



TO THE CHAIRMAN AND MEMBERS OF THE **EXECUTIVE**

You are hereby summoned to attend a meeting of the Executive to be held on Thursday, 28 March 2019 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. The broadcast will be stopped when the confidential/Part II items on the agenda are reached. Generally, the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed.

The Chairman of the meeting has the discretion to terminate or suspend filming, if in his/her opinion continuing to do so would prejudice the proceedings of the meeting or, on advice, considers that continued filming might infringe the rights of any individual.

As cameras are linked to the microphones, could Members ensure they switch their microphones on before they start to speak and off when finished and do not remove the cards which are in the microphones.

The agenda for the meeting is set out below.

RAY MORGAN
Chief Executive

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes

To approve the minutes of the meeting of the Executive held on 7 February 2019 as published.

2. Apologies for Absence

3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

4. Declarations of Interest

To receive declarations of disclosable pecuniary and other interest from Members in respect of any item to be considered at the meeting.

In accordance with the Members' Code of Conduct, the Leader of the Council, Councillor D J Bittleston, Councillor A Azad, Councillor D Harlow, Councillor Mrs B A Hunwicks and Councillor C S Kemp have declared a non-pecuniary interest in Agenda Items 9, 11 and 15 arising from their positions as Directors of the Thameswey Group of Companies.

In accordance with the Members' Code of Conduct, Councillor D J Bittleston has declared a non-pecuniary interest in Agenda Items 9, 15 and 17 arising from his position as a Director of Victoria Square Woking Limited.

In accordance with the Members' Code of Conduct, Councillor D J Bittleston has declared a non-pecuniary interest in Agenda Items 9 and 15 arising from his position as a Director of Rutland Woking Limited.

In accordance with Officer Employment Procedure Rules, the Deputy Chief Executive, Douglas Spinks, and Head of Democratic and Legal Services, Peter Bryant, have declared an interest in Agenda Items 9, 11 and 15 arising from their positions as Directors of the Thameswey Group of Companies.

In accordance with Officer Employment Procedure Rules, the Deputy Chief Executive, Douglas Spinks, and Head of Democratic and Legal Services, Peter Bryant, have declared an interest in Agenda Items 9 and 15 arising from their positions as Directors of Woking Necropolis and Mausoleum Limited, Brookwood Park Limited and Brookwood Cemetery Limited.

In accordance with Officer Employment Procedure Rules, the Deputy Chief Executive, Douglas Spinks, has declared an interest in Agenda Items 9 and 15 arising from his position as a Director of Export House Limited.

In accordance with Officer Employment Procedure Rules, the Head of Democratic and Legal Services, Peter Bryant, and the Finance Director, Leigh Clarke, have declared an interest in Agenda Items 9, 10 and 15 arising from their positions as Directors of Dukes Court Owner T S a r l.

In accordance with Officer Employment Procedure Rules, the Head of Democratic and Legal Services, Peter Bryant, has declared an interest in Agenda Items 9 and 15 arising from his position as Council appointed alternate Director of Rutland Woking Limited.

Questions

5. To deal with any written questions submitted under Section 3 of the Executive Procedure Rules. Copies of the questions and draft replies will be laid upon the table.

Notices of Motion

At its meeting on 13 February 2019, the Council referred the following Notices of Motion to the Executive for consideration.

6. Notice of Motion - Cllr M Ali - Installation of Security Cameras EXE19-028 (Pages 5 - 6)
Reporting Person – Corporate Management Group
7. Notice of Motion - Cllr M Ali - Rents and Building Insurance for Local Businesses EXE19-032 (Pages 7 - 8)
Reporting Person – Corporate Management Group

Matters for Recommendation

8. Contaminated Land Strategy EXE19-013 (Pages 9 - 40)
Reporting Person – Douglas Spinks
9. Medium Term Financial Strategy EXE19-034 (Pages 41 - 58)
Reporting Person – Leigh Clarke

Matters for Determination

10. Dukes Court Plaza Project EXE19-014 (Pages 59 - 66)
Reporting Person – Douglas Spinks
11. Sheerwater Regeneration EXE19-030 (Pages 67 - 98)
Reporting Person – Peter Bryant
12. Regulation of Investigatory Powers Act 2000 - Annual Monitoring Report EXE19-006 (Pages 99 - 102)
Reporting Person – Peter Bryant
13. Write off of Irrecoverable Debt EXE19-035 (Pages 103 - 106)
Reporting Person – Leigh Clarke
14. Response to Surrey Fire and Rescue Service's 'Making Surrey Safer plan for 2020-2023' Consultation EXE19-037 (Pages 107 - 126)
Reporting Person – Peter Bryant

Performance Management

15. Performance and Financial Monitoring Information
Please bring to the meeting your copy of the Performance and Financial Monitoring Information (Green Book) January 2019.

Exclusion of the Press and Public

16. The Chairman will move and the Vice-Chair will second:-
“That the press and public be excluded from the meeting during consideration of items 17 to 19 in view of the nature of the proceedings that, if members of the press and public were present during these items, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, to the Local Government Act 1972.

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

PART II – PRESS AND PUBLIC EXCLUDED

Notices of Motion

At its meeting on 13 February 2019, the Council referred the following Notice of Motion to the Executive for consideration.

17. Notice of Motion - Cllr M Ali - Partnership Working and Project Management EXE19-029
(Pages 127 - 130)
Reporting Person – Corporate Management Group

Matters for Determination

18. School Place Provision EXE19-033 (Pages 131 - 136)
Reporting Person – Douglas Spinks
19. Hardship Relief on Business Rates EXE18-088 (Pages 137 - 148)
Reporting Person – Leigh Clarke

AGENDA ENDS

Date Published - 20 March 2019

For further information regarding this agenda and arrangements for the meeting, please contact Julie Northcote on 01483 743053 or email julie.northcote@woking.gov.uk



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EXECUTIVE – 28 MARCH 2019

NOTICES OF MOTION

Executive Summary

At its meeting on 13 February 2019, the Council referred the following Notice of Motion to the Executive.

Councillor M Ali

Installation of Security Cameras

“Our ambitions for the town and the plans are noble. But with huge problems on fly tipping and drugs we will never be able to have the town we aspire for. We know due to unnecessary cuts the police are overstretched. Residents contact the police but they are not able to help them. I have residents coming with evidence of shady affairs in their streets but we are helpless.

So I propose that as part of the monies allocated for developments we install security cameras later on to be managed and maintained by residents. We consider cameras especially in areas:

- a. Grove
- b. Walton road alleys
- c. Princess road shops
- d. Few spots in sheerwater
- e. Other such ‘popular’ spots”

Officer Comment

“The Council’s Community Safety Team and Surrey Police have been consulted on the proposal for security cameras in the locations outlined in this Motion. Both agreed the provision for installation of security cameras and subsequent operation, management and maintenance are highly regulated. Therefore a detailed assessment of the requirement for security cameras would need to be undertaken in accordance with the appropriate Code of Practice and this assessment would first need to consider alternative solutions for example: improved lighting.

It is suggested a meeting is held with Councillor Ali, the Council’s Community Safety Team and Surrey Police to review the issues being encountered by residents and assess the requirement for provision of security cameras or alternative solutions.”

Background Papers: None.

Reporting Person: Councillor Mohammad Ali
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Date Published: 22 March 2019

EXECUTIVE – 28 MARCH 2019

NOTICES OF MOTION

Executive Summary

At its meeting on 13 February 2019, the Council referred the following Notice of Motion to the Executive.

Councillor M Ali

Rents and Building Insurance for Local Businesses

“Increased rents for local business – despite our promises and pledges and claims of supporting local business we have seen many shut and now we have seen their rents and insurances gone up. As an example I have been informed by some council tenants that:

- a. The building insurance has been forced upon them which normally a landlord pays. But WBC has put it on them with no option to shop around and the cost is as much as approximately £800 / year
- b. The rent in some cases was increased by approximately 31% when the lease was renewed! This is exorbitant! Small business can't afford this. For some this means they must have almost 30 extra customers / month to enable them to pay for this. How can they cope? So in line with our claims let's review these increases and bring them in line with CPI.”

Officer Comment

“All the tenants within the shopping centres are charged buildings insurance, unless explicitly excluded within their lease. The Landlord within a shopping centre rarely pays for buildings insurance. Tenants are required to obtain their own insurance for contents and in a number of cases for the shopfront.

The circumstances of each lease agreement and prevailing market rentals all have to be considered and will differ from tenant to tenant. There are a large number of different approaches to rental calculations. For example, some tenants are on “turn over rents” whilst others are on a “stepped rent increase” year on year - it all depends on the basis of the original lease agreement. As no detail has been provided it is difficult to answer directly however, within the Shopping Centres, in a number of cases recently where there has been a lease renewal, the rent has decreased rather than increased (in some cases very significantly). For most rent reviews carried out within the centre this has been at a nil increase. A number of tenants have even been granted further rent concessions, recognising for instance the impact on Wolsey Walk West caused by the Victoria Square works. There has been year on year increase on the service charge, however this has mainly been due to the need to fund significant projects, and also changes to the apportionment within the centre. However, for the coming year this is being held largely at 2018/19 levels.”

Background Papers: None.

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Date Published: 22 March 2019

EXECUTIVE – 28 MARCH 2019

CONTAMINATED LAND STRATEGY

Executive Summary

In November 2018 the Executive approved the Council's Draft Contaminated Land Strategy be subjected to technical consultation with key external stakeholders. The Contaminated Land Officer undertook the technical consultation.

The Contaminated Land Officer received five responses to the technical consultation.

Based on these responses a few minor modifications to the Strategy have been included in the final version that is presented as Appendix A.

The final Strategy is now proposed to run from 2019-2024 rather than 2018-2023.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

the Contaminated Land Strategy (2019-2024), attached at Appendix A to the report, be approved.

Reasons for Decision

Reason: To ensure compliance with the Council's obligations as set out in the Environmental Protection Act 1990 and accompanying statutory guidance.

The item above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Date Published: 22 March 2019

1.0 Introduction

- 1.1 In November 2018 the Executive approved the Council's Draft Contaminated Land Strategy for a technical consultation with key external stakeholders.
- 1.2 The Contaminated Land Officer undertook the technical consultation with key external stakeholders, as listed in Appendix B, over a six week period ending on 8 February 2019.

2.0 Consultation Responses

- 2.1 Five responses were received during the consultation period. Two of the responses had no specific comments to make and three of the responses made comments which resulted in modifications to the Contaminated Land Strategy. The modifications are as follows:
 - Section 2.5 changed Bagshot and Bracklesham & Barton Beds to read "Bagshot, Windlesham and Camberley Sand Formations" on page 5.
 - Section 5.6 amended English Nature to read 'Natural England' on page 13.
 - Section 5.10.2 changed reference to the NPPF to the recently updated paragraph references on page 15.
 - Section 5.10.2 added reference to "water samples" on page 16.
 - Section 5.12 added "nor has any land been designated as a Special Site" to page 17.
 - Section 6.2.1 removed the word 'former' on page 19'.
- 2.2 Once approved the Contaminated Land Strategy will be published on the Council's website together with a register of designated contaminated land sites within the Borough (there are no entries on the register at present).

3.0 Project Cost and Benefit

- 3.1 The Contaminated Land Strategy is required to be produced and updated as deemed necessary, usually every 5 years at least.
- 3.2 The Strategy provides environmental and social benefits and also clearly states the Council policy and direction. Incorporating a hardship and cost recovery policy within the Strategy adds further benefit to the Council by safeguarding potential financial liabilities associated with contaminated land related investigatory work.
- 3.3 The financial cost of renewing and updating the Strategy is officer and management time in preparing and reviewing and ultimately publishing the documentation.

4.0 Implications

Financial

- 4.1 By fulfilling the recommendations it is not anticipated any further expense other than officer time will be encountered.

Human Resource/Training and Development

- 4.2 No specific requirements.

Community Safety

- 4.3 There are no community safety related issues arising from this report.

Risk Management

- 4.4 Risks are minimised as far as reasonable practicable by the Strategy. The incorporation of a hardship and cost recovery strategy seeks to minimise financial risk to the Council as far as is reasonably practicable.

Sustainability

- 4.5 The Strategy promotes the investigation, assessment and remediation of land and groundwater in the Borough so that it will continue to improve and enhance the natural and built environment, whilst bringing back brownfield land into beneficial use.

Equalities

- 4.6 There are no adverse equality issues relating to this project.

Safeguarding

- 4.7 There are no foreseen adverse safeguarding issues associated with the project.

5.0 Consultations

- 5.1 Technical consultation with key external stakeholders, as listed in Appendix B, over a six week period ending on 8 February 2019.

REPORT ENDS



Contaminated Land Strategy

Woking Borough Council

2019 – 2024



Version 2: Final Draft February 2019

Produced by: Contaminated Land Officer on behalf of Estate Management

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Note: this is a final draft document pending Full Council Approval.

Introduction

The contaminated land regime in Part IIA of the Environmental Protection Act 1990 (hereafter referred to as Part IIA) was introduced by Section 57 of the Environment Act 1995. The regime came into force in April 2000. Under this regime local authorities in England are required to prepare, implement and keep under periodic review, a Contaminated Land Inspection Strategy.

The Council's first strategy was published in December 2001 (version 1). The strategy was reviewed in November 2015 (but not published). This strategy supersedes the original 2001 version and the 2015 review.

1.1 Definition of Contaminated Land

Section 78A(2) of the Environmental Protection Act 1990 defines contaminated land for the purposes of Part IIA as any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that:

- significant harm is being caused or there is significant possibility of such harm being caused; or
- pollution of controlled waters is being, or is likely to be, caused.

1.2 Strategy Aims & Objectives

This strategy outlines how the Council will meet its statutory duties as required by Part IIA and the Contaminated Land Statutory Guidance issued by the Department for Environment, Food and Rural Affairs (Defra) in April 2012. This strategy will work in tandem with the wider aims and objectives of the National Planning Policy Framework and the Council's corporate current vision of: *Towards Tomorrow Today*. This vision has a number of value aims under the three key thematic areas of **people, place and us** (WBC), as follows:

PEOPLE - A healthy, inclusive and engaged community

PLACE - An enterprising, vibrant and sustainable place

US - An innovative, proactive and effective Council

1.3 General Aims of the Contaminated Land Strategy

The overall aims and objectives are stated overleaf. It is evident that there is a strong complementary relationship between the Strategy and WBC vision/objectives.

Aims

1. To identify unacceptable risks to human health, controlled waters and wider environment;
2. To prevent damage to property;
3. Minimise property blight as far as reasonably practicable;
4. To prevent any further contamination of land;
5. To encourage voluntary remediation of contaminated land; and
6. To encourage re-use of brownfield land.

Objectives

1. To maintain and refine the Council's contaminated land inspection strategy;
2. To ensure compliance and enforcement of the new statutory requirements of the Environmental Protection Act 1990;
3. To encourage market confidence in the redevelopment of brownfield sites in the Borough and thus promote the recycling of brownfield sites rather than greenfield sites;
4. To ensure where redevelopment of sites take place in Woking Borough Council that the process deals effectively with any land contamination; and
5. Minimise financial or reputational risks to the Council.

Characteristics of the Local Area

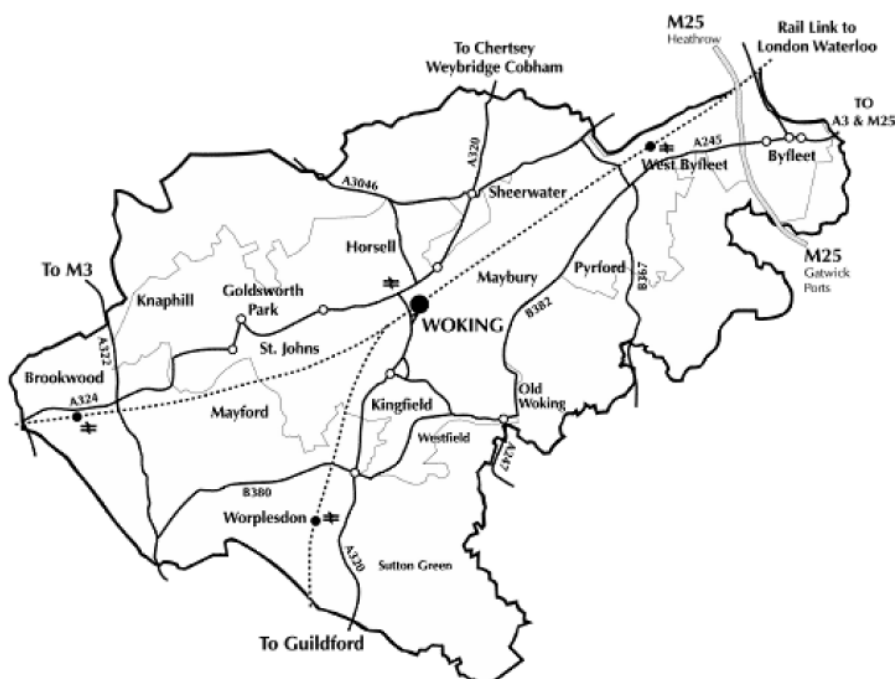
This section provides some background information on Woking Borough Council area mainly in relation to the types of potential pathways that are present in the Borough and how this influences the Council's approach to inspection for contaminated land.

2.1 Geographical Location

The Woking Borough area covers 6,359 hectares. It mainly comprises a continuous urban area centred on Woking town centre but stretching from Byfleet and West Byfleet in the east to Knaphill in the west surrounded by open Green Belt countryside. Within the countryside, there are small settlements, the largest of which are the villages of Brookwood and Mayford. The area protected by Green Belt comprises about 60% of the Borough.

The Borough includes the valleys of the River Wey, Bourne and Hoe streams. The Wey Navigation which links Guildford with the Thames River, meanders along the southeastern boundary of the Borough and the Basingstoke Canal crosses from west to east. The Hoe Valley runs through the centre of Woking from Mayford to Old Woking. The population of the Borough is around 99,500 (Mid 2011 census estimate) and has been rising steadily over the past thirty-five years with the construction of new housing throughout the Borough.

Figure 1 - Map of Woking



2.2 Current Land Use Characteristics

Outside the main urban area, the remaining 60% of the Borough is Green Belt. Current industrial activity is generally restricted to a number of small-medium size industrial estates with only a handful of large manufacturing operations. There are currently no operating extractive industries such as brickwork clay pits, gravel pits or landfills in the Borough.

Woking Borough has a varied environment and contains over 30 areas that are designated for their ecological value such as the Thames Basin Heaths (potential Special Protection Area) and Thursley, Ash, Pirbright and Chobham (candidate Special Areas of Conservation). There are 8 Sites of Special Scientific Interest within or adjacent to Woking Borough as follows:-

- Ash to Brookwood Heaths
- Basingstoke Canal
- Colony Bog to Bagshot Heath
- Horsell Common
- Ockham and Wisley Commons
- Paparcourt
- Smarts and Prey Heaths
- Whitmoor Common

2.3 Protected Properties

There are five Scheduled Ancient Monuments in the Borough. The Sites and Monuments Record List records 81 archaeological sites in Woking. Woking contains 24 Conservation Areas designated for their historic interest, special architectural character or appearance.

Woking also contains over 160 buildings statutorily listed for their architectural or historic merit with a number of these located within Conservation Areas. The statutory Listed Buildings are complemented by a list of 330 buildings of character that the Council considers to be of local significance.

2.4 Controlled Waters & Hydrogeology

Natural waters can be both sensitive receptors and pathways for the transport of contaminants. It is therefore important to consider ground and surface water features from both perspectives.

The Environment Agency is responsible for the protection of 'controlled waters' from pollution under the Water Resources Act 1991. These controlled waters include all watercourses and

groundwater contained in underground strata. Affinity Water Company supplies drinking water within the Borough.

2.4.1 Groundwater

Groundwater source protection zones are designated zones around public water supply abstractions and the Environment Agency publication. The zones are determined by the travel time of a substance to the point of abstraction.

- Zone I (Inner Source Protection - 50 day travel time)
- Zone II (Outer Source Protection – 400-day travel time)
- Zone III (Source Catchment - complete catchment)

There are no public water supply abstraction points or source protection zones located in this Borough. The groundwater in the Borough is classed as a Secondary Aquifer, formally a minor aquifer. There are some private water abstractions from this water source but these are not registered with the Council as private drinking water supplies.

2.4.2 Surface Waters

Woking Borough falls within the surface water catchment area of the Wey River and controlled surface waters include the River Wey, Hoe stream, Bourne stream and the Basingstoke Canal. Surface waters are more susceptible to contaminants than groundwater because of the direct influences of surface run-off and are ecologically sensitive in this Borough. The Borough contains several areas of at Risk of Flooding.

2.5 Geological Characteristics

The geology and soil types present across the Borough are important elements in determining if significant contaminant pathways are present on individual sites.

Much of the Borough is underlain by Bagshot, Windlesham and Camberley Sand Formations comprising mostly sands and gravels interlaced with pipe clay, which give rise to dry soils low in nutrients. Much of the Wey valley is covered by river gravel and alluvium deposits. The poor sandy soils over the Bagshot Windlesham and Camberley Sand Formations support heathland vegetation and have mostly remained as areas of common land. Such sand and gravel geology can provide a potential conduit for mobile contaminants. The remainder is underlain by London Clay that provides heavy, poorly drained soils susceptible to flooding in the river valleys.

3.0 Historical Land Use in Woking

The historical land use data on the Graphical Information System (GIS) of the Woking Borough area provides information on the types of potential contamination sources present in the Borough and how this influences the Council's approach to inspection for contaminated land. The earliest forms of industrial activity in the Borough were focussed in the areas around the navigable waterways of the Wey Navigation and the Basingstoke Canal and included timber yards, brickworks, tanneries, breweries and printworks as well as agricultural and military related industries.

3.1 Sand/Brick Earth Extraction

Sand and brick earth was an important mineral resource in the Borough. Some of the Borough's area has been subject to brick earth extraction activities close to the navigable waterways. Worked out sand/brick earth pits often became points for uncontrolled or poorly controlled waste disposal activities.

3.2 Railway, Gasworks, Sewage Treatment and Electricity Production

The construction of the railway in the 1850's with the significant railway junction, at what is now the centre of Woking town, caused an increase in development activity. The town of Woking itself was built on the excess land acquired for the Brookwood Cemetery that was subsequently sold on to property developers for housing. With the development of the urban areas came the development of gasworks, sewage treatment plants and railway engineering works. Unique to Surrey, Woking Electricity Supply Company was supplying Woking and much of Surrey with electricity from as early as 1889.

3.3 Prisons, Hospitals and Ministry of Defence

The development of the town included the building of prisons and hospitals. During the period of the First and Second World Wars Ministry of Defence activities and barracks also came to be located within the Borough. Works and factories associated with aircraft and weapons manufacture are known to have occurred at this time.

3.4 Petrol, Diesel & Oil Storage

Factories, transportation industries and works were built in designated industrial areas and many of these uses may have included boilers and/or fuel storage with associated underground and above ground storage tanks. Surrey County records show 35 past and present petrol stores in the Borough including the present day petrol stations.

3.5 Landfills

Landfills did occur in the Borough and there were two officially Council-owned landfills, which have both now closed. Anecdotal historical information suggests that prior to the Waste Management Licensing provisions of the Environmental Protection Act 1990, worked out sand/brick earth pits and other naturally occurring depressions such as streambeds often became points for uncontrolled or poorly controlled waste disposal activities.

It is also worthy to note that there may be other areas within the Borough where landfilling has occurred in order to adjust levels since there were large areas of land within the Borough that were very low lying. Often waste arising from industrial or commercial activities was used as landfilling material to make up levels. It has been noted that such practises have caused problems in relation to contamination, since some of the commercial waste that was provided to make up levels contained asbestos sweepings, shavings and machining dust within the waste.

3.6 Agriculture/Horticulture

Nursery gardens have been and continue to be an important part of the local economy. These form the majority of arable land in the Borough and much of what is now Woking Town was built on what was nursery land.

3.7 Past Redevelopment

Prior to the introduction of planning control, there was very little regulation to control redevelopment or require measures to treat or prevent contamination. Since the war, redevelopment has been subject to planning control and there are more extensive records of the history of redevelopment, including measures to remediate existing sites and control new activities.

3.8 Information on Past Contaminated Land Uses

The Council holds information on contaminative uses in the Borough used as part of the development control process. If a development is proposed on an area of land where past use may have resulted in contamination, the Council can request a suitable site investigation/remediation report as a planning condition. Planning and Building Control records form a valuable resource during the dataset collection and site investigation programmes.

4.0 Holistic Approach by the Council

4.1 Corporate Approach

Dealing with contaminated land is approached as a corporate issue for Woking Borough Council and contaminated land has implications in the following service areas:

- Forward / Strategic - Planning
- Development Control - Planning
- Building Control
- Estate Management
- Environmental Health Services
- Legal Services
- Land Charges

Estate Management, with the Contaminated Land Officer taking the lead role, has carried out enforcement of Statutory duties in respect of the contaminated land regime and the application of the Contaminated Land Inspection Strategy. Estate Management have also taken the lead role in relation to contamination issues that could relate to Council-owned land.

The contaminated land regime complements the Council's existing powers to deal with contamination issues under the Town and Country Planning Act 1990 and the Building Act 1984.

4.2 Planning Services

4.2.1 Forward/Strategic- Planning

Consultation takes place with the forward planners at various critical times in order to ensure that any structural planning matter has an appreciation of the requirements of the contaminated land regime and in so doing, appropriate consideration can be given to its incorporation into planning policy. Advice on contamination issues is provided on sites and projects as required, such as during the Urban and Green Belt Reviews.

2.2 Development Control- Planning

The vast majority of contaminated land issues have been and will continue to be directed towards and addressed through the Development Control regime, where contamination is a material consideration for the purposes of the Town and Country Planning Act 1990. National

Planning and Policy Framework (NPPF) provides advice to Local Authorities on dealing with contaminated land during the planning process.

Estate Management has provided the Planning Department with a Contaminated Land GIS layers, created using “Land Use” data. This is made up of data purchased from Landmark and the Contaminated Land Officers review of historic sources of information (which is ongoing) but has some limitations. Polygons have been placed over parcels of land where a former contaminative use (historic use of the site) may have led to soil and groundwater contamination, which may lead to adverse conditions/impact for the occupants of the present or adjacent sites. A polygon is a shaded patch that can be used to highlight an area on a GIS. The polygon is then linked to information and data on a database. However, current contaminative uses of land are not shown on this system. This is because for their current land use the risk is low, but changing from a contaminative use to a sensitive use, such as residential, leads to an increased risk that exposure of potential contamination will cause harm. Hence, if there is any application, which falls within areas identified by contaminative use polygons or has current commercial, industrial, or general urban use, then the planners consult with the Contaminated Land Officer to consider the application in terms of potential contaminated land issues and the risks posed.

The Contaminated Land Officer may use the information held with the planning files. These records are in various formats e.g. microfiles, digital etc. These are an important information resource related to the history of potentially contaminated sites and remediation works that have occurred in the past.

Planner case officers take due regard of the contamination advice, provided through consultation with the Contaminated Land Officer and the Environment Agency (water issues). Where contaminated land is identified as a potential risk, the Council seeks to secure the investigation and remediation of that land through the use of appropriate conditions.

4.3 Building Control

It is a requirement of the Building Regulations that *‘reasonable precautions shall be taken to avoid danger to health and safety caused by substances found on or in the ground to be covered by the building’*. Guidance on satisfying this requirement is contained within the *‘Building Regulations Approved Document C, Site preparation and resistance to moisture’*. This document outlines appropriate means of dealing not only with solid and liquid contaminants arising out of previous use of land, but also gases which may be harmful to buildings and persons which includes proposed occupants.

The requirements apply to all buildings that fall within the control of the Building Regulations, which have been amended to include the ground to be covered by that building (which is stated to include ground to be covered by its foundations) and any land associated with the building.

Close liaison has been created with building control officers not only of the Borough Council but also with the other approved building control regulators.

4.4 Estate Management

Details are held of the land that is and has been owned, may be acquired, and/or leased by the Council. These records are administered by Estate Management and can be examined to identify any land that may have been contaminated by former Council activities.

Where land is identified as being potentially contaminated, it will be prioritised for more detailed inspection by Estate Management, via the Contaminated Land Officer.

4.5 Environmental Health Service

A service request regarding contaminated land will be passed to the Contaminated Land Officer in Estate Management and dealt with following the same procedure as currently used by the Environmental Health Service to deal with any environmental control service enquiry.

All clients are asked to supply their names and addresses and if appropriate, the address giving rise to the issue. The identity of the client remains confidential. The only circumstance, in which this information might be made public, would be in the case of a remediation notice being appealed in a court of law.

The Contaminated Land Officer does not normally look to undertake any investigation based on anonymously supplied information and this general policy will be adopted for contaminated land issues. This policy does not however, preclude investigation of an anonymous complaint in exceptional circumstances based on likely risk.

Any anecdotal evidence provided to the Council relating to contaminated land is recorded but no determination of statutory Contaminated Land will occur without robust scientific evidence. In all cases, the Contaminated Land Officer will use knowledge and experience to decide whether further investigation is required. Where information indicates that there is an imminent danger of serious harm, or serious pollution of controlled waters as a result of the presence of a significant pollution linkage being present, the Council will notify the Environment Agency and other

external consultees and consider the need for urgent action. Should it be decided that urgent action is required, this shall be entered into as soon as reasonably practicable.

4.6 Legal Services

Legal Services are responsible for providing advice on the Council's duties under Part 2A, in particular with regard to legal agreements on contaminated land (and planning issues), and assisting with identifying appropriate persons who may be responsible for the remediation of land.

4.7 The Land Charges Section

The Land Charges Section has four standard enquiries on the land search form relating to information that will be held on the Public Contaminated Land Register.

4.8 Data Protection

The Council takes immense care to ensure that it complies with all the requirements of the Data Protection Act 2018.

5.0 Council's Approach & Review

The Inspection process is broken down into seven stages, which are outlined below.

5.1 Stage 1 – Resource Allocation

The Contaminated Land Officer would ensure:

- Purchase of up-to-date reference materials on site investigation and remediation;
- Purchase of historical land use information, geological information, and appropriate hardware/software to run a GIS –Land Use Information Database (Uniform module); and
- Purchase of risk prioritisation and risk assessment database package linked to GIS System.-external contractors to undertake specific duties.

5.2 Stage 2 – Dataset Collection

- Purchase of up-to-date reference materials for assessment of site investigation, remediation and validation reports; and
- Dataset Collection Programme using GIS Land Information Database (GIS) being the primary tool used to manage contaminated land information).

5.3 Stage 3 – Site Prioritisation (desktop)

- Completed Prioritisation Inspection following consideration of the best available and suitable system; and
- All known potentially contaminated sites in Borough including Council owned land considered and given a risk priority rating.

5.4 Stage 4 – Detailed Site Investigation Following Prioritisation from Risk Assessment/ Conceptual Model to Identify Significant Possibility of Significant Harm (SPOSH)

- Various site investigations of high priority sites undertaken based on risk for high priority sites and using intrusive methods where necessary.

5.5 Stage 5 – Declaration and Registration of Statutory Contaminated Land

- Systems set up and put in place if any statutory declared land is required to be declared.
- Voluntary Remediation; The Council's approach to its regulatory duties is to seek voluntary action before taking formal enforcement action since more effective remediation

can often be achieved by agreement rather than by enforcement. The regulations provide an incentive to undertake voluntary action in that any materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes.

- Determination of Council-Owned Land or orphan sites as Contaminated Land; Elected members will be informed at the earliest opportunity of any plans to determine an area of Council-owned land or land where the Council is the 'appropriate person' and may be eligible for remediation costs.

5.6 Stage 6 – Liaison with Other Bodies & Reporting

- Develop and implement a procedure for liaison & reporting to Council, Environment Agency (e.g., annual returns and reporting water pollution incidents), Surrey County Council, neighbouring Boroughs (eg contaminated land study group) & other statutory consultees eg. Natural England.

5.7 Stage 7 – Review and Inspections Falling Outside the Programme

- A system has been implemented that should there be unplanned events, introduction of new receptors, supporting voluntary remediation and responding to information from other statutory bodies, owners, occupiers or other interested parties, then these matters may trigger a review of priorities.
- In addition, a scheme was considered in relation to reviewing previous inspection decisions. This can occur if there has been significant changes in legislation, establishment of significant case law or other precedent and revisions of statutory guidelines on exposure limits, risk prioritisation and risk assessment.

5.8 Comment of Actions and Approach Regarding Inspection Programme

Woking Borough Council has within the last 17 years diligently implemented the inspection programme as set out in its initial vision of how to best deal with contaminated land. It has acquired appropriate resources in order to facilitate the approach. Overall, it must be commented on that the methodology of the Council in the setting up and implementation of the inspection programme corresponds to good practice and is considered as a robust and orderly approach and as an excellent way forward to strategically consider and deal with contaminated land.

5.9 Future Focus 2018 to 2024

When carrying out our duties, the Council must consider the resources and funding it has available and the need to target limited resources to where they can be of most benefit. The Council considers it to be unacceptable to start a detailed site inspection without ensuring enough resources to fully see all aspects of the detailed site inspection through to conclusion.

Contaminated land investigations can take from a few months to several years to fully complete. Intrusive site assessments cannot feasibly be started until enough detailed data has been collected to suggest the site could meet the statutory definition of contaminated land. The Council will aim to investigate sites as quickly and efficiently as possible, to minimise any potential issues such as property blight or any stress to residents during investigations.

The priority inspection list is ever evolving. When sites are investigated and not deemed to meet the statutory definition of contaminated land, they will be effectively removed from the list by virtue of being relocated down the list. Where new sites are identified then these will be prioritised and added to the inspection list and database in a rational and orderly manner.

The detailed inspection of individual sites can be a large financial commitment, time consuming and potentially controversial, as affected properties may suffer from blight and financial burden during the overall investigation process. While this would likely be justified for sites where significant risks to sensitive receptors have been identified, certain sites may require a different approach. This would likely comprise the production and subsequent implementation of a risk management and mitigation strategy for the short, medium or long term. Decisions on the above will be taken on a case by case basis having full regard to our statutory duties, resources and information available to the Council at that time.

5.10 Investigatory Tools

Below is a non-exhaustive list of the various investigatory tools open to the Council to investigate potentially contaminated land. They are listed in the order of priority the Council will aim to utilise the tools.

5.10.1 Overarching Aim

The Council aims to, where practicable, to seek to work with third parties on a voluntary basis to manage the risks from land contamination without the need to exercise regulatory powers.

5.10.2 National Planning Policy Framework (NPPF)

The main tool to carry out statutory duties relating to the investigation of land contamination will be via the National Planning Policy Framework (NPPF) (the town and country planning process). Regard will also be given to the recently published Planning Practice Guidance. The relevant sections of the NPPF are outlined below:

178. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Should the Council identify a potential contaminated land issue with a site that is subject to a planning application, then it is likely detailed contaminated land and/or ground gas conditions will be required to be placed on any future planning permission (if granted) to mitigate these potential issues. These conditions will likely require the investigation of ground conditions across the site in question in a phased manner. This will likely start with a desktop study, then

move onto phased intrusive site investigation (if required), whereby soil samples/water samples/gas monitoring is undertaken. Then should any issues become evident these will be remediated (cleaned up) to ensure the site is not capable of being determined as contaminated land.

5.10.3 Self Assessments

The notion of self assessments encourages residents to 'do it themselves'. We can relate this philosophy to residential property transactions. The Council supports 'self help' to facilitate property transactions on potentially contaminated land where little or no information exists on ground conditions, to ascertain the appropriate level of risk/liability. This is done with the view of facilitating a successful property transaction for all parties involved.

Self assessments would typically involve owners or prospective purchasers of property commissioning a suitably qualified person to carry out an appropriate intrusive site investigation, at their own cost, to ascertain the nature of ground conditions and thus qualify the environmental risk/liability associated with a property transaction.

It is strongly recommended this is done with prior consultation with the Council to ensure a robust assessment is undertaken. In addition, works would need to be carried out by a suitably qualified environmental professional, to ensure best practice guidance, and the relevant British Standards are followed.

Assuming the investigation was carried out to the Council's satisfaction, the Council would determine whether or not the land in question constitutes contaminated land. Should land not constitute contaminated land then no further action by the Council would be required and this would be documented and recorded on relevant databases.

Should the site constitute contaminated land then the Council will carry out its duties as required by the relevant legislation and statutory guidance. Remediation of the land would likely be required.

5.10.4 Proactive Investigation

Where resources enable (both financial, staff and technical expertise), the Council will seek to investigate potentially contaminated sites and neighbouring areas (as required) that are present on our priority inspection list.

5.11 Newly Identified Potentially Contaminated Sites

There is the potential for the occasional newly identified potentially contaminated land site in the Borough to be brought to our attention either by a third party or identified by our own in house investigatory process.

Newly identified sites will be suitably researched, appraised and entered accordingly on our Contaminated Land Priority Inspection List. Where actual ground contamination is known to be present (rather than possibly present) the site is likely to have a higher ranking in the priority list, whilst still having regard to proximity to the sites sensitive and surrounding receptors.

5.12 Contaminated Land Register Entries

As of January 2019, the Council has not designated any land as meeting the statutory definition of contaminated land nor has any land been designated as a Special Site within the Borough. Consequently the register is empty. Further information on the register can be found via the following link.

https://www.woking.gov.uk/planning/envhealthservice/control/contam#contaminated_land_strategy

6.0 Determination and Remediation of Contaminated Land

6.1 Deciding if Land is Contaminated or Not

Under the contaminated land regime the starting point is that land is not contaminated land unless there is reason to consider otherwise. Where it is clear, following an inspection, that land does not meet the legal definition of contaminated land, the Council shall cease its investigations and issue a written statement to that effect to the owners of the property and other interested parties. A copy of this statement will be kept on file, along with the reasons for making the decision. The Council will not formally publish the information, but will keep a record of it in the event of receiving requests for information.

6.2 Determination of Contaminated Land

As the result of a detailed site inspection, should the Council identify that **a contaminant** (e.g oils or lead) **a pathway** (a way for the contamination to move and transfer) and **a receptor** (humans, wildlife and watercourses etc) with respect to the current use of land and the Council be satisfied that one or more of the following points, as outlined below, are met, then the site meets the statutory definition of contaminated land.

- Significant harm is being caused to that receptor; or
- There is a significant possibility of significant harm being caused to that receptor; or
- Significant pollution of controlled waters is being caused; or
- There is a significant possibility of pollution of controlled waters.

Should land be deemed contaminated land, then the Council will produce relevant detailed risk summaries for the site, as required by the statutory guidance and will give written notice of the intention to determine the land contaminated land to the following interested parties:

- The owner of the land;
- Any person(s) appearing to the Council to be in occupation of the land;
- Any person(s) appearing to the Council to be an 'appropriate person; and
- The Environment Agency.

6.2.1 Special Sites

Should a site meet the special site definition, as defined by the Act, (e.g military base) the Environment Agency will be informed as soon as reasonably practicable and the Agency would normally carry out inspections to determine whether the land is contaminated or not.

Special sites include land that meets at least one of the typical requirements below:

- seriously affects drinking waters, surface waters and important groundwater sources;
- has been, or is being, used for certain industrial activities, such as making explosives;
- has been used to get rid of waste acid tars;
- is owned or occupied by the Ministry of Defence;
- is contaminated by radioactivity;
- is a nuclear site; and
- is being or has been regulated using a permit issued under the integrated pollution control or pollution prevention and control regimes.

The responsibility for formal designation remains with the Council at this stage. If the land has been determined as contaminated land and if the Council and the Environment Agency (if necessary the Secretary of State as well) agree that the site is a special site, the Environment Agency will take over the role of enforcing authority.

Where a special site is identified the Council will aim to work in partnership with the Environment Agency and include them early on in the decision making process.

6.3 Remediation

Remediation is the term used to describe the 'clean up' of contaminated land. There are many different ways land can be remediated but this essentially is concerned with removing a contaminant source or reducing the risk posed to receptors to an acceptable level. The Council will make reasonable enquiries in order to identify all of the appropriate persons to pay for any remedial action with respect to each pollutant linkage that may be required. These persons constitute the liability group for a pollution linkage. Thus, for each pollutant linkage that may be identified, either a Class A liability group comprising persons who caused or knowingly permitted the pollutant to be present, or a Class B liability group comprising persons who are the current owners or occupiers of the land, could take on liability for that pollution linkage.

Having regard to the statutory guidance, once the relevant people have been notified of the intention to determine the land in question as contaminated land, the Council has provision to postpone this determination. This can be done if the owner or some other person agrees to undertake to deal with the contamination issues in a suitable way and timescale. This is called “voluntary remediation”.

In such cases, the persons responsible for carrying out the remediation will usually be required to prepare a remediation statement and submit this to the Council for prior authorisation before remedial works commence. Depending on the nature of the site and size of the land affected the Council may prepare a remedial strategy (clean up specification) in-house. The strategy will detail the clean-up works required to be carried out by the land owner and the works would be required to be independently validated to ensure the necessary works have been carried out to an acceptable standard. It should be noted that these works would likely need to be completed by a suitably qualified person(s). If required the Council can validate remedial works.

After reasonable consultation, if appropriate remediation cannot be secured by an agreement, the Council has powers to serve a remediation notice on appropriate persons. The notice will state what measures need to be carried out to remediate the contaminated land and the timescale for the work to be carried out. For multiple appropriate persons, the notice shall state what proportion of costs each one is to bear.

It is an offence under Part IIA of the Environmental Protection Act 1990 not to comply with a remediation notice without reasonable reason. If the Council decides to carry out the remediation actions itself, it can recover its reasonable costs from the appropriate person. Any person who receives a remediation notice has 21 days from the date of the notice to appeal against the notice. The following sections explore in detail if the Council was to carry out remediation itself, how it would go about recovering these costs.

6.4 Hardship and Cost Recovery Policy Statement

This Hardship and Cost Recovery Policy Statement is aimed at the scenario that the original polluter (Class A Person(s)) can't be identified/found, a successful legal case against the Class A Person(s) has not been won or the relevant exclusion tests outlined in the statutory guidance are met. As such liability legally falls to the current legal land owner of the land in question (Class B Person(s)).

Specific contaminated land funding through the Capital Grants Programme has been withdrawn by Central Government. As a Local Authority the Council must have regard to how any future decisions can affect local tax payers and the impact on how the Council provides key services throughout the Borough.

As a result, the Council has appraised its various options regarding the possibility of waiving or reducing remedial costs. The Council will therefore not 'waive' or 'reduce' remediation costs that legally should be borne by the appropriate person(s) as defined in the primary legislation and with regard to the various exclusion tests outlined in the statutory guidance. As a result the Council will seek to recover **all** of its reasonable costs. This position will be subject to review in the future (as required).

The Council will have full regard to the relevant legislation and provisions laid out in the Primary Legislation and Statutory Guidance that relate to hardship and cost recovery issues. The Council will endeavour to make provisions to ensure the costs of remediation does not cause or add to existing hardships. Therefore the overall approach can be summarised as follows:

- Seek to recover in full reasonable costs incurred when performing statutory duties in relation to the remediation of contaminated land;
- Wherever possible, apply the "polluter pays" principle, whereby the costs of remediating pollution are borne by the polluter;
- Where this is not possible, seek all sources of finance (external to the Council) for remediation (if available);
- Have regard to the avoidance of hardship which the recovery of costs may cause; and
- Aim for an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers.

To allow the Council to be fair to our residents and assess individual cases, there are a number of options available that are explored in the following sections.

6.4.1 Hardship

Hardship in the terms of this policy relates to financial hardship that would be exacerbated or brought on as a result of an appropriate person(s) being liable and thus paying for proportionate remediation costs.

If the appropriate person(s) has been served a charging notice of the remediation cost payment/recovery by the Council, then they will have up to 21 days, from the date of the notice, to inform the Council that they wish to be considered as a hardship case. The Council will then send out an application form that will require the applicant to provide various financial information about income, expenditures and benefits etc, within 21 days from the date of the communication.

The Council will utilise this information and the steps provided in the Statutory Guidance to assess a hardship case using a Council approved means testing tool to assess each case individually. Should an applicant be successful they will be contacted and arrangements made to develop a suitable cost recovery programme that best reflects their needs. Should an applicant not be successful they have a right to appeal and further scrutiny of their situation will be required. The options of cost recovery are non-exhaustive and presented in Section 6.4.2 below.

6.4.2 Cost Recovery

The Council will seek to recover **all** reasonable costs associated with required remediation that can legally be recovered in a proportional manner. The Council will not waive or reduce costs that legally should be borne by another party. The Council will however have regard to any relevant requirements and tests set out in the legislation and statutory guidance relating to matters of hardship and cost recovery.

To compliment this policy statement the Council has several options available that are broadly outlined below. Note this list is non- exhaustive and other potential options may be available/considered.

1. Payment in full of relevant remediation costs within a specified time frame.
2. A percentage (%) part payment supplemented with regular monthly payments over a prescribed period of time.
3. If none of the above options are deemed feasible then the Council can consider the option of putting a 'charge' on the land in question. This is whereby the amount of the remediation costs is secured against the land in question and that money will be returned to the Council in full when the property legally changes ownership i.e sold.

7 Review Mechanisms

7.1 Strategy Reviews

The Council will review its written strategy periodically, ideally at least every five years, to ensure it remains up-to-date and reflects any significant changes in legislation, statutory guidance, best practice or any other relevant matters.

The next scheduled review of this strategy is during 2023. However, this may be brought forward should any statutory changes, new guidance or economic climate require it.

7.2 Decision Reviews

All decisions made with regard to contamination need to be made objectively, consistently, transparently and with proper regard to uncertainty. One important aspect of managing contaminated land is the need to review decisions made about particular sites, to establish whether any material changes have occurred. Examples of factors which influence the decisions and which have the potential to change include:

- Change of site use
- New information comes to light (i.e site investigation report)
- Complaints from residents regarding ground conditions
- Change of use of adjoining land
- Climatic or meteorological change
- Change in physical characteristics e.g. the water environment
- Legislative or internal or external policy changes
- Changes to technical standards or procedures
- Actions taken by a third party to reduce the effectiveness of remedial measures.

All decisions made under Part IIA of the Environmental Protection Act 1990 will therefore be made and recorded in a consistent manner that will allow for the effective review, as and when circumstances require.

7.3 Decision Outcomes

The main outcome of a decision is likely to involve the site in question being re-categorised in that its site investigation priority will change. This could either increase the priority for investigation or decrease the priority for investigation. However, should any new information come to light that indicates that there is a high risk of SPOSH or other imminent danger then consideration for immediate or emergency action may be required.

Document End

Final Draft

CONSULTATION LIST

Guilford Borough Council

Surrey Heath Borough Council*

Runnymede Borough Council

Elmbridge Borough Council

Surrey County Council

Surrey Wildlife Trust

Environment Agency*

Department for Environment, Food and Rural Affairs (DEFRA)

Natural England*

Public Health England*

Health and Safety Executive

National House Building Council

Water*, sewage, electric, and gas providers operating within the Borough.

* Denotes a response received

EXECUTIVE – 28 MARCH 2019

MEDIUM TERM FINANCIAL STRATEGY

Executive Summary

The last Medium Term Financial Strategy (MTFS) was approved by Council in October 2018. It outlined a strategy to mitigate identified cost pressures over the period to 2022/23. This report provides an update on the outlook, considers developments since October and, following approval of the budget for 2019/20, extends the forecast out to 2023/24. It considers the strategy in place to achieve a sustainable medium term position whilst progressing the Council's service and Investment Programme ambitions.

The figures included in the report are estimates provided for planning purposes. Assumptions are made on those projects and policies within the Council's control as well as future external pressures. The position will continue to change and it may be necessary to revisit assumptions and plans in the light of new information. The MTFS enables the Council to forecast the financial environment within which long term decisions are being made and seek ways to achieve its long term objectives.

The government funding position for 2020/21 and beyond will not be clear until later this year. This does not allow much time to manage the impact if the funding allocations are different from those assumed in this forecast. If transition arrangements are insufficient it may be necessary for reserves to be used to smooth the impact whilst financial planning is updated.

The projected income and expenditure shows that the action taken, including new strategic and housing investment allocated as part of the 2019/20 budget setting, achieves the required savings for the period to 2022/23. The additional of a further year to the forecast, with continued funding reductions and Investment Programme costs, adds a further £1m to the savings requirement. It is recommended that the focus remains on progressing existing income strategies, and the requirement is revisited later in the year when future government funding is clearer.

Following a VAT inspection of Brookwood Cemetery, a significant proportion of VAT incurred on cemetery expenditure will not be recovered in future. This adds some £100,000 to the costs of the service which, due to the different VAT status, could be recovered if the cemetery was operated directly by the Council. It is therefore recommended that the Council takes on direct operation of Brookwood Cemetery and that resources are allocated as previously agreed in the 2019/20 budget and Investment Programme.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the Medium Term Financial Strategy (MTFS) report be approved; and**
- (ii) subject to appropriate due diligence Brookwood Cemetery be acquired by the Council to be operated as a direct Council service.**

Reasons for Decision

Reason: The decision is sought to agree the framework for Officers to develop further proposals for consideration, in due course, by the Council to ensure the medium term financial stability of the Council in the context of its objective to support growth and to maintain services for local people.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Date Published: 22 March 2019

1.0 Introduction

- 1.1 On 13 February this year the Council approved the budget and Council Tax for 2019/20, the Investment Programme, Housing Revenue Account budgets and Treasury Management, Investment and Capital Strategies including Prudential Indicators.
- 1.2 This report updates the MTFS previously considered in October 2018 and takes the forecast on a further year with 2019/20 as the new base. The MTFS in October proposed investment strategies to enable the Council's ambition to be maintained while securing the £3.3m of savings required. As part of the update the underlying assumptions critical to the projections are reviewed and the savings strategy assessed.
- 1.3 Government funding from 2020/21 onwards remains unclear, so for medium term planning purposes assumptions have been made throughout the forecast period. Section 2 sets out the latest funding position, expected changes and timings.
- 1.4 Sections 3-5 summarise the key budget areas and set out the assumptions made.
- 1.5 Sections 6-8 consider the impact of the Council's Investment Programme proposals.
- 1.6 Sections 9 and 10 set out the overall cost pressures and available reserves, and recommends a strategic approach, based on maintaining the Council's strategy of not reducing services in the Borough.

1.0 Update since last MTFS

- 1.1 The MTFS was last approved by the Council in October 2018, and identified £3.3m savings to be secured in the period to 2022/23. Since then the Council has finalised the 2019/20 General Fund budget and Investment Programme, and has progressed work on a number of strategic projects and proposals.
- 1.2 This update provides a new base position for 2019/20. The MTFS will continue to be updated as new information becomes available and decisions are made. It is important that the Council has an up to date view on future pressures to understand the short, medium and long term impact of policy decisions. The MTFS will be formally considered again if there are substantial changes, or as part of the 2020/21 budget process.
- 1.3 An additional year, 2023/24, is included in the forecast. It is assumed that general service pressures are offset by increases in income from Council Tax, fees, charges and rents. However any reduction in government funding and the impact of the Investment Programme would add to the savings requirement.

Economic Development

- 1.4 In pursuing economic regeneration and sustainability plans the Council has acquired a number of strategic properties. These are all within the Borough and have a strategic purpose to the Council as well as generating income. The current position on these properties is reported in the Green Book each month. Since October the properties acquired are:

Midas House - included in 2019/20 base budget
Victoria Gate – included in 2020/21 forecast
- 1.5 The Investment Programme includes allowance for further acquisitions not yet completed and the 2019/20 budget increased this allocation by a further £50m to support the MTFS where property of strategic importance to the Council is identified.

- 1.6 Investment properties are valued annually as part of the final accounts process. They are held on the Council's balance sheet with the value offset by borrowing taken to secure the acquisition. The value is important if the asset is to be sold but if the asset will be held for the long term, the income stream is of most importance, together with any further investment or irrecoverable costs. This is the focus of the Green Book reporting.
- 1.7 The Victoria Square town centre regeneration is progressing well with the structures continuing to take shape during 2019. The planned acquisition of the Victoria Square car parks is now well within the period of the MTFs forecast. As the town centre integrated transport works and Victoria Square near completion the focus will turn to the next phases of the town redevelopment including Woking Gateway and the Victoria Arch and transport works to the south of the railway.
- 1.8 The former recycling centre and adjacent land off Kestrel Way and Sythwood has been earmarked for development by the Council's Joint Venture Company, Rutland Woking Limited (RWL). In support of local business activity, the Executive has approved funding to develop 3 new industrial units on this site, 2 of which will be pre-let.

Housing

- 1.9 In October the Chancellor scrapped the Housing Revenue Account (HRA) borrowing cap. This enables the Council to use retained right to buy receipts to progress provision of additional HRA properties. Proposed developments include a 57 unit sheltered housing scheme at Old Woking and 54 units at Monument Way West.
- 1.10 The Council in December also approved two General Fund housing schemes, part funded by right to buy receipts. One will be leased to a specialist housing provider to meet the needs of vulnerable people, the other premises will house the services operated by the York Road Project (YRP) for homeless people. Both developments will be at a cost to the Council, but will provide appropriate residential accommodation for some of the most vulnerable in the community.
- 1.11 Revised planning applications for the Sheerwater regeneration scheme are due to be considered by the Planning Committee on 9 April 2019. This project provides new affordable and market housing, leisure facilities and open spaces. On 21 March the Council received confirmation that the £9.4m Housing Infrastructure grant provisionally allocated by Homes England towards the scheme had been approved subject to conditions which will be set out in a formal offer letter.

2.0 Government support

- 2.1 For the period 2016/17-2019/20 government funding was set by a 4 year funding settlement in February 2016. Local government is now at the end of that funding settlement period with no indication of the level of funding, or funding reductions, going forward. Whilst the 4 year settlement initially provided some certainty for medium term planning purposes, as this was not a 'rolling settlement' the future certainty has diminished through the period. There is now no indication from government as to funding levels beyond the MTFs base year so a judgement has to be made based on the potential impact of changes being consulted on and the likely priorities for local government.
- 2.2 The final funding figures for the 4 year settlement are shown in the table below, together with the support provided through New Homes Bonus which varies year on year depending on delivery of New Homes offset by the number of empty homes.

Government Funding

4 year settlement & NHB - final figures				
	2016/17	2017/18	2018/19	2019/20
	£'000	£'000	£'000	£'000
Business Rates	1,954	1,993	2,053	2,099
RSG	588			
Transition Grant	137	112		
Tariff adjustment			-	991
Tariff adjustment removed 19/20				991
New Homes Bonus	2,043	1,820	1,386	1,181
Total Funding	4,722	3,925	3,439	3,280
Reduction(-)/Increase in funding	- 215	- 797	- 486	- 159
Cumulative reduction in funding	- 215	- 1,012	- 1,498	- 1,657

- 2.3 The funding position from 2020/21 onwards remains unknown. For the purposes of this MTFS the assumptions are consistent with the October forecasts. It is assumed that the funding reduction in 2019/20 is removed, but that the reduction in 2020/21 is increased to £750,000 acknowledging the risk that these funds will be recouped on transition to the new system.
- 2.4 In future years the assumption remains the tariff adjustment will increase by £500,000 pa, offset by inflation of 3% in the Business Rates retained. In reality the introduction of the new Business Rates system will combine these two figures and the fair funding review will set the retained element of Business Rates (before growth).
- 2.5 If New Homes Bonus were to continue under the existing arrangements it has previously been assumed that funding would reduce to £600,000 being 4 years grant at £150,000. In 2019/20 the annual grant allocation was only £14,000 due to the increase in empty properties.
- 2.6 It is possible that future years will also see the impact of timing of residential properties developments, in particular the Sheerwater regeneration, which may temporarily reduce the number of occupied properties. For this forecast, it is assumed that the £150,000 annual grant is received for 2020/21-2022/23.
- 2.7 The 2019/20 General Fund budget includes only £600,000 of the New Homes Bonus allocated, with the remainder of the funding transferred to the New Homes Bonus reserve to fund project costs. As the allocation for 2019/20 was less than expected, it is considered prudent to reduce in-year reliance on this grant by an additional £200,000 for 2020/21.

Future Government Funding

Estimated				
	2020/21	2021/22	2022/23	2023/24
	£'000	£'000	£'000	£'000
Business Rates	2,162	2,227	2,294	2,362
New Homes Bonus	816	575	464	600
Assumed adjustment post BR retention/FF review	-750	-1,250	-1,750	-2,250
Total Funding	2,228	1,552	1,008	712
Reductions in funding	-1,052	-676	-544	-295

- 2.8 The table above shows that beyond 2023/24 the Council could be left with minimal funding from Business Rates. It is not clear if it would be possible to become a net contributor to the national system.

Future developments

Review	Purpose	Update since last MTFS
Government Spending Review	To set the Central Government funding available to the local government sector.	In his Spring Statement the Chancellor announced that the Spending review would commence before the summer break 2019 and would conclude for the autumn budget 2019.
Fair Funding Review (FFR) Due to be implemented 2020/21	Determines which authorities have the greatest 'need' for government funding.	A consultation was published as part of the provisional settlement with a February deadline for responses. The consultation considered some principles involved in determining 'need'. The key elements of the Council's response were that income from car parking should not be considered part of the Council's core spending power, and any transition should be from 2019/20 actual funding which includes the grant to remove negative RSG.
'Redesign of Business Rates retention system' Due to be implemented 2020/21	Sets the mechanics for how Business Rate income collected is distributed - to meet the need determined in FFR and incentivise growth.	The application to extend the Surrey Pilot into 2019/20 at 75% was not successful. A consultation was published as part of the provisional settlement with a February deadline for responses. The key elements of the Council's response were that growth should be retained locally long term to match the ongoing costs of investment, appeals should be funded centrally as suggested by the government and it should be possible to determine tier splits of business rates locally.
Business Rates Baseline Reset Due to be implemented 2020/21	Determines the expected Business Rates income collected by each authority. Amounts above this level are considered 'growth' and the amount of this growth retained is funding above baseline level.	The consultation document states that the government intends a 'full reset' in 2020/21 and will consult on this transition to the new system 'later'.
Transition arrangements	'Soften' the impact of significant changes in funding through implementation over a period of time.	None

- 2.9 Going forward there continues to be a significant amount of the new funding arrangements which have not yet been confirmed. Together with uncertainty over the total value of local government funding which will be determined by the spending review, this makes it very difficult to establish the impact of the individual elements.
- 2.10 Until some of the elements of the system are settled, it is not possible to assess the funding expected in future years with any certainty and the projections in this paper therefore remain judgements on potential reductions.

Council Tax income

- 2.11 The Government calculates future spending power figures which demonstrate resources available to each authority. In these calculations it is assumed that authorities generate the maximum Council Tax income available to them. The Government also assumes increases to the taxbase based on previous taxbase trends.
- 2.12 For the forecast it is assumed that the Council will implement the maximum increase in Council Tax without needing a Referendum, and that the government limits remain at current rates. This ensures that income does not fall behind assumed levels. The taxbase is forecast to increase by 0.75%, equivalent to approximately 300 Band D properties per annum, broadly in line with the Local Plan.

<u>Council Tax Income</u>	2019/20	2020/21	2021/22	2022/23	2023/24
Taxbase	41,323	41,633	41,945	42,260	42,577
Increase (Band D equivalents)	293	310	312	315	317
Council Tax	£240.46	£247.68	£255.11	£262.76	270.64
Total Council Tax income (£'000)	9,937	10,312	10,701	11,104	11,523

3.0 2019/20 budget

- 3.1 The detailed budget for 2019/20 was approved by Council on 13 February 2019. The table below shows how the budget compares to the MTFS forecast for 2019/20. Some cost pressures/income have slipped into future years so are assumed to be incorporated in 2020/21.

Medium Term Financial Strategy

<u>2019/20 General Fund Budget</u>	Oct-18	Feb-19	Variance
	£'000	£'000	£'000
<u>Pressures</u>			
Pay, contractual inflation and service variations	898	1,590	692
Collection fund income and Use of Reserves	347	347	0
Government Settlement/New Homes Bonus	154	358	204
Investment Programme	615	-374	-989
<u>Income</u>			
Increase in Fees and Charges (including Planning)		-141	-141
Additional income from Council Tax	-361	-359	2
<u>MTFS Strategies</u>			
Investment in Housing	-737	-756	-19
New Strategic Acquisitions	-1,971	-1,971	0
Additional transfer to reserves	-1,055	-1,306	-251

- 3.2 The additional service pressures included an increase in the salaries control total, which reduces the vacancy management target for 2019/20. There was also an adjustment to Wolsey Place rental income reflecting agreed ongoing reductions in rents. The investment programme variance is due to slippage of projects which had been previously assumed to impact from 2019/20, and borrowing achieved at lower rates than budgeted (as reported in the Green Book).
- 3.3 There are a number of cost pressures which are being experienced in 2018/19. Whilst the monitoring in the Green Book shows they are offset by positive variances, these issues remain a risk in 2019/20. In particular the car park income has fallen below budgeted levels due to the town centre works, and there have been claims for loss of income due to operational issues at the leisure centre. There also continues to be pressure on the General Fund element of the salaries budget.
- 3.4 Other budget areas which will be monitored closely to determine appropriate levels of future ongoing resource include the Sportsbox and the Market.
- 3.5 The impact of these issues will continue to be assessed during 2019/20, and if necessary included in future updates of the MTFS and the detailed 2020/21 budget.

4.0 General Service Pressures

Employee costs

- 4.1 There is a 3% vacancy management savings target within the 2019/20 salaries budgets. The total annual cost of a full staff structure has been scaled back by this amount to the control total. A vacancy target at this level is acceptable but will require close management in year.
- 4.2 In future years it is necessary to assume that all pay progression is funded in future years if services are to be maintained at the existing levels, and that some contribution is made to reduce the vacancy management target.
- 4.3 A £400,000 annual allowance is made for the control total increases across the period. This is equivalent to an increase in salary budget of between 2.45% (2020/21) and 2.2%

(2023/24) and enables a reduction in the vacancy management target of £100,000 so that it represents 1.9% of the total costs by 2023/24.

Contractual Inflation

- 4.4 As in previous versions of the MTFS, an allowance for inflation has been included for the Council's highest value contracts. This includes Waste and Recycling, Environmental Maintenance, Asset and Facilities Management as well as Energy and Business rates budgets.
- 4.5 For the purposes of this report inflation is based on the HM Treasury August publication of independent inflation forecasts. Contract increases are assumed to be in line with RPI. Between £250,000 and £275,000 is allowed in each year of the forecast.

Medium Term Forecasts February 2019 (HM Treasury)

Inflation	2019	2020	2021	2022	2023
RPI (%)	2.8	3.2	3.2	3.2	3.2
CPI (%)	1.9	2.0	2.0	2.0	2.1

Other inflation

- 4.6 No specific allowance is made for inflation on the remaining service expenditure. It is assumed that any further cost pressures will be offset by increases in income budgets which, with the exception of parking, have not been assumed in the forecast. excluding parking. A significant proportion of this income relates to rents and it is recognised that these will be subject to rent reviews and may not increase in the same way as contract inflation.

