

# **Guildford Local Plan**

**Inspection Hearings June, 2018**

**Statement on behalf of**

**Mr and Mrs Paton of Yarne, Ockham Lane, Ockham**

## **Response to questions 10 and 11.24 to 11.33 of the Inspectors Matters and Issues paper dated 20 April, 2018.**

### **1 Que 10.1.**

Que 10.1: Is the plan effective in respect of the promotion of good urban design on all sites, but especially on its major strategic allocations?

The plan does not promote good urban design. The Indicators and Targets for Policy D4 are not positively stated.

Appeals are a symptom of the *pathology* of the planning system, not its effectiveness or consistency with the NPPF.

The silence of the local plan on how good design will be monitored renders it unsound.

The proposed policy, D4, does nothing to protect the public from failure to apply good design in the future and does not expressly comply with NPPF requirements for design. NPPF Ch 7 para 56 to 68 address design and access issues. The current proposal does not comply with these paras

The policy does not expressly respond to the requirement to integrate the new development into the natural, built and historic environment – as required by NPPF para 81.

### **2 Que 10.2.**

Que 10.2: 'Is the plan sound in respect of its approach to heritage assets? See item 34 of my initial Questions.'

The plan is not sound in respect to its approach to heritage assets.

Appendix G of the Local Plan, Policy and Monitoring, sets out Indicators and Targets for each policy. These are superficial to the point of triviality and do not provide an objective means of holding the Council to account. County or National-level databases contain almost no granular local data. Mere access to a database does nothing to ensure protection of our heritage. The databases record minimal information, usually contain no information about the settings of listed buildings and little or no information about the reason for the listing.

The Indicators cited are:

- 'Number of published conservation area appraisals.
- Keep the numbers of buildings at risk under review.'

They are inadequate. GBC has not carried out its own Appraisal of the character of the Ockham Conservation Areas. The monitoring indicator for Site Allocation A35 is therefore non-existent. There is no point of reference by which to hold the Council to account.

The failure to create any Conservation Area Character Appraisal for Ockham is a glaring and deliberate omission. It amounts to a serious procedural irregularity. The Council appears to have uncritically accepted consultants' reports commissioned by the developer, that has an obvious conflict of interest.

### **3 Que 11.24.**

Que 11.24: Is the size of the allocation sufficient to create an adequately self-contained new village?

The size of the site is too small to create an 'adequately self-contained' new town.

The inclusion of site allocation A35 is not sound. This site is far less sustainable than other reasonable alternatives. The evidence collected in support of the allocation is not accurate. Nor has the Council appraised it in an objective and disinterested manner. It is not a sustainable site for a new town. The number of houses proposed is unlikely to be delivered within the timescale of the proposed Local Plan, especially if the developer loses its appeal to the SoS. Development of this site is not consistent with the National Planning Policy Framework's principles of:

- protecting the natural environment (Ch 11, para 109)

- protecting the historic environment (Ch 12, para 126)
- protecting the Green Belt (Ch 9)
- requiring good design (Ch7)
- promoting sustainable transport (Ch 4)

The inclusion of this site in the local plan represents a 360 degree turn in local and regional planning policy over the past seventy years. GBC and SCC have vehemently opposed development on this site in two previous Public Inquiries, the last in 1981.

GBC's Settlement Hierarchy places Ockham as the second least sustainable site in the borough. The lack of local facilities means that any new town must be large enough to sustain its own facilities.

The sustainable development literature examines criteria necessary to support a new settlement. The main sources of expertise on this subject are the Joseph Rowntree Foundation, The Town and Country Planning Association and DCLG.

It is immediately apparent that the Site Allocation A35 and Ockham do not come within the compass of this DCLG's ministerial 'strategic guidance'. It does not pass the four stage process: 1) it is NOT within or close to a built-up area; 2) it IS covered by Green Belt; 3) it is NOT in an area where Green Belt boundaries have 'not been defined'; ONLY after exhausting stages 1-3 'should alterations be contemplated to Green Belt boundaries that have already been defined'. If this 4 stage strategic advice had been followed by GBC then Site Allocation A35 would never have been promoted.

The GBCS cites a requirement to have at least 110ha (not including SANG) to 'accommodate a sustainable new settlement'. The A35 total site allocation is described in the submission Local Plan as 92.8ha, below the required size threshold.

The site is hemmed in on all four sides. To the north is the Thames Heath Basin Special Protