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8 May 2016

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Dear Mr Bore,

Land Heath Drive, Send, Woking, Surrey, GU23 7EP
Guildford Borough Council Local Plan Examination Consultation Response on behalf of Send Surry Ltd

Future Planning and Development provide planning advice to our clients Send Surrey Limited. We have made representations to the Local Plan throughout the various stages of consultation, most recently to the Regulation 22 in July 2017 (enclosed).

We were disappointed that the matters raised in our consultation responses are not included in the *Matters and Issues ID-003* which are to be discussed in relation to the soundness of the Plan at the examination hearings.

Our consultation responses relate to the designation of our clients' site as *Open Space* via *Policy ID4*. In short, our site does not meet with the definition of open space in the NPPF or the Council's purpose for protecting open space as set out in ID4(8), i.e. to provide opportunities for recreation, because it is private land which is inaccessible to the public. The Council have stated that the site - *Land at Heath Drive* - is allocated for open space because of its amenity value alone, in particular the band of trees which runs along the northwestern perimeter of the site. It should be noted that the site is covered by a group TPO for this very purpose.

The wording of ID4 (criterion 8) with regards to open space is given below:

"Open space (encompassing all open space within urban areas, land designated as Open Space on the Policies Map and all land and water that provides opportunities for recreation and sport as identified in the most recent Open Space, Sports and Recreation Assessment) will be protected from development in accordance with national planning policy"

We have obtained a legal Opinion from Andrew Tabachnik QC (enclosed) who expressed the clear view that the allocation of the site as open space is unequivocally inappropriate and unlawful.

Following a telephone conversation with the Assistant Programme Officer, it is my understanding that only topics set out in the *Matters and Issues* will be discussed during the hearings. It is therefore reasonable to conclude that Policy ID4 will not be modified.

If the Local Plan proceeds without due regard to our representations on Policy ID4 then we are firmly of the view that the plan has not been prepared in accordance with legal requirements and it is not *sound*. If we cannot have the opportunity to discuss this at the hearings and the policy remains in place, then my client will consider making a legal challenge upon this basis.

We would be grateful if you can confirm that Policy ID4 will be added to the *Matters and Issues* and will be discussed at the hearings.

Should you have any queries with regards to our consultation response, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Garry Hutchinson', written in a cursive style.

Garry Hutchinson MRTPI
Associate Planner