

## EXECUTIVE

- \* 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