5.0 Specific Service Pressures

Additional Car Parks

- 5.1 This MTFS includes the financing and net income forecast from the new Victoria Square car park and the proposed extension of other car parks. It is difficult to estimate the additional car parking activity on the opening of Victoria Square, and it is likely that it will take some time for activity to increase to a new 'base' level.
- 5.2 Whilst the Council approved an increase in car parking charges from October 2019, no increase in total income was incorporated into the budget. The assumed increases remain in the MTFS for future years, and will be assessed once the short and medium term trends in activity become clearer.

Reduction in Surrey County Council support

- 5.3 A number of the Council's service areas have historically benefited from financial support from Surrey County Council (SCC). SCC has been very open about their financial funding issues as a result of reductions in government funding and increased demand (particularly for social services and services for people with learning difficulties). For the purposes of the MTFS it is assumed that Woking will lose all remaining income in 2020/21, with the exception of waste funding which has been agreed under new funding mechanisms and is assumed to be lost at the end of the period of the agreement.
- 5.4 As SCC continue the review of service provision, there is a risk that funding of community and voluntary groups in Woking may be withdrawn. Where this happens the Council will need to consider the implications on an individual basis. No further costs have been incorporated into the MTFS at this stage.

New Leisure Facilities

- 5.5 An assumed £825,000 for operating the new Sheerwater facilities has been included in the MTFS.

HG Wells

The lease for HG Wells is due to end in 2020. There is a net cost of running the centre plus the cost of leasing the property. The impact of closing the centre, assuming no additional net cost of providing an alternative facility, is £480k.

Housing

- 5.6 The Homelessness Reduction Act places new responsibilities on the Council. In 2019/20 £257,000 funding has been awarded to assist in providing these requirements. In future years there is a risk that there will be additional ongoing costs that have not been recognised in the MTFS. Properties in Sheerwater, which will be effected by the later phases of the regeneration project, are being used as temporary housing, saving the cost of Bed and Breakfast accommodation. As the Sheerwater scheme progresses the Council will need to identify alternative housing for these tenants.

Commercial Rents

- 5.7 The Council has a number of properties with leases which expire during the MTFS period, in particular during 2021. There is a risk that these properties become vacant, with the rental income lost and the associated landlord costs for the Council. No allowance has currently been made for this pressure, it is assumed that reserves will be used to mitigate any shortfall until the properties are re-let. The further risk is that there will be a general reduction in rental levels, however with the regeneration of the town it is hoped that levels can be maintained.
- 5.8 The retail sector has been experiencing difficulties in recent times. Income has reduced from a number of units where rents had been agreed when the economic environment was more positive and there may be further adjustments necessary as leases are renewed. A strong retail offer is important as part of a balanced and attractive Town Centre and despite the challenging market the number of vacant units in Woking remains low.

6.0 Investment Programme

- 6.1 The cost of Investment Programme projects, where project funding is through borrowing, consists of interest charges and an allowance for repayment of debt which is called the 'Minimum Revenue Provision' (MRP).
- 6.2 The forecast is based on the Investment Programme approved by the Council in February 2019. There is considerably less activity in the outer years. It may be that nearer the time further projects will be developed for these years, however the Council can assess whether these are affordable in due course once the financial position is established.
- 6.3 There remains a budget for strategic investment opportunities as well as the opportunity purchase budget within the Investment Plan. Where not specifically allocated, the MTFS assumes that the Strategic Investment budget achieves a 2% margin on the costs of acquisition.

Flood Schemes

- 6.4 In March 2016 the Executive approved the first stage investment in the Hoe Valley flood alleviation and enhancement scheme. It is recognised whilst we remain hopeful that grant

funding will be available, it is probable that it will not completely fund the project. An estimated cost of borrowing of £4 million has been assumed for each scheme. These costs have been slipped as the funding has not yet been secured.

- 6.5 It is likely that further investment will be required in future years for the Rive Ditch, but at this stage these works have not yet been quantified.

Woking Sportsbox

- 6.6 The community facility element of the Egley Road scheme is funded by development contributions, with interim borrowing applied until the contributions are secured. These financing costs, assumed at £625,000 pa, are now in the 2018/19 budget. The athletics track is a replacement for the track in Sheerwater which is required for the regeneration scheme. It is assumed that the Sheerwater project will make a contribution of £8m for this during 2020/21.

Gateway

- 6.7 The Woking Gateway project is a private development scheme, which includes some of the Council's property assets. Once construction is underway, there will be a loss of £350,000 commercial rents during the development. It will be important to the Council that these are reprovided and that this income stream is not permanently lost. The MTFS recognises this loss of income assumed in 2021/22.

Car Parks Extensions

- 6.8 The Investment Programme allows £10m for expansion of Town Centre Car Parks. It is assumed that additional car parking income will offset the financing costs of the increased capacity, approximately £370k based on a 50 year annuity at 2.75%.
- 6.9 The Victoria Square project also provides for additional car parking which will be acquired by the Council on completion of construction. The total cost of these additional spaces is £58m which it is assumed to become due to Victoria Square Woking Ltd (VSWL) over 2 years and will require approximately £2.4m from car parking charges to finance. It will take time for the new asset to be able to generate this level of income so funds will need to be set aside to offset the financing costs until activity increases.

7.0 Group Companies

- 7.1 The Council's Group companies provide a net revenue benefit in the base budget. It is assumed that the approved investments in the Thamesway Group are advanced as set out in the Investment Programme.
- 7.2 Beyond the Investment Programme years, it is assumed that there will be a continued investment in the Thamesway Group as outlined in the Thamesway Business Plans but not yet approved by the Council in its Investment Programme. The additional income generated is offset in part by the reduction in interest on older annuity loans as the principal is repaid by Thamesway group companies.

Brookwood Cemetery

- 7.3 The Investment Programme includes capital and revenue grants to Brookwood Cemetery to fund backlog maintenance as well as capital improvements. It is expected that continued investment will be required so a revenue allowance of £500k and an annual £1m capital grant is assumed in the Investment Programme.

- 7.4 During 2018 the Cemetery was the subject of a VAT inspection and HMRC have now raised concerns regarding the rate of recovery of VAT. As a private Cemetery the majority of income generated is from services which are exempt from VAT. This means that VAT on the associated expenditure cannot be recovered from HMRC. Since prior to acquisition the company has been recovering 85% of VAT incurred on expenditure based on historic staff activity, HMRC consider the appropriate recovery rate to be 15%.
- 7.5 The Cemetery company appointed PwC to assist with clarifying the calculations. Following review of a sample of data, the advice from PwC was that it is difficult to defend the current VAT position and that the returns to HMRC should be corrected.
- 7.6 PwC also advised that consideration be given to running the Cemetery service as a direct Council activity. Local Authority Cemeteries are governed under the Local Authorities' Cemeteries Order 1977 ("LACO") and most of the income generated is non-business for VAT purposes. This would mean that the Council could fully recover the 20% VAT added to most supplier invoices. It is estimated that this would save approximately £100,000 per annum in irrecoverable VAT, compared to the current management arrangements. The cost of most revenue or capital expenditure incurred by the company is 17% (being 20% VAT at 85% irrecoverable) greater than it would be for the Council.
- 7.7 Given the ongoing saving which would be achieved for the Council as a group the change in the ownership structure is financially attractive. The resources allocated as grants towards investment in the site achieve greater value for money if 17% is not lost to HMRC. In all other respects the service can continue to be operated as it is currently, with resources allocated in the Council's Investment Programme.
- 7.8 Further work is currently being undertaken to ensure that there are no legal constraints on the sale of the asset, to establish that the VAT advice is sound based on the projected revenue and capital budgets for the cemetery, there are no better legal structures which could be adopted and no operational issues with the transfer of the asset to the Council. Officers have not identified any initial issues with a change in the legal entity holding the asset and there would be some efficiency and control benefits from the cemetery service being operated on the Council's finance and payroll systems.
- 7.9 Subject to appropriate legal and financial due diligence, including confirmation that a sale is possible and will achieve an overall saving, it is recommended that the acquisition of the Cemetery from Brookwood Park Ltd is approved.

Thameswey Energy Assets

- 7.10 In recent months there have been some issues with the energy generating equipment owned and operated by Thameswey Energy Ltd at the Leisure Centre and Pool in the Park. This has had an impact on the Leisure services provided with some loss of service for which compensation has been sought by Freedom Leisure. Going forward there would be operational efficiencies if the Council had direct management of these assets. During 2019/20 the equipment will be transferred to the Council with an offsetting adjustment to the loan balances between the Council and Thameswey Energy Ltd. Ongoing maintenance and investment requirements will not change, but will be managed by the Council in a co-ordinated way as part of the leisure service.

8.0 Treasury Management

- 8.1 The base treasury management position in the 2019/20 budget reflects the borrowing necessary to meet the requirements of the approved Investment Programme. It is based on a long term borrowing rate of 3%. As at 14 March, 50 year PWLB rates are 2.45% (maturity), 2.57% (annuity).

Medium Term Financial Strategy

- 8.2 For future years long term borrowing rates have been based on the forecast maturity rates provided by Link Asset Services, the Council's treasury management advisors (12 February 2019). The table below shows the forecast certainty rates for maturity loans. The 50 year annuity rate is approximately equivalent to the 25 year maturity rate.

Link Asset Services Interest Rate View													
	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75%	0.75%	1.00%	1.00%	1.00%	1.25%	1.25%	1.25%	1.50%	1.50%	1.75%	1.75%	2.00%
3 Month LIBID	0.70%	0.80%	1.00%	1.10%	1.20%	1.40%	1.50%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%
6 Month LIBID	0.80%	0.90%	1.20%	1.30%	1.40%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%	2.10%	2.20%
12 Month LIBID	1.00%	1.10%	1.40%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%	2.10%	2.20%	2.30%	2.40%
5yr PWLB Rate	1.80%	1.90%	2.00%	2.10%	2.20%	2.30%	2.30%	2.40%	2.50%	2.50%	2.60%	2.60%	2.70%
10yr PWLB Rate	2.20%	2.30%	2.40%	2.50%	2.60%	2.60%	2.70%	2.80%	2.90%	2.90%	3.00%	3.00%	3.00%
25yr PWLB Rate	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%	3.20%	3.30%	3.40%	3.40%	3.50%	3.50%	3.60%
50yr PWLB Rate	2.50%	2.60%	2.70%	2.80%	2.90%	3.00%	3.00%	3.10%	3.20%	3.20%	3.30%	3.30%	3.40%

- 8.3 The forecasts are heavily caveated and note that caution should be exercised in respect of all interest rate forecasts due to the number of variables at this time.
- 8.4 If rates rise above assumed levels for projects which require financing over a period of time, it is likely that a consolidated rate, mixing long and shorter term borrowing, could be achieved.
- 8.5 For the Victoria Square project financing was assumed at a base rate of 2.5%, with modelling at 2.75%. To date £195m of 50 year annuity borrowing has been secured for the project at a weighted average interest rate of 2.57%. There remains a risk on the timing of loan advances and interest rates which could have an effect on future plans.
- 8.6 Most of the Council's historic debt has been maturity loans which are repaid at the end of the term. More recently there has been a move to annuity loans which repay the principal alongside the interest, over the life of the loan. With the levels of investment planned over the MTFS period it is likely that annuity loans will continue to be taken for new long term debt. This will mean the principal is repaid gradually over the term of the loan so the Council is not left with a significant payment to be made at maturity, and therefore does not need to hold significant cash balances with which to make the payment.

9.0 Summary Forecast

- 9.1 The table below sets out the impact on future years of the assumptions outlined in sections 3-8 of the report, and the previously agreed mitigation strategies.
- 9.2 It shows that the investment in Strategic Properties and Housing agreed in the Investment Programme in February are still forecast to meet the pressures identified in the period to 2022/23. However, the inclusion of another year of the forecast, 2023/24, increases the target by £1m, due to assumed reductions in government funding and the costs of Investment Programme projects.

Medium Term Financial Strategy

<u>In year pressures</u>	2019/20	2020/21	2021/22	2022/23	2023/24	TOTAL
	£'000	£'000	£'000	£'000	£'000	£'000
Remove contribution to reserves			-1,307			-1,307
Remove Business Rates pooling/CF surplus		299				299
General Service Pressures		665	665	675	675	2,681
SCC Funding reductions		359	104			463
HG Wells - lease termination		-479				-479
Reduce reliance on NHB		200				200
Government Funding reductions		687	435	433	431	1,987
						0
<u>Investment Programme pressures:</u>						0
Investment Programme projects (General)		768	664	316	450	2,199
Town Centre Car Parks financing costs			1,963	1,124		3,086
Woking Gateway - loss of rents			350			350
Sportsbox funding from Sheerwater project		-370				-370
Sheerwater Leisure facilities - operational cost		125	700			825
Kestrel Way net rent (October 18 Exec)			-25			-25
York Road Project				160		160
Sythwood			25			25
Cinema		190				190
Woking College 3G pitch		48				48
TEL/TCMK interest		-75	-12	53	75	42
	0	2,418	3,563	2,761	1,631	10,373
Funded by:						
Fees and Charges - Car park income		-250	-250	-250	-250	-1,000
Fees and Charges - new Car park income			-616	-616		-1,232
Council Tax income		-375	-389	-404	-419	-1,586
In year savings required	0	1,793	2,308	1,492	962	6,554
Agreed/Proposed MTFS Strategies						
Investment in Housing		-668	-540	-1,170	-1,050	-3,428
Investment in Victoria Gate		-431				-431
Investment in MTFS Investments (@2%)	-337	-500	-250			-1,087
Limiting Investment Programme revenue cost		-100	-100	-100		-300
Productivity and Procurement		-100	-100	-100		-300
In-year cost pressure/saving (-)	-337	-6	1,318	122	-88	1,009
Cumulative requirement	-337	-343	975	1,096	1,009	

9.3 The timing of Investments results in a forecast surplus In 2019/20 and 2020/21. Any surplus will be transferred into reserves and released to offset the pressures identified in future years.

9.4 A significant cost is forecast due to the Council taking on the Victoria Square car parks. It is assumed the Council will need to finance the full interest and repayment costs by 2022/23. Further consideration will be given to the timing of this transfer, and the management of the

income generated, as the project progresses during 2019/20. On initial opening the new car parks are expected to operate at a net cost until parking activity increases.

9.5 The table below tracks the changes since the October 2018 MTFS:

<u>Updates since last approved MTFS</u>	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	TOTAL £'000
Surplus (-)/deficit after agreed strategy (Oct 18)	-1,055	881	2,278	1,195	0	3,299
Government funding					431	431
Remove transfer to reserves	1,307		-1,307			0
February detailed budget	-252					-252
Service/cashflow timings		20	50	50	6	126
Investment Programme		-159	70	-59	525	377
New Car Parks			379	-54		325
Investment Programme - new projects		188	-50	160		298
MTFS Commercial & Housing income (IP Feb 19)	-337	-936	-102	-1,170	-1,050	-3,595
Forecast surplus (-)/deficit February 19	-337	-6	1,318	122	-88	1,009
Cumulative additional Pressure	-337	-343	975	1,097	1,009	

9.6 The Council's approach to date has been to invest in strategic and housing assets to underpin the future development and financial sustainability of the Borough. This has been successful and it is recommended the approach continues as set out in the forecasts. Income generation is dependent on securing appropriate strategic and housing assets to underpin this strategy.

9.7 The MTFS is a live plan which is updated and reported to Council regularly as part of the budget cycle or when there is a significant change or decision to be made. The final accounts for 2018/19 will confirm the service income and expenditure for the year, and the rental and business rates pilot income which can be allocated to reserves to mitigate future costs or loss of income. Any slippage in Investment Programme projects (including those which generate income) will change the timing of the impact of the projected costs. Government funding changes for the 4 years of the MTFS should also become clear within the next 12 months and could result in a significant change in the saving requirements.

9.8 It is recommended that the focus remains on progressing existing income strategies, and the savings requirement is revisited later in the year when future government funding is clearer.

10.0 Reserves

10.1 It is important to review the use of reserves alongside forecast budget plans to maintain adequate resources in reserve. The Council's main usable revenue reserve is the Investment Strategy Reserve which is managed with a target of maintaining approximately £3 million of available funds. The February budget papers showed the balance on this reserve was projected to be £2.4 million at 31 March 2023. At 31 March 2018 the balance on the Investment Strategy reserve was £4.1m.

10.2 The Wolsey Place reserve is used to mitigate variations in rental income and one-off revenue costs in Wolsey Place and Export House. At 31 March 2023 the balance is forecast to be

£2.8 million, and based on similar levels of use the funds in this reserve will last until 2025/26.

- 10.3 A new Car Park reserve was established as part of closing of the final accounts for 2017/18, with £1m of available funds. If possible further funds will be credited to this reserve at 31 March 2019. The Council has a number of other revenue reserves holding funds which are set aside for specific purposes or to address particular identified risks. These include the MTFS reserve and Business Rates Equalisation Reserve which are available to provide a buffer should income levels take time to grow or further costs/lost income be incurred while the major construction projects in the Town Centre continue.

Reserves available to manage the transition period to 2022 and beyond

	31-Mar-18 £'000	31-Mar-19 £'000	31-Mar-20 £'000	31-Mar-21 £'000	31-Mar-22 £'000
<u>Forecast reserve balances</u>					
Medium Term Financial Strategy Reserve	3,444	2,885	4,195	4,195	4,195
Wolsey Place Reserve	5,915	5,082	4,364	3,616	2,840
Business Rates Equalisation Reserve	6,002	2,475	2,475	2,475	2,475
Victoria Square Reserve	796	1,301	2,725	4,186	4,186
Off Street Parking Reserve	1,000	1,000	1,000	1,000	1,000
	17,157	12,743	14,759	15,472	14,696

- 10.4 The Council's overall level of reserves is considered to be sound with funds available to provide support for a short period provided medium and long term actions are taken to align underlying revenue expenditure with underlying revenue income; a balanced budget.

11.0 Conclusions

- 11.1 The MTFS projects cost pressures of £10.4m over the period 2020/21 – 2023/24. Of this total, £3.4m relates to Investment Programme projects, £3.1m is due to the new car parks and £2.2m is due to government funding reductions.
- 11.2 Income and savings to the value of £9.4m are identified, including from the allowance for new strategic property acquisitions and investment in housing. Once the government funding for this period has been established it will be possible to determine whether further savings/income generation strategies are required.

12.0 Implications

Financial

- 12.1 The financial implications are detailed within the report.

Human Resource/Training and Development

- 12.2 No specific Human Resource or Training and Development implications.

Community Safety

- 12.3 No specific Community Safety implications.

Risk Management

- 12.4 There are a number of specific risks to the figures included in the forecast as set out in the report. There is also an ongoing medium term risk of changes in government policy which

could affect the General Fund as well as the Housing Revenue Account and Thamesway Group.

12.5 There are a number of items in the MTFS which could improve the Council's position:

- The government review of funding may secure a cash neutral settlement for the Council saving £1.2m between 2020 and 2024
- Parking activity could increase more quickly than forecast once the town centre works are complete
- With the level of development underway the Council taxbase could increase at a greater rate than assumed and generate additional Council Tax income
- There are possible additional income sources from loans to external organisations or opportunity purchases which have not yet been incorporated into the figures.

12.6 There also remains flexibility within the Investment Programme where projects could be deferred until resources can be identified. The forecast includes the full financing costs of £12m borrowing for flood schemes. It is also possible that some projects won't progress as quickly as currently envisaged.

12.7 The Council also has a number of reserves which are available to mitigate short term shortfalls in income allowing time for action to be taken if there are permanent changes to the forecast.

Sustainability

12.8 There are no sustainability implications.

Equalities

12.9 There are no equalities implications.

Safeguarding

12.10 There are no safeguarding implications.

13.0 Consultations

13.1 There have been no formal consultations on this paper.

REPORT ENDS

EXECUTIVE – 28 MARCH 2019

DUKES COURT PLAZA PROJECT

Executive Summary

The Council authorised the acquisition of Dukes Court Owner T.S.A.R.L on 28 September 2017 in support of the Council's economic and development strategies for Woking town centre. The purchase of the Luxembourg based holding company completed on 17 November 2017. The company is being closed and the asset was transferred to the Council on 28 September 2018. Since acquisition this strategic property investment has performed well notwithstanding difficult market conditions.

Dukes Court was built in 1986 and consists of five blocks (A – E), and a standalone two storey building, Chertsey House, altogether providing 220,000 sq. ft. of office accommodation, along with 420 parking spaces.

The building has undergone a number of internal refurbishments but externally it still has the feel of a 1980's building with the majority of the frontage being car parking, and no obvious main entrance. This creates confusion for any visitors arriving on site. If Dukes Court is to be able to compete with other newly refurbished or newly built offices in the town centre, the visitor experience when arriving and entering the building needs to be greatly improved.

The proposal contained within this report involves the relocation of the existing car park fronting the building and the creation of a new landscaped plaza which will create a pleasant space for tenants and members of the public to enjoy, as well as providing a connection between the town centre and Dukes Court. The living wall, new signage and the pedestrian routes created by the plaza works will enhance the visibility of the main entrance for visitors arriving on the site. A new restaurant will be constructed within the plaza. This may result in the relocation of an existing restaurant and potentially allow a local business to continue to trade when the Woking Gateway development project begins. The restaurant will serve both occupiers of Dukes Court and members of the public.

