

Council Report

Report of the Executive Head of Governance

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Stephen Mansbridge

Tel: 07825 522388

Email: stephen.mansbridge@guildford.gov.uk

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E-Petition – Reduce proposals for additional housing in Send

Recommendation to Council:

The Council is asked to debate the subject matter of a combined e-petition/paper petition and to indicate to the e-petition organiser what action it intends to take.

Reason for Recommendation:

To comply with the requirements of the Council's adopted Petition Scheme.

1. Purpose of report

- 1.1 The purpose of this report is to inform the Council of the receipt on 19 June 2014 of an e-petition which has attracted, as at 1 August 2014, a total of 471 e-signatures from people who live, work or study in the Borough. The Council has also received, on 6 August 2014, a paper petition on the same subject containing a further 358 valid signatures, making a grand total of 829. The e-petition/petition calls on the Council:

“to reduce the proposals for additional housing on Green Belt land in the Draft Local Plan for the villages of Send and Send Marsh/Burnt Common.”

- 1.2 The e-petitioner organiser's supporting statement reads as follows:

“We the undersigned, being residents of the villages described in the Draft Local Plan as Send or Send Marsh/Burnt Common are dismayed by your Council's proposals for major expansion here, which are totally disproportionate and unable to be supported by the capacity of the highways or the provision of shops or schools.

We consider that there is no justification for doubling the 2006 assessed need for new housing in the borough to 652p.a., the impact of which would destroy its essentially rural nature, particularly in Send and Send Marsh/Burnt Common which has been targeted for a

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disproportionate increase with additional populations of 22% and 27% respectively.

The existing problems with traffic congestion have not been addressed and seem now to be disregarded.

We implore Guildford Borough Council to respect the village identities of Send and Send Marsh/Burnt Common, which the Local Plan proposals would undoubtedly destroy.

We recognise the need to respond individually to the Draft Local Plan as part of the consultation process, but consider that your Council should be made aware, by this petition, of the depth of feeling of all local residents on the proposals”.

- 1.3 Under the terms of our adopted petition scheme, the Council is invited to consider and respond to the petition.

2. Strategic Priorities

- 2.1 Formal consideration by the full Council of proposals contained in a petition is consistent with the Council’s desire to be open and accountable to its residents and to deliver improvements and enable change across the Borough.

3. Background to subject matter of e-petition/petition

- 3.1 The Council has recently completed consultation in respect of the draft Local Plan. Representations are currently being looked at and a report is expected to come to full Council in due course.

- 3.2 We have received many comments and representations on the issue of potential level of development across the borough including this petition.

- 3.3 The petitioners claim that the development proposals result in a disproportionate increase in the amount of housing present. It is not clear on what basis the figures provided have been calculated. The petitioners also urge the Council to respect the identity of the villages in the Local Plan and are also not happy with the level of new housing proposed. The petitioners claim that issues related to existing congestion have been ignored, but the Local Plan must be forward looking and cannot deal directly with existing issues. We are, however, aware of concerns about congestion and will continue to work with the community, developers and infrastructure providers to come to appropriate solutions.

- 3.3 The spatial development strategy for the draft Local Plan is contained in Policy 2 and this sets the broad level and location of development. The strategy has been developed at a strategic level looking at needs across the whole of the borough. Documents in our Evidence Base support the identification of sites that may be suitable for development but it should be noted that not all of the sites identified have been carried forward as allocations in the draft Local Plan. The petitioners have had the opportunity to comment on Policy 2 as part of the consultation on the draft Local Plan.

- 3.4 The Strategic Housing Market Assessment being carried out jointly with Woking and Waverley Borough Councils indicates a level of housing need

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that far exceeds levels previously identified. It should be noted that the interim housing number of 322 dwellings per annum was adopted at a time when the 2009 SHMA indicated the actual level of need was in the order of 644 dwellings per annum. Such an approach of providing for only 50% of the level of identified need would not be in conformity with the National Planning Policy Framework and would lead to the Local Plan being found to be unsound.

- 3.4 It is the role of consultation to lead to changes in the draft Local Plan but representations need to be balanced against the need to comply with national legislation and guidance. It would be premature to change the draft Local Plan until such time as all the representations have been fully considered.

4. The Council's Petition Scheme

- 4.1 The Council's adopted petition scheme provides that where a petition contains more than 400 signatures in relation to an issue that affects a single ward, or 500 signatures in relation to an issue affecting two or more wards, it will be referred to the full Council for debate. The Council will decide how to respond to the petition at the meeting.
- 4.2 The petition scheme states that our response will depend on what a petition asks for, but may include one or more of the following:
- taking the action requested in the petition
 - considering the petition at a meeting of the Council or Executive
 - holding an inquiry into the matter
 - holding a public meeting
 - holding a meeting with petitioners or the petition organiser
 - undertaking research into the matter
 - writing to the petition organiser setting out the Council's views about the request in the petition
 - referring the petition to one of the Council's scrutiny committees for consideration

Procedure for dealing with the petition at the meeting

- 4.3 Under the Council's petition scheme, the petition organiser is given a period of up to five minutes to speak to the subject matter of the petition at the meeting. Councillors will have an opportunity to ask questions of the petition organiser before the formal debate on the petition.
- 4.4 In accordance with the rules of debate in Council Procedure Rule 11 (a), at the start of the debate, a motion as to how the Council should respond to the petition should be moved formally and seconded in the usual way. Any such motion may be subject to amendment. After the debate and before a final decision or vote is taken on the Council's response to the petition, the petition organiser will be granted a right of reply for a further period of up to five minutes.
- 4.5 Councillors' comments during the debate shall not exceed five minutes in length.

5. Financial Implications

- 5.1 None

6. Legal Implications

- 6.1 Under the Council's petition scheme, the Council is obliged to debate the issues raised in the petition and to pass a resolution in response. However, the subject of the petition is an issue to be determined in the Council's draft Local Plan. That was the subject of a public consultation held between 1 July and 22 September 2014. Any resolution of the Council made outside the consultation period as regards the petition is outside the procedure for public consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012 and so cannot be considered for the purposes of the final draft of the Local Plan.
- 6.2 However, that part of the petition which was received during the consultation period may be treated by the Council as a consultation response for the purposes of preparation of the Local Plan.
- 6.3 The 2012 Regulations, which set out the procedure for the preparation of the Plan, include a requirement that the Council submits to the Secretary of State for Communities and Local Government a summary of the consultation response and a copy of each submission itself. To the extent the petition is a valid consultation response it should be submitted with the Council's draft Plan for examination. The points made in the petition should also be included in the summary of public submissions to be sent to the Secretary of State together with a copy of the petition itself. Those persons who signed the petition within the consultation period will be notified of the submission and the date of the public examination by a Planning Inspector appointed for the purpose by the Secretary of State.

7. Human Resource Implications

- 7.1 None

8. Background papers

Adopted Petition Scheme (June 2010)

9. Appendices

None