

**RESPONSE TO MATTERS  
2, 3, 4, 5, 9**

**REPRESENTOR ID 17323713**

**HEARING STATEMENT  
ON BEHALF OF OBSIDIAN LAND  
PROMOTION GUILDFORD LTD  
(PART OF OBSIDIAN STRATEGIC)**

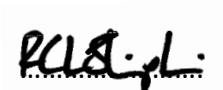
**GUILDFORD BOROUGH COUNCIL  
LOCAL PLAN EXAMINATION:  
STRATEGY AND SITES**

**MAY 2018**

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**Title:** Hearing Statement  
**Project:** Pond Farm, New Pond Road, Guildford  
**Client:** Obsidian Land Promotion Guildford Ltd (part of Obsidian Strategic)  
**Issue:** Final  
**Project No:** 17136

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## **Introduction**

- 1) This Hearing Statement has been produced by ShrimplinBrown on behalf of Obsidian Land Promotion Guildford Ltd (part of Obsidian Strategic) (representor ID 17323713) in relation to Guildford Borough Council's Local Plan Examination. It responds to Matters 2, 3, 4, 5 and 9.
- 2) Obsidian Land Promotion Guildford (hereafter referred to as "Obsidian") has a legal interest as the promoter of the site at Pond Farm, New Pond Road, Guildford including a small portion of land to the east of Furze Lane (hereafter referred to as "the Site") (see site location plan at Appendix 1).
- 3) The Site currently falls within the Green Belt and the Surrey Hills Area of Outstanding Natural Beauty (although, as explained below, the Council have previously accepted that neither of these designations should prevent the site coming forward for redevelopment). It has capacity for c90 – 110 dwellings (including affordable housing). There are no obstacles to the delivery of the site and it can come forward at the beginning of the Plan period and thus make a significant contribution to the Council's five year housing land supply (see technical documents submitted in support of previous representations).
- 4) Adjacent land to the east is being separately promoted for residential development by Countryside Properties Plc (hereafter referred to as "Countryside"). It has capacity for c90 dwellings. Obsidian and Countryside have liaised closely to ensure that in the event that both sites are allocated for development they can both be delivered in a comprehensive manner (hereafter referred to as "Both Sites").

## Background

- 5) We summarise below the progress of the Pond Farm site through the emerging Local Plan, both to explain Obsidian's interest in the Local Plan but also, importantly, as a case study that we draw upon in our responses to the Inspector's specific questions. The Site is a particularly relevant case study as it can come forward early in the plan period in order to meet identified needs (relevant to Matters 2, 3, 4 and 5); is unique as it is a potential development site adjoining a sustainable settlement in a neighbouring local authority (relevant to Matters 9.1, 9.2 and 9.8); and is in the AONB but does not contribute to the AONB (relevant to Matters 9.7 and 9.8).
- 6) The Council's Green Belt and Countryside Study (January 2013) reviewed the both Site in detail (Countryside's site is F6A, Obsidian's site is F6B) and whilst noting that Both Sites fell within the AONB concluded that they had a number of defensible boundaries, were sustainable and could accommodate development without significantly compromising the purposes and openness of the Green Belt:

"F6B is surrounded by defensible boundaries including the B3000 New Pond Road to the north, the railway line and residential areas on Birch Road to the east, a treebelt to the south, and Furze Lane to the west of the PDA".

"F6B scored 9 and was ranked 10th out of 45 according to sustainability credentials for all PDAs surrounding villages across the borough."

"Land parcel F6-A and F6-B provides opportunities to accommodate development without significantly compromising the purposes and openness of the Green Belt... Potential Development Areas have been identified at F6-A and F6-B to the north of the Farncombe settlement boundary between the B3000 New Pond Road and the borough boundary that exhibit defensible boundaries and do not contribute to the openness of the wider Green Belt..."

The estimated residential capacity of F6-A is 134 dwellings and F6-B is 89 dwellings.” (Volume V, Section 17)

- 7) The Green Belt and Countryside Study Addendum (April 2014) confirmed that the site was of “medium sensitivity”<sup>1</sup> in terms of meeting the purposes of the Green Belt (Volume II, Appendix I).
- 8) The Council’s Responses to the Inspector’s Initial Questions (April 2018) emphasises that the Green Belt and Countryside Study is “a key piece of evidence” (paragraph 3.19) and that “This comprehensive study has been prepared over a number of years and consists of six volumes” (paragraph 8.5). The Study can therefore be given significant weight in decision making.
- 9) There is a longstanding commitment by Natural England to undertake an AONB boundary review but this has not yet commenced. The Surrey Hills AONB Natural Beauty Evaluation Report carried out by Hankinson Duckett Associates (October 2013) identifies a number of new areas for inclusion in the AONB but does not consider the release of AONB land. The potential expansion of the AONB was therefore known when Both Sites were being considered for development through the Local Plan process.