Finally, these proposals include highway improvements to the areas surrounding the site which includes altering the access to Dukes Court by changing the main vehicle access to Stanley Road, closing Dukes Street between Dukes Court and Elizabeth House and changing the junction of Maybury Road, Stanley Road and The Broadway. These works will complement the work already being undertaken through the Town Centre Integrated Transport Scheme and they are fully supported by Surrey County Council.

The proposed improvements require an investment of £4.53M. The proposal will not only encourage the retention of existing tenants and vastly improve the visitor experience upon arrival at the site, but it will also enhance the Council's ability to secure new tenants into this building at improved rental values and provide a solid base for an uplift in rents in forthcoming lease events.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the proposed improvements to Dukes Court external areas be authorised for implementation, together with the surrounding highway works; and

- (ii) the budget for the capital works to undertake the project be authorised in the sum of £4.53M.

Reasons for Decision

Reason: To enable external improvements to Dukes Court and Woking Town Centre.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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Date Published: 22 March 2019

1.0 Introduction

- 1.1 The Council authorised the acquisition of Dukes Court Owner T.S.A.R.L on 28 September 2017, in support of the Council's economic and development strategies for Woking town centre.
- 1.2 The purchase of the Luxembourg based holding company completed on 17 November 2017. The company is being closed and the asset transferred to the Council on 28 September 2018. The acquisition has secured quality office space in the town which might otherwise have been lost to residential conversion under the Government's "Prior Approval" process.
- 1.3 The existing managing agent, Property Initiatives, were retained to ensure continuity of management throughout the acquisition process and through any future proposals for the site.
- 1.4 The Council also resolved on 28 September 2017 that the Executive be authorised to determine the proposed improvements to Dukes Court and its surrounding area.
- 1.5 An additional potential benefit of acquiring Dukes Court was the possibility of providing a 20,000 sq. ft. extension of the building to ensure long term supply of a further wide range of high quality office accommodation. This potential extension will be considered separately following a full appraisal of the proposal.
- 1.6 This report sets out the first phase of improvements at Dukes Court to provide an enhanced public realm, linked to the wider town centre, highway improvements and the creation of a new restaurant serving the building and surrounding area.

2.0 Dukes Court Plaza

- 2.1 Dukes Court was built in 1986 and consists of five blocks, (A to E) with ground floors and five - seven upper floors together with a standalone two storey building, Chertsey House, in aggregate some 220,000 sq. ft of office space, making it the largest office building in Woking. It also has onsite car parking for 420 vehicles.
- 2.2 It has undergone a number of internal refurbishments with the majority of the offices now benefitting from high quality modern air conditioned space. Internally, it can compete with other modern office buildings within Woking.
- 2.3 Externally, Dukes Court has the feel of a 1980's building. The building has three separate entrances in blocks A, C and E which causes confusion to visitors upon arrival. When approaching the site from Chertsey Road or The Broadway, it is not clear to visitors which route they should take or which entrance is the main reception.
- 2.4 The area to the front of the building is dedicated to vehicular traffic and car parking. There are 24 car parking spaces at the front of the building which gives the impression of crossing a car park as you approach the building.
- 2.5 If Dukes Court is to compete with other more modern or newly constructed office buildings in the town, the visitor experience when arriving and entering the building needs to be greatly improved.
- 2.6 This report sets out a proposal to redesign the area to the front of Dukes Court, creating a modern plaza, an urban space that provides a connection between the town centre and the Dukes Court building. The design softens the space which fronts the building with landscaping, new tree planting, new lighting and external seating. The merits of this proposal will be considered by the Planning Committee in due course.

- 2.7 New relevance and appearance is to be given to the 3 entrances of the building. The main focus is to be to the main entrance in block C which is to be made prominent for people approaching the site through the provision of a full height living wall and new, illuminated Dukes Court signage. A new tree lined avenue from the Chertsey Road side of the plaza will direct visitors to the main reception block. Additional wayfinding signage across the plaza will assist visitors to navigate their way around the site with ease.
- 2.8 The parking provision to the front of the building is mainly to be relocated to the rear of the building, with just a drop off point and minimal parking bays at the front of the site to avoid compromising the appearance of the plaza.
- 2.9 In addition, a new restaurant will be constructed within the plaza which will serve both occupiers of Dukes Court and members of the public. This may result in the relocation of an existing restaurant business and potentially allow a local business to continue to trade when the Woking Gateway development project begins. The new restaurant building sits within the plaza between the entrances to blocks A and C and both internal and external seating are to be provided. A green roof and living wall screens will soften the appearance of the new building within the plaza and the materials used will complement those existing on the main Dukes Court facade.
- 2.10 The broad proposals have been discussed by Property Initiatives with incumbent tenants and letting agents and the reaction has been very positive. Initiating these improvements will not only encourage the retention of existing tenants, but will also attract new tenants into the building with the offer of the improved external environment and facilities.

3.0 Highway Works

- 3.1 The proposal also includes highway works which will complement the work already being done through the Town Centre Integrated Transport Scheme. See Appendix 1. These proposals are fully supported by Surrey County Council.
- 3.2 The main car park entrance to Dukes Court is to be moved from Duke Street to Stanley Road at the rear of the site.
- 3.3 Duke Street is to be closed between Dukes Court and Elizabeth House, creating a pedestrianised area with landscaping and external seating areas.
- 3.4 In addition, the junction of Maybury Road, Stanley Road and The Broadway is also to be altered in order to improve visibility and pedestrian and cyclist's safety by creating a raised crossing table. This will also enable better pedestrian and cycle connectivity with the bus stops, taxi rank and railway station.
- 3.5 The highway proposals creates a wider footway along the railway to the south of the Maybury Road junction with The Broadway and extends the cycle lane up to Maybury Road.

4.0 Planning Consent

- 4.1 A planning application (PLAN/2019/0188) for this project has been submitted and the normal planning considerations and consultations will apply. It is likely to be considered by the Planning Committee in June 2019.

5.0 Implications

Financial.

- 5.1 Since its acquisition, this strategic property investment has performed well notwithstanding difficult market conditions.
- 5.2 The table below summarises the cost of the proposed works:-

Element of Works	Estimated Cost £ (excl VAT)
New Restaurant Construction including fit out	929,000
Landscaping works to Plaza and Car Parks & living wall	2,161,000
Sub-total	3,090,000
Highway Works	1,435,000
Estimated Total Project Cost	4,525,000

- 5.3 These costs will inevitably vary through the detailed implementation stage but allowances for preliminaries and contingency are included within each section and it is anticipated that delivery of the project will come in within this budget.
- 5.4 Based on being able to achieve a 50 year annuity loan at 2.8% the annual cost is £168,709.
- 5.5 The provision of the restaurant within the new plaza will secure additional income for Dukes Court. A rental value of this space is estimated to be circa £30,000 p.a.
- 5.6 The original business case for the acquisition of Dukes Court was based on a total acquisition cost of circa £77m. As the shares in the holding company were acquired, at a cost of £72.35m, the acquisition costs were significantly less than £77m due to the stamp duty saving. It was proposed that the remaining budget was left in the Investment Programme to fund the improvement work set out in this report.
- 5.7 In September 2017 the business case was based on a 50 year annuity at 2.6%. For the £4.525m improvement budget, an increase to 2.8% would result in an additional cost to the Council of £5k. The Green Book currently shows a saving on the financing costs as these additional works have not been completed.

Human Resource/Training and Development

- 5.8 There are no human resources or training and development needs for the Council arising from this report. There is adequate provision within the project cost to secure the necessary resources and expertise to deliver the project.

Community Safety

- 5.9 There are no Community Safety issues arising from this report. The implementation of the project will require extensive risk assessments and management arrangements to ensure public safety during construction.

Risk Management

- 5.10 Risk management issues that arise during the construction phase will be managed by the project team.
- 5.11 There is a risk to the future income of the Council from Dukes Court if the proposal is not supported by the Executive. Dukes Court has to compete with more modern, newly constructed office buildings in Woking, and although it can compete on quality of space internally, it is essential that the external areas of the building are improved.

Sustainability

- 5.12 The proposal seeks to reinforce the economic sustainability for Woking Town Centre by retaining existing tenants in Dukes Court but also attracting new businesses into this office space.
- 5.13 The full height Living Wall to the main entrance block will support Woking 2050, the Council's Climate Change Strategy, and Natural Woking, the biodiversity and green infrastructure strategy.

Equalities

- 5.14 There are no equality implications arising from this report.

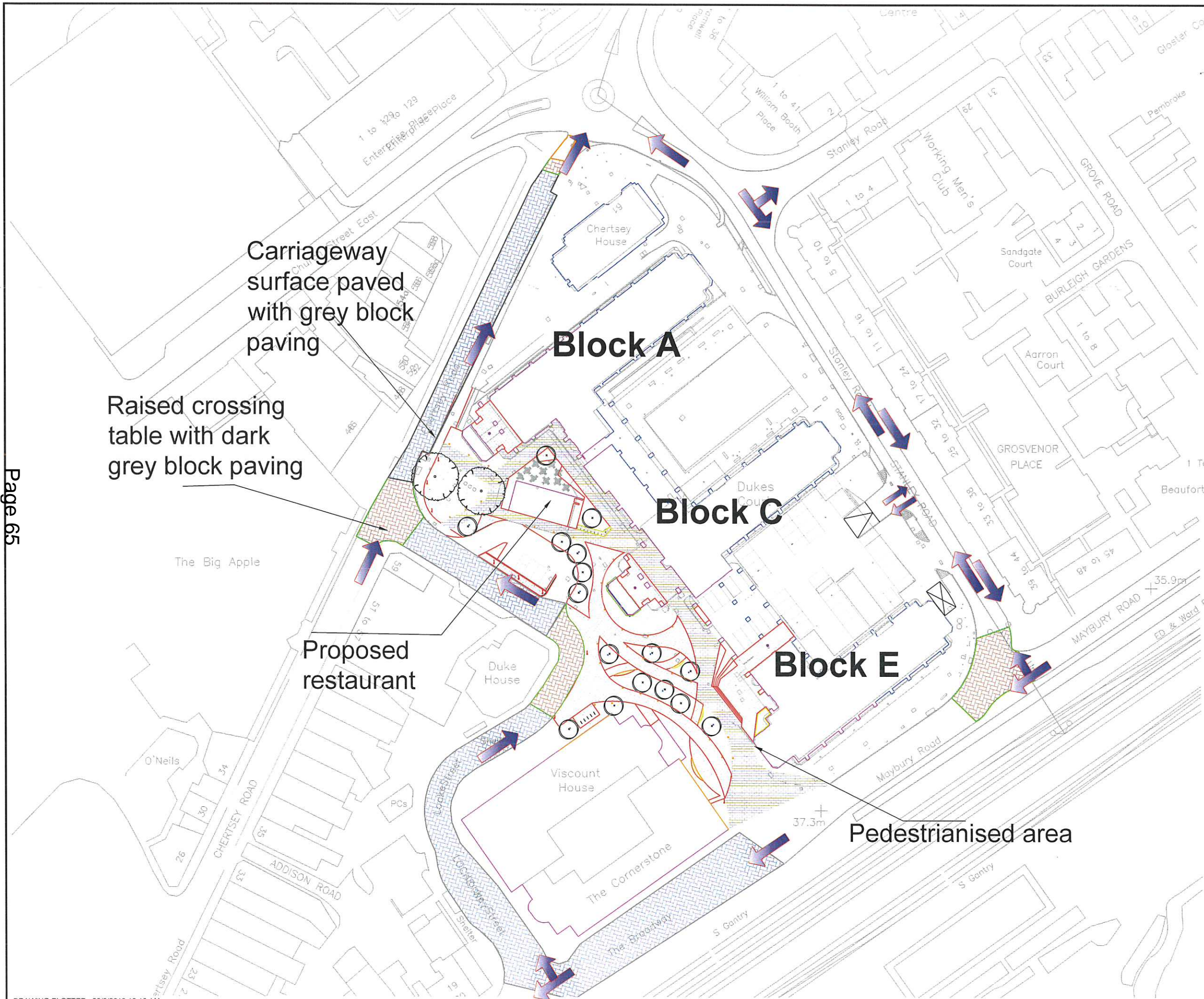
Safeguarding

- 5.15 There are no safeguarding issues arising from this report.

6.0 Consultations

- 6.1 The Portfolio Holder has been consulted and Surrey County Council fully support the proposals.
- 6.2 The Victoria Square Oversight Panel has been briefed on this proposal.

REPORT ENDS



THE SCALING OF THIS DRAWING CANNOT BE ASSURED

REV.	DESCRIPTION	DATE	BY
P1	ISSUED FOR COMMENTS	XX.XX.XX	XX

- GENERAL NOTES:
- THIS DRAWING TO BE READ IN CONJUNCTION WITH THE SPECIFICATION
- Light grey block paving finish
 - raised crossing table with dark grey block paving

CIVIC OFFICES, GLOUCESTER SQUARE
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WOKING
BOROUGH COUNCIL

STATUS		
FEASIBILITY STUDY		
PROJECT		
Appendix 1		
PROJECT DESCRIPTION		
DRAWING TITLE		
Road Layout for Stanley Road- Maybury Road Broadway - Locke Way - Dukes Street		
DRAWN BY: F S	CHECKED BY:	DATE: 20/03/19
SCALE NTS	CAD FILE REF: LLD1607-X-WORKING DOUGLAS DRAWING	VALUER'S REF:
CAD FOLDER REF: WBC-FP-13PMEDIASTORAGE\PROJECTS\2014-WOKING\INTEGRATED TRANSPORT & CONSTRUCTION\DRAWINGS\DUKES COURT - DUKES STREET\DRAWINGS		
PROPERTY REF: LLD1607-X-WORKING DOUGLAS DRAWING		

EXECUTIVE – 28 MARCH 2019

SHEERWATER REGENERATION

Executive Summary

This report recommends that the Executive agrees to give effect to certain requirements of the local planning authority if it is minded to grant planning permission for the development of land partially owned by the Council at Sheerwater, Woking (application numbers PLAN/2018/0374 and PLAN/2018/0337).

The requirements would normally be contained in a Section 106 Agreement between the local planning authority and the landowner. This is not possible in this case as the Council is both landowner and local planning authority (so cannot enter into an Agreement with itself).

Dealing with the matter as recommended in this report will enable the local planning authority to be certain that the planning obligations are complied with if it decides to grant the planning permissions sought.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the Council shall give effect to the obligations in respect of planning applications PLAN/2018/0374 and PLAN/2018/0337 set out in Appendix 5 to the report, if (a) the local planning authority grants the planning permissions sought and (b) those planning permissions are implemented by, or on behalf of, the Council;
- (ii) the Council shall procure that any third-party to whom it grants an interest in the Council-owned land is bound by the obligations in respect of planning applications PLAN/2018/0374 and PLAN/2018/0337 set out in Appendix 5 to the report; and
- (iii) resolves (i) and (ii) above are “urgent” and will take immediate effect (so are not subject to “call-in”). This is because any delay likely to be caused by the call-in process would be seriously prejudicial to the Council’s interests (as it is necessary that the local planning authority is aware, when it considers planning applications PLAN/2018/0374 and PLAN/2018/0337 on 9 April 2019, whether the Council (as landowner) is prepared to give the obligations referred to).

Reasons for Decision

Reason: To enable the local planning authority to be certain that its requirements will be met if it is minded to grant the planning permission sought.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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Date Published: 22 March 2019

1.0 Introduction

- 1.1 On 27 July 2016, the local planning authority approved a hybrid planning application for the Sheerwater regeneration scheme (PLAN/2015/1260). A description of the development approved is appended as Appendix 1.
- 1.2 The planning application was submitted by New Vision Homes.
- 1.3 The planning permission was subject to an undertaking, given by the Executive at its meeting on 21 July 2016, that the Council would give effect to certain Section 106 planning obligations. The obligations are set out in Appendix 2. The undertaking was necessary as the majority of the application site was owned by the Council.
- 1.4 On 6 April 2017, the Council appointed Thameswey Developments Limited ("TDL") to deliver the Sheerwater regeneration scheme. As the Council's appointed developer, TDL has submitted two planning applications to the local planning authority.

2.0 Planning Applications

- 2.1 The two planning applications submitted by TDL are as follows:-

- (i) PLAN/2018/0374

This is a Section 73 application which proposes minor, but material, amendments to the existing hybrid planning permission by the removal or variation of conditions attached to that permission. A description of the application, as submitted, is appended as Appendix 3.

- (ii) PLAN/2018/0337

This is a hybrid application which seeks part outline planning permission and part full planning permission for the proposed Sheerwater regeneration scheme. A description of the application, as submitted, is appended as Appendix 4.

Compared to the previously approved scheme (PLAN/2015/1260), the proposed development under this application (PLAN/2018/0337) would:-

- Increase the amount of open space delivered under the masterplan;
- Increase the amount of car parking available for the proposed new homes;
- Introduce new surface car parks for the community centre hub, the existing Primary School, the existing Secondary School, as well as improving the layout of the new car park for the Leisure Centre and negating the need to demolish 4 existing dwellings;
- Relocate the community facilities at the centre of the development adjacent to the central park and opposite the community car park;
- Optimise the development potential of this urban site by increasing the number of homes to be provided. The housing mix would be aligned to meet the local housing need, whilst still providing a significant proportion of family sized homes (an additional 158 units above that approved under PLAN/2015/1260); and
- Improve the overall design approach of the masterplan, omitting unnecessary highway circulation space, to deliver a high quality walkable neighbourhood comprised of different character areas that connect to the wider estate.

- 2.2 The two planning applications are due to be considered by the Planning Committee on 9 April 2019.

3.0 Section 106 Obligations

- 3.1 Normally, if planning permission is granted by the local planning authority for a development of this nature, it would be subject to the prior completion of a Section 106 Agreement. This would impose obligations which are not capable of being the subject of conditions attached to a planning permission. The Council (as landowner) cannot enter into a Section 106 Agreement with itself (as local planning authority). It is, therefore, necessary for the Council (as landowner) to give effect to the requirements of the local planning authority in another way. This can be achieved by the Executive resolving as recommended in this report.
- 3.2 In the event that the Development Manager is minded to recommend that the Planning Committee approves the two applications referred to in paragraph 2.1(i) and (ii) above, it is anticipated that it will be on the basis that the planning obligations set out in Appendix 5 to this report are first secured. It is recommended that the Executive should agree to give effect to these obligations if (i) the local planning authority grants the planning permissions sought and (ii) those planning permissions are implemented by, or on behalf of, the Council. It is also recommended that the Executive should agree that it will procure that any third-party to whom it grants an interest in the Council-owned land is bound by the obligations.
- 3.3 For the avoidance of doubt, the Executive is not considering the planning merits of the proposed planning applications. These will be considered by the local planning authority.
- 3.4 When the Executive gave the undertaking in 2016, it also resolved that no development should be commenced on the Council-owned land at Sheerwater without the express consent of the Executive. This restriction is no longer necessary as the Council can control matters through its relationship with TDL.
- 3.5 The decisions required of the Executive are “urgent”, so not subject to call-in. This is because any delay likely to be caused by the call-in process would be seriously prejudicial to the Council’s interests (as it is necessary that the local planning authority is aware, when it considers the planning applications on 9 April 2019, whether the Council (as landowner) is prepared to give effect to the obligations referred to).

4.0 Implications

Financial

- 4.1 In agreeing the recommendations, the Executive will not incur any expense or financial commitment. The proposed decisions will just enable the local planning authority to consider the planning applications and be satisfied that, if it grants planning permission, the obligations it would normally impose can be given effect to.

Human Resource/Training and Development

- 4.2 None.

Community Safety

- 4.3 None.

Risk Management

- 4.4 None.

Sustainability

- 4.5 None.

Equalities

4.6 None.

Safeguarding

4.7 None.

5.0 Consultations

5.1 The Leader of the Council has been consulted.

REPORT ENDS

Description of Development Permitted by PLAN/2015/1260

Hybrid planning application (part outline, part full planning application): for the demolition of 576 residential units, existing non-residential buildings and sports facilities and redevelopment of the site to be implemented in phases with the associated engineering works to provide a mixed-use development comprising: up to 922 residential units (Class C3), 62 units (Class C2), up to 1,110sqm community/youth centre and up to 600sqm (nursery/children's centre) (Class D1), up to 5,478sqm Leisure Centre (Class D2), 1,650sqm retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), up to 416sqm health centre (Class D1), an artificial grass pitch (AGP), with spectator seating, erection of sports amenity lighting, improvements to Bishop David Brown School playing fields, a new substation, formation of car park including bus/coach drop-off area, hard and soft landscaping and open space with a multi-use games area (MUGAs) and a skate park, reconfigured and new vehicular and pedestrian accesses and works to the public highway and associated works; including full planning application for detailed first phase comprising: demolition of 5 residential units, 903sqm of ancillary buildings at Bishop David Brown School and existing athletics track and construction of 92 residential units (11no. 2-bed units, 39no. 3-bed units, 39no. 4-bed units and 3no. 5-bed units), 5,478sqm Leisure Centre (Class D2), an artificial grass pitch (AGP) with spectator seating, erection of sports amenity lighting, improvements to Bishop David Brown School playing fields, a new substation, formation of car park including bus/coach drop off area, with hard and soft landscaping and open space, reconfigured and new vehicular and pedestrian access and works to the public highway.

Obligations which were the subject of the Executive's Undertaking on 21 July 2016
(PLAN/2015/1260)

1. Subject to the prior resolution of the Council's Executive to give effect to the following measures:

- a) That these measures/obligations will only take effect if planning permission PLAN/2015/1260 is implemented.

Definitions

- b) 'Affordable Housing' – housing, including the Assisted Living Units, let at either a Social Rent or an Affordable Rent which is therefore available to people who cannot otherwise afford to rent dwellings or houses generally on the open market within the Borough of Woking.
- c) 'Affordable Housing Units' – means the Affordable Housing to be provided as part of the development in accordance with the application and/or any subsequent reserved matters approval.
- d) 'Affordable Rent' – means a rent no higher than 80% of the local market rent including service charges, which rent shall not exceed the Local Housing Allowance.
- e) 'Commencement of development' – means the date on which any material operation (as defined in Section 56(4) of the Town and Country Planning Act 1990) forming part of the Development begins to be carried out other than operations consisting of site investigation surveys and decontamination works, the erection of any site fencing or other site security, the laying or diversion of any services or other works in respect of or in relation to any statutory undertaker's equipment or concerns, the carrying out of any archaeological, environmental or ecological works and any works matters and operations to enable any of the foregoing to take place.
- f) 'Completion' – completion of a dwelling on the application site to the extent that a certificate of practical completion has been or should have been issued at the end of each phase.
- g) 'Development' – means the development the subject of application PLAN/2015/1260.
- h) 'Dwelling' – means any residential unit provided by the development including Affordable Housing Units and Open Market Units.
- i) 'Housing Provider' – means (i) Woking Borough Council or (ii) a Registered Provider or (iii) Thameswey Housing Limited or (iv) a company, approved by the Local Planning Authority, whose purposes include owning and managing the Affordable Housing Units on this site.
- j) 'Local People' - means people who live in the former Sheerwater and Maybury Ward or otherwise within the Council's administrative area.

- k) 'Local Businesses' – means businesses which are located within the Council's administrative area.
- l) 'Phase' – the phase/phasing as stated in the current application and does not include any sub-phase i.e. a sub-phase is not a phase for the purpose of the provision of Affordable Housing Units except where explicitly specified.
- m) 'Protected Occupier' – means any occupier of an Affordable Housing Unit who:
- Has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
 - Has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
- n) 'Registered Provider' – means a body registered as a social landlord with the Homes and Communities Agency (and has not been removed from that register) under Part 2 of the Housing and Regeneration Act 2003 or any subsequent definition of a registered provider in accordance with any amendments made to those provisions or any replacement provisions.
- o) 'Social Rent' – means a rent between 50% and 60% of the local market rent including service charges.

Affordable Housing

- p) The development shall provide 462 Affordable Housing Units (at least 47% of the total number of residential units to be provided on the site) in accordance with the Affordable Housing Statement OF WHICH a maximum of 62no. units shall be the Assisted Living Units.
- q) The provision of the Affordable Housing Units for each phase of the development shall be as set out in the following table:

Phasing	Phase 1c	Remainder of Phase 1	Phase 2	Phase 3	Phase 4	Total
Total units to be provided on site	92	44	239	493	116	984
Affordable Housing Units to be provided per phase	13	13	132	294	10	462
Open Market Housing to be provided per phase	79	31	107	199	106	522
Not more than 50% of the Open Market Housing to be occupied	39	15	53	99	53	-

- r) 236 of the Affordable Housing Units to be provided on the application site shall be for **Social Rent**; 182 of the Affordable Housing Units on the application site shall be for **Affordable Rent** SAVE FOR THE 44no. Affordable Housing Units to be transferred back to the Registered Provider whose rent levels for these properties shall be set by the Registered Provider.
- s) To secure the provision of Affordable Housing Units on the application site in accordance with the following details:

Unit size	Number of Affordable Housing Units to be provided
1 bedroom	75
2 bedroom	183
3 bedroom	196
4 bedroom	7
5 bedroom	1
Total	462

- t) The unit size of each Affordable Housing Unit shall be as approved by the Local Planning Authority on a phase by phase basis. PROVIDED ALWAYS THAT the size of the Affordable Housing Units to be provided on the site shall, in total, meet the numbers specified in the table above. Subject thereto, for each subsequent phase of development following Phase 1c, full details of the size of each of the Affordable Housing Units to be provided in that phase shall be submitted with each Reserved Matters application.
- u) The Social Rent/Affordable Rent tenure split of the Affordable Housing Units shall be as approved by the Local Planning Authority on a phase by phase basis. PROVIDED ALWAYS THAT THE Social Rent/Affordable Rent tenure split of the Affordable Housing Units to be provided on site shall, in total, meet the numbers specified in point (r) above. For each subsequent phase of development following Phase 1c, full details of the Social Rent/Affordable Rent tenure split of the Affordable Housing Units to be provided in that phase shall be submitted with each Reserved Matters application.
- v) The Social Rent/Affordable Rent tenure split of the 4 dwellings to be transferred to the Housing Provider in Phase 1c shall be submitted to and approved by the Local Planning Authority prior to the Commencement of development in Phase 1c.
- w) That no more than 50% of the number of Open Market Units in each phase (in accordance with the table in point (q) above) to be provided in each phase of development shall be occupied until the number of Affordable Housing Units to be provided in that phase have been constructed and made available for occupation and the Affordable Housing Units and land has been transferred to the Housing Provider.
- x) On practical completion of the Affordable Housing Units to be provided in each phase, the developer shall transfer the ownership of each Affordable Housing Unit (together with all necessary ancillary rights) to a Housing Provider.
- y) The developer shall re-provide each Affordable Housing Unit currently owned by a Registered Provider on site in accordance with the submitted Affordable

Housing Statement. On practical completion of each relevant Affordable Housing Unit, the developer shall transfer the ownership of each Affordable Housing Unit (together with all necessary ancillary rights) to the relevant Registered Provider.

- z) That prior to the first occupation of any Affordable Housing Unit, the Housing Provider shall enter into a nomination agreement with Woking Borough Council to (i) grant the Council 100% nomination rights for all initial lets, 75% nomination rights for re-lets and (ii) require that all lettings not subject to nomination rights shall give priority to Local People SAVE FOR THE 44no. Affordable Housing Units to be transferred back to the Registered Provider whose occupants for these properties shall be determined by the Registered Provider.
- aa) That there shall be no changes to these Affordable Housing provisions without the prior written approval of the Local Planning Authority.
- bb) The obligations set out above shall not be binding or enforceable against any Protected Occupier or any mortgagee or chargee of that Protected Occupier or any person deriving title from the Protected Occupier or any receiver appointed by any mortgagee or charge or any successors in title thereto and their respective mortgagees or chargees SAVE THAT if any successor in title to the Protected Occupier is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.
- cc) The obligations set out above shall not be binding or enforceable against any mortgagee or chargee of a Registered Provider or any receiver appointed by any such mortgagee or chargee or any person deriving title from the mortgagee or chargee or any successors in title thereto and their respective mortgagees or chargee SAVE THAT if any successor in title to the mortgagee or chargee is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.
- dd) In the event that Woking Borough Council is the Housing Provider, appropriate changes will be made to the obligations set out above to reflect that the Council cannot legally enter into a formal agreement with itself, e.g. a nomination agreement.

SAMM Financial Contribution

- ee) To pay the SAMM financial contribution which shall be calculated as follows:
 - a. For Phase 1c – Total - £76,608. All contributions to be paid prior to the Commencement of development of phase 1c. The payment in accordance with the following:

Dwelling size	SAMM Tariff	Net increase in number of units	SAMM Tariff calculation
1 bed	£472	-	£0
2 bed	£640	11	£7,040
3 bed	£842	35	£29,470
4 bed	£978	41	£40,098
5 bed			
Total	-	87	£76,608

- b. For all other Dwellings and Assisted Living Units (providing self-contained living accommodation) granted Reserved Matters approval AND for any Dwelling and Assisted Living Unit (providing self contained living accommodation) which represents a net increase in the number of dwellings/units to be provided on the site, the required SAMM contribution per dwelling/unit based on the tariff in force at the time of the grant of the Reserved Matters approval shall be calculated in accordance with the following example:

Dwelling size	Proposed number of dwellings/units	Existing number of dwellings/units to be demolished	Net increase in the number of dwellings/units
Studio	0	52	-52
1 bed	93	217	-124
2 bed	340	116	224
3 bed	373	179	194
4 bed	174	11	163
5 bed	4	1	3
Total	984	576	408

Note – where a minus figure exists (in column 4 above) it shall be deducted from the first row below with a positive figure until a positive figure is reached (i.e. $-52 - 124 + 224 = 48$).

- c. All contributions to be paid in full prior to the Commencement of development for each respective phase.

Local Labour Agreement and Procurement

- ff) Prior to the Commencement of development to submit a Local Labour Agreement/Community Value Plan substantially in accordance with the Community Value Plan submitted with the planning application to the Local Planning Authority for approval. Thereafter any proposed changes to the Local Labour Agreement/Community Value Plan shall be submitted for the prior approval in writing by the Local Planning Authority before being implemented in accordance with the approved details.
- gg) To make provision in the Local Labour Agreement/Community Value Plan for:
- i. the strategy to be adopted by the Developer to maximise the employment opportunities, apprenticeships and training and the promotion of such opportunities for and to Local People on the Development; and

- ii. the opportunity for any Local People directly employed on the Development by the Developer during the construction of the Development to be offered training where reasonably appropriate; and
 - iii. the employment of Local Businesses by the Developer during the construction of the Development where reasonably appropriate save where specialist trades are required;
 - iv. measures for monitoring the success of the Local Labour Agreement/Community Value Plan; and
 - v. a timetable for the reporting of the findings of the monitoring to the Local Planning Authority which shall be at least prior to the completion of each phase or annually whichever is the sooner and including any recommendations for any changes to the Local Labour Agreement/Community Value Plan.
- hh) To undertake to comply with the provisions of the approved Local Labour Scheme/Community Value Plan during the construction of the Development to the extent that they are not prevented from doing so by reason of any domestic or international laws.

Off-site Tree Planting

- ii) In the event that the replacement tree planting within the site is less than the total number of trees to be removed, a financial contribution not exceeding £15,000 (at July 2016 prices), which sum shall be indexed upwards in accordance any increase in an appropriate index specified by the Local Planning Authority, for off-site tree planting in the Sheerwater area shall be paid to the Local Planning Authority prior to Commencement of any development in phase 4(B)(iv).

Sustainable Urban Drainage Systems

- jj) Prior to the Commencement of development, to submit a Sustainable Urban Drainage Systems ("SUDS") scheme to the Local Planning Authority for approval. The SUDS scheme shall include provision for:
 - Adoption of SuDS and Handover
 - Cost of Adoption
 - As built drawings
 - Maintenance Register to include map of location, list all features and maintenance requirements
 - Access to Inspect and Maintain SuDS for lifetime of development

Any proposed changes to the approved SUDS scheme shall be submitted for the approval in writing by the Local Planning Authority.

The SUDS scheme shall be implemented in accordance with the approved details.

Officer note: As the Council is the part-owner of the land the subject of this application, it cannot enter into a Section 106 legal agreement to secure any planning obligations which may be required to mitigate the effects of the proposed development and which cannot be secured by planning condition. In addition, there are multiple other land owners of part of the site due to the nature of the application site. However the Council's Executive is able to resolve to give effect to those measures required. Any such resolution by the Council's Executive would provide certainty that such measures will be given effect if planning permission is granted and implemented for the proposed development and that the Council will ensure obligations are passed to any successor in title or leaseholder as appropriate to give effect to the mitigation required.

Description of Planning Application PLAN/2018/0374

Section 73 application to remove Condition 26 (bund), to vary Condition 4 (approved plans insofar as they relate to the Leisure Centre and sports pitches), Condition 23 (phase 1b playing fields timeline), to submit details to satisfy Condition 21 (on/off-site drainage works), Condition 27 (drainage details for phase 1a(i)), Condition 28 (drainage details for phase 1a(ii)), Condition 29 (drainage details for phase 1a(iii)), Condition 30 (drainage details for phase 1b), Condition 52 (external materials for Leisure Centre), Condition 53 (details of finished floor levels for Leisure Centre), Condition 54 (sustainability - substitution of combined heat and power plant with a ground source heat pump) and amendments to wording of Condition 36 (phase 1c details of front boundary enclosures), Condition 38 (phase 1c biodiversity enhancement measures), Condition 43 (phase 1c external materials), Condition 45 (phase 1c details of bin storage areas), Condition 46 (phase 1c details of photovoltaic panels), Condition 47 (phase 1c sustainability measures), Condition 49 (protection of residential properties from noise), Condition 51 (phase 1c details of play area/trim trail delivery) to alter the timing for the submission of details for approval, of planning permission PLAN/2015/1260 for the redevelopment of the Sheerwater Estate.

Description of Planning Application PLAN/2018/0337

Hybrid planning application (part outline, part full planning application) for the demolition of 572 residential units and existing non-residential buildings and redevelopment of the site to be implemented in phases to provide a mixed-use development comprising of 869 residents units (Class C3), 134 specialist residential units (Class C3/C2), 904 sqm community centre (Class D1), 929 sqm nursery/children's centre (Class D1), 312 sqm health centre (Class D1), 290 sqm additional classrooms (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG), and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or class D1), a new energy centre, formation of a new car park for Broadmere Primary school, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop off area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park, reconfigured and new vehicular and pedestrian access and works to the public highway and associated works; including full planning application for the detailed phases comprising of: demolition of 411 residential units and 7,609 sqm existing non-residential buildings, and construction of 695 residential units (7 no. studios, 68 no. 1-bedroom specialist accommodation, 160 no. 1-bed units, 227 no. 2-bed units, 160 no. 3-bed units, 71 no.4-bed units, and 2 no. 5-bed units,), 904 sqm Community Centre (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG) and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/ or class D1), 929 sqm of nursery/children's centre (Class D1), 312 sqm health centre (Class D1), an energy centre, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop of area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park reconfigured and new vehicular and pedestrian access and works to the public highway and associated works.

Obligations which are the subject of the Executive's Undertaking on 28 March 2019

PLAN/2018/0374

Definitions

- a) 'Affordable Housing' – means housing, including the units identified as Specialist Units (referred to in the application as Elderly Care Units and Independent Elderly Accommodation), let at a Social Rent which are therefore available to people who cannot otherwise afford to rent dwellings or houses generally on the open market within the Borough of Woking.
- b) "Affordable Housing Statement" means the affordable housing statement submitted to and approved by the Local Planning Authority prior to Commencement of development.
- c) 'Affordable Housing Units' – means the Affordable Housing to be provided as part of the Development in accordance with the application and/or any subsequent reserved matters approval.
- d) 'Commencement of development' – means the date on which any material operation (as defined in Section 56(4) of the Town and Country Planning Act 1990) forming part of the Development begins to be carried out other than operations consisting of site investigation surveys and decontamination works, the erection of any site fencing or other site security, the laying or diversion of any services or other works in respect of or in relation to any statutory undertaker's equipment or concerns, the carrying out of any archaeological, environmental or ecological works and any works matters and operations to enable any of the foregoing to take place.
- e) 'Completion' – means completion of a dwelling on the application site to the extent that a certificate of practical completion has been or should have been issued at the end of each phase.
- f) 'Development' – means the development the subject of application PLAN/2018/0337.
- g) 'Dwelling' – means any residential unit provided by the development including Affordable Housing Units and Open Market Units.
- h) 'Housing Provider' – means (i) Woking Borough Council or (ii) a Registered Provider or (iii) Thameswey Housing Limited or (iv) a company, approved by the Local Planning Authority, whose purposes include owning and managing the Affordable Housing Units on this site.
- i) "Local Businesses" – means businesses which are located within the Council's administrative area.
- j) "Local Labour Agreement/Community Value Plan" means the document to be submitted in accordance with paragraph hh) of these undertakings

- k) 'Local People' - means people who live in the former Sheerwater and Maybury Ward or otherwise within the Council's administrative area.
- l) "Open Market Housing" means housing which is not Affordable Housing.
- m) "Open Market Units" means the Open Market Housing to be provided as part of the Development in accordance with the application and/or any subsequent reserved matters approval.
- n) 'Phase' – the phase/phasing as stated in the current application and does not include any sub-phase i.e. a sub-phase is not a phase for the purpose of the provision of Affordable Housing Units except where explicitly specified.
- o) 'Protected Occupier' – means any occupier of an Affordable Housing Unit who:
- Has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
 - Has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
- p) 'SAMM' – Strategic Access Management and Monitoring Contribution (SAMM) as classified under the EU Habitat Directive of 9 March 2005.
- q) 'SAMM Contribution' – means the Strategic Access Management and Monitoring (SAMM) Avoidance Strategy tariff/financial contribution for each dwelling by bedroom size as published by Woking Borough Council on their website which sums shall be increased in line with any increase in the Retail Price Index between the date of this Deed/Undertaking and the latest published figure on the date of payment to the Council as the case may be in accordance with the Thames Basin Heaths Special Protection Areas Avoidance Strategy.
- r) "Social Rent" means, in respect of each property type, the rent shown in the following table (i.e. a rent which is equivalent to that charged for similar properties at Kingsmoor Park, Woking):-

Property Type	Net Weekly Rent (exclusive of service charge) April 2018/19
1 bed flat	£117.71
2 bed flat	£134.54
2 bed house	£144.01
3 bed house	£165.86
4 bed house	£174.57

Rents may be increased, annually in April, in line with the annual percentage increase in the Consumer Price Index published in the preceding September, plus 1%.

- s) “Specialist Units” means the units referred to in the application as Elderly Care Units and Independent Elderly Accommodation (Class C2/C3 use), which shall only be occupied by person(s) who are independent but need a level of support offered, including people who can live independently with the aid of an appropriate care package (Housing with Support, as detailed in the Council’s Housing Allocations Policy dated February 2018).

Affordable Housing

- t) The development shall provide 499 Affordable Housing Units (at least 49.7% of the total number of residential units to be provided on the site) in accordance with the Affordable Housing Statement OF WHICH a maximum of 134no. units shall be the Specialist Units (referred to in the application as Elderly Care Units and Independent Elderly Accommodation).
- u) The provision of the Affordable Housing Units for each phase of the development shall be as set out in the following table:

Phasing	Total units to be provided on site	Affordable Housing Units to be provided per phase	Open Market Housing to be provided per phase
Purple	92	46	46
Red	124	107	17
Emerald	18	18	0
Blue	200	45	155
Yellow	168	102	66
Bronze	72	14	58
Pink	30	0	30
Cyan	68	14	54
Orange	153	153	0
Cobalt	39	0	39
Platinum	39	0	39
Total	1003	499	504

- v) All of the Affordable Housing Units to be provided on the application site shall be for Social Rent;
- w) For all phases of development SAVE FOR Emerald and Pink phases, prior to the commencement of any superstructure works in each and every phase full details of the timetable for the first occupation of all of the Affordable Housing Units in that phase in relation to the first occupation of the Open Market Housing Units in that phase shall be submitted to and approved in writing by the Local Planning Authority. The occupation of all units in that phase shall be in accordance with the approved details.

- x) To secure the provision of Affordable Housing Units on the application site in accordance with the following details:

Unit size	Number of Affordable Housing Units to be provided
1 bedroom	276
2 bedroom	149
3 bedroom	65
4 bedroom	9
Total	499

- y) The unit size of each Affordable Housing Unit shall be as approved by the Local Planning Authority on a phase by phase basis. PROVIDED ALWAYS THAT the size of the Affordable Housing Units to be provided on the site shall, in total, meet the numbers specified in the table above. Subject thereto, for each outline phase of development, full details of the size of each of the Affordable Housing Units to be provided in that phase shall be submitted with each Reserved Matters application.
- z) On practical completion of the Affordable Housing Units to be provided in each phase, the developer shall transfer the ownership of each Affordable Housing Unit (together with all necessary ancillary rights) to a Housing Provider.
- aa) That prior to the first occupation of any Affordable Housing Unit, the Housing Provider shall enter into a nomination agreement with Woking Borough Council to (i) grant the Council 100% nomination rights for all initial lets, 75% nomination rights for re-lets and (ii) require that all lettings not subject to nomination rights shall give priority to Local People.
- bb) There shall be no changes to these Affordable Housing provisions without the prior written approval of the Local Planning Authority.
- cc) The obligations set out above shall not be binding or enforceable against any Protected Occupier or any mortgagee or chargee of that Protected Occupier or any person deriving title from the Protected Occupier or any receiver appointed by any mortgagee or chargee or any successors in title thereto and their respective mortgagees or chargees SAVE THAT if any successor in title to the Protected Occupier is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.
- dd) The obligations set out above shall not be binding or enforceable against any mortgagee or chargee of a Registered Provider or any receiver appointed by any such mortgagee or chargee or any person deriving title from the mortgagee or chargee or any successors in title thereto and their respective mortgagees or chargee SAVE THAT if any successor in title to the mortgagee or chargee is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.

- ee) In the event that Woking Borough Council is the Housing Provider, appropriate changes will be made to the obligations set out above to reflect that the Council cannot legally enter into a formal agreement with itself, e.g. a nomination agreement.
- ff) In the event that Woking Borough Council is the Housing Provider, appropriate changes will be made to the obligations set out above to reflect that the Council cannot legally enter into a formal agreement with itself, e.g. a nomination agreement.

