

# EXECUTIVE

16 March 2023

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

- |                            |                           |
|----------------------------|---------------------------|
| Councillor Tim Anderson    | * Councillor John Redpath |
| * Councillor Tom Hunt      | * Councillor John Rigg    |
| * Councillor George Potter | Councillor James Steel    |

\*Present

Councillor Fiona White was also in attendance. Councillors Ramsey Nagaty and Deborah Seabrook were in virtual attendance.

## **EX94 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tim Anderson, Lead Councillor for Assets and Property and James Steel, Lead Councillor for Environment and Regulatory Services.

## **EX95 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

## **EX96 MINUTES**

The minutes of the meeting held on 22 February 2023 were agreed as correct. The Chairman signed the minutes.

## **EX97 LEADER'S ANNOUNCEMENTS**

The Leader deferred her announcements to the meeting of full Council.

## **EX98 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

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

## **EX99 GUILDFORD PARK ROAD REDEVELOPMENT - APPROVAL TO PROCEED TO NEXT STAGE**

The report sat within the lead councillor portfolios for Communities and Housing and Regeneration. The Leader of the Council began the introduction of the report as she held the Communities and Housing portfolio.

For many years, the Council had aspired to redevelop the surface car park at Guildford Park Road to make better use of the asset. Various schemes had been considered, but in 2021 a new Mandate and Strategic Outline Business Case (SOBC) were considered and approved by the Executive. This enabled the Council to re-initiate the project, to develop a new detailed planning application for the site and develop a wider business case for the post-planning delivery of the scheme.

The Executive considered the report that set out an updated SOBC including a proposed delivery strategy. The report sought Executive authorisation to commence implementation of the recommended delivery strategy and, specifically, to initiate a procurement exercise to select a Development Partner to deliver the scheme on behalf of the Council. The provision of new homes, particularly for those on the housing waiting list, was a priority for the Council.

The Lead Councillor for Regeneration endorsed the Leader's introduction and further explained that the recommendations in the report would reduce the Council's exposure by allowing a commercial private sector partner to undertake the risks involved in the development of the site. This was expected to be an agreeable arrangement for both parties since the majority of the development would be sold on the open market and the Council would buy back its allocation of Affordable stock. It was expected that there would still be a degree of risk with regard to the eventual price of the Affordable stock given the wider prevailing economic uncertainties.

The Executive noted a further risk in that the project may not attract a suitable Development Partner whilst it was in the pre-planning stages, however it was explained that pre-application advice had been received and that a dedicated Planning Officer had been employed. It was expected that a 'pre-app note' would be finalised within the coming two weeks.

It was emphasised that the Council desired 40% of the development to be designated Affordable and that construction and design should exceed the sustainability requirements necessary for Planning approval. In terms of massing and height, it was suggested that the ward councillors for Onslow be actively involved with consultation to be alert to any issues arising well before Planning

Committee stage. When appointed, the Development Partner would be contractually obliged to undertake extensive consultation with the local community and matters of height and massing should be discussed and resolved at this stage.

It was argued that the current design for Guildford Park Road included heights on a par with the North Street application that had recently been refused planning permission. Whilst some members felt that the Planning Committee should be free to judge each application on its merits, others suggested that it was imperative the Council have clear policy guidance on what it considered acceptable in this regard, especially when hoping to attract tenders from potential business partners.

Overall, the Executive was in favour of progressing the development and consequently,

**RESOLVED:**

1. To approve the Strategic Outline Business Case for the Guildford Park Road Redevelopment, attached as Appendix 1 to the report submitted to the Executive, 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):**

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.

## **EX100 ASH ROAD BRIDGE SCHEME UPDATE AND BUDGET APPROVAL**

The Leader of the Council explained that the report before the Executive contained a significant amount of material that had been designated as exempt. To give full consideration to the matter would necessitate discussion in private. It was proposed that the Lead Councillor for Regeneration introduce the report in general terms, without reference to the exempt content. A public speaker would then address the meeting. Thereafter the Leader would propose the meeting be closed to the public for the duration of the discussion of the exempt material.

The Ash Road Bridge (ARB) scheme comprised 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 was being delivered in two Stages. Stage 1 was the delivery of the road bridge over the railway line (and closure of the level crossing to motorised vehicles). Stage 2 was the delivery of the footbridge in the vicinity of Ash level crossing enabling the Ash level crossing to be closed permanently to all users.

The approved budget for the Scheme was £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 was 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.

The revised budget was £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 was therefore £5.59 million.

The scheme had secured £23.9 million from Homes England (HIF) funding and recently a further £5 million from Surrey County Council (SCC) as set out in the Supplementary Information Sheet. In addition, the scheme had incurred substantial funding from the Council itself in the form of reserves, funds and borrowing. As with the Weyside Urban Village (WUV) scheme, ARB was an inherited commitment from the previous administration and was an integral part of Policy A31 in the adopted Local Plan to mitigate against existing and planned development to include the delivery of 1,750 new homes. It was argued that the

current administration might consider not proceeding with the scheme due to the economic situation and because it was solely infrastructure and not within the Council's duty to provide with little financial return for taxpayers.

The Lead Councillor for Regeneration described both WUV and ARB as worthy schemes and because they were both already underway, needed to be completed. Although the financial commitment and liabilities were significant, the costs to the residents of the borough of not proceeding, it was argued, would also have a significant impact. The loss to the Council of pre-development costs already committed to ARB and not recoverable should also be taken into account, the £23.9 million of HIF, £5 million from SCC would be lost and the Council would have to reimburse s106 contributions with no bridge to mitigate the increasing traffic and congestion issues as described.

The Lead Councillor for Regeneration recommended that the scheme be progressed, and the budget be increased to £44.5 million, despite the future revenue burden on the Council. It was noted there were contingencies built into the budget including optimism bias. There was also optimism that further funding could be available next year, although no allowance for this had been made in the estimates before the Executive. Negotiations continued with Network Rail with regard to contributions to the footbridge. Officers were commended for the detail and levels of scrutiny that had resulted in a robust report.

The Meeting was addressed by Sue Wyeth-Price from Ash Green Residents Association (AGRA). In her address, Ms Wyeth-Price urged the Executive to consider the long term debt to the Council should the recommendations be approved, alongside the uncertainty of increased futures costs as the scheme developed. She went on to challenge the assumptions of the scheme in terms of its benefits and mitigations. She proposed that the new road bridge would not be used by certain of the new developments already built but would support developments that had not yet received planning approval. In addition, she considered there were other congestion points locally that would not be improved by the ARB scheme and poor highway circulation in those areas would remain. She suggested that residents had not consulted over the scheme.

Members of the Executive discussed with Ms Wyeth-Price the concerns she had raised. With regard to consultation with residents, it was noted that Ash borough councillors previous and present and the County councillor for the area were all in favour of the ARB scheme. In addition, there had been public consultations and events run prior to 2019 to gauge local opinion along with a letter for Michael Gove MP written in support of the scheme. The need for the bridge had been tested through Policy A31 in the Local Plan, through the Planning Committee and through the course of three appeals. In conclusion, the Executive noted that the

recommendation to be considered at this meeting was not to retrospect on the merits of the bridge which had been proven, but to consider the budget and future funding of the scheme.

In consequence of the report having a number of appendices that had been designated as containing exempt material by the Monitoring Officer, the Leader of the Council proposed

That under Section 100A (4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for consideration of Appendices 2, 3, 4, and 5 to the report and the Appendix to the Supplementary Information Sheet on the grounds that they involved the likely disclosure of exempt information, as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the 1972 Act.

The Executive was agreeable.

The project was substantial and complex. The Executive considered the contents of the entire report including the financial outlook for the project, along with external funding sources. Overall, the costs and benefits were evaluated and the Executive concluded that it was essential to proceed with the project to address and to mitigate against the volume of traffic around the level crossing which was predicted to increase in the future. The Ash Road Bridge would bring substantial improvements to the local community and economy and consequently the Executive,

RESOLVED:

1. To recommend that Full Council (at its extraordinary meeting on 16 March 2023) approve the budget and funding strategy as set out in Exempt Appendices 2 and 3 to the report, subject to the revisions to Appendix 3 as set out in the exempt Appendix 1 to the Supplementary Information Sheet circulated at this meeting.
2. To approve the transfer of the sum referred to in Paragraph 1 (Recommendations (Budget)) of the Exempt Appendix 2 to the report.
3. 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.