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<sup>1</sup> Purpose 1 To check the unrestricted sprawl of large built-up areas: Checks the northward sprawl from Farncombe. (meets purpose)

Purpose 2 To prevent neighbouring towns from merging into one another: Does not prevent the merging of settlements.

Purpose 3 To assist in safeguarding the countryside from encroachment: Minimal existing development therefore safeguards the countryside from encroachment. (meets purpose)

Purpose 4 To preserve the setting and special character of historic towns: Does not preserve the setting and special character of an historic town.

- 10) Both Sites were identified together as being suitable for housing and deliverable within five years in the Council's Land Availability Assessment (June 2014) as "Land South of New Pond Road Farncombe" (2241)<sup>2</sup>.
- 11) As a result Both Sites were identified in the Regulation 18 Draft Local Plan (July 2014) as a residential allocation comprising 16ha of land to the south of New Pond Road (Site No.80). Waverley District Council did not object to this proposed allocation.
- 12) The Surrey Hills AONB response to this consultation (full response at Appendix 2) said that, with regards to the tests in paragraph 116 of the NPPF for considering major development in an AONB, the need for the development (first bullet point) and the cost of, and scope of, developing elsewhere (second bullet point) needed to be considered by the Council. With regard to the effects on the landscape (third bullet point) they stated that "...the landscape qualities of the proposed site are accepted as being unremarkable..." and "Whether the site now meets Natural England's most recent stricter criteria for land to qualify in any new areas of AONB is doubted. Most of the land is just largely pleasant countryside." It does say that the land plays a role as a buffer between the urban area of Farncombe and the AONB, but it makes clear that "New Pond Road (B3000) is as clearly defined and likely to be a permanent AONB boundary as the edge of the built up area". To mitigate impacts it suggests planting a tree belt and taking access from Furze Lane, both of which are achievable.
- 13) The fact that Both Sites do not make a positive contribution to the AONB is supported by the fact that land immediately to the south, which falls within Waverley Borough Council, does not fall within the AONB. That land was allocated in the adopted Local Plan (2002) as a reserve housing site and gained outline planning permission for 50 dwellings on 15 October 2015 (WA/2014/1330) with Reserved Matters subsequently

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<sup>2</sup> This was notwithstanding the fact that the site was not be continuous with the settlement boundary of Farncombe, which is now is following grant of planning permission on adjacent land site (see below) (although the actual settlement boundary has not been amended).

approved on 9 December 2016 (WA/2016/0065). The development is currently under construction and has been almost completed. The response of the Surrey Hills AONB to the application was positive (full response at Appendix 3):

“The site is a relatively flat and featureless field adjacent to the built up area of Farncombe... The main contribution the site makes to the landscape of the locality is as an undeveloped open field and as a buffer to the AONB from the built up area of Farncombe. But otherwise it does not have any intrinsic or special landscape qualities. There is no public right of way crossing the site or within the AONB field to the north. The landscape qualities of the site are not considered to meet Natural England’s latest criteria of natural beauty for its inclusion with the AONB. The proposed development would not harm public views into the AONB other than for a tangential view from Furze Lane.”

14) Notwithstanding all of the evidence in support of development on Both Sites, in the Regulation 19 Draft Local Plan (July 2016) the proposed residential allocation for Both Sites was removed. The Council’s Land Availability Assessment (February 2016) stated that this was because “Our spatial strategy and site allocations have been considered through the Sustainability Appraisal and this site no longer accords with the proposed spatial strategy in the Local Plan. The site was identified in the Green Belt and Countryside Study but is located within medium sensitivity Green Belt, AONB and flood risk area.” (Appendix E: Obsidian site ref 1460, Countryside site ref 2241).

15) However, there was no change to the Council’s spatial strategy in Policy S2 ‘Planning for the borough - our spatial development strategy’. Nor is it up to the Sustainability Appraisal to set the spatial strategy, as the Appraisal (June 2016) itself makes clear:

“Once in place, the Local Plan will establish a spatial strategy for growth and change in the Borough over the next 15 years, allocate sites and establish the policies against which planning applications will be determined.” (paragraph 3.1.1).

- 16) It is also important to note that whilst the borough-wide Sustainability Appraisal (June 2016) and subsequent Sustainability Appraisal Update (June 2017) scored the Site as not performing highly in terms of sustainability this was on the basis of very generic indicators<sup>3</sup>. It uses a range of “Sustainability issues and objectives” (Table 4.1) which were “[developed into] a criteria-based methodology suited to site options appraisal” (Appendix IV). However, as the Sustainability Appraisal admits, “given the number of site options and limited site-specific data availability” these are very generic criteria. Thus the “Sustainability Objective” to “Conserve and enhance landscape Character” simply becomes whether a site is inside or outside the AONB, with the admission that:

“Limited data is available to inform the appraisal, i.e. there is good potential to highlight where development may impact on valued landscape character. The borough is divided into landscape character areas, and it is understood how capacity/sensitivity varies between these areas; however, these areas are large scale and hence not suited to differentiating site options. A limitation relates to the fact that site-specific factors have not been taken into account, e.g. it has not been possible to take into account the extent to which sites are screened within the landscape.” (Table A)

- 17) Further explanation for the reason for the removal of the proposed allocation of Both Sites is given in the Council’s Housing Topic Paper (June 2016) simply on the basis that:

“We have sought to strengthen the level of protection afforded to the AONB within the Proposed Submission Local Plan. In accordance with the NPPF, we are not proposing any major development unless there is a strong and over-riding justification for doing so. As a result of this, the plan no longer proposes

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<sup>3</sup> We have since spoken to the AECOM Basingstoke team who produced the Appraisal and they confirmed that no specific site assessment in sustainability terms was undertaken and the Sustainability Appraisal target indicators had been based on broad parameters only.



to allocate a site for 100 homes on the edge of Farncombe, at New Pond Road which is located in the AONB.” (paragraph 4.21).

- 18) The Topic Paper suggests that changes were based on an “...updated evidence base...” and “...a greater understanding of constraints, which limit or shape development opportunities and influence our overall spatial strategy.” (paragraph 4.9). However, no such updated evidence base or greater understanding of constraints has been presented to justify the change in approach.
- 19) The Topic Paper refers to the high protection afforded by the NPPF to AONB (paragraph 4.19) as well as the commitment by Natural England to review AONB boundaries (paragraph 4.20), but neither of these is new information since the publication of the Regulation 18 Draft Local Plan (July 2014).
- 20) The subsequent Housing Topic Papers (June 2017 and December 2017) provide further explanation about the change in approach:

“The GBCS identifies a PDA at Farncombe, located on medium sensitivity Green Belt within the AONB. The NPPF states, at paragraph 116, that planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated they are in the public interest. At approximately 100 homes this is classed as major development. We do not consider that the benefits with providing these homes pass the considerations listed within the NPPF bullet points and which form part of the public interest assessment.” (paragraph 4.167 Housing Paper June 2017; paragraph 4.176 Housing Paper December 2017).

- 21) However, the Council’s approach is fundamentally flawed as NPPF paragraph 116 relates to assessing planning applications, not plan making. Moreover, no evidence has been provided to support the Council’s decision making approach.

- 22) Moreover, the Council have continued to support development at Mount Browne for 116 dwellings (Site A32) and the University of Law for student accommodation (Site A33) which fall entirely within the AONB (and which both score poorly in terms of sustainability in the Sustainability Appraisal (June 2017) (Table C); Blackwell Farm for 1,500 dwellings (site A26) which falls partly within the AONB; and Warren Farm for 58 dwellings (site A27) and land to the east of White Lane for 62 dwellings (site A28) which directly abut the AONB. This demonstrates the inconsistency of the Council's approach and that there has not in fact been any change in strategy or new evidence that rules out development in the AONB. Moreover, the Council have considered detailed, site specific issues when deciding to support development on the two sites in the AONB<sup>4</sup>, an approach which has not been followed for the Pond Farm site.

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<sup>4</sup> The Housing Topic Paper (June 2016) explains that:

“One site that is proposed to be inset and redeveloped for housing is the Surrey Police Headquarters at Mount Browne. Whilst located within the AONB, the site has existing development on it and therefore, through careful design, the redevelopment of this land would not have any greater impact on the setting of the AONB.” (paragraph 4.67).

“The Proposed Submission Local Plan also proposes to inset the University of Law and allocate the existing car park for student accommodation. This site is also located within the AONB. Whilst this site is elevated, it is well screened by vegetation. We therefore consider that development here is appropriate, as it is capable of being sensitively designed to minimise any adverse impact on surrounding views and the setting of the nearby listed building.” (paragraph 4.68).

The Sustainability Appraisal (June 2017) explains that:

“One site that is proposed to be inset and redeveloped for housing is the Surrey Police Headquarters at Mount Browne, which is sensitive given its location within the AONB. In this instance, site specific policy will require “positive benefit in terms of landscape and townscape character and local distinctiveness.” Similarly, the University of Law site is sensitive on account of its location within the AONB and its elevation, albeit it is a small site at 0.7ha. In this instance, the site is understood to be screened by vegetation, and policy will require: “Significant regard to height of buildings...”” (paragraph 10.11.7).

- 23) In response to the removal of Both Sites from the emerging Local Plan, detailed Landscape and Visual Impact Assessments were produced by both Obsidian (July 2017) and Countryside (July 2016)<sup>5</sup> which confirmed that Both Sites do not play an important landscape role. The Council have not responded to this or produced any detailed, site specific evidence to dispute this conclusion.