SAMM Financial Contribution

gg) To pay the SAMM financial contribution which shall be calculated as follows:

- a. Prior to the commencement of each and every phase of the development hereby approved full details of the number of existing dwellings by bedroom size to be demolished to facilitate the development of that phase (irrespective of whether any dwelling is inside or outside that phase boundary) and the number of proposed Dwellings by bedroom size to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved the net increase in the number of Dwellings by bedroom size for each and every phase shall form the basis for calculating the required SAMM Contribution for that phase PROVIDED ALWAYS THAT the SAMM Contribution shall be paid for each and every Dwelling which represents a net increase in the number of dwellings on the application site in comparison to the existing number of dwellings on the application site in accordance with the following table:

Dwelling size	Proposed number of dwellings/units	Existing number of dwellings/units to be demolished	Net increase in the number of dwellings/units
Studio	7	52	-45
1 bed	338	217	121
2 bed	283	116	167
3 bed	261	176	85
4 bed	112	11	101
5 bed	2	1	1
Total	1003	573	430

Note – where a minus figure exists (in column 4 above) it shall be deducted from the first row below with a positive figure until a positive figure is reached (i.e. $-45 + 121 = 76$).

- b. All SAMM Contributions shall be paid in full prior to the Commencement of development for each respective phase.

Local Labour Agreement and Procurement

- hh) Prior to the Commencement of development to submit to, and obtain the approval of, the Local Planning Authority to a Local Labour Agreement/Community Value Plan substantially in accordance with the Community Value Plan submitted with the planning application to the Local Planning Authority for approval. Thereafter any proposed changes to the Local Labour Agreement/Community Value Plan shall be submitted for

the prior approval in writing by the Local Planning Authority before being implemented in accordance with the approved details.

- ii) To make provision in the Local Labour Agreement/Community Value Plan for:
- i. the strategy to be adopted by the Developer to maximise the employment opportunities, apprenticeships and training and the promotion of such opportunities for and to Local People on the Development; and
 - ii. the opportunity for any Local People directly employed on the Development by the Developer during the construction of the Development to be offered training where reasonably appropriate; and
 - iii. the employment of Local Businesses by the Developer during the construction of the Development where reasonably appropriate save where specialist trades are required;
 - iv. measures for monitoring the success of the Local Labour Agreement/Community Value Plan; and
 - v. a timetable for the reporting of the findings of the monitoring to the Local Planning Authority which shall be at least prior to the completion of each phase or annually whichever is the sooner and including any recommendations for any changes to the Local Labour Agreement/Community Value Plan.
- jj) To undertake to comply with the provisions of the approved Local Labour Agreement/Community Value Plan during the construction of the Development to the extent that they are not prevented from doing so by reason of any domestic or international laws.

Off-site Tree Planting

- kk) In the event that the replacement tree planting within the site is less than the total number of trees to be removed, a financial contribution not exceeding £15,000 (at July 2016 prices), which sum shall be indexed upwards in accordance any increase in an appropriate index specified by the Local Planning Authority, for off-site tree planting in the Sheerwater area shall be paid to the Local Planning Authority prior to Commencement of any development in cobalt phase.

Sustainable Urban Drainage Systems

- ll) Prior to the Commencement of development, to submit a Sustainable Urban Drainage Systems ("SUDS") scheme to the Local Planning Authority for approval. The SUDS scheme shall include provision for:
- Adoption of SuDS and Handover
 - Cost of Adoption
 - As built drawings
 - Maintenance Register to include map of location, list all features and maintenance requirements
 - Access to Inspect and Maintain SuDS for lifetime of development

Any proposed changes to the approved SUDS scheme shall be submitted for the approval in writing by the Local Planning Authority.

The SUDS scheme shall be implemented in accordance with the approved details.

PLAN/2018/0337

Definitions

- a) 'Affordable Housing' – housing, including the Assisted Living Units, let at either a Social Rent or an Affordable Rent which is therefore available to people who cannot otherwise afford to rent dwellings or houses generally on the open market within the Borough of Woking.
- b) 'Affordable Housing Units' – means the Affordable Housing to be provided as part of the development in accordance with the application and/or any subsequent reserved matters approval.
- c) 'Affordable Rent' – means a rent no higher than 80% of the local market rent including service charges, which rent shall not exceed the Local Housing Allowance.
- d) 'Commencement of development' – means the date on which any material operation (as defined in Section 56(4) of the Town and Country Planning Act 1990) forming part of the Development begins to be carried out other than operations consisting of site investigation surveys and decontamination works, the erection of any site fencing or other site security, the laying or diversion of any services or other works in respect of or in relation to any statutory undertaker's equipment or concerns, the carrying out of any archaeological, environmental or ecological works and any works matters and operations to enable any of the foregoing to take place.
- e) 'Completion' – completion of a dwelling on the application site to the extent that a certificate of practical completion has been or should have been issued at the end of each phase.
- f) 'Development' – means the development the subject of application PLAN/2015/1260.
- g) 'Dwelling' – means any residential unit provided by the development including Affordable Housing Units and Open Market Units.
- h) 'Housing Provider' – means (i) Woking Borough Council or (ii) a Registered Provider or (iii) Thamesway Housing Limited or (iv) a company, approved by the Local Planning Authority, whose purposes include owning and managing the Affordable Housing Units on this site.
- i) 'Local People' - means people who live in the former Sheerwater and Maybury Ward or otherwise within the Council's administrative area.

- j) 'Local Businesses' – means businesses which are located within the Council's administrative area.
- k) 'Phase' – the phase/phasing as stated in the current application and does not include any sub-phase i.e. a sub-phase is not a phase for the purpose of the provision of Affordable Housing Units except where explicitly specified.
- l) 'Protected Occupier' – means any occupier of an Affordable Housing Unit who:
- c. Has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
 - d. Has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;
- m) 'Registered Provider' – means a body registered as a social landlord with the Homes and Communities Agency (and has not been removed from that register) under Part 2 of the Housing and Regeneration Act 2003 or any subsequent definition of a registered provider in accordance with any amendments made to those provisions or any replacement provisions.
- n) 'Social Rent' – means a rent between 50% and 60% of the local market rent including service charges.

Affordable Housing

- o) The development shall provide 462 Affordable Housing Units (at least 47% of the total number of residential units to be provided on the site) in accordance with the Affordable Housing Statement OF WHICH a maximum of 62no. units shall be the Assisted Living Units.
- p) The provision of the Affordable Housing Units for each phase of the development shall be as set out in the following table:

Phasing	Phase 1c	Remainder of Phase 1	Phase 2	Phase 3	Phase 4	Total
Total units to be provided on site	92	44	239	493	116	984
Affordable Housing Units to be provided per phase	13	13	132	294	10	462
Open Market Housing to be provided per phase	79	31	107	199	106	522
Not more than 50% of the Open Market Housing to be occupied	39	15	53	99	53	-

- q) 236 of the Affordable Housing Units to be provided on the application site shall be for **Social Rent**; 182 of the Affordable Housing Units on the application site shall be for **Affordable Rent** SAVE FOR THE 44no. Affordable Housing Units to be

transferred back to the Registered Provider whose rent levels for these properties shall be set by the Registered Provider.

- r) To secure the provision of Affordable Housing Units on the application site in accordance with the following details:

Unit size	Number of Affordable Housing Units to be provided
1 bedroom	75
2 bedroom	183
3 bedroom	196
4 bedroom	7
5 bedroom	1
Total	462

- s) The unit size of each Affordable Housing Unit shall be as approved by the Local Planning Authority on a phase by phase basis. PROVIDED ALWAYS THAT the size of the Affordable Housing Units to be provided on the site shall, in total, meet the numbers specified in the table above. Subject thereto, for each subsequent phase of development following Phase 1c, full details of the size of each of the Affordable Housing Units to be provided in that phase shall be submitted with each Reserved Matters application.
- t) The Social Rent/Affordable Rent tenure split of the Affordable Housing Units shall be as approved by the Local Planning Authority on a phase by phase basis. PROVIDED ALWAYS THAT THE Social Rent/Affordable Rent tenure split of the Affordable Housing Units to be provided on site shall, in total, meet the numbers specified in point (r) above. For each subsequent phase of development following Phase 1c, full details of the Social Rent/Affordable Rent tenure split of the Affordable Housing Units to be provided in that phase shall be submitted with each Reserved Matters application.
- u) The Social Rent/Affordable Rent tenure split of the 4 dwellings to be transferred to the Housing Provider in Phase 1c shall be submitted to and approved by the Local Planning Authority prior to the Commencement of development in Phase 1c.
- v) That no more than 50% of the number of Open Market Units in each phase (in accordance with the table in point (q) above) to be provided in each phase of development shall be occupied until the number of Affordable Housing Units to be provided in that phase have been constructed and made available for occupation and the Affordable Housing Units and land has been transferred to the Housing Provider.
- w) On practical completion of the Affordable Housing Units to be provided in each phase, the developer shall transfer the ownership of each Affordable Housing Unit (together with all necessary ancillary rights) to a Housing Provider.
- x) The developer shall re-provide each Affordable Housing Unit currently owned by a Registered Provider on site in accordance with the submitted Affordable Housing Statement. On practical completion of each relevant Affordable Housing Unit, the developer shall transfer the ownership of each Affordable Housing Unit (together with all necessary ancillary rights) to the relevant Registered Provider.

- y) That prior to the first occupation of any dwelling on the site the Housing Provider shall enter into a nomination agreement with Woking Borough Council to (i) grant the Council 100% nomination rights for all initial lets, 75% nomination rights for re-lets and (ii) require that all lettings not subject to nomination rights shall give priority to Local People.
- z) That there shall be no changes to these Affordable Housing provisions without the prior written approval of the Local Planning Authority.
- aa) The obligations set out above shall not be binding or enforceable against any Protected Occupier or any mortgagee or chargee of that Protected Occupier or any person deriving title from the Protected Occupier or any receiver appointed by any mortgagee or chargee or any successors in title thereto and their respective mortgagees or chargees SAVE THAT if any successor in title to the Protected Occupier is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.
- bb) The obligations set out above shall not be binding or enforceable against any mortgagee or chargee of a Registered Provider or any receiver appointed by any such mortgagee or chargee or any person deriving title from the mortgagee or chargee or any successors in title thereto and their respective mortgagees or chargee SAVE THAT if any successor in title to the mortgagee or chargee is a Registered Provider or any other provider of affordable housing the obligations as set out above shall thereupon once again become enforceable against the said Registered Provider or other provider of affordable housing and their successors in title subject as provided therein.
- cc) In the event that Woking Borough Council is the Housing Provider, appropriate changes will be made to the obligations set out above to reflect that the Council cannot legally enter into a formal agreement with itself, e.g. a nomination agreement.

SAMM Financial Contribution

dd) To pay the SAMM financial contribution which shall be calculated as follows:

- a. For Phase 1c – Total - £76,608. All contributions to be paid prior to the Commencement of development of phase 1c. The payment in accordance with the following:

Dwelling size	SAMM Tariff	Net increase in number of units	SAMM Tariff calculation
1 bed	£472	-	£0
2 bed	£640	11	£7,040
3 bed	£842	35	£29,470
4 bed	£978	41	£40,098
5 bed			
Total	-	87	£76,608

- b. For all other Dwellings and Assisted Living Units (providing self-contained living accommodation) granted Reserved Matters approval AND for any

Dwelling and Assisted Living Unit (providing self contained living accommodation) which represents a net increase in the number of dwellings/units to be provided on the site, the required SAMM contribution per dwelling/unit based on the tariff in force at the time of the grant of the Reserved Matters approval shall be calculated in accordance with the following example:

Dwelling size	Proposed number of dwellings/units	Existing number of dwellings/units to be demolished	Net increase in the number of dwellings/units
Studio	0	52	-52
1 bed	93	217	-124
2 bed	340	116	224
3 bed	373	179	194
4 bed	174	11	163
5 bed	4	1	3
Total	984	576	408

Note – where a minus figure exists (in column 4 above) it shall be deducted from the first row below with a positive figure until a positive figure is reached (i.e. $-52 - 124 + 224 = 48$).

- c. All contributions to be paid in full prior to the Commencement of development for each respective phase.

Local Labour Agreement and Procurement

- ee) Prior to the Commencement of development to submit a Local Labour Agreement/Community Value Plan substantially in accordance with the Community Value Plan submitted with the planning application to the Local Planning Authority for approval. Thereafter any proposed changes to the Local Labour Agreement/Community Value Plan shall be submitted for the prior approval in writing by the Local Planning Authority before being implemented in accordance with the approved details.
- ff) To make provision in the Local Labour Agreement/Community Value Plan for:
- vi. the strategy to be adopted by the Developer to maximise the employment opportunities, apprenticeships and training and the promotion of such opportunities for and to Local People on the Development; and
 - vii. the opportunity for any Local People directly employed on the Development by the Developer during the construction of the Development to be offered training where reasonably appropriate; and
 - viii. the employment of Local Businesses by the Developer during the construction of the Development where reasonably appropriate save where specialist trades are required;
 - ix. measures for monitoring the success of the Local Labour Agreement/Community Value Plan; and
 - x. a timetable for the reporting of the findings of the monitoring to the Local Planning Authority which shall be at least prior to the completion of each phase or annually whichever is the sooner and including any recommendations for any changes to the Local Labour Agreement/Community Value Plan.
- gg) To undertake to comply with the provisions of the approved Local Labour Scheme/Community Value Plan during the construction of the Development to the

extent that they are not prevented from doing so by reason of any domestic or international laws.

Off-site Tree Planting

- hh) In the event that the replacement tree planting within the site is less than the total number of trees to be removed, a financial contribution not exceeding £15,000 (at July 2016 prices), which sum shall be indexed upwards in accordance any increase in an appropriate index specified by the Local Planning Authority, for off-site tree planting in the Sheerwater area shall be paid to the Local Planning Authority prior to Commencement of any development in phase 4(B)(iv).

Sustainable Urban Drainage Systems

- ii) Prior to the Commencement of development, to submit a Sustainable Urban Drainage Systems ("SUDS") scheme to the Local Planning Authority for approval. The SUDS scheme shall include provision for:
- Adoption of SuDS and Handover
 - Cost of Adoption
 - As built drawings
 - Maintenance Register to include map of location, list all features and maintenance requirements
 - Access to Inspect and Maintain SuDS for lifetime of development

Any proposed changes to the approved SUDS scheme shall be submitted for the approval in writing by the Local Planning Authority.

The SUDS scheme shall be implemented in accordance with the approved details.

EXECUTIVE – 28 MARCH 2019

REGULATION OF INVESTIGATORY POWERS ACT 2000 – ANNUAL MONITORING REPORT

Executive Summary

This report considers the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") during the 2018 calendar year.

Recommendations

The Executive is requested to:

RESOLVE That

the Council's non-use of the Regulation of Investigatory Powers Act 2000 during the 2018 calendar year be noted.

Reasons for Decision

Reason: To comply with the Council's RIPA policy and Home Office Codes of Practice.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Peter Bryant, Head of Democratic and Legal Services
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Shadow Portfolio Holder: Councillor Ann-Marie Barker
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Date Published: 22 March 2019

1.0 Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) provides for, and regulates the use of a range of investigative powers by a variety of public authorities. RIPA will impact on the Council’s activities on the rare occasions when covert surveillance is undertaken, e.g. as part of investigations undertaken in connection with the Council’s environmental health, housing, taxi licensing and audit functions.

2.0 Use of RIPA during the 2018 Calendar Year

- 2.1 No RIPA authorisations were issued during 2018.

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

Equalities

- 3.6 None.

Safeguarding

- 3.7 None.

4.0 Consultations

- 4.1 None.

REPORT ENDS

EXECUTIVE – 28 MARCH 2019

WRITE OFF OF IRRECOVERABLE DEBT

Executive Summary

Financial Regulation 12.14 requires the Executive to authorise the write off of any debt over £10,000.

Ahead of the financial year end a small number of Business Rates, Council Tax, Housing Benefit and Sundry debts are identified as irrecoverable. Many of these debts will have been provided within the Council's bad debt provision in previous years, but the formal write off hasn't yet been authorised by the Executive. Appendix 1 sets out those debts over £10,000 recommended for write off by Officers.

Recommendations

The Executive is requested to:

RESOLVE That the debts listed in Appendix 1 to the report be written off.

Reasons for Decision

Reason: To write off debts over £10,000.

The Executive has the authority to determine the recommendation set out above.

Background Papers: None.

Reporting Person: Leigh Clarke, Finance Director
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Date Published: 22 March 2019

Business Rates Write Offs >£10,000

Account No	Name	Amount £	Date recommended for write off	Reason
30661955X	Farm Fuel Ltd	£10,151.76	28.11.2018	Adminstration
306639741	Headquarters Bar & Café Ltd	£11,174.11	27.11.2018	Company dissolved
306629637	Shake Dog Woking Ltd	£26,329.25	25.02.2019	Company dissolved

Council Tax Write Offs > £10,000

Account No	Amount £	Date recommended for write off	Reason
409348466	12,136.46	15.02.2019	Irrecoverable - backdated billing, vulnerable person

Housing Benefit Overpayment Write Offs > £10,000

Account No	Amount £	Date recommended for write off	Reason
102798966	£12,320.84	25.04.2018	Deceased

Sundry Debtors invoices to be Written Off > £10,000

Debtors Ref	Company name	Invoice Ref	Address	Org inv Date	Amount	Reason	Department
122706	County Resource Management Ltd	various	PO BOX 661, Addlestone, Surrey KT15 9DU	20/01/2016	£11,680.88	Irrecoverable - company in liquidation	Estate Management
110981	Automation Solutions Ltd	various	Units 19-22 Goldsworth Road, Ind Estate, Woking Surrey GU21 6LY	26/10/2011	£19,631.06	Irrecoverable - error with lease agreement	Estate Management
111811	Binaka Restaurant	Various	18 High Street, Woking, Surrey GU21 6BW	2008 - 2013	£98,632.49	Irrecoverable - legal advice taken	Estate Management

EXECUTIVE – 28 MARCH 2019

RESPONSE TO SURREY FIRE AND RESCUE SERVICE'S 'MAKING SURREY SAFER PLAN 2020-2023' CONSULTATION

Executive Summary

This report contains a recommended response to Surrey County Council's public consultation on Surrey's Fire and Rescue Service.

Recommendations

The Executive is requested to:

RESOLVE That

the Council's response to Surrey County Council's public consultation on Surrey's Fire and Rescue Service be in the terms set out in paragraph 3.2 of the report.

Reasons for Decision

Reason: To determine the Council's response to Surrey County Council's public consultation on Surrey's Fire and Rescue Service.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Peter Bryant, Head of Democratic and Legal Services
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Shadow Portfolio Holder: Councillor Ann-Marie Barker
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Date Published: 22 March 2019

1.0 Introduction

- 1.1 Surrey County Council, the fire and rescue authority for Surrey, is consulting on their Community Safety Plan. This is called "Making Surrey Safer – Our Community Safety Plan". A copy of the document is appended to this report.
- 1.2 The Plan outlines three proposals for changes in the way the Fire and Rescue Service will operate. These are:-
- Spending more time on community and business safety to help prevent emergencies occurring in the first place;
 - Maintaining the number of fire stations in Surrey and changing how some of them are crewed;
 - Recovering costs from some non-emergencies to reinvest in the Surrey Fire and Rescue Service.
- 1.3 The main impact on Woking will be the proposed changes to crew levels at Woking fire station.

2.0 Proposed Crew and Vehicle Placement at Woking Fire Station

- 2.1 The Plan proposes that "crewing and vehicle placement across the County would change in order to ensure the right resources are in the right place when we need to respond to emergencies. This will allow us to re-focus some resources to life saving community prevention activity instead."
- 2.2 The current crewing level at Woking fire station is two "whole-time crews", i.e. two crews are located at the fire station, ready to respond on a 24/7 basis. The proposal is to change this to one "whole-time crew" and one "day crew", i.e. one of the crews would only be based at the fire station during the day. There would also be reductions in crewing at Camberley and Guildford fire stations, both of which might respond to a serious incident in Woking.
- 2.3 The Plan states that a detailed risk analysis, using a range of information, has been undertaken to work out the fire and rescue cover in Surrey. However, this has not been provided with the consultation document, so it is difficult to make an informed judgement on the proposed reduction in crew levels at Woking.

3.0 Proposed Response

- 3.1 The consultation document invites responses by 26 May 2019. These can be given in writing, or by completing an online survey. The online survey is tailored towards responses from private individuals, not corporate bodies.
- 3.2 It is recommended that the Council's response includes the following points:-
- The need for a review of how Surrey's fire and rescue service operates is acknowledged;
 - The Council's primary concerns are for (i) the safety of inhabitants of Woking and (ii) the protection of property in Woking.
 - It is important that Woking fire station (and fire stations in surrounding areas) are adequately crewed;

Response to Surrey Fire And Rescue Service's 'Making Surrey Safer Plan 2020-2023' Consultation

- On the basis of the information contained in the consultation document, it has not been possible to determine whether the proposed crew levels would be sufficient to address the Council's primary concerns. Surrey County Council should, therefore, satisfy itself that the proposed crew levels are sufficient before making any changes.

4.0 Implications

Financial

4.1 None.

Human Resource/Training and Development

4.2 None.

Community Safety

4.3 None, directly arising from this report.

Risk Management

4.4 None.

Sustainability

4.5 None.

Equalities

4.6 None.

Safeguarding

4.7 None.

5.0 Consultations

5.1 None.

REPORT ENDS



Making Surrey Safer

Our Community Safety Plan

**HAVE your
SAY**

Give us your views on the proposals by
completing the questionnaire or visit
www.surrey-fire.gov.uk/psp by 26 May 2019

Foreword

Welcome to our Plan

Fire and rescue services in England are experiencing a period of great change to make sure that every pound of your money invested in us, adds maximum value to your communities. The [government's fire and rescue reform agenda](#)¹ sets out a clear direction of travel and highlights the challenges we will face in this journey. This is reinforced by a [new statutory inspection regime](#)² which checks on our improvement progress, and a refreshed [Fire and Rescue National Framework for England](#)³ which explains how our work is changing, in particular the number of fires that we are called to is dramatically reducing.

Surrey County Council, our Fire and Rescue Authority, has set out a new vision for Surrey in 2030, placing greater emphasis on prevention, services for vulnerable people, and the need for greater collaboration with partners.

Fire and rescue services play a crucial role in making our communities safer, whether it be preventing and protecting people from fire and other risks, or responding swiftly to the emergencies that occur.

Our HMICFRS Inspection last year highlighted that Surrey Fire and Rescue Service are not doing enough to protect people or prevent emergencies from happening, so we will need do more of this in the future. We also need to ensure that we are providing an efficient, effective, accountable and transparent service that is reflective of the diverse community we serve.

Most significantly, our plan sets out how we intend to refocus our resources to increase our work with communities and businesses to prevent emergencies from happening, whilst also responding more efficiently when they do, with the aim of leaving no-one behind.

We are confident that the proposals set out in this plan will ensure we are best placed to meet your expectations of a modern Fire and Rescue Service. We are very interested in your views about this and encourage you to have your say.

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Purpose of this plan

The [Fire and Rescue National Framework for England³](#) requires fire and rescue authorities to produce an integrated risk management plan (IRMP). Our plan is called “Making Surrey Safer – Our Plan 2020-2023”.

The plan sets out our priorities to keep you safe in Surrey, improving how we deliver services to ensure our communities are safer, whether it be preventing and protecting people from fire and other risks, or responding swiftly and effectively to the emergencies that occur. It also is our plan for how the service responds to the changes and challenges we face.

Over the past decade we have seen a significant decrease – almost half – in the number of fires attended across the UK. This suggests that, as a society, we are becoming safer than ever from the risks and consequences of fire.

This decrease can be attributed to many factors, including in part the prevention and protection work that Fire and Rescue Services deliver day in, day out, up and down the country. We must continue to work hard to keep people, especially the most vulnerable in our communities, as safe from fire and other risks as possible. In many cases, this means engaging effectively with other agencies to work together to better protect and improve the outcomes for these individuals.

Making Surrey Safer – Our Plan 2020-2023, amongst other things, sets out how we will respond to:

- Surrey County Council’s [Community Vision for Surrey in 2030⁴](#). Surrey County Council is our Fire and Rescue Authority, and the Vision emphasises the need for prevention activities to improve outcomes for residents. The Fire and Rescue Service, along with Emergency Planning, sits within the Council’s Community Protection, Transport and Environment Directorate. The purpose of the Directorate is: ‘To enable safe, sustainable, connected and thriving communities now and in the future’.
- Our recent [HMICFRS inspection⁵](#), highlighted areas we need to continue working on to make us more effective and efficient in the ways we keep people safe from fires and other risks, particularly how we use our resources to do so.

This plan sets out our proposals to:

- Do more to prevent emergencies from happening in Surrey
- Make sure we have the right resources in the right places at the right time to respond when you need us
- Continuously look at ways that we can improve what we do so we are as effective and as efficient as we can be
- Continue to strengthen our approach to collaboration with our partners
- Invest in our people to make sure they have the best training and development and are as motivated as possible
- Create a culture that is collaborative, inclusive and diverse so that we maximise our understanding of our communities’ needs

Our proposal

This document outlines our proposal and how we want our Fire and Rescue Service to operate. By working differently we can be more efficient and effective.

Our proposal means:

More prevention work to keep communities safe

When our firefighters and fire engines aren't needed at 999 calls, we will be undertaking community safety work with you. Much of this is done during the day when people are at school, work, home and most active in the community, some of this will also be done by our night shifts.

More resilience and firefighter training

We need 20 fire engines during the day and 16 at night to keep Surrey safe. Our proposal would mean we have more fire engines than we need - five more during the day and seven more at night-time, this additional capacity allows extra resilience for larger and longer emergencies as well as training and practice in the increasing variety of emergencies we now respond to.

More on call firefighters

To be an on-call firefighter you need to live or work within four minutes of our on-call fire stations so you can get there quickly. This means it's often difficult to recruit on-call firefighters, especially in Dunsfold and Gomshall. We are expanding the catchment area for firefighters in these areas so that we will attract more people to our service.

More investment in community safety

We want to be able to invest more money in prevention activity via our community safety service. The more prevention work we do, the less we will need to respond. By ensuring we have the right allocation of resources to meet the needs of Surrey, we can reinvest in prevention activity.

We are also looking at charging for some 999 calls such as false reports of fire (hoax calls & automatic fire alarms that aren't real) and animal rescues, to re-invest into our service.

Our finances

The total budget for the fire and rescue service for 2019/2020 is £34.9m. The majority of this is spent on staffing.

Our Plan will change the amount we spend in some areas:

- The increased resources needed to undertake the community and business safety activity will increase our expenditure in these areas by £1-1.5m per annum
- The changes to our response model will reduce our expenditure by circa £3m per annum

Our commitments

To spend more time on community and business safety to help prevent emergencies occurring in the first place.

Why we are doing it

To educate people and businesses about the risks of fire and other emergencies, and how to prevent them.

What this means

We will prevent more emergencies occurring in the first place.

We will do more Safe and Well visits for vulnerable people.

We will deliver fire safety messages from school age to adulthood. We will work more closely with businesses, district and borough councils and partners to improve business safety.

To maintain the number of fire stations in Surrey and change how some of them are crewed.

Why we are doing it

To manage our resources more efficiently and effectively, focussing resources to protect those at higher risk.

We aim to provide a service offer that is broader than solely 'time to respond' and recognise that the urban and rural response is different. We will establish new measures based upon community and business safety activity (a core element of our future offer) as well as response.

What this means

Changes are proposed in the Banstead, Camberley, Egham, Fordbridge, Guildford, Haslemere, Painshill, Walton and Woking areas. Further details are provided below.

To recover costs from some non-emergencies to re-invest in SFRS.

Why we are doing it

We are sometimes called to incidents that are not emergencies, such as freeing trapped animals and persistent false automatic fire alarms. The introduction of the Localism Act 2011 increased the scope for recovering costs for emergencies we respond to that turn out to be non-emergencies.

What this means

We may charge for some services such as persistent false alarms and animal rescues and re-invest this in SFRS. We will balance our statutory obligations to ensure we act ethically, humanitarily and maintain our values and standards.

Understanding Community Risks

Understanding our Risk

We use our **Community Risk Profile**⁶ (CRP) to assess all foreseeable fire and rescue related risks that could affect our communities in Surrey. This includes our biggest risks for the types of emergencies we respond to and other factors, including understanding where the most vulnerable people are. We use this information, alongside national and local statistics, to decide how best to allocate our resources to prevent these risks from happening, and plan how to best respond to them if they do. This also enables us to focus our prevention activities to the areas where they are most needed and have most impact.

Some risks require us to work with partners including other emergency services, health providers, local authorities and other partner agencies. These come together through the Surrey Local Resilience Forum (SLRF) which prepares and plans for a range of emergencies across Surrey. We also use the **Community Risk Register**⁷ which highlights potential risks facing Surrey.

Risks associated with people

A number of factors might make someone more or less vulnerable to emergencies, particularly fire. We need to ensure that the people within Surrey are safe, we identify those that are most at risk and where we can, undertake prevention activity to reduce the risk.

The most vulnerable and at greatest risk of fire tend to have at least one of the following characteristics:

- aged over 60
- living alone
- mobility issues
- hearing loss
- mental health issues
- disability
- drug or alcohol dependency
- a smoker

There is a clear link between age and vulnerability, with many of the vulnerabilities listed being more likely to occur with age. Additionally, Surrey has an aging population with over 82,000 residents being over 65 and living alone, a figure expected to rise by 34% by 2030. The number of people with alcohol and drug dependencies is also forecast to rise by 4% by 2030.

As more people are supported to live in their own home for longer, the risks increase for those who are vulnerable. For example, people with mobility issues may find it harder to self-rescue and may suffer from slips and falls.

Our prevention work needs to better focus on the most vulnerable in our county, through both prevention activity to reduce the risks to them, as well as help them understand what to do in an emergency.

Risks associated with places

We respond to a diverse range of risks in Surrey. They range from road traffic collisions to local fires to major disasters. As a Fire and Rescue Service we continue to work across the wide and diverse range of places we have in Surrey. Understanding the risks and learning from others to ensure we continue to minimise and prevent risks occurring in the first instance, always ready to respond if they do.

Surrey has a diverse range of buildings, each potentially have different risks. We have homes that are at risk of flooding and we also have a number of green spaces that may be at risk from wildfire. We have many listed buildings and heritage sites in the county, as well as a range of industrial and commercial buildings. We have manufacturing plants, fuel farms, laboratories and research sites. The transport networks in Surrey are constantly developing. The county has around 3,452 miles of road which carry almost double the national average amount of traffic. We have a number of small airfields within our borders, and Heathrow, Gatwick and Farnborough airports are close by.

Community Safety

Our **Community and Business Safety strategy**⁸ sets out how we try and prevent emergencies from happening. We use our Community Risk Profile to target our prevention activity where it will make the biggest difference. We aim to educate people about fire and other risks and how to prevent them. We also work with businesses to ensure that the buildings they use reach the required fire safety standards, we aim to make every contact with you count.

Our community safety activity focuses on a number of key areas:

- Home environment- by providing support and advice regarding health, safety and wellbeing to help people live independently and safely.
- On our roads within Surrey - we engage with young people to highlight the risks of dangerous or careless driving.

Work with partner agencies – we tackle social issues together in partnership and we have a responsibility to raise a concern when we see one. We know that people with drug or alcohol dependency problems are at greater risk of having a fire. We support our partners with their work on preventing problematic drug and alcohol use

Preventing emergencies – community safety

We can do more to prevent emergencies from happening and reduce our community risks via the most appropriate resource. We propose to:

- Better integrate our fire stations and other premises into local communities for community use where appropriate
- Create a ‘centrally led, locally delivered’ approach, that better aligns our teams with areas of risk within Surrey and develops consistency across the county in how we deliver our services to ensure we keep our residents as safe as possible
- Improve the way we collect and share intelligence so we can better identify the people in our communities who are the most vulnerable and provide the right support to keep them safe
- Broaden the kind of emergencies we aim to prevent so it is more than just fighting fires, and includes road, water and wildfire safety work
- Do even more Safe and Well Visits for vulnerable people and expand the content to make every contact count and keep people as safe as possible in their homes
- Introduce a ‘lifelong’ learning concept to deliver key safety advice and information throughout resident’s lives via schools, colleges and universities as well as adult learning centres and other organisations where groups of individuals meet up (particularly our known vulnerable groups).
- Expand our Surrey Fire Volunteer Service
- Work with partner agencies to drive down serious organised crime, where it aligns to our activity and the risks we intend to reduce.

Business safety

Our business safety activity focuses on supporting business and business owners within our community. We work with businesses to ensure that they have effective fire safety management to protect people and property. Our business safety activity also protects the safety of our firefighters, should they need to respond to a fire in that building, by understanding the risks of specific buildings before an emergencies happens.

There are approximately 85,000 business premises in Surrey covered by the Regulatory Reform (Fire Safety) Order 2005 (RRO). This is the main piece of legislation that we have a duty to enforce. The RRO puts the emphasis on the responsible person to comply with the law. We operate a 'risk-based' inspection programme based on protecting the most vulnerable and those that are at higher risk.

Our business safety team delivers advice in the workplace and targets the heart of the business community to support fire safety, arson prevention, false alarm reduction and the benefits of sprinklers. We also engage with businesses throughout the county through our Primary Authority Scheme (PAS). This is a statutory scheme available to businesses with a presence in more than one local authority area.

Preventing emergencies - business

We know that effective fire safety management makes buildings and people safer. We think we can do even more of this work to make businesses in Surrey safer. We propose to:

- Do more to target high-risk business premises to ensure they are complying with the RRO and enforce compliance where necessary
- Work more closely with district and borough councils to provide robust building consultation responses (planning regulations)
- Introduce Local Competency Authorities to support the life of buildings through fire safety provisions
- Increase our education work to improve businesses understanding of their legal requirements in relation to fire safety management and how to apply this in practice
- Work more closely with partners to develop more resilient communities, helping to prevent emergencies from happening and helping residents and communities to know how to respond if they do happen.

Responding to emergencies

When we receive a 999 call, our Control Centre operators send fire and rescue personnel, vehicles and equipment to deal with the emergency. The range of emergencies we attend is vast and is constantly changing. Examples include road traffic collisions, fires in homes and business premises, water rescues and wildfires. We also attend emergencies that turn out not to be emergencies, such as responding to false reports of fire and helping to free trapped animals. These are instances that we may charge for in the future.

We operate from 25 fire stations, which include a range of staff shift systems, and the crewing of 'special' vehicles capable of activities a fire engine alone cannot achieve, for example water rescues.

We do not send a fire engine based upon the closest fire station to you. We want to get to you as quickly as possible so we send the closest and most appropriate resource to the situation, regardless of where they are based. This helps us get the right equipment to you as soon as we can.

We also have arrangements in place with neighbouring Fire and Rescue Services, other emergency services and partners, including voluntary groups, to manage significant emergencies as part of a multi-agency response, for example widespread flooding.

We are introducing improvements that will reduce the time it takes between a call coming in and our firefighters leaving the station. We believe this will help us to get resources to the scene of an emergency more quickly. Improving our measurement of this will tell us if we are being successful.

































































We need to modernise the way we measure our response service. Currently it is outdated and does not necessarily take account of a range and changing types of emergencies, the development of our rural and urban areas and the changes in road infrastructure. We aim to modernise this by utilising data and technology to assist us.

Our [Mobilising and Response strategy](#)⁹ sets out how we respond to emergencies.

Proposed crew and vehicle placement

We propose that crewing and vehicle placement across the county would change in order to ensure the right resources are in the right place when we need to respond to emergencies.

This will allow us to re-focus some resources to life saving community prevention activity instead.

Station	Current crewing	Proposed crewing	Station	Current crewing	Proposed crewing
Banstead			Godstone		
Camberley	 	 	Gomshall		
Chertsey			Guildford	  	  
Chobham			Haslemere	 	 
Cranleigh			Leatherhead		
Dorking			Lingfield		
Dunsfold			Oxted		
Egham			Painshill		
Epsom			Reigate		
Esher			Salfords		
Farnham			Walton	 	 
Fordbridge	 	 	Woking	 	 
Godalming					



Wholetime

Crews are located at a fire station, ready to respond 24/7.



Day crewed

Crews are based at fire stations during the day, ready to respond to incidents.



Variable crewed

Crews are based at fire stations between 0700 – 1900 hours. During the night time, on-call firefighters respond.



On-call, available 24/7

A response is provided by on-call firefighters. They may have other employment but are alerted when an incident requires them.



On-call, available nights and weekends

How we worked out our proposal details

We have undertaken detailed risk analysis, using a range of information to work out our proposal for fire and rescue cover in Surrey. This has included data about previous 999 calls, predictive (demographic) data which shows us where those at highest risk are in Surrey and sites that are most at risk. We have also considered local and national statistics about fires and other emergencies, our own professional opinions and experiences and response modelling which has been externally verified. From this risk analysis, we have concluded that we currently have more resources at night than we need.

We have used this information to inform us of the best way to manage risks, by allocating our resources to prevent emergencies from happening and also making sure we can respond to them when they do. This information informed our data modelling work, which took account of the last five years emergency response data, call-outs per station, critical emergencies hotspots; current and future provision requirements; the baseline number of fire engines that are required to provide a full response and meet safety requirements.

The modelling work carried out showed that in order to deliver an emergency response under normal circumstances, the service is required to provide the minimum number of appliances shown in column 2 below.

However, there will be times when we require more resilience to cover larger or longer emergencies and community protection and prevention activities, as well as release fire fighters for a wider variety of training activity than they undertake now. This is required because we now have less fires than we used to, and go to a wider range of emergencies, meaning our staff have less experience of more things. Therefore we must increase our training to ensure staff are well prepared and confident to deal with the fuller range of emergencies effectively and efficiently. Our proposal in column 3 reflects this.

The national Health and Safety Executive are clear it is the responsibility of fire and rescue services to adequately prepare personnel to operate in high pressure, dynamical changing and dangerous situations.

	1	2	3
Number of fire engines available (excl special appliances)	Current model	Minimum required	Our proposal including resilience
Day time	22 (plus 3 on call) Total = 25	20	22 (plus 3 on call) Total = 25
Day time - weekends	20 (plus 10 on call) Total = 30	20	22 (plus 8 on call) Total = 30
Night time	20 (plus 10 on call) Total = 30	16	13 (plus 10 on call) Total = 23

This will ensure we have enough flexibility within our workforce to deliver an **efficient emergency response** alongside **increasing our effectiveness in protection and prevention** within our communities.

Have your say

We are keen to know what you think about our proposals. Please complete our online survey at **www.surrey-fire.gov.uk/psp by 26 May 2019**. Paper copies are also available from council offices, libraries and fire stations. Alternatively you can write to us at **PSP team, Surrey Fire and Rescue Service Croydon Road, Reigate, Surrey RH2 0EJ**

We will consider every idea and provide a report on our findings.

If you would like this information in large print, Easy Read, Braille, on CD or in another language, please contact us on:

Tel: 03456 009 009
Fax: 020 8541 9575
SMS: 07527 182 861

Minicom: 020 8541 9698
Email: contactcentre@surreycc.gov.uk

Glossary

RESOURCES:

Fire engine

The general term used to describe all firefighting and incident management vehicles, including the standard fire engine. Also called frontline appliance or pumping appliance.

Special appliances

Vehicles which have specialist capabilities to assist in dealing with emergencies, eg water rescue.

Wholetime

Full-time firefighters.

Day crewed

The station will only have crewed appliances available during the day.

On-call duty system

Firefighters are recruited to be available on-call close to their local fire station for a certain number of hours, plus regular training. They are paid a retainer plus a call-out fee for incidents attended.

Surrey Fire volunteers

To assist the operational firefighters, Surrey Fire and Rescue has developed a network of volunteers to help stations and departments to engage more effectively with local communities and deliver community safety activity.

SERVICE OFFER:

Community safety

The range of fire prevention activities undertaken by the fire service in residents homes, often in conjunction with partner agencies.

Safe and Well Visits

Working with partners to help keep the most vulnerable residents in communities safe in their home. They are visits by firefighters or other trained fire service staff, to provide information on fire safety in the home, falls prevention, alcohol use, staying warm and well, and crime reduction. Visits are free to residents.

Business safety

The range of fire protection activities undertaken by the fire service within businesses, often in conjunction with partner agencies.

Fire Safety audits

These examine premises and relevant documents to ascertain how the premises is being managed in relation to H&S/fire avoidance and if the Fire Safety Order is being complied with.

Special service

These are non-fire incidents which require the attendance of an appliance or officer.

Critical incident

An emergency where lives and property are most at risk, primarily building fires and road traffic collisions.

Further reading

- ¹ <https://www.local.gov.uk/sites/default/files/documents/HO%20fire%20reform%20programme%20-Nick%20Chard.pdf>
- ² <https://www.justiceinspectors.gov.uk/hmicfrs/fire-and-rescue-services>
- ³ <https://www.gov.uk/government/publications/fire-and-rescue-national-framework-for-england--2>
- ⁴ <https://www.surreycc.gov.uk/council-and-democracy/finance-and-performance/our-performance/our-corporate-strategy/community-vision-for-surrey-in-2030>
- ⁵ <https://www.justiceinspectors.gov.uk/hmicfrs/fire-and-rescue-services>
- ⁶ <https://www.surreycc.gov.uk/people-and-community/fire-and-rescue/about/our-vision-mission-and-aims/priorities-plans-and-governance/how-surrey-fire-and-rescue-manage-risk-and-business-continuity>
- ⁷ https://www.surreycc.gov.uk/__data/assets/pdf_file/0008/71729/Surrey-LRF-Community-Risk-Register-2018-2019-ZM.pdf
- ⁸ https://www.surreycc.gov.uk/__data/assets/pdf_file/0008/182951/Community-and-Business-Strategy-2018-to-2020.pdf
- ⁹ https://www.surreycc.gov.uk/__data/assets/pdf_file/0007/182950/Mobilising-and-Response-Strategy-2018-to-2020.pdf

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