Reason(s):

This was 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 formed a requirement of Policy A31 of the Council's Local Plan which allocated land for housing in Ash. Delivery of this scheme would also enable the closure of Ash level crossing to motor vehicles, which would 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.

The meeting finished at 11.08 am.

Signed .....

Date .....

Chairman

# EXECUTIVE

20 March 2023

Councillor Julia McShane (Chairman)

\* Councillor Joss Bigmore (Vice-Chairman) [in the chair]

Councillor Tim Anderson

\* Councillor John Redpath

Councillor Tom Hunt

\* Councillor John Rigg

\* Councillor George Potter

\* Councillor James Steel

\*Present

Councillor Ramsey Nagaty was in remote attendance.

## **EX101 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Julia McShane, Leader of the Council; Councillor Tim Anderson, Lead Councillor for Assets and Property and Councillor Tom Hunt, Lead Councillor for Planning Development, Legal and Democratic Services.

## **EX102 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

## **EX103 MINUTES**

The minutes of the meeting held 23 February 2023 were agreed as correct. The Chairman signed the minutes.

## **EX104 LEADER'S ANNOUNCEMENTS**

Leader's announcements were deferred to be delivered at full Council on 22 March 2023.

## **EX105 REPLACEMENT OF GUILDFORD SPECTRUM**

The report was withdrawn prior to the meeting as further work was required.

## **EX106 COMMUNITY ASSET TRANSFER POLICY**

The Council functioned as trustee for the land that it held on behalf of the community and presently had no Community Asset Transfer policy. The purpose



of a Community Asset Transfer policy was to set out a transparent and consistent approach to applications and a decision-making process governing the transfer of land to a Voluntary or Community Organisation (VCO). A policy in this regard would define which VCO's were considered suitable for consideration by the Council for a Community Asset Transfer and the types of land, buildings and circumstances that may be considered when a Community Asset Transfer application was received.

The draft policy was reviewed by the Service Delivery Executive Advisory Board (EAB) on 09 March 2023 and a minor amendment and the comments arising from the meeting were set out in the Supplementary Information Sheet.

In the absence of the Lead Councillor for Assets and Property, the Deputy Leader of the Council introduced the report.

The Executive heard that the draft policy aligned with the policy guidance adopted by Waverley Borough Council. The draft policy had been reviewed by the Lead Councillor for Assets and Property, the Property Review Group, the Council's policy team and EAB ward councillors. The Deputy Leader endorsed the draft policy as sound guidance for communities that set out a consistent framework for the Council.

Members of the Executive welcomed the draft policy but requested there should still be a less formal route for local people to follow when appropriate, for example where a regular request for use of a room in a property was made. Sutherland Memorial Hall was used as an example. This matter had been raised at the EAB meeting and members had been reassured that such circumstances fell outside of the draft policy guidance. In this particular instance the Council was working with Burpham Community Hub to arrive at a mutually satisfactory agreement for use of the building. The draft policy guidance set out in the report was intended for long-term leasehold or freehold arrangements.

It was noted that communities expressing an interest in taking over responsibility for a property would need to attract significant funding which would not be available from the Council itself, but the draft policy did direct interested parties to ward members in the first instance who may wish to familiarise themselves with the specific property and any external funding opportunities.

Thereafter, the Executive,

**RESOLVED:**

That the Community Asset Transfer Policy, as set out in Appendix 1 to the report, incorporating the updated wording to page 7. sub-paragraph 6, as set out in the Supplementary Information Sheet be approved.

Reason(s):

1. The Council did not currently have a policy on the transfer of assets to community groups.
2. To deliver community objectives.

**EX107 GUILDFORD'S UK SHARED PROSPERITY FUND AND RURAL ENGLAND PROSPERITY FUND**

The Lead Councillor for Lead Councillor for Climate Change and Organisational Development introduced the report in the absence of the Leader.

The Council was fortunate to have been awarded £1 million from the Department of Levelling Up, Housing and Communities' (DLUHC) UK Shared Prosperity Fund (UKSPF) to spend on capital and revenue activities between budget years 2022-23 to 2024-25, with the aim of 'building pride in places and increase life chances' through investment on three investment priorities: Communities, Local Businesses and People and Skills. In addition, a further £400,000 had been awarded to the Council from the Department of Environment, Food and Rural Affairs' (DEFRA) Rural England Prosperity Fund (REPF), and this allocation was to be spent on capital grants to support rural businesses and communities from 2023-24 to 2024-25.

To access its UKSPF and REPF allocation, the Council had submitted an investment plan and addendum, respectively, outlining the opportunities and challenges of the borough, as well as its investment priorities. The DLUHC had confirmed the validation of Guildford's UKSPF Investment Plan and the first year's allocation had been received. It was important that Council planned and divested the funding efficiently as any funds unspent by the 2025 deadline would have to be returned.

The report before the Executive set out detailed plans for the expenditure of both sets of funding. The REPF would target communities and micro/rural businesses particularly to stimulate growth and provide social support. Also included would be decarbonisation loans to support the climate change agenda, in some cases this would be in partnership with Surrey County Council (SCC). The UKSPF would similarly support decarbonisation schemes including support for an e-bike hire scheme for Guildford and Shalford (again in partnership with SCC) which was currently in an advanced project stage, the visitor economy (to include

business support and town centre improvements), a ringfenced sum for community and neighbourhood improvements.

The report had been considered and endorsed by the Strategy and Resources Executive Advisory Board meeting on 6 February 2023 and the comments arising from that meeting were set out in the Supplementary Information Sheet.

The Executive was supportive of the recommendations and especially of the e-bike project. It was noted that Guildford's streets were quite narrow and safety for all was emphasised. The project would work in partnership with the University of Surrey.

The Executive,

RESOLVED:

1. That the progression of Guildford's UKSPF and REPF plans, as outlined in the report, be approved.
2. That authority be delegated to the Strategic Director of Place, in consultation with the Leader, to enter into such other contracts and legal agreements connected with the UKSPF and REPF as may be necessary in compliance with Procurement Procedure Rules and within the allocated grant funding budget.

Reason(s):

1. The £1.4 million total funding Guildford Borough Council had been allocated from the UKSPF and REPF was a significant sum of money that could have a positive impact on the borough's local communities and businesses.
2. Grounded on insights from local stakeholders, partners and GBC Councillors and Officers, the projects put forward in Guildford's Investment Plan and REPF Addendum aligned with the borough's local priorities and intent to leverage collaboration with the Council's partners to maximise value for money.

#### **EX108 ADOPTION OF GUILDFORD BOROUGH LOCAL PLAN: DEVELOPMENT MANAGEMENT POLICIES**

The Local Plan: Development Management Policies (hereafter referred to as 'the LPDMP') was the second part of Guildford's Local Plan. If adopted by full Council on 22 March 2023 it would supersede the extant Local Plan 2003 policies and become part of the Council's Development Plan. The LPDMP provided the more detailed policies to be used by Development Management in the determination of planning applications. The Lead Council for Finance and Planning Policy introduced the report.

The intention of the policies was to provide the Council with the tools to secure good development across the borough covering a wide range of environmental, design, heritage and infrastructure matters. The policies would provide robust testing through the application process to obtain sustainable and attractive development. The policies would provide guidance to applicants for what the Council would like to see coming forward or reasons for refusal if applications did not meet the standards. The existing policies were nearly 20 years old and no longer fit for purpose.

The Executive noted the extensive consultation undertaken for the Regulation 18 and 19 process during the previous two years. Much work had been undertaken by councillors and officers to reach the point of submission to the Government appointed Planning Inspectorate in the summer of 2022. A series of public hearings had been heard with the inspector arriving at a number of recommendations for the Council concerning both minor and main modifications. The main modifications were subject to further public consultation concluding in early February 2023. The inspectors final report was received at the end of February and was published and circulated to all councillors. The final report found the Council's policies sound, subject to the main modifications being implemented.

The main modification for biodiversity net gain was highlighted to the Executive. The Council's draft policy set out a requirement for 20% across all developments. However, even if adopted by the Council, this could not be implemented until the Government policy of 10% was adopted. It was anticipated that would be in November 2023.

The draft policies were described by the Deputy Leader of the Council as robust having been through strenuous testing by officers, councillors and the public consultation process. It was acknowledged that not every suggestion submitted could have been included in the final drafts but that all suggestions had been considered through the consultation processes. The policies were commended to the Executive to recommend to full Council.

The Executive was also asked to consider and adopt a new Parking Policy Supplementary Planning Document (SPD). Whilst Policy ID10 did consider parking standards, it was considered preferable to retain a separate SPD which could be easily updated and was consequently more flexible and responsive. This had been approved by the inspector who required no main modifications to ID10 and had agreed to the split of guidance and policy. The adoption of the SPD was a matter for the Executive but that adoption remained dependent upon the overall adoption of the LPDMP by full Council because of the link of the guidance to the policy.

The LPDMP and the SPD were welcomed by the Executive, including the split in guidance and policy with regard to parking. It was noted that the biodiversity 20% net gain had been included in the Council's Climate Change SPD which had been previously adopted. Although this was guidance and not policy the Council had been able to signpost its preferences in this matter. It was reported that developers had taken notice and responded positively within planning applications.

The report would be considered by full Council on Wednesday 22 March 2023.  
The Executive,

**RESOLVED:**

1. That subject to the adoption of the Local Plan: Development Management Policies, the Parking Standards for New Development Supplementary Planning Document (SPD) (at Appendix 6) be adopted.
2. That the Lead Councillor with portfolio responsibility for Planning Policy be authorised, in consultation with the Joint Strategic Director of Place, to make such minor alterations to improve the clarity of the Parking Standards for New Development SPD as they may deem necessary.
3. That the Executive's comments be passed to the full Council meeting on 22 March 2023 via the Order Paper.

**Recommendation to Council:**

- (1) That the Local Plan: Development Management Policies (Appendix 4), which incorporates the Inspector's Main Modifications (at Appendix 2 to this report) and the Council's Minor Modifications (at Appendix 3 to this report), be adopted.
- (2) That the Secretary of State be requested to exercise his powers to revoke the 'residual' policies of the 2003 Local Plan.
- (3) That updates to the Guildford Borough Policies Map be adopted in line with the Local Plan: Development Management Policies including additions proposed at Appendix A of the Local Plan: Development Management Policies, as amended by the Inspector's main modification 6.
- (4) That the Lead Councillor with portfolio responsibility for Planning Policy be authorised, in consultation with the Joint Strategic Director of Place, to make such minor alterations to improve the clarity of the LPDMP as they may deem necessary.

Reason(s):

1. To enable the adoption of the Parking Standards for New Development SPD to provide further guidance regarding the implementation of LPDMP Policy ID11 [now Policy ID10]: Parking Standards for New Development.
2. To enable minor alterations to be made to the SPD should they be necessary prior to publication
3. To enable the adoption of the LPDMP in line with the Council's Local Development Scheme and for the plan to become part of the Council's development plan, carrying full weight in the determination of planning applications.
4. To enable the revocation of the 'residual' Local Plan 2003 policies that are not superseded by policies contained in the LPDMP.
5. To ensure that changes are brought about to the policies map in line with the adoption of the LPDMP.
6. To enable minor alterations to be made to the LPDMP should they be necessary prior to publication.

The meeting finished at 7.32 pm

Signed .....

Date .....

Chairman

## **EXECUTIVE**

22 June 2023

- \* Councillor Julia McShane (Chairman)
- \* Councillor Tom Hunt (Vice-Chair)

- |                                |                                  |
|--------------------------------|----------------------------------|
| * Councillor Angela Goodwin    | * Councillor Carla Morson        |
| * Councillor Catherine Houston | * Councillor George Potter       |
| * Councillor Richard Lucas     | * Councillor Merel Rehorst-Smith |

\*Present

Councillors Bilal Akhtar and Catherine Young were in attendance. Councillor Ruth Brothwell was in remote attendance.

### **EX1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

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

There were no declarations of interest.

### **EX3 MINUTES**

The minutes of the meeting held on 16 March and 20 March 2023 were confirmed as correct. The Chairman signed the minutes.

### **EX4 LEADER'S ANNOUNCEMENTS**

The Leader of the Council made the following announcements.

The Council was seeking a development partner for the Guildford Park Road housing scheme. The successful applicant would share the Council's commitment to producing high quality, sustainable homes and creating a strong sense of community on the site. Interested parties were invited to submit an initial questionnaire with a submission deadline of 20 July 2023.