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<sup>5</sup> Appended to their representations to the Regulation 19 Draft Local Plan (the Programme Officer has confirmed that these are in front of the Inspector and so do not need to be resubmitted as part of the Hearing Statements).

## **INSPECTOR'S QUESTIONS**

### **2. Calculation of the Objectively Assessed Need for Housing\_(OAN)**

**Are the calculations contained in the West Surrey SHMA Guildford Addendum Report an appropriate basis for establishing the OAN for Guildford? Relevant elements include:**

**2.1 Migration trends and unattributable population change.**

**2.2 Student migration and its impact on the housing market.**

**2.3 Market signals and the issue of housing affordability.**

**2.4 The need for affordable housing.**

**2.5 Employment growth.**

**2.6 Any other relevant matter.**

- 24) The West Surrey SHMA (September 2015) set an OAN of 13,860 at 693 dwellings/year 2013-2033. However, the subsequent West Surrey SHMA: Guildford Addendum (March 2017) reduced this significantly to 12,426 at 654 dwellings/annum 2015-2034, a reduction of 1,434 dwellings (10%) and 39 dwellings/year (5%). This reduction makes no sense in the context of increased pressure for housing.
- 25) The West Surrey SHMA: Guildford Addendum (March 2017) was commissioned by Guildford Borough Council and, as suggested by its name, only deals with the Borough's needs in isolation. It therefore clearly fails the Duty to Co-Operate.

### **3. Unmet Need in the Housing Market Area (HMA)**

**Is the plan sound in not making any allowance for unmet need arising elsewhere in the HMA? Relevant aspects include:**

**3.1 The allowance of 83 dpa already contained within the Waverley Local Plan.**

**3.2 The constraints imposed by Green Belt and other designations, and the fact that it appears necessary for the plan to release substantial sites from the Green Belt in order to meet its own identified OAN.**

**3.3 Any other unmet need issues.**

- 26) This has been tested at examination and adopted. GBC inputted into that process. This allowance therefore should be met.
- 27) Other local authorities within the HMA face similar constraints. It is therefore not appropriate for GBC to claim that there are constraints preventing them accommodating unmet need from elsewhere in the HMA.

#### **4. Housing Trajectory**

**Is the plan's housing trajectory, which starts at a low level and rises towards the later years of the Plan period, a sound basis for meeting housing need? Relevant topics include:**

**4.1 The ability or otherwise of increasing the rate of delivery in the early years.**

**4.2 Whether the housing trajectory is realistic and deliverable, and whether there are any identifiable threats to delivery.**

**4.3 The key infrastructure improvements influencing the housing trajectory.**

- 28) In their Responses to Inspector's Initial Questions (April 2018) the Council accept that in the 11 year period 2006/07-2016/17 they consistently failed to meet the draft (target of 322 dwellings/year achieved 3 times) or adopted South East Plan (target of 422 dwellings/year achieved once) (paragraph 3.12 and Table 2). These targets are considerably lower than the pre-adoption target (654 dwellings/year).
- 29) The Council accept that the pre-adoption target (i.e. the housing target annualised over the total plan period) will be challenging:
- "The Council considers the housing trajectory to be ambitious and represents a significant step change in delivery which has on average been in the region of 300 [the average annual net completion for the 11 year period 2006/07-2016/17 was in fact 267, 11% lower than suggested by the Council (Table 1)]" (paragraph 3.5).
- 30) The scale of the challenge is witnessed by the fact that the backlog that has already accrued in the first five years of the Local Plan is 1,300 dwellings, over two years' supply (paragraph 3.13).

- 31) A key threat to the Housing Trajectory is the very heavy reliance on a limited number of large sites. Of the 11,226 dwellings proposed to be allocated, six sites contribute 8,350 (74%)<sup>6</sup>. Put another way, as the Council's Responses to the Inspector's Initial Questions (April 2018) makes clear, those six sites need to start coming forward by Year 4 in 2023/24 (in the case of the urban extension to Ash and Tongham by Year 3 in 2021/22) which is only one year after various infrastructure works are due to begin (Question 3, Appendix 1, Figure A8-B).
- 32) Moreover, the Council's Responses to the Inspector's Initial Questions acknowledges potentially significant barriers to the delivery of these sites, in particular over "existing safety and congestion issues along the A3 through Guildford" that affect all sites (dealt with at length in paragraphs 3.31-3.46); that Highways England have an outstanding, unresolved objection to the proposed Strategic Road Network mitigation proposed by the Wisley Airfield application currently at appeal (paragraph 3.24); and the pressure on the North Street site to accommodate retail needs as well as its long and complex planning history which reflects the difficulty of delivering complex town centre sites which are in multiple ownerships (Section 6). This amplifies the risk of relying on a small number of large sites.
- 33) The reliance on a small number of large sites means that there is no flexibility to respond to changing circumstances and should any of these sites stall due to the barriers to their delivery then the Council will fail to meet its housing trajectory. Such an over-reliance on a small number of sites will therefore not deliver the housing that is needed in the Borough over the Plan period and thus renders the Plan Unsound.

