty in planning process by ensuring decision making conforms with planning policies

and material planning considerations acting on behalf of the whole Guildford community and ensuring that there is clear separation between ward level responsibilities and decision-making role on Committee), a regular (monthly) planning training programme, be reinstated via MS Teams, subject to the proviso that whilst the planning training programme would be regular, there might not on all occasions be training every month.

- (2) That, in response to the LGA/PAS Recommendation R2: (Explore ways to rebuild trust and confidence between officers and Members. Consider running an independently facilitated workshop to be held between officers and Members, separate to the Planning Committee meeting, to better understand their roles, issues, and concerns), an Officer/Member Workshop be held following the elections in May 2023.
- (3) That, in response to the LGA/PAS Recommendation R3: (Examine ways for Planning Committee and relevant officers to discuss and learn from appeal decisions to ensure that decisions on planning applications are undertaken, on behalf of the whole Guildford borough community, in a fair, impartial, and transparent way. The present system tagged onto the end of often long Planning Committees is not conducive to creating a learning atmosphere), quarterly appeal review sessions be held via MS Teams and facilitated by the Executive Head of Planning Development, noting that details of Appeal Decisions would continue to be included on Planning Committee agendas.
- (4) That, in response to the LGA/PAS Recommendation R4: (Review Planning Committee reports to see if further explanation can be given on the weight to be afforded to the Local and Neighbourhood Plan policies as well as material planning considerations such as the National Planning Policy Framework), appropriate mechanisms were in place already through which councillors could query policy weight afforded to particular proposals, noting that weight to be afforded to Local and Neighbourhood Plans and other material planning considerations would be covered in the training programme.
- (5) That, in response to the LGA/PAS Recommendation R5: (Ensure planning officers and Committee members are more aware of the impact of what a lack of housing delivery has on the weight given to Local Plan policies and kept appropriately updated on the work of the Housing Delivery Board), the topic of housing delivery be addressed as part of the Planning Committee training programme, which should include an overview of the Land Availability Assessment.
- (6) That, in response to the LGA/PAS Recommendation R6: (Review the opportunity for further guidance in the form of a supplementary planning document to help guide new high quality and sustainable development), in view of the current progress being made with SPDs and DPDs, no further action in response to this recommendation is required.
- (7) That, in response to the LGA/PAS Recommendation R7: (Review the Planning Committee referral system focusing particularly on the Member referral process (7-day procedure) and householder referral system to ensure that applications are not unnecessarily delayed and Planning Committee can focus on the strategically more important applications), the proposed process for Councillor Call-up (referral) to Planning Committee as set out in Appendix 3 to the report submitted to the Executive, be approved.

- (8) That, in response to the LGA/PAS Recommendation R8: (Revisit the site visits protocol with particular emphasis on who attends and on ensuring a consistent approach of officers and conduct of members during the site visit), no changes be made to the current site visit protocol on the basis that councillors were aware of the need to ask for a site visit ahead of time rather than at the meeting itself which was noted to be useful for councillors in assessing the planning merits of a scheme.
- (9) That, in response to the LGA/PAS Recommendation R9: (Review the member overturns process so that alternative motions are raised by Members and advice is provided by officers prior to the officer recommendation vote being made), the proposed procedure for councillors overturning officer recommendations at Committee, set out in Appendix 4 to the report submitted to the Executive, be approved.
- (10) That, in response to the LGA/PAS Recommendation R10: (Undertake bespoke probity in planning and appeals training for members with a neutral facilitator, for example, someone who has direct experience of being a Planning Inspector), the Probity in Planning training be incorporated into the annual training programme.
- (11) That, in response to the LGA/PAS Recommendation R11: (Review public speaking opportunities for Parish councils and special interest groups), the current public speaking arrangements be retained, but for the Chairman to retain the existing discretion to allow additional speaking slots for significant applications.
- (12) That paragraphs (1) to (5), and (10) above be implemented following the Borough Council Elections in May 2023, and paragraphs (7) and (9) above be implemented with immediate effect.
- (13) That the Executive Head of Planning Development be requested, in consultation with the relevant lead councillor and Chairman and Vice-Chairman of the Planning Committee, to undertake a review of the processes and practices referred to above after 12 months' operation, or sooner if deemed necessary.

Reasons:

To modernise the operation of the Planning Committee and to review and update all associated processes and procedures.

EX87 ECONOMIC DEVELOPMENT STRATEGY 2023-2040

The Lead Councillor for Customer and Commercial Services introduced the report to the Executive that, in line with the Council's Corporate Plan 2021 - 2025, presented a new Economic Development Strategy and accompanying draft action plan for the period up to 2040, outlining a renewed vision and priorities to support the local economy. If adopted, the strategy would replace those economic strategies that had now reached their expiration.

Guildford was a well located and well connected borough with strong economic foundations, but like elsewhere had experienced major economic shocks from the COVID-19 pandemic, Brexit and the cost-of-living crisis. Now, a reassessment of Guildford's challenges, opportunities and priorities was required. The Council needed to respond and to set out a refreshed strategy and action plan to reinvigorate Guildford's

economy and ensure it is a place where businesses and residents could continue to thrive.

It was noted that Guildford's residents were highly skilled and largely of working age. The borough was home to strong clusters such as the visitor economy and the gaming industry along with an entrepreneurial rural economy. However, to retain its place regionally and nationally the new strategy was required to better adapt to current challenges with an action plan that acknowledged current circumstances. The draft strategy proposed a strong partnership approach seeing the Council working alongside key stakeholders. Consequently, the action plan would be subject to further consultation with these groups and achieve a commitment to co-delivery

The Council had tasked Avison Young consultants to draw up the evidence base and the draft strategy and action plan. There had been extensive research and consultation undertaken to produce a new vision which was to re-establish Guildford at the heart of Surrey's economy.

From the research data it was noted that 70% of Guildford's residents were described as skilled workers. Consequently, there was a lack of non-skilled workers who were needed to support the economy. This was directly linked to the affordability and availability of housing in the borough. The Council was progressing the Weyside Urban Village scheme and 40% of the new housing would be affordable contributing towards this deficit. Scarcity of land to develop in the borough was mentioned as compounding factor. It was noted that Surrey County Council had recently published a strategy aimed at engaging all tiers of local government to work together to address the issue and to release land.

The quality and suitability of commercial space available was highlighted, noting that Government had restricted the capacity for the Council to invest in such stock which was a problem.

Some 40% of the town centre retail units were housing national chains which had been challenged in the strategy as lacking economic diversity. However, it was argued that retail chains could be more financially viable than independents.

The medium to long term issues set out in the report could be addressed the 'Shaping Guildford's Future' programme being progressed by the Council in terms of delivering more affordable homes, employment opportunities and making the town generally more economically attractive. The short issues were acknowledged as being difficult to address for the Council due to budgetary and staffing constraints.

Proposed new stations at Guildford West and Guildford East were mentioned in the draft strategy. Whilst it was noted that there was no budget allocated to Guildford East, the Executive did have a budget allocated to Guildford West. Any progress would be subject to discussion with key partners, Surrey County Council and Network Rail. Although the Council was supportive of sustainable transport options, there was currently no urgency to progress such a discussion for these proposed stations.

Summing up the Chairman acknowledged the key challenges set out in an articulately written strategy and action plan and the hard work required over the coming 10-15 years to achieve the goals. The Executive was content to recommend the Economic Development Strategy 2023-2040 and the supporting evidence base and action plan to full Council for adoption. Executive,

RESOLVED:

- (1) To recommend that the Council adopts the Economic Development Strategy 2023-2040 and the supporting evidence base, attached as Appendices 1 and 3 respectively to the report submitted to the Executive.
- (2) That the draft Economic Development Action Plan, attached as Appendix 2 to the report, which will be subject to further consultation with strategic partners, be noted.

Reasons:

To support the reinvigoration of Guildford's economy, the new Economic Development Strategy and Action Plan:

- Sets out the case for action in light of changes to the international, national and regional economic landscape.
- Gives an updated analysis of Guildford's strengths, weaknesses, opportunities and threats.
- Identifies key strengths and opportunities to for the Council and its partners to harness, such as sector specialisms and economic assets (e.g., commercial spaces).
- Highlights the importance of mitigating the environmental impact of economic activity to reflect climate change and sustainability issues.
- Identifies the levers that the Council can utilise to address priority interventions that can help deliver significant positive impact for our economy.

EX88 THE TUMBLING BAY WEIR

The Tumbling Bay Weir collapsed unexpectedly in November 2019, following which the Council and National Trust agreed to commission a temporary solution to restore water flow along the Navigation, sharing the cost equally. This was despite a lack of clarity of ownership and liability for replacing the Weir, so any structure installed as part of the works passed to the owner of the Weir.

There had been significant public interest in the Weir over the past 18 - 24 months, with the Council and National Trust facing criticism for a lack of activity to resolve the ongoing land ownership matters and perhaps more crucially, for the continued closure of the tow path.

There was a discussion about the confidential appendix to the report which had been restricted on the grounds of legal privilege. It was suggested that as much of the factual content appendix as should possible should be available in the public domain without compromising the Council's legal position. The Deputy Monitoring Officer would review the content again to learn to what extent this would be possible.

The Lead Councillor for Regeneration introduced the report to the Executive stating that the weir had attracted much public interest. The Council had conducted extensive historical research going back hundreds of years to ascertain who owned the site and therefore had responsibility for maintenance and repair. The clear outcome of the research was that the Council did not own the tow path, the weir or the bridge, indeed the tow path was not even a public footpath.

Cost of repair, likely to run to millions of pounds, was not the responsibility of the Council and given the Council's budgetary circumstances there was no available finance to make any further contribution. The Council had previously funded 50% of an emergency fix costing £800,000 shortly after the collapse in order to maintain the water levels in the Navigation for ecological reasons. A further £60,000 would be provided by the Council for a fish pass on the nearby Millmead Weir. Furthermore, the council would continue to engage with the National Trust and other stakeholders to find a long term solution. The flood agencies were the Environment Agency and Surrey County Council, both beneficiaries of the weir, had not offered to contribute. Thames Water undertook extraction for the Wey Navigation had not offered to contribute.

The purpose of the report before the Executive was to consider and to decide the level of involvement the Council intended to have in reaching a permanent solution to the weir. The Lead Councillor for Regeneration recommended that in the absence of a duty to pay for repair and in the absence of a budget to fund a repair the Council could have no further financial obligation.

The Executive heard some criticism from individual councillors, but overall, the Council maintained good relations with the National Trust. Most recently the Trust had proposed a financially collaborative approach with the Council but given budgetary pressures, and the consequent implications for public services should the Council commit to more funding, there was a consensus that Option 1, 'Do nothing as the land and the Tumbling Bay Weir are not owned by the Council' was the only way forward.

The land pocket SY734559 was owned by the Council and maintenance of the land had been challenging without the bridge in place. It was noted that there was a narrow access bridge available from the Shalford Road which was restricted, but when Environment Agency's weir was completed there would be additional access.

The Executive was mindful that the tow path route was important to residents, many of whom had appealed to the Council for a solution. Due to the level of public attention, there should be a comprehensive communications plan to clearly set out the Council's position. This plan would be reviewed by Executive members in advance of publication.

In summary, the Chairman noted that having stepped into an emergency situation following the collapse, the Council had received no gratitude. Indeed, the action appeared to have formed an opinion locally that the council had a duty to the site. Gratitude was expressed to members of the Council's legal team for the research and it was noted that although every available document had been consulted, it was possible that new information may come to light in the future. Should this be the case, the Council would review its position. The Executive,

RESOLVED:

- (1) To note that the legal research undertaken concludes that the Council does not own the tow path, Weir, or bridge, and neither does the Council have any obligations to maintain the assets.
- (2) To progress with "Option 1" as outlined in Section 10 of the report submitted to the Executive.
- (3) To communicate publicly the Council's rationale for progressing with "Option 1".

- (4) To continue to be available to engage with the National Trust or other Parties should other currently unknown options become available.

Reason:

The Council was receiving continued public criticism and is facing pressure to provide a permanent solution to the collapsed Tumbling Bay Weir and footbridge. A decision was required from Executive to provide clarity on the level of the Council's ongoing involvement in this matter.

The meeting finished at 10.52 am

Signed

Chairman

Date

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"> • A start-up process to control the number of projects initiated • A mandate being developed for each project for consideration by service leaders and Councillors helping to develop a common understanding of 	

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"> • 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. • Progress through the stages is controlled by gates, these are managed by the Corporate Governance Team. <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&S Committee be endorsed:</p> <ul style="list-style-type: none"> • 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: • requiring evidence of the audit procedure, and documented audit trail; and 	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"> requiring contractors to have a quality assurance system certified to a recognised standard (e.g., ISO 9001). 			<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"> 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 	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"> • That further training and information on the Council's project and programme management be organised for Councillors. 			<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>	

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					Councillors and keep all Councillors up to date with developments.	
17 January 2023 OS43	Stray Dog Service	A member of the Committee suggested the merit of Councillor oversight or involvement in the contract preparation process, including consultation about the specification of the contract when it was re-tendered, and ensuring Councillors had a clear understanding of the contract management process and elements of the procurement process, together with information on the costs paid by the Council for the current service. The Chairman expressed support for these sentiments and	26 January 2023	Executive approved suggested response.	<ol style="list-style-type: none"> 1. That the Executive be requested to ensure Councillor involvement in the processes for the procurement, contract preparation, and contract management of the stray dog service. 2. That the Lead Councillor for Environment and Regulatory Services ensure details of the cost and fees paid to Dogbusters for provision of the stray dog service be provided to Overview and Scrutiny Committee members. <p>To provide oversight of the service.</p>	Mike Smith

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>suggested to the Lead Councillor for Environment and Regulatory Services the value in a consultation with councillors with a view to improving the specification of the next contract when put out to tender. In response, the Lead Councillor for Environment and Regulatory Services indicated his support for input from Councillors</p>				

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Executive Report

Wards affected: Onslow

Report of Joint Strategic Director of Community Wellbeing, Annie Righton and Joint Strategic Director of Place, Dawn Hudd

Author: Matt Gough, Interim Housing Special Projects Lead and Abi Lewis, Executive Head of Regeneration & Planning Policy

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Lead Councillors responsible: Julia McShane, John Rigg

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Date: 16 March 2023

Guildford Park Road Redevelopment – Approval to Proceed to Next Stage

Executive Summary:

The Council has a long-held aspiration to redevelop the surface car park at Guildford Park Road to make better use of this asset. Various schemes have been considered over the years, but in 2021 a new Mandate and Strategic Outline Business Case (SOBC) were considered and approved. This authorised Officers to re-initiate the project and develop a new detailed planning application for the site, along with the development of a wider Business Case for the post-planning delivery of the development.

The updated Strategic Outline Business Case setting out the proposed delivery strategy accompanies this report.

Recommendations to Executive:

1. To approve the Strategic Outline Business Case for the Guildford Park Road Redevelopment, attached as Appendix 1, and to endorse the recommended delivery strategy outlined within.
2. To endorse the revised planning strategy for the project.
3. To approve commencement of the procurement of a development partner to support the delivery of the Guildford Park Road housing project.
4. To approve the spend of up to £700,000, already allocated for the scheme within the Housing Revenue Account approved capital programme, to deliver the procurement activity.

5. To delegate to the Strategic Director of Place, in consultation with the Lead Councillor for Housing and Community and Lead Councillor for Regeneration, authority to enter into such other contracts and legal agreements connected with the Guildford Park Road housing project as may be necessary in compliance with Procurement Procedure Rules and within the approved budget.

Reason(s) for Recommendation:

1. The Guildford Park Road redevelopment is a key scheme within the Housing Revenue Account Business Plan that will deliver a significant number of additional homes in the town centre. Officers currently have no authority to initiate the delivery phase of the scheme, and this authority is now sought from the Executive.
2. The recommendation will support the delivery of the Council's Corporate Plan (2021-2025) priorities by providing and facilitating housing that people can afford.

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

Yes – In part: Appendix 1 Strategic Outline Business Case

(a) The content is to be treated as exempt from the Access to Information publication rules because it contains commercially sensitive information and is therefore exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972:

“(3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)”.

(b) The content is restricted to all councillors.

(c) It is likely that the exempt information can be expected to be made public for public inspection at such time as the development agreement has been executed.

(d) The decision to maintain the exemption may be challenged by any person at the point at which the Executive is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

The purpose of this report is to provide sufficient background information to the Executive so it can authorise Officers to commence implementation of the recommended delivery strategy for this project. Specifically, this refers to initiating a procurement exercise to select a Development Partner to deliver the scheme.

2. Strategic Priorities

The Council's Strategic Framework sets out its Vision, Mission and Values, and associated corporate priorities. This proposal directly relates to the Council's priority – Homes and Jobs: Provide and facilitate housing that people can afford, as it relates to the proposed redevelopment of the Guildford Park surface car park, to provide much needed new housing, including affordable homes, in the centre of Guildford.

3. Background

- 3.1 Pursuant to a previous Executive decision (May 2020), Officers have been working to develop a new planning application for the redevelopment of the existing surface car park at Guildford Park Road, to provide new housing, including a significant proportion of affordable homes.
- 3.2 In line with the Council's Project and Programme Management (PPM) governance procedures, a project Mandate was agreed early in 2021 to initiate the Executive decision to develop a new planning application. Accordingly, a professional team has since been appointed, a new scheme developed and significant engagement with both the Local Planning Authority and community stakeholders has occurred. However, Officers have faced significant challenge in concluding the pre-application process due to capacity issues within the planning authority's team, which has meant that a new planning application has not yet been submitted.
- 3.3 In parallel with the design development work, Officers have been developing the project Business Case so that a recommendation can be made in relation to the delivery strategy for this site.
- 3.4 The recommendation made is that the Council disposes of the site via a long lease agreement to a Development Partner, to be selected via a competitive tender process initiated upon approval of this report. The site sale would be subject to conditions set out in a Development Agreement. The Development Agreement will ensure the project delivers key outputs, to be specified by the Council as well as committing the Council to acquiring the affordable housing units the scheme delivers.
- 3.5 The Council is committed to the redevelopment of this site to provide much needed housing, and the Project Team has undertaken much work since the Project Mandate was authorised in 2021 to develop design proposals accordingly. The options appraised in the project Business Case now focus on how this redevelopment will be achieved and consist of the following:
 1. Do Minimum – Sell the site with no conditions attached
 2. Do More – Sell the site with conditions attached via Development Agreement

3. Do Most – The Council builds out the scheme directly and takes on all development risks
- 3.6 The options have been evaluated against a number of criteria that consider:
1. Council's exposure to construction cost risks
 2. Council's exposure to private sale market risk
 3. Potential financial return to Council
 4. Council's funding exposure / impact on Council finances
 5. Political risk
 6. Call on Council personnel / resources and expertise
 7. Council influence over design and sustainability standards
 8. Council's ability to optimise key development outputs such as unit numbers and affordable housing delivery
- 3.7 The appraisal concludes that **Option 2 - Sell the site with conditions attached via Development Agreement** is the preferred option. The detailed evaluation is contained within Section 4 – Economic Case of the Strategic Outline Business Case appended to this report.
- 3.8 Aligned with this recommendation, Officers also recommend that the current work to submit a new planning application be paused until a Development Partner is appointed. This will allow the Council to benefit from the appointed Partner's design input and expertise around construction efficiencies before the plans are finalised and enshrined in a planning consent.
- 3.9 It must be stressed that the investment made in the project to date will be highly beneficial to the recommended strategy. The proposals we have developed will provide a clear framework, defining the project brief and the opportunity that is offered to the market in the coming months (subject to Executive Approval to proceed being obtained). The design development work has been robustly tested through the planning pre-application process, independent design review panels and consultation with the community and other stakeholders, providing a detailed understanding of the acceptability of key scheme elements. Detailed technical diligence work undertaken has facilitated a fuller understanding of site conditions and constraints aligned with current policy and regulatory requirements. All of this work will form a robust basis upon which the final proposals can be developed efficiently once a Partner is appointed.

4. Financial implications

- 4.1 Section 6 – Financial Case of the Strategic Outline Business Case sets out the financial implications associated with this recommendation.
- 4.2 To date, circa £6.25M has been spent on this project. This includes historic expenditure associated with the previous planning application and works carried out in anticipation of scheme implementation (circa £4.47M) and all expenditure associated with current work to develop a new planning application.
- 4.3 The Business Case indicates costs to proceed to next stage (i.e. selection of a Development Partner) at circa £688k. This includes internal staff time, external consultant and legal support. The HRA approved capital programme for 23/24 includes £1.084M for this project meaning that the work necessary can be funded from this budget.
- 4.4 The Business Case also sets out the estimated total development costs, as well as an indicative Whole Life Cost Profile (50-year duration).
- 4.5 The estimated total development costs for the Council, based on the recommended delivery strategy, are in the region of £34.8M. This comprises:

Item	Cost
Historic Costs – Previous scheme	£4,447,000
Actual Expenditure – Current scheme	£1,805,000
Forecast Expenditure – Current work stage	£510,000
Forecast Expenditure – Cost to next stage	£688,000
ROM Costs – Delivery phase	£27,301,220
Total	£34,751,220

- 4.6 The delivery phase costs relate to the purchase price agreed for the affordable housing products, and an allowance for on-costs associated with the administration of this process.
- 4.7 The estimated development cost reflects the Council’s capital costs over the development period. These costs will be partially offset through the use of Right to Buy receipts (if applied), a potential land value payment and Shared Ownership sales receipts, during the development period.
- 4.7 The indicative Whole Life Cost Profile has been developed based upon assumptions as set out in detail within the Business Case. It considers the Council’s expenditure and receipts during the development period and the impact of the longer-term rental receipts from the Affordable Rent and Shared Ownership products. The net rental receipts relating to the Affordable Rent and

Shared Ownership products to be acquired and owned by the Council will result in overall project payback within a 30-year business plan period.

5. Project Risks

- 1.1. A summary of the key project risks, aligned to the recommended delivery strategy, and the associated mitigating actions, is set out below:

Name of Risk	Description	Mitigating Action
<p>There is a risk that the project team remains unable to obtain pre-app feedback, which causes a delay to the partner selection process.</p>	<p>SOBC proposes that submission of the scheme planning application be delayed until a Development Partner has been appointed. This to create space for the selected partner to add value and influence the final planning design.</p> <p>It is essential that clear, robust pre-application advice is provided in connection with the current scheme design so that this can be included within the partner selection tender pack.</p> <p>It is intended to commence the selection process immediately upon Executive confirmation of the acceptability of the proposed approach in March 2023.</p> <p>The acceptability of the current scheme in planning terms will be a critical factor in how Bidders calculate the site's land value as part of</p>	<p>Continued engagement with Interim Officer.</p> <p>Escalate via CMB as required.</p>

Name of Risk	Description	Mitigating Action
	<p>their commercial tender offer, thus enabling the Council to obtain best value for the site.</p>	
<p>There is a risk that the partner selection process is unsuccessful.</p>	<p>The current landscape of rising construction costs and uncertain housing market could impact on the attractiveness of the opportunity to the market, reducing the number of potential bidders or resulting in unsatisfactory returns.</p>	<p>Continued soft market engagement in lead-up to tender publication.</p> <p>Strong messaging around the Council's commitment to deliver the scheme.</p> <p>Robust pre-application advice with demonstrable support for scheme proposals.</p> <p>Work with commercial and legal advisors to ensure that deal structure is not overly onerous, whilst still ensuring adequate protection for the Council.</p>
<p>There is a risk that adopting the recommended way forward results in an unsatisfactory outcome for the Council.</p>	<p>The Council does not have experience of delivering schemes via a Development Agreement mechanism.</p>	<p>Council to be supported throughout design / implementation of partner selection process by experienced commercial consultants, with demonstrable track record of assisting Local Authority clients with similar transactions.</p> <p>Additional support provided by planning, design and</p>

Name of Risk	Description	Mitigating Action
		<p>technical consultants to ensure tender documents robust and comprehensive, and to assist with selection process.</p> <p>Interim Development Manager, experienced in delivering schemes via this mechanism to be embedded in client-side project team to assist with design / implementation of partner selection process and provide appropriate challenge to external consultants.</p> <p>Colleagues in legal and procurement to provide support to ensure process carried out in accordance with procedure rules and that appropriate protection afforded to the Council in any legal agreements.</p>
<p>There is a risk that some Members may not support the scheme height and massing at planning stage.</p>	<p>The current scheme includes apartment buildings ranging from 5-9 storeys in height. Some Members have expressed concern about this during the consultation process. A recent (non-GBC) application was refused at</p>	<p>Current scheme massing has been considered as part of the pre-application process.</p> <p>Verbal support received but this to be confirmed in written response.</p>

Name of Risk	Description	Mitigating Action
	<p>Committee, against the Officer's recommendation, partly due to the height of some of the development's components (comparable height AOD to GPR scheme)</p>	<p>No policy on building height in place - for applicant to justify its approach and consider impact on townscape, views and to neighbouring properties and ensure appropriate evidence is provided in the planning submission pack to support its position.</p> <p>Continued engagement with Members / Community / other Stakeholders once Development Partner selected, and scheme is being finalised, to build confidence in proposals and positive scheme benefits.</p>
<p>There is a risk associated with the upcoming elections and potential changes to political leadership.</p>	<p>The current scheme has support from the dual-party Executive, and it is anticipated that they will support the Officer's recommendation for the preferred project delivery strategy.</p> <p>However, if the political composition / leadership changes in May, this could have an impact.</p>	<p>Continued onboarding of wider Member group</p>
<p>There is a risk that the project will not</p>	<p>Viability appraisal work undertaken by our</p>	<p>This risk considered in options appraisal exercise</p>

Name of Risk	Description	Mitigating Action
provide a financial return for the Council or break even.	commercial advisors has highlighted the challenge of self-delivering a viable scheme on this site, that provides the requisite quantum of affordable housing, and delivers on the Council's commitment to net zero.	undertaken. Recommended way forward for delivery based on optimum result for the Council in terms of cost risk, funding requirement and ability to recover investment within acceptable period.

6. Consultations

- 6.1 Updates on the progress of the Guildford Park Road scheme have been provided to Councillors at the quarterly Housing Development Board and the Major Projects Portfolio Board. The scheme will continue to report through these established governance structures.
- 6.2 An all-Councillor briefing was held on 29th March 2022 to outline the emerging proposal and progress on the scheme. A further "drop in" session was held for all Councillors on 18th May 2022 to present the initial designs ahead of public engagement sessions held in April and November 2022 to receive feedback on the proposals and to feed this into the design process.
- 6.3 Engagement with Councillors and the members of the public will continue once a development partner is appointed, should Executive approve the Recommendations outlined in this report.

7. Legal Implications

- 7.1 The Council's internal legal and procurement officers are providing support in relation to all procurement activity to ensure compliance with the Council's legal duties including the Public Contracts Regulations 2015 and the Council's Procurement Procedure Rules.
- 7.2 The Council may need to appoint an external legal adviser to provide specific advice on the procurement, selection and appointment of a development partner for the scheme subject to further assessment of capacity within the in-house team. An allowance for this cost has been included within the budget requested in the recommendations.
- 7.3 Officers acting under delegated authority to enter into the contracts and agreements referred to in this report will ensure that the costs are subject to

Value for Money consideration and that the procurement route is appropriate in line with the Council's procurement and financial procedure rules.

8. Human Resource Implications

- 8.1 The Guildford Park Road project is sponsored by the Strategic Director - Place and led by the Executive Head of Regeneration and Planning Policy. The project is being managed by the Housing Development Programme Manager, supported by an external professional team.
- 8.2 An interim Development Manager has been appointed to support with the progression of the procurement of a development partner, acting on behalf as the Council.
- 8.3 There is also the intention to recruit to a Housing Development Project Manager role – a vacancy within the current Corporate Programmes establishment – which would provide some additional capacity to support on the scheme as required.
- 8.4 The proposed recommendations will be delivered within the existing resourcing outlined, in alignment with the approved budget provision.

9. Equality and Diversity Implications

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 directly from this report.

10. Climate Change/Sustainability Implications

- 10.1 The Council formally declared a climate emergency in July 2019 and set a goal for the borough to reach net zero emissions by 2030. The Council is committed to reducing emissions, particularly from vehicles, energy use and construction processes. These objectives have been considered at all stages of the scheme design to date and the current proposals will deliver a reduction in regulated carbon emissions in excess of 80% as against current regulatory requirements.
- 10.2 This will be a key consideration for the Council as it develops the Heads of Terms that will underpin the proposed development agreement moving forward.

11. Options

- 11.1 The options appraised in the project Business Case focus on how redevelopment of the site will be achieved and consist of the following:
 - 1. Do Minimum – Sell the site with no conditions attached
 - 2. **Do More – Sell the site with conditions attached via Development Agreement (Recommended)**

3. Do Most – The Council builds out the scheme directly and takes on all development risks
- 11.2 The detailed options appraisal is set out in Section 4 – Economic Case of the Strategic Outline Business Case appended to this report.
- 11.3 ‘Do nothing’ and other options that do not deliver the proposed redevelopment have been discounted from further consideration.

12. Conclusion

- 12.1 The Guildford Park Road redevelopment will deliver high quality housing, notably affordable housing, on an underutilised Council asset.
- 12.2 Detailed consideration of the available routes to achieve this objective is set out in the project Business Case and concludes that the recommended way forward is to dispose of the site with conditions attached via a Development Agreement structure.
- 12.3 The project Business Case sets out the work required to implement this strategy and it is therefore proposed that the Executive approve the recommendations outlined in this report to enable the progression of the Guildford Park Road redevelopment into its delivery phase.

13. Background Papers

None

Appendices

Appendix 1: Strategic Outline Business Case (Full version - exempt)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda item number: 6
Appendix 1

Document is Restricted

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Executive/Full Council Report

Ward(s) affected: Ash South and Tongham, Ash Wharf

Report of Strategic Director of Place, Dawn Hudd

Author: Michael Miles, Project Leader - Corporate Programmes (Consultant)

Tel: 01483 444077 or 07526 770482

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Lead Councillor responsible: John Rigg

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Date: 16 March 2023

Ash Road Bridge Scheme update and Budget Approval

Executive Summary

The Ash Road Bridge Scheme comprises a long-term infrastructure solution to the current and future issues posed by the Ash level crossing, including increased usage associated with housing growth in the Ash and Tongham area and greater barrier downtime resulting from enhanced rail use of the North Downs Line.

The Scheme is being delivered in two Stages. Stage 1 is the delivery of the road bridge over the railway line (and closure of the level crossing to motorised vehicles), and Stage 2 is the delivery of the footbridge in the vicinity of Ash level crossing, to enable Ash level crossing to be closed permanently to all users.

Council approved the Scheme in April 2021, with a budget of £33.8 million for Stage 1 (road bridge) and £5.02 million for Stage 2 (footbridge) and funding from Homes England of £23.9 million. Due to challenging economic and market conditions the budget for Stage 1 (road bridge) has increased. This report provides an update on the Scheme, and the budget implications as a result.

The Ash Road Bridge will bring substantial improvements to the local community and economy. It comes at a cost to Guildford Borough Council. The Executive is concerned about how the ongoing annual costs will be met. In noting the progress of this project since it was initially commissioned in 2015 and the benefits it will bring, the Executive requests that further discussions be held with Surrey County Council as the transport and highways authority, Network Rail and Homes England on the ongoing impact of the costs of the bridge to local public services.

Exempt Appendix 5 comprises a high-level summary of the information contained in this report and in Exempt Appendices 2, 3, and 4.

The Executive is asked to recommend to Council approval of the following:

- the new budget and funding strategy for Stage 1 (road bridge) of the Scheme, noting that the final details of this may be subject to change following ongoing evaluation of the tenders received from the contractors in late January 2023 and their final offer in March 2023, including the impact on the Medium-Term Financial Plan, and
- the funding strategy for Stage 2 (footbridge) of the Scheme.

Recommendation to Executive:

1. To recommend that Full Council (at its extraordinary meeting on 16 March 2023) approves the budget and funding strategy as set out in Exempt Appendices 2 and 3 to this report.
2. To delegate to the Strategic Director for Place, in consultation with the Lead Councillor for Regeneration, and Lead Councillor for Finance and Planning Policy, authority to enter into such other contracts and legal agreements connected with the Ash Road Bridge Scheme as may be necessary in compliance with Procurement Procedure Rules and within the approved budget.

Recommendation to Council:

To approve the budget and funding strategy as set out in Exempt Appendices 2 and 3 to this report.

Reasons for Recommendations:

This is a unique opportunity to utilise £23.9 million of central government funding towards the Ash Road Bridge Scheme to deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing to motor vehicles, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing in Ash.

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

Yes, in part (Appendices 2, 3, 4, and 5):

- (a) The contents of the Appendices 2, 3, 4 and 5 to this report are to be treated as exempt from the Access to Information publication rules because the proposed transaction is commercially sensitive and is therefore exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as

follows: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”;

- (b) Appendices 2, 3, 4 and 5 to this report contain details of legal advice provided to the Council and is therefore exempt by virtue of paragraph 5 of Part 1 of the Schedule 12A to the Local Government Act 1972 as follows: “Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”;
- (c) The contents of Appendices 2, 3, 4 and 5 to this report are restricted to all councillors;
- (d) The exempt information in Appendices 2, 3, 4 and 5 to this report is not expected to be made public because the reasons for the exemption will remain live for the duration of the project. This decision will be reviewed at the end of the project; and
- (e) The decision to maintain the exemption may be challenged by any person at the point at which the Executive/full Council is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

1.1 The purpose of this report is to provide:

- an update on the progress of the Scheme; and
- seek the approval of the Council to the revised budget and funding strategy for the Scheme along with the associated Minimum Revenue Provision and interest costs.

2. Strategic Priorities

2.1 The recommendations in this report support the delivery of the following priority in the Council's Corporate Plan 2021-2025:

- Work with partners to make travel more sustainable and reduce congestion

2.2 The Scheme is an integral part of Policy A31 of Guildford's Adopted Local Plan to mitigate existing and planned development and will support delivery of housing within the total 1,750 homes policy allocation. It will make travel in the Ash and Tongham area easier by relieving congestion caused by the level crossing down-time, through improving safety by closure of the level crossing and by providing the infrastructure to accommodate the increase in housing under Policy A31.

3. Background

- 3.1 A requirement of Policy A31 in the adopted Local Plan is the provision of a new road bridge and associated footbridge in Ash to enable the closure of the level crossing with the aim of improving safety for all users, reduce congestion and delay, and lessen rat-running by keeping traffic on the A323. The need for an alternative means of crossing over the railway at Ash was identified and examined through the Local Plan process and supported by Surrey County Council and Network Rail as well as Guildford Borough Council, culminating in this requirement in Policy A31. This road bridge and footbridge comprise Stages 1 and 2 of the Ash Road Bridge Scheme respectively.
- 3.2 The Scheme Plan at **Appendix 1** to this report shows the approved layout for the road bridge, Stage 1 of the Scheme, (for which planning permission was granted in January 2021) and an indicative layout for the footbridge, Stage 2 of the Scheme.
- 3.3 Since March/April 2021 further housing development in Ash and Tongham has come forward. At the time of writing, 1,403 homes have been granted planning permission in the Guildford Local Plan Policy A30 (59 homes) and A31 (1,344 homes) areas of Ash and Tongham, with many of those either having been constructed or currently under construction, whilst a further 158 homes are currently subject to planning determination.
- 3.4 Stage 1 (road bridge) is the most complex and cost intensive element of the project and needs to be delivered before the footbridge in order that motor vehicles can be diverted away from the Ash level crossing, providing the necessary land and space for construction of the footbridge. Without the delivery of the road bridge Stage 2, the delivery of the footbridge, cannot proceed.
- 3.5 Alongside the increase in housing, Network Rail continues to progress the Gatwick to Reading route enhancements. First Great Western are moving from two to three trains per hour in each direction on Weekdays and Saturdays. The extra trains on the Saturday have now been implemented
- 3.6 The continued growth in housing in the Ash and Tongham area and planned increase in train frequencies on the North Downs Line is further increasing pressure on the constrained transport network, including Ash level crossing and local routes used for rat running. Intervention still remains paramount.
- 3.7 The expected strategic benefits and positive outcomes of the Scheme are summarised below:

Objective	Benefits associated with the Scheme
1	<p data-bbox="428 247 1404 352">To support the growth aspirations of the Guildford Borough Local Plan and in particular Policy A31 relating to the delivery of housing and employment</p> <ul data-bbox="428 373 1404 924" style="list-style-type: none"> <li data-bbox="428 373 1404 478">• Mitigates impacts from increased housing built, committed and/or proposed in the area under Policy A30 and 31 of Guildford's Adopted Local Plan <li data-bbox="428 489 1404 552">• Unlocks the development potential of land allocated in Policy A30 and A31 (estimated at a minimum of 698 homes). <li data-bbox="428 562 1404 625">• New housing units contribute to local expenditure and public finances (through tax revenues). <li data-bbox="428 636 1404 741">• The ARB Scheme will create and/or safeguard construction jobs (70 jobs per annum for the road bridge and 10 jobs per annum for the footbridge). <li data-bbox="428 751 1404 814">• Creation of indirect jobs associated with the delivery of new housing (it is estimated that 37 FTE jobs will be created). <li data-bbox="428 825 1404 924">• Delivery of additional high-level qualifications through construction (estimated that 14 high-level skills qualifications generated by the road bridge project and 2 for the foot bridge).
2	<p data-bbox="428 942 1404 1005">To alleviate congestion and delay associated with the Ash level crossing</p> <ul data-bbox="428 1026 1404 1474" style="list-style-type: none"> <li data-bbox="428 1026 1404 1215">• The removal of an existing traffic congestion and delay hotspot for road users (closures 8 times p/hour, or 150 p/day, which averages between 20 and 25 minutes an hour) and will increase as the frequency of trains increases with the opening of the New Gatwick terminal on the Reading to Gatwick line. <li data-bbox="428 1226 1404 1331">• Mitigation of impacts for road users associated with additional passenger train services on the line and longer trains (already commenced). <li data-bbox="428 1341 1404 1446">• Mitigation of transport impacts associated with Policy A30 and A31 of the Local Plan (including homes already built or committed). <li data-bbox="428 1457 1404 1474">• Air quality benefits (especially around the Ash level crossing)
3	<p data-bbox="428 1488 1404 1530">To better manage the routing of vehicles through Ash</p> <ul data-bbox="428 1541 1404 1684" style="list-style-type: none"> <li data-bbox="428 1541 1404 1583">• Limit the use of unsuitable routes to avoid the level crossing. <li data-bbox="428 1593 1404 1684">• Mitigates the risk of further increases in rat-running associated with growth in background traffic, committed development and barrier closures
4	<p data-bbox="428 1698 1404 1772">To improve safety for drivers, pedestrians and cyclists crossing the North Downs Line and using Ash Station</p> <ul data-bbox="428 1793 1404 1854" style="list-style-type: none"> <li data-bbox="428 1793 1404 1854">• Removal of the safety hazard posed by the present level crossing, categorised by Network Rail as a medium-high risk

	<ul style="list-style-type: none"> • Reduction in traffic around Ash Station, which will improve the station realm environment and conditions for station passengers/ non-motorised users. • A reduction in risks taken by motorists to avoid delay. • New pedestrian and cycle connections across the North Downs Line
5	<p>To improve connectivity across the North Downs Line and through Ash</p> <ul style="list-style-type: none"> • Improved journey time reliability for those using the A323 including buses • Access improvements over the North Downs Lines which coupled with wider Local Plan measures for Ash will improve connectivity between Aldershot, Farnborough and west of Guildford thereby supporting economic activity.

- 3.8 The road bridge also offers positive opportunities to support Guildford’s climate change emergency through creating a water sensitive site with green corridors and high-quality biodiversity creation, providing measures to address future forecast climate change impacts protecting functional floodplain.

Scheme update

Road bridge (Stage 1)

- 3.9 The Council entered into a Pre-Construction Services Agreement (PCSA) with Balfour Beatty in July 2021 via the SCAPE framework and had anticipated appointing them as the main contractor to deliver Stage 1 (road bridge) following the completion of the detailed design. However, in March 2022, Balfour Beatty presented a revised forecast construction budget and programme which showed a significant increase in both the budget and programme.
- 3.10 In light of the significant increases in cost and programme, the Council took the decision, with the approval of Homes England, to go out to competitive tender on the main contract for the road bridge. This procurement process commenced in September 2022.
- 3.11 The Council received three tenders in January 2023. Following a process of evaluation and negotiation it is anticipated that three final offers will be received in March 2023. Subject to approval of the revised budget and funding strategy, as per the Recommendations, the Council anticipates entering into a contract with a selected contractor by the end of April 2023, with construction between June 2023 – December 2024.

- 3.12 Part of the road bridge has already been constructed by Bellway Homes (required as part of the planning consent) as it forms the spine road through their development south of Guildford Road. Bellway are also currently constructing the roundabout (A323 Guildford Road / Ash Hill Road) which connects this part of the road bridge to Guildford Road.
- 3.13 In parallel to the procurement process, the Council has negotiated the necessary Land and Works Agreements required to secure land needed to deliver the road bridge (Stage 1). It is anticipated that the remaining agreements will be completed promptly following approval of the revised budget by Full Council.
- 3.14 The Council has also been working closely with Surrey County Council and Network Rail to agree the design and statutory agreements and approvals needed to construct the road bridge and expects to conclude these shortly after selection of the main contractor. The Council is also working with Surrey County Council and Network Rail to put in place the necessary approvals for the closure of the crossing to motor vehicles once the road bridge is opened.

Footbridge and level crossing closure (Stage 2)

- 3.15 The footbridge and closure of the Ash level crossing form Stage 2 of the Ash Road Bridge Scheme. The road bridge (Stage 1) has to be completed before the footbridge is built so that the level crossing can be closed to motorised traffic, which provides the necessary workspace and conditions to enable the footbridge to be built.
- 3.16 Network Rail has recently indicated that they are seeking full funding for construction of the footbridge in this control period (which ends in April 2024) and have commenced a review of the footbridge design. It is hoped that Network Rail will meet all or at least the majority of the costs of delivering the footbridge. However, this funding is not yet confirmed.
- 3.17 It is anticipated that further development of the footbridge design will take place in summer 2023, allowing the submission of a planning application in late 2023 or early 2024. An application will be made for the full closure of the level crossing once the necessary land for, and alignment and form of, the footbridge are fixed and the responsibility for ongoing maintenance of the footbridge (anticipated to be either Network Rail or Surrey County Council) has been agreed. This is likely to be after planning approval is received. It is currently anticipated that the planning application and the application for closure of the level crossing will be made by and funded by the Council, and this has been allowed for in the revised budget.

4. Consultations

- 4.1 Members of the Executive including the Leader of the Council and the responsible Lead Councillor for the scheme have been regularly briefed on the budget for the project, funding and risks associated with progression of the ARB Scheme throughout.
- 4.2 Updates on the progress of the Scheme have been provided to Councillors at the quarterly Capital, Transport and Infrastructure Board and the Major Projects Portfolio Board. Briefings of ward members within Ash and Tongham have also been held on a regular basis.
- 4.3 The Executive received a full briefing on the financial position of the Scheme on 23 February 2023 and a briefing for all Councillors was held on 6 March 2023.
- 4.4 Consultations that were carried out on the Ash Road Bridge prior to and following submission of the planning application of Stage 1 (the road bridge) were reported in the April/May 2021 reports to Executive and Full Council. These are summarised as follows:
 - a) The principle of the Scheme was included in two public consultations on Guildford Borough's emerging Local Plan, which took place in 2016 and 2017. The Local Plan (Strategy and Sites) was adopted on 25 April 2019.
 - b) Prior to submission of the Stage 1 (road bridge) planning application, public forums and two pre-application public exhibition events were held. Post-submission of the application an additional public information event was held.
 - c) A full planning application was submitted in August 2019 for Stage 1 (the road bridge) and three rounds of statutory consultation were completed by the Council as local planning authority.
 - d) Statutory consultation has also been completed post-determination for the discharge of planning conditions.

5. Key Risks

- 5.1 A fully costed risk register, utilising a QCRA (Qualitative Costed Risk Assessment) system and Optimism Bias, calculated via a Monte Carlo algorithm for the project, has been produced to support the management of the project and has informed the budget for the road bridge and footbridge schemes in regard to contingency. This methodology provides a P90 position, which equates to a 90% chance of the project being

- delivered on time and on budget. The costed risk register will help to mitigate the risk of further budget increases.
- 5.2 The risk register forms an integral part of the management strategy for the ARB scheme, with risk workshops being held quarterly throughout the project to ensure that risks and the associated actions for mitigating risk are regularly reviewed and updated. The last detailed review was undertaken in January 2023.
 - 5.3 Exempt **Appendix 4** sets out the top ten project risks for the road bridge and the actions that are being taken to manage these risks. Exempt **Appendix 3** also captures risks specific to the Housing Infrastructure Fund (HIF) Funding Agreement.
 - 5.4 A number of the risks identified on the current risk register will become the 'Early Warning Risk Register' during the construction phase. It is anticipated that monthly risk workshops will be undertaken with the contractor during the construction stage to review, mitigate and revise the 'Early Warning Risk Register' as required.

6. Financial Implications

6.1 Budget [set out in Exempt **Appendix 2**]

6.1.1 The approved budget for the Scheme is £38.91 million, being £33.89 million for the road bridge (Stage 1) and £5.02 million for the footbridge (Stage 2) (excluding borrowing costs.) The road bridge budget is slightly higher than that which was approved by the Council in April 2021 (£38.79million) as the budget was subsequently combined with a separate approved budget for land acquisition costs for the Ash Road Bridge Scheme equivalent to £0.12 million.

6.1.2 The revised budget is £44.5 million, being £44.0 million for the road bridge and £0.5 million for the footbridge (excluding borrowing costs.) The increase to the budget is therefore £5.59 million.

6.1.3 The budget for the Scheme is considered in more detail in Exempt Appendix 2 of this report.

6.2 Funding [set out in Exempt **Appendix 3**]

6.2.1 The revised budget of £44.5 million for the Scheme (Stage 1 and Stage 2) is proposed to be funded as follows:

- £23.9 million from Homes England (HIF) funding which has been secured (see further below); and
- A combination of Council reserves and funds and Council borrowing.

The funding for the Scheme is considered in more detail in Exempt **Appendix 3** of this report.

7. Legal Implications

- 7.1 If the recommendations set out in this report are approved, the Council proposes to enter into a contract with the preferred bidder to deliver Stage 1 (road bridge) of the Ash Road Bridge Scheme in compliance with the Public Contract Regulations 2015 and the Council's procurement strategy, and in compliance with the principles of delivering best value for money.
- 7.2 The Council will also be entering into the following key agreements required for the delivery of Stage 1 (road bridge):
- 7.2.1 Two highways agreements (under section 38 and section 278 of the Highways Act 1980 respectively) with Surrey County Council and the relevant landowners under which Surrey County Council as highway authority agree to adopt the road bridge as public highway upon completion and subject to payment by the Council of commuted sums.
 - 7.2.2 An overbridge agreement and easement with Network Rail and Surrey County Council, in which Network Rail grants the Council the necessary rights to build the road bridge over the railway line and Surrey County Council the obligation to maintain that bridge.
 - 7.2.3 An Asset Protection Agreement with Network Rail which sets out the services to be provided by Network Rail (including engineering safety management approvals, provision of asset information, booking possessions and attendance at meetings) and the financial terms upon which those services will be provided.
- 7.3 The Section 106 contributions towards the Ash Road Bridge Scheme, which have been and will be secured by the local planning authority through Section 106 agreements entered into by landowners and developers with the local planning authority, will be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.4 The Council will be bound by the terms of the Homes England Funding Agreement as amended and should ensure that it fully complies with the terms, and any issues with compliance should be notified to Homes England at an early stage. In addition, the Council has and will ensure that

contracts with contractors and consultants in relation to this matter contain, as far as possible and bearing in mind commercial as well as legal constraints, protection for the Council for non-compliance where this is due to a breach by the contractors and consultants.

- 7.5 The Council has negotiated the necessary Land and Works Agreements required to secure land needed to deliver the road bridge (Stage 1) and anticipates that the remaining agreements will complete promptly following approval of the revised budget by Full Council. The Council will need to ensure that it complies with the terms of those agreements.

8. Human Resource Implications

- 8.1 The Ash Road Bridge scheme is managed on the Client-side by an interim consultant, supported by enabling services in the Council, notably finance, legal and procurement teams. The proposed recommendations will be delivered within this existing resource, which has been included within the outlined scheme budget. The Council will continue to work with Homes England to identify opportunities to secure "Capacity Funding" to fund these staffing costs.

9. Equality and Diversity Implications

- 9.1 The Council has a legal duty under the Equality Act 2010 (in particular, the Public Sector Equality Duty (PSED) under section 149 of that Act) to have due regard to the following matters in the exercise of all its functions, namely the need to:
- 9.1.1 Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
 - 9.1.2 Advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation) and persons who do not share it.
 - 9.1.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 An Equality Impact Assessment (EqIA) was prepared for the road bridge (Stage 1) at the time of the planning application. This was reported as an Appendix to the Executive/Full Council papers in March/April 2021.

10. Climate Change/Sustainability Implications

- 10.1 The Council formally declared a climate emergency in July 2019 and set a goal for the borough to reach net zero emissions by 2030. The Council is committed to reducing emissions, particularly from vehicles, energy use

and construction processes. These objectives have been and will continue to be considered at all stages of the design and implementation of Ash Road Bridge. These were considered as part of the Executive/Full Council papers in March/April 2021.

11. Options

OPTION 1 (Recommended):

- 11.1 The Council could decide to approve the recommendation outlined within this report, including approval of a revised Scheme budget of £44.5 million excluding borrowing costs, and the associated funding strategy.
- 11.2 The Council has a unique opportunity to utilise £23.9 million of central government funding to deliver the Scheme which forms part of the Council's Local Plan, will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of unsuitable alternative roads in the area.

OPTION 2 (Not recommended):

- 11.3 The Council could decide not to proceed with the Recommendations outlined in this report. However, possible consequences of this decision are:

11.3.1 It is highly likely that it will never be possible to deliver the road bridge or footbridge because:

- The funding will not be available. In particular, the Council will lose the Homes England funding of £23.9 million. This funding has to be drawn down by 31 March 2024, which means construction needs to start on site within Q2 2023. If the Scheme is put on hold, even very temporarily (for example until July 2023), it will not be possible to draw down the Homes England funding within this availability period and Homes England will halt any further drawdowns of funding. The Council will also need to repay the Section 106 contributions already paid towards the Scheme and will be unable to claim further Section 106 contributions already secured or secure future Section 106 contributions (see Exempt **Appendix 3** for further details);
- The land may be unavailable. The Council is not acquiring all of the land needed for the road bridge – some of the road bridge is being built under licence and two of the land and works agreements are still to be entered into. The terms that have been agreed with the landowners mean that construction on site needs to start shortly. If Ash Road Bridge is not proceeding then these landowners may pursue alternative development proposals, which may be

incompatible with the Ash Road Bridge Scheme and mean it can never be built;

- Stakeholders (including Surrey County Council, Network Rail, Homes England and the interested landowners and contractors who have bid to deliver the road bridge) may be reluctant to re-engage on future proposals.

11.3.2 Repayment of Homes England funding already drawn down. The Council has drawn down £5.92 million of the Homes England funding to date. Under the terms of the funding agreement, Homes England would have the right to claim this back from the Council. This grant has funded the capital programme, and as the Scheme will be aborted, will be sunk costs. These sunk costs and the grant repayment would have to be funded as a revenue cost by the Council;

11.3.3 Repayment of Section 106 contributions towards Ash Road Bridge which have already been collected - as referred to above. These sunk costs and the Section 106 contributions repayment will be a revenue cost;

11.3.4 Undermining of Policy A31 of the Guildford Borough Local Plan: Without the road bridge, the opportunity to provide an alternative crossing over the North Downs Line close to the location of the A323 will be lost.

11.3.5 Impact on Council's housing delivery targets: The Scheme is a requirement of Policy A31 and if it is unable to be satisfied then the local planning authority may decide not to grant further planning permissions for housing development in this area.

11.3.6 Congestion and safety risks increased: Cumulative traffic impacts associated with built or committed development in the Ash and Tongham area will go unmitigated at the Ash level crossing and on local roads where 'rat-running' occurs to avoid the crossing.

12. Conclusion

12.1 Challenging and unforeseeable changes in the construction market have resulted in an increase to the budget previously anticipated for Stage 1 (road bridge) of the Ash Road Bridge project.

12.2 However, the Council has a desirable and very likely one-time opportunity to utilise significant central government funding and the necessary available land to deliver essential infrastructure which is required by the Council's adopted Local Plan and will benefit the residents of Ash and Tongham.

- 12.3 Recognising the limited availability period of the Homes England grant and the land needed to construct the road bridge, it is proposed that the Executive and Council approve the recommendations outlined in this report to enable the delivery of the scheme.

13. Background Papers

- 13.1 The following background papers are referred to in this report and links are included here:

[Agenda for Executive on Tuesday, 23rd March, 2021, 7.00 pm - Guildford Borough Council](#)

[Agenda for Council on Tuesday, 13th April, 2021, 7.00 pm - Guildford Borough Council](#)

14. Appendices

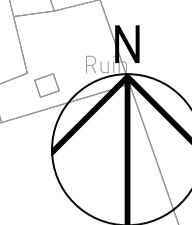
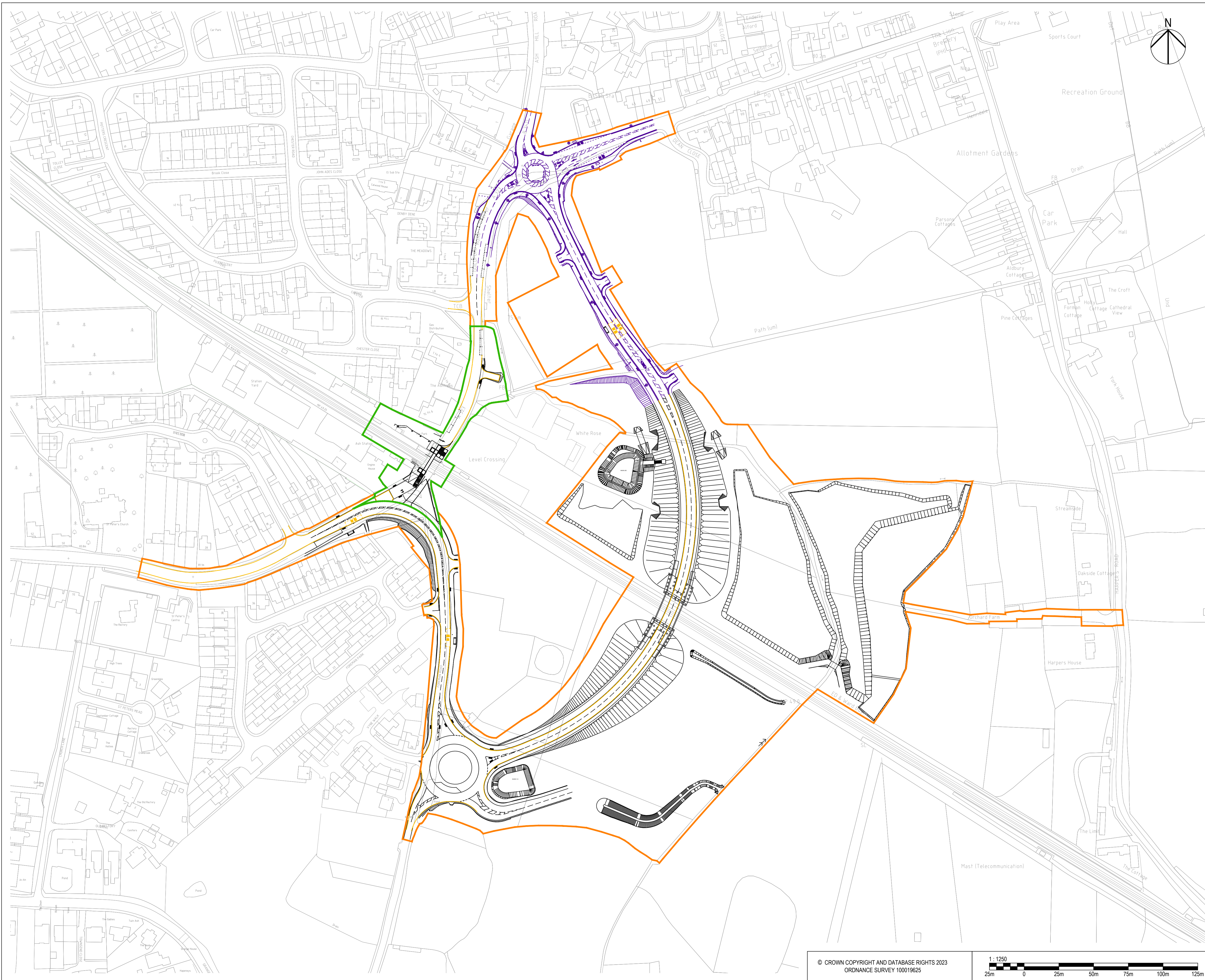
Appendix 1: Scheme Plan

Appendix 2: Budget (Exempt)

Appendix 3: Funding (Exempt)

Appendix 4: Project risks and associated mitigation (Exempt)

Appendix 5: Summary report (Exempt)



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- KEY**
- STAGE 1 : ROAD BRIDGE
 - STAGE 2 : FOOTBRIDGE AND CLOSURE OF LEVEL CROSSING
 - STAGE 1 WORKS COMPLETED / UNDER CONSTRUCTION BY BELLWAY HOMES

ISSUE/REVISION

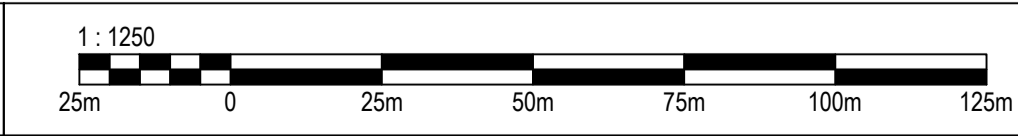
NO	DATE	DESCRIPTION
P03	17.01.2023	COMPLETED WORKS HIGHLIGHTED
P02	11.01.2023	UPDATED LAYOUT
P01	24.02.2021	FIRST ISSUE
I/R	DATE	DESCRIPTION

PROJECT NUMBER
 605125228

SHEET TITLE
 ARB SCHEME PLAN

SHEET NUMBER
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