There was a new digital magazine available for Guildford residents. 'About Guildford' was a quarterly e-newsletter featuring council and community stories, news items and updates. The stories would cover local events, activities, announcements and highlight the Council's priorities of community, climate change and the transformation of the borough. Residents could subscribe through the Council's website.

Congratulations were passed to colleagues in Planning Services following the Council's success in receiving a National Planning Award for the Weyside Urban Village (WUV) project. The award was for the best use of publicly owned land or property, Placemaking. The WUV project made excellent use of the brownfield

site. The project had been praised for its inclusivity. Once completed, the site would provide over 1,500 new homes, many of these would be affordable and low carbon. New green spaces would be created and over 1,200 new trees would be planted supporting wildlife.

The Council was seeking to improve its play areas in Westborough. A six-week consultation was up and running and the Leader urged residents to contribute. The consultation would close on 23 July 2023. More information was available on the Council's consultations webpage.

[Westborough play areas consultations - Guildford Borough Council](#)

Surrey Greener Futures had relaunched the solar panel group-buying scheme, 'Solar Together'. The scheme aimed to support residents to cut carbon and reduce their energy bills. More information was available from the website.

[Group-buying for solar | Solar Together Surrey](#)

It was noted that Guild Lido was celebrating its 90th birthday. In addition, there had been a makeover of the changing rooms. The Leader looked forward to seeing everyone enjoy the new facilities and thanked those involved in the makeover work and to residents for their patience.

#### **EX5 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

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

#### **EX6 GRANTING A LEASE AT LESS THAN BEST CONSIDERATION TO YVONNE ARNAUD MANAGEMENT LIMITED AT OLD TOWN MILL**

The report was introduced by the Lead Councillor for Finance and Property.

The Council had leased the Old Town Mill Studio to the Yvonne Arnaud Management (YAM) at 50% below best consideration, amounting to £22,750 per annum. It was used as office space, storage and studio space, notably for the delivery of the Creative Learning Programme. The YAM would find it challenging to operate without this facility.

The building was classified as property type E and consequently could be developed by the Council for other purposes. An external market valuation put the potential income for lease of the building at £65,000 per annum. However, it was a Grade 2 Listed Building, which would impact any financial return and the manner of any redesign. It was also noted that the redevelopment of the Debenhams site next door would cause disruption to the immediate area for a number of years. For this reason, it would be difficult for the council to let the building at full market value for the next few years.



The Council wished to continue to support the theatre and to grant a new lease to the YAM. YAMs financial accounts had been reviewed and its level of affordability exceeded the maximum discount of the estimated annual market rental value that could be approved under officer delegation. Therefore, approval was sought from the Executive to grant a new lease to YAM for a term of 5 years at the current rate of less than best consideration.

It was noted that the detailed terms of the lease were the subject ongoing discussion between the council and the YAM.

RESOLVED:

To approve the grant of a new 5-year lease at less than best consideration to Yvonne Arnaud Management Limited at Old Town Mill.

Reason(s):

To support Yvonne Arnaud Management Limited.

#### **EX7 TYTING FARM SANG HABITAT BANK AND CHANGES TO SCHEME OF DELEGATION TO ENABLE DELIVERY OF FUTURE HABITAT BANKS**

Biodiversity Net Gain (BNG) was a requirement for developers to ensure that total biodiversity value would be higher following a development than at the outset. Both national and local policy set out that BNG was a planning requirement for new development. The Environment Act 2021 and the new Local Plan: Development Management Policies (LPDMP) would set minimum BNG levels for new development of 10% and 20% respectively from November 2023 (major development) and April 2024 (minor development). Developments that were unable to achieve the minimum BNG through bespoke works on or off site would need to purchase biodiversity. As a significant landowner, the Council had an opportunity to provide habitat banks funded through the sale of biodiversity credits to developers (and potentially others).

The Lead Councillor for Planning, Environment and Climate Change introduced the report who likened BNG to carbon off-setting. The Council was one of the first local authorities to create a habitat bank and the benefits were noted, since BNG could now be purchased within in Guildford rather than outside of the borough.