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<sup>6</sup> Extensions to Ash and Tongham: 1,750. Concerns over availability of SANG (paragraph 3.24)  
Gosden Farm: 1,700.  
Blackwell Farm: 1,500  
Slyfield Area Regeneration Project: 1,000  
New Settlement: Former Wisley Airfield: 2,000  
North Street redevelopment: 400 dwellings.

- 34) To make the Plan Sound the Council need to allocate other sites which can come forward in the short term, such as at Pond Farm.



## **5. Five Year Housing Land Supply**

**5.1 Is the methodological basis for calculating the 5 year housing land supply sound? (The Council’s calculations are based on a 20% buffer, the Liverpool methodology and a rising trajectory – see 3.50 of the Council’s response to initial questions.)**

**5.2 How many years’ supply of deliverable housing land exist at present, having regard to the housing trajectory, the current supply position, and the plan’s housing allocations?**

**5.3 Is the plan resilient and flexible enough to maintain 5 or more years’ supply of deliverable housing land going forward? (See Appendix 7 of the Housing Delivery topic paper).**

36) The Council’s Responses to the Inspector’s Initial Questions recognises that there is currently a “severe lack of a five year housing land supply (currently 2.36 year [excluding recent appeals])” (paragraph 3.27). The result has been schemes granted on appeal where the lack of a five year housing land supply was given weight in decision making (paragraph 3.26). This problem will continue unless the Council have a robust five year housing land supply.

37) The Council accept that there is a “severe backlog” (p21) of 1,281 dwellings that has already been accrued already in the four years of the plan period (p26). The NPPF makes clear that:

“Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate.” (NPPG, Paragraph: 035 Reference ID: 3-035-20140306).

38) The Council accept that the backlog needs to be addressed:

“The Council recognises the benefits of meeting the backlog as quickly as possible and introducing greater choice to the market in order to address past performance issues” (paragraph 3.14).

39) The Council also recognise that the persistent underdelivery results in the need for a 20% buffer of 910 dwellings that should be applied for persistent under delivery (NPPF, paragraph 47).

40) The Council’s approach of lowering the annual delivery in order to clear the backlog and the 20% buffer makes a mockery of these requirements.

41) Without prejudice to this, we note that the Council’s Responses to the Inspector’s Initial Questions recognises the importance of bringing forward sites early:

“As part of the plan making process, the Council has been acutely aware of the need to deliver homes early given the housing requirement in the first five years. This has been a consideration in the site selection process. Whilst the sequential application of the spatial hierarchy has been the principal driver in relation to identifying the spatial distribution of growth, the Council has considered this in conjunction with their ability to deliver early. (paragraph 3.28)

This is mostly clearly demonstrated through the allocation of the six smaller Green Belt sites (totalling almost 1,000 homes) which are all able to come forward quickly given their scale and the fact they are not dependent upon the delivery of essential infrastructure. Barring one small urban extension, the remaining sites are all at the bottom of the spatial hierarchy (extensions to villages). It is worth noting that an important part of the “exceptional circumstances” justification for these sites does not simply relate to their

contribution to the overall housing requirement but that they are necessary for early delivery as they are all projected to be completed within the first five years.” (paragraph 3.29).

- 42) The Council therefore clearly acknowledge the importance of bringing forward sites early and this has influenced their site selection process. However, 1,000 dwellings is less than two years’ supply.
- 43) Consistent with this approach, to make the Plan Sound the Council need to allocate other sites which can come forward in the short term, such as at Pond Farm.

**9.1 Is the spatial strategy as set out in the preamble to Policy S2 sufficient to explain the plan’s approach to the overall distribution of development and guide future development during the plan period?**

- 44) Central to the Plan-making process is that there should be a clear strategy guiding development. This is made clear in the tests of “soundness” for a Local Plan. After providing guidance on how to produce a Local Plan (paragraphs 152-157), assembling a proportionate evidence base (paragraphs 158-177) and planning strategically across boundaries (paragraphs 178-181), the NPPF sets out the tests of soundness against which the Local Plan will be examined (per paragraph 182). The draft Local Plan fails to satisfy each of these tests. The first two tests of soundness refer specifically to the importance of being underpinned by a strategy and are that the Local Plan should be:
- “Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;” (paragraph 182, emphasis added<sup>7</sup>).”
- 45) It is therefore vital for the Council to demonstrate that the Local Plan has been prepared based on a strategy and that that is the most appropriate strategy when considered against reasonable alternatives.

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<sup>7</sup> The two final tests of soundness are that a Local Plan should be:

- “Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

- 46) Within this context it is clear that the extremely brief explanation of the spatial strategy in the preamble to Policy S2 is entirely inadequate and does not provide a robust justification for the development strategy.
- 47) Moreover, in reality the allocation of sites is being entirely driven by the evidence gathering exercise. The assessment of individual sites has dictated the strategy for the Borough, rather than sites being assessed within the context of a considered strategy. This process of retro-fitting allocations is contrary to the principles of good planning as encapsulated in the NPPF.
- 48) This is made explicit by the Council in their Housing Delivery Topic Papers. These admit that constraints, rather than strategy, dictated the contents of the Local Plan:
- “We received a considerable level of feedback to the draft Local Plan (July 2014) consultation which referred to insufficient consideration being given to the harm associated with development and the need for a more stringent application of constraints. In particular, the extent to which Green Belt, flood risk, infrastructure (notably transport) and landscape were capable of being constraints to meeting OAN. As part of preparing the revised Land Availability Assessment (LAA), we re-appraised all sites in light of constraints and reconsidered our spatial strategy.” (paragraph 4.14, emphasis added).
- 49) The Topic Papers also explain the reduction in the supply of sites between the different local plan consultations. In each case this was for site specific reasons, i.e. there was no new information or assessments and no consideration of a wider strategy.
- 50) This lack of a strategy is repeated in the Council’s Sustainability Appraisal (June 2017) which, when summarising the “Council’s response to spatial strategy alternatives appraisal 2014”, explains that:

“The main reason for the Council’s choice in terms of spatial strategy is the availability of suitable and deliverable sites.” (Box 6.3).

- 51) The absence of any proper strategy is starkly demonstrated by the fact that the preamble to Policy S2 remains largely unchanged from the original Reg 18 Draft Local Plan (July 2014), through the first Reg 19 consultation (July 2016) and to the final Reg 19 consultation (September 2017) despite c1,400 dwellings having been deleted as the Plan has evolved.
- 52) The lack of a strategic approach means that the site selection process is fundamentally flawed since the strategic benefits of a site are not considered alongside site specific issues. This is apparent in the Council’s flawed removal of the proposed residential allocation at Pond Farm (see Background section above for details).

**9.2 Having regard to the need for housing, does the plan direct it strategically to the right places? Relevant aspects are:**

- **The spatial distribution of existing and future need for housing**
- **Movement patterns**
- **Green Belt and landscape impact**
- **Infrastructure provision and constraints.**

- 53) Policy S2 recognises the important role that urban extensions can play in meeting the identified housing needs.
- 54) The Council’s Housing Topic Paper (June 2016) specifically considers the potential for “development around villages”, highlighting the benefits in terms of the fact that “...it can enhance or maintain the vitality of rural communities” and be “very important in terms of maximising opportunities to significantly boost the supply of housing as

required by the NPPF” (paragraph 4.117). Indeed, in some cases these benefits have overcome Green Belt restrictions (“exceptions” at paragraphs 4.126-4.134<sup>8</sup>).

- 55) However, the potential of urban extensions to settlements outside but adjacent to Guildford’s local authority boundary is entirely ignored. This is despite one such settlement, Farncombe/Godalming, being identified in the recently adopted Waverley Local Plan (February 2018) Policy SP2: Spatial Strategy as one of four “Main Settlements” and which will accommodate 1,520 new dwellings in the period 2013-2032. This includes a site between Copse Side and Binscombe at the northern end of Farncombe/Godalming, close to the boundary with Guildford Borough Council, which is to be removed from the Green Belt and included within the urban area<sup>9</sup>. This demonstrates the sustainable credentials of Farncombe/Godalming.
- 56) Urban extensions to settlements outside but adjacent to Guildford’s local authority boundary could play an important role in meeting Guildford Borough Council’s development need in a sustainable location. Land at Pond Farm adjacent to Farncombe/Godalming is an example of such a site (it was proposed as a residential allocation in the Regulation 18 Draft Local Plan (July 2014) but subsequently removed, but was not objected to by Waverley Borough Council).

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<sup>8</sup> Send Marsh /Burnt Common and Ripley: medium sensitivity Green Belt (paragraph 4.127-4.128). Normandy and Flexford: high sensitivity Green Belt (paragraph 4.129-4.134).

<sup>9</sup> Waverley’s LAA (August 2016) indicated that the site had potential for 35 units (site ref 571) but the Preferred Options Site Allocations document (reported to Executive Committee on April 2018) is now promoting a smaller site for 19 units.

**9.5 Having regard to 9.2 to 9.4 above, are the overall amount of land proposed to be released from the Green Belt, and the strategic locations for Green Belt release, justified by exceptional circumstances?**

- 57) The Council make clear, and we agree, that there are exceptional circumstances to justify release of Green Belt land. However, we consider that more land is required to be released than is currently proposed in order to meet the acute housing need.

**9.7 Taking into account the extent of housing, employment and other needs, does the plan take a sound approach towards the protection of the landscape, including the AONB and AGLV, and the countryside generally?**

- 58) Chapter 11 of the NPPF deals with “Conserving and enhancing the natural environment”. The first paragraph explains how “the planning system should contribute to and enhance that natural and local environment...” (paragraph 109). With specific regard to plan making it says that:

“In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.” (paragraph 110).

- 59) In other words environmental considerations must be considered within a broader strategy. As explained above, this broader strategy is missing here.
- 60) The Chapter provides further guidance on the creation of appropriate policies. It also provides guidance on determining planning applications (paragraph 116) which has been referred to by Surrey Hills AONB and Guildford Borough Council in relation to their site selection process (see paragraphs 12 and 20-21 above). However, paragraph 116 relates to assessing planning applications, not plan making. Without prejudice to



this, paragraph 116 does refer to the need to consider sites within a broader strategic context which, as explained above, has not happened here.

- 61) The approach in the Land Availability Assessment (February 2016) and Housing Topic Papers that ruled out development in the AONB was contrary to the Council's own evidence base (see paragraphs 6-13 above), is not supported by any new evidence or change in strategy (see paragraphs 14-21 above) and is contradicted by the continuing inclusion of a number of sites within and adjacent to the AONB (see paragraph 22 above).
- 62) The approach that the Council have taken towards the AONB is therefore Unsound. Were a Sound approach to be taken the development potential of Pond Farm would be recognised.

**9.8 If the Plan had to accommodate a greater housing requirement, for example through a higher OAN, what would be the implications in terms of the spatial strategy?**

- 63) The spatial strategy should consider urban extensions to settlements outside but adjacent to Guildford's local authority boundary. This would be broadly in keeping with the Local Plan's spatial strategy but should be specifically included within it.

**APPENDIX 1**

**Location plan: Pond Farm, New Pond Road, Guildford**



**APPENDIX 2**

**Surrey Hills AONB response to Reg 18 Local Plan Consultation (July 2014)**

**(text referred to in ShrimplinBrown representations highlighted in yellow)**

**Reg 18 Draft Local Plan: Strategy and Sites**  
**Site 80 – Land South of New Pond Farm**  
**Surrey Hills AONB (Clive Smith)**

1. Major development site allocations wholly or partly within the AONB or impacting upon its setting.

- Site 80 – Land south of New Pond Road, adjoining Farncombe.

- Site 80 is located between New Pond Road (B3000) and a remaining smaller part of the AONB within Waverley adjoining the built-up area of Farncombe. The Waverley Local Plan 2002 allocated that smaller part of the AONB as “Land reserved to meet Longer Term Development Requirements under Policy 3”.

Part of the site east of Furze Lane is an unsightly breakers/storage area that may have established use rights. West of Furze Lane are the residential properties of New Pond Farm and New Pond Cottage, in fairly large curtilages and proposed to be within the development site allocation.

This is the only proposed development site allocation wholly within the AONB. Whether the proposal constitutes a proposed major development in an AONB to be subject to the tests in paragraph 116 of the NPPF is for the Council to decide having regard to its context and the circumstances. As the site area is of 16ha and the proposal is for about 100 dwellings, it probably does qualify as a major development for the purposes of NPPF paragraph 116. Moreover, the proposed development site allocation should be considered together with the neighbouring land allocated as a reserve housing site in the 2002 local plan and the other adjoining remaining smaller area of AONB in Waverley surrounded by development allocations and detached from the remaining AONB. The combined site would be considerably larger and more than 100 dwellings would be involved. At the time of writing it is not known whether Waverley Borough Council will propose this land for development in their local plan.

NPPF paragraph 116 states the following:

*“Planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of;*

- *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.”*

With regard to the need for the development, concern has been expressed in section 1 of this submission at the high level of development proposed in the draft plan. This proposal for 100 dwellings in the AONB is an illustration of an environmental consequence resulting from such a high level of proposed development in the plan. The need to resort to releasing for development at this site within the AONB is questionable.

Also to be considered under the first bullet point in paragraph 116 is whether the principle of allocating a site within the Surrey Hills AONB for substantial development would set an undesirable precedent. The proposal might encourage developers or another Planning Authority similarly to propose housing development elsewhere within the Surrey Hills AONB. The Council would need to satisfy itself that the need for further housing in the Borough is so pressing and that the circumstances surrounding this site are such they would be unlikely to set an undesirable precedent for elsewhere in the Surrey Hills AONB.

With regard to the second bullet point, in considering the scope for developing elsewhere outside the AONB, the Council needs to satisfy itself that the development of an alternative site or sites outside the AONB for about 100 dwellings would cause more environmental harm than here. NPPF paragraph 17 states that allocations of land for development should prefer land of lesser environmental value.

Under the test in the third bullet point above, the landscape qualities of the proposed site are accepted as being unremarkable. Whether the site possesses the same landscape qualities that justified its inclusion in the Surrey Hills AONB when designated in 1958 is unknown. New Pond Road (B3000) is as clearly defined and likely to be permanent AONB boundary as the edge of the built up area. Indeed under the 2002 Waverley Local Plan proposal the built up area has proved not to have been a permanent boundary.

The flat nature of the land and existence of the railway line will be the same as before but the unsightly open storage area may have become established since the AONB designation. New Pond Road separates the site from the main stretch of the Surrey Hills to the north. Whether the site now meets Natural England's most recent stricter criteria for land to qualify in any new areas of AONB is doubted. Most of the land is just largely pleasant countryside. Perhaps its greatest value is in providing a visual and physical buffer between the urban area of Farncombe and the road linking Peasmarsh and Compton that retains its attractive rural character and outlook for the many people passing along. That public asset would be spoiled if new development were to be allowed to extend up to the road and be prominently in view.

Natural England has indicated that it has no intention to remove land from an AONB designation if it is developed or fails to meet the necessary landscape criteria. The current Surrey Hills AONB boundary review being carried out by Natural England is not considering removing AONB status from any existing designations. If the site were to be developed the housing estate would remain in the AONB.

Under this last bullet point of NPPF paragraph 116, the local plan development site allocation could moderate the detrimental effects on the environment and landscape if it included a requirement to plant say, at least a 20 metre deep, dense belt of trees and shrubs of native species along New Pond Road. It would need to be sufficiently deep and dense to screen the proposed development from those passing along New Pond Road and be outside any residential cartilages in order that it is not in time denuded. Ideally, the plan should state that the development would not be implemented until 5 years after the tree and shrubbery belt had been planted in order for it to be an effective screen early in the development.

From a landscape aspect, to take vehicular access only off Furze Lane would be preferable. A new access off New Pond Lane would open up a view of the development and therefore would have an urbanising effect and spoil the character and setting of the road currently passing through an AONB.

**APPENDIX 3**

**Surrey Hills AONB response to application WA/2014/1330 (9 March 2015)**

**(text referred to in ShrimplinBrown representations highlighted in yellow)**

**PLANNING APPLICATION CONSULTATION RESPONSE OF THE  
 SURREY HILLS AONB PLANNING ADVISER**

**50 dwellings and associated development, land at Furze Lane, Godalming  
 Application WA/2014/1330.**

The site lies within the AGLV and adjacent to the Surrey Hills AONB to the north. It is allocated in the Waverley Local Plan 2002 as a reserve housing site. The main protected landscape issue is therefore whether the development would spoil the setting of the adjacent AONB by harming public views into or from the AONB and whether landscape protection circumstances have changed since the adoption of the local plan to justify overriding its allocation as a reserve housing site in the plan.

The site is a relatively flat and featureless field adjacent to the built up area of Farncombe. A stream runs along the boundary with the AONB where a thin line of trees exist. The main contribution the site makes to the landscape of the locality is as an undeveloped open field and as a buffer to the AONB from the built up area of Farncombe. But otherwise it does not have any intrinsic or special landscape qualities. There is no public right of way crossing the site or within the AONB field to the north. The landscape qualities of the site are not considered to meet Natural England's latest criteria of natural beauty for its inclusion within the AONB.

The proposed development would not harm public views into the AONB other than for a tangential view from Furze Lane. Development would interrupt private views of the AONB to residents of Birch Road.

With regard to public views from the AONB, it is possible that glimpses of the housing would be gained from the B3000 to the north. However, the housing would only cover about the southern half of the site and substantial tree and shrubbery planting is proposed in the intervening half of the site. This would involve tree planting to infill the gaps in the existing boundary trees and the planting of a tree and shrubbery belt immediately behind the proposed line of housing.

It will be for the Council to determine whether the stage has now been reached whereby under the terms of the reserve housing policy the site should now appropriately be released for housing. The landscape impact of any development of the site would have been considered during preparation of that plan. There does not appear to have been any change of circumstances from a protected landscape aspect to warrant overriding the reserve housing status of the site within the development plan. It is noted that the draft Guildford Local Plan published last year for consultation purposes proposed housing within the field to the north that is within the AONB.

**WAVERLEY B.C**  
 BOROUGH PLANNING  
 DEPT

DATE	19	JUN 2015	REC'D
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NAME TO CONTACT:			
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