

GUILDFORD BOROUGH COUNCIL

Minutes of a meeting of Guildford Borough Council held at Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Thursday 25 April 2019

* Councillor Mike Parsons (Mayor)

* Councillor Richard Billington (Deputy Mayor)

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| <ul style="list-style-type: none"> * Councillor David Bilbé * Councillor Philip Brooker * Councillor Adrian Chandler * Councillor Alexandra Chesterfield * Councillor Nils Christiansen * Councillor Colin Cross * Councillor Geoff Davis * Councillor Graham Ellwood * Councillor David Elms * Councillor Matt Furniss * Councillor Andrew Gomm * Councillor Angela Goodwin * Councillor David Goodwin <li style="padding-left: 20px;">Councillor Murray Grubb Jnr * Councillor Angela Gunning * Councillor Gillian Harwood * Councillor Liz Hogger * Councillor Christian Holliday * Councillor Liz Hooper * Councillor Mike Hurdle <li style="padding-left: 20px;">Councillor Michael Illman * Councillor Gordon Jackson * Councillor Jennifer Jordan | <ul style="list-style-type: none"> * Councillor Nigel Kears * Councillor Sheila Kirkland * Councillor Nigel Manning <li style="padding-left: 20px;">Councillor Julia McShane * Councillor Bob McShee * Councillor Marsha Moseley * Councillor Nikki Nelson-Smith * Councillor Susan Parker * Councillor Dennis Paul * Councillor Tony Phillips * Councillor Mike Piper * Councillor David Quelch * Councillor Jo Randall * Councillor David Reeve * Councillor Caroline Reeves * Councillor Iseult Roche * Councillor Tony Rooth * Councillor Matthew Sarti * Councillor Pauline Searle * Councillor Paul Spooner * Councillor James Walsh * Councillor Jenny Wicks * Councillor David Wright |
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*Present

Honorary Aldermen G Bridger, K Childs, T Patrick, N Sutcliffe, and M A H M Williamson were also in attendance.

CO104 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Councillors Murray Grubb Jnr. and Julia McShane, from Honorary Freeman Jen Powell, and from Honorary Aldermen Mrs C F Cobley, Mrs S Creedy, Mrs C F P Griffin, J Marks, and L Strudwick.

CO105 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO106 MAYOR'S COMMUNICATIONS

There were no communications from the Mayor.

CO107 LEADER'S COMMUNICATIONS

The Leader of the Council commented on, and thanked personally those councillors who were not seeking re-election on 2 May 2019.

CO108 PUBLIC PARTICIPATIONStatements

The following persons addressed the Council meeting in respect of Minute No. CO110 below – Adoption of the Guildford Borough Local Plan: Strategy and Sites:

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

The Leader of the Council responded to the statements.

CO109 QUESTIONS FROM COUNCILLORS

- (1) Councillor Bob McShee asked the Leader of the Council, Councillor Paul Spooner, the following question:

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

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

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

Councillor Paul Spooner
Leader of the Council

- (2) Councillor Tony Rooth asked the Leader of the Council, Councillor Paul Spooner, the following question:

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

- (a) what does "quickly" in paragraph 5.5 mean for the required timescale for the Council to adopt a local plan?;
- (b) what period of time does the draft local plan carry material weight (paragraphs 5.15 and 5.23 refer)?;
- (c) whether any and/or all of the officer's report, the Inspector's Report dated 27 March 2019 (Appendix 1) and the AECOM Sustainability Appraisal Statement (Appendix 6) complies with the LGA guidance on publicity during the pre-election period which

states that councils should “not publish report findings from consultation exercises, which could be politically sensitive”?; and

- (d) what are the circumstances and timescales in which the three councils named in paragraph 5.21 have not made progress in plan making as to warrant government intervention, and the current position with regard to each of the three councils?”

The Leader of the Council’s response was as follows:

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

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

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

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

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

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

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

Councillor Paul Spooner
Leader of the Council

CO110 ADOPTION OF THE GUILDFORD BOROUGH LOCAL PLAN: STRATEGY AND SITES

The Council noted that the Submission Local Plan: strategy and sites (“the Local Plan”), which had been submitted to the Secretary of State on 13 December 2017, outlined the spatial development strategy for the borough up to 2034. The Local Plan had set out the quantum and location of development based on an evaluation of our objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development can be provided in a sustainable way following consideration of other policy constraints.

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

As part of the Examination in public, the Local Plan had been the subject of an initial 12 days of hearing sessions, in June/July 2018, into those issues the Inspector had considered necessary to explore further with all relevant parties. The Inspector had reached an interim conclusion that, subject to making necessary main modifications, which included the identification of further housing sites in the Green Belt, the plan could be found to be 'sound'. The necessary main modifications were made to the plan and underwent a formal consultation for a 6-week period in late 2018. The consultation related to only the main modifications and not to minor modifications or the remainder of the plan. On completion of the consultation, the Inspector had considered the representations and decided it was necessary to reopen the hearing sessions to consider whether the OAN should be altered and whether the further housing sites were needed in light of new information, namely the 2016 based household projections. Two further hearing days were held in February 2019 that focused on the OAN and consequential changes to the plan. The Inspector then closed the hearing sessions and prepared his report.

The Inspector's draft report had been received by the Council on 19 March 2019 and was subject to a 'fact check'. This check allowed the Council the opportunity to query the accuracy of its contents, but it was not an opportunity to question the Inspector's conclusions or findings. The Inspector's final report, a copy of which was appended to the report submitted to the Council, had been published by the Council on 28 March 2019.

The Inspector's report had focused on 11 main issues upon which he considered the soundness of the plan depended. The Inspector had concluded that, with the recommended main modifications (details of which were also appended to the report submitted to the Council), the Guildford Borough Local Plan: strategy and sites satisfied the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and met the criteria for soundness in the National Planning Policy Framework. In particular, the Inspector had concluded that, in light of the 2016 based household projections, the further housing sites in the Green Belt were not necessary to be included in the Local Plan to make it sound, and accordingly these additional sites were not included in the recommended main modifications.

Following the Inspector's recommended Main Modifications, the Council had also made a number of minor modifications to the plan. These modifications were minor in nature, did not go to the heart of the plan and were not matters of soundness. They were designed to aid clarity, consistency and accuracy. Where there was any doubt, minor modifications had been shared with the Inspector who had agreed that they had been correctly described as minor in nature.

Councillors noted that, at its special meeting held earlier in the day, the Executive had submitted the following comments to the Council:

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

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

Prior to the debate on this matter, the Council agreed that recorded votes would be taken in respect of both amendments and the final vote on either the original, or substantive, motion.

The Leader of the Council, and Lead Councillor for Planning and Regeneration, Councillor Paul Spooner, proposed and the Deputy Leader of the Council, and Lead Councillor for Infrastructure and Governance, Councillor Matt Furniss, seconded the following motion:

- “(1) That the Local Plan: strategy and sites (at Appendix 4 to the report submitted to the Council), which incorporates the Inspector’s Main Modifications (at Appendix 2 to the report) and the Council’s Minor Modifications (at Appendix 3 to the report), be adopted.
- (2) That those policies within the Guildford Borough Local Plan 2003 that are not being retained, as set out in Appendix 8 of the Local Plan: strategy and sites, be withdrawn.
- (3) That updates to the Guildford Borough Policies Map be adopted in line with the Local Plan: strategy and sites policies maps at Appendix 5 to the report.
- (4) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the adopted Local Plan and Policies Map as she may deem necessary”.

Following the debate on the motion, Councillor Susan Parker proposed, and Councillor Colin Cross seconded, Amendment No.1 as follows:

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

- (a) *the question as to the legality of the Habitat Regulations Assessment;*
 (b) *whether, given that the brownfield review was not available to councillors at the time the Council resolved to submit the Local Plan to the Secretary of State for examination in November 2017, any procedural irregularity has arisen;*
 (c) *whether consultation on the Main Modifications was appropriately conducted and complete; and*
 (d) *the question as to whether the proposed infrastructure improvements to Junction 10 of the M25 will be proceeding”*

Following the debate on Amendment No. 1, it was put to a recorded vote and was lost with six councillors voting in favour, thirty against, and eight abstentions as follows:

FOR:

Councillor Colin Cross
 Councillor Mike Hurdle
 Councillor Bob McShee
 Councillor Susan Parker
 Councillor Tony Phillips
 Councillor David Reeve

AGAINST:

Councillor David Bilbe
 Councillor Richard Billington
 Councillor Philip Brooker
 Councillor Adrian Chandler
 Councillor Alexandra Chesterfield
 Councillor Geoff Davis
 Councillor Graham Ellwood
 Councillor David Elms
 Councillor Matt Furniss
 Councillor Andrew Gomm
 Councillor Angela Gunning
 Councillor Liz Hogger
 Councillor Christian Holliday
 Councillor Liz Hooper
 Councillor Gordon Jackson
 Councillor Jennifer Jordan
 Councillor Nigel Kearse
 Councillor Sheila Kirkland
 Councillor Nigel Manning

ABSTAIN:

Councillor Nils Christiansen
 Councillor David Goodwin
 Councillor Gillian Harwood
 Councillor Mike Parsons
 Councillor Tony Rooth
 Councillor Matt Sarti
 Councillor Pauline Searle
 Councillor Jenny Wicks

FOR:**AGAINST:****ABSTAIN:**

Councillor Marsha Moseley
 Councillor Nikki Nelson-Smith
 Councillor Dennis Paul
 Councillor Mike Piper
 Councillor David Quelch
 Councillor Jo Randall
 Councillor Caroline Reeves
 Councillor Iseult Roche
 Councillor Paul Spooner
 Councillor James Walsh
 Councillor David Wright

Councillor Tony Rooth proposed, and Councillor Susan Parker seconded, Amendment No.2 as follows:

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

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

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

Following the debate on Amendment No. 2, it was put to a recorded vote and was lost with eight councillors voting in favour, thirty-three against, and three abstentions as follows:

FOR:

Councillor Nils Christiansen
 Councillor Colin Cross
 Councillor Mike Hurdle
 Councillor Bob McShee
 Councillor Susan Parker
 Councillor Tony Phillips
 Councillor David Reeve
 Councillor Tony Rooth

AGAINST:

Councillor David Bilbe
 Councillor Richard Billington
 Councillor Philip Brooker
 Councillor Adrian Chandler
 Councillor Alexandra Chesterfield
 Councillor Geoff Davis
 Councillor Graham Ellwood
 Councillor David Elms
 Councillor Matt Furniss
 Councillor Andrew Gomm
 Councillor Angela Gunning
 Councillor Liz Hogger
 Councillor Christian Holliday
 Councillor Liz Hooper
 Councillor Gordon Jackson
 Councillor Jennifer Jordan
 Councillor Nigel Kearse
 Councillor Sheila Kirkland
 Councillor Nigel Manning
 Councillor Marsha Moseley
 Councillor Nikki Nelson-Smith
 Councillor Dennis Paul

ABSTAIN:

Councillor David Goodwin
 Councillor Gillian Harwood
 Councillor Mike Parsons

FOR:**AGAINST:**

Councillor Mike Piper
 Councillor David Quelch
 Councillor Jo Randall
 Councillor Caroline Reeves
 Councillor Iseult Roche
 Councillor Matt Sarti
 Councillor Pauline Searle
 Councillor Paul Spooner
 Councillor James Walsh
 Councillor Jenny Wicks
 Councillor David Wright

ABSTAIN:

Having considered the original motion, the Council

RESOLVED:

- (1) That the Local Plan: strategy and sites (at Appendix 4 to the report submitted to the Council), which incorporates the Inspector's Main Modifications (at Appendix 2 to the report) and the Council's Minor Modifications (at Appendix 3 to the report), be adopted.
- (2) That those policies within the Guildford Borough Local Plan 2003 that are not being retained, as set out in Appendix 8 of the Local Plan: strategy and sites, be withdrawn.
- (3) That updates to the Guildford Borough Policies Map be adopted in line with the Local Plan: strategy and sites policies maps at Appendix 5 to the report.
- (4) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the adopted Local Plan and Policies Map as she may deem necessary.

Reasons:

The resolution above will enable the Local Plan: strategy and sites to become part of the Council's development plan and carry full weight in the determination of planning applications. This first paragraph of the resolution is made in light of a consideration of the restricted options now available to Council, which are limited to the binary choice of adopting the Local Plan (with Main Modifications recommended by the Inspector) or not. As a matter of law, the Council is not permitted to adopt the Local Plan without the Main Modifications proposed by the Inspector, or to choose only some of them. Nor can it, at this stage, seek to alter the Local Plan (beyond the minor modifications explained above).

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

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

Adoption would avoid risks of:

- (i) government intervention;
- (ii) the potential need to prepare a new Local Plan, with the time and costs associated with such preparation;
- (iii) the likelihood of needing to adopt a higher housing requirement of at least 14,000 homes over 19 years (the minimum local housing need figure would be 740 dwellings per annum based on the government's standard method); and

- (iv) all the range of dis-benefits that go with not having an up to date Plan.

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

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

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

The result of the recorded vote on the original motion was twenty-eight councillors in favour, with twelve against, and four abstentions, as follows:

FOR:

Councillor David Bilbe
 Councillor Richard Billington
 Councillor Philip Brooker
 Councillor Adrian Chandler
 Councillor Alexandra Chesterfield
 Councillor Geoff Davis
 Councillor Graham Ellwood
 Councillor David Elms
 Councillor Matt Furniss
 Councillor Andrew Gomm
 Councillor Angela Gunning
 Councillor Liz Hooper
 Councillor Gordon Jackson
 Councillor Jennifer Jordan
 Councillor Nigel Kearse
 Councillor Sheila Kirkland
 Councillor Nigel Manning
 Councillor Marsha Moseley
 Councillor Nikki Nelson-Smith
 Councillor Dennis Paul
 Councillor Mike Piper
 Councillor David Quelch
 Councillor Jo Randall
 Councillor Caroline Reeves
 Councillor Iseult Roche
 Councillor Paul Spooner
 Councillor James Walsh
 Councillor David Wright

AGAINST:

Councillor Nils Christiansen
 Councillor Colin Cross
 Councillor David Goodwin
 Councillor Gillian Harwood
 Councillor Mike Hurdle
 Councillor Bob McShee
 Councillor Susan Parker
 Councillor Tony Phillips
 Councillor David Reeve
 Councillor Tony Rooth
 Councillor Matt Sarti
 Councillor Jenny Wicks

ABSTAIN:

Councillor Liz Hogger
 Councillor Christian Holliday
 Councillor Mike Parsons
 Councillor Pauline Searle

NB. Councillor Angela Goodwin left the meeting prior to the recorded votes taken on the amendments and original motion

CO111 COMMON SEAL

The Council

RESOLVED: That the Common Seal of the Council be affixed to any documents to give effect to any decisions taken by the Council at this meeting.

The meeting finished at 10.47 pm

Signed

Mayor

Date