Tyting Farm was taken into public ownership by the Council some years ago to benefit residents and to create a wildlife habitat. It was stated that the Council saw a real opportunity via the BNG process to be able to maintain and to invest in the local ecology.

The Executive considered the report that sought authority to set up the habitat banks. A second recommendation would be submitted to the Executive in due

course with regard to a charging schedule for the BNG credits. It was noted that there would be no cost to the Council to manage the habitat banks as this would be funded by the BNG credits. The Council would be permitted to make a small profit, but credits should be competitively priced so as to encourage develops to purchase credit within the borough.

The Executive were in agreement that the proposal was positive for the borough and consequently,

**RESOLVED:**

1. Approved the creation of a habitat bank on Tyting Farm Suitable Alternative Natural Greenspace (SANG).
2. Authorised the Joint Executive Head of Environmental Services, in consultation with the Lead Councillor for Environment and relevant ward councillors, to deliver, manage, and operate habitat banks on appropriate council owned land.

**Reason(s):**

1. The proposed pilot habitat bank at Tyting Farm SANG would deliver tangible and significant environmental improvements that would not be delivered without the proposal. The project would be cost neutral or provide an income for the Council so can be considered a 'win-win' option.
2. The provision of habitat banks on Council land will generally provide strong environmental benefits, with wider direct and indirect social and economic benefits, and direct benefits for the Council.
3. Habitat banks would emerge regardless of Council action but by taking a leading position now the Council could ensure that the public good from BNG was maximised and that other planning benefits were not jeopardised by unreasonably high costs levied by private habitat banks seeking maximum profits.
4. The proposed pilot habitat bank at Tyting Farm SANG was considered a low-risk option as it would be cost neutral at worst, result in no opportunity cost, entail limited and manageable risks, and would enhance the existing SANG function.

**EX8 SUPPLEMENTARY ESTIMATE FOR FUNDS IN RESPECT OF POTENTIAL APPEAL AGAINST MEMBER OVERTURNED ITEM AND APPEAL AGAINST NON-DETERMINATION**

Applicants who submitted a planning application to the council could appeal against a refusal or non-determination of planning permission. Where an appeal was lodged, there was an expectation that the Council would legally defend its decision. Complex appeals would normally be dealt with at Public Inquiry. For Public Inquiries counsel would be appointed and possibly expert witnesses for which a budget was required.

An appeal had been made by Taylor Wimpey against the non-determination of the planning application relating to the redevelopment of Wisley Airfield. The Council had also been advised that an appeal would be lodged against the refusal of the North Street application should a second application be refused. Therefore, there was a need to make available funding to engage counsel and commence the preparatory work.

The report was introduced by the Lead Councillor for Planning, Environment and Climate Change and a revised paragraph 10 to the report setting out the financial implications had been included in the Supplementary Information Sheet.

It was explained that the costs as set out in the report were not definitive but were required immediately to begin legal preparation. The Council would robustly defend the decision of the Planning Committee and the work of Planning Services. Costs would be minimised wherever possible, including the avoidance of costs for unreasonable behaviour. Legally, the matter was now removed from the Planning Committee and taken over by the corporate body of the Council, but the Planning Committee would continue to be consulted throughout the process.

It was suggested that the Council had received an approach from Taylor Wimpy with regard to an extension of the Planning Performance Agreement (PPA) which could not be confirmed at the meeting. The lead councillor advised that a written question submitted in this regard would be appropriate and would allow sufficient time for the matter to be properly looked into. It was noted that the report before the Executive was recommending a supplementary estimate and not a discussion of prior events.

The Council could not defend an appeal with the in-house legal team. The procurement of outside counsel and specialist witnesses would be on an ad-hoc basis or 'pay as you go' so as to keep costs to a minimum. There would be specific briefs provided to expert witnesses with a one-off price agreed to assist with budgeting. The appeal process would be one of ongoing discussion with the appellant to seek and agree on common ground.

The Executive,

RESOLVED:

The Executive approved an initial supplementary budget of £350,000 to the Wisley Appeal and for the initial work to prepare for the North Street appeal.

Reason(s):

To enable a robust defence of the appeal against non-determination of the Wisley appeal and to do the initial work to prepare for the North Street appeal.

The meeting finished at 6.35 pm

Signed .....

Date .....

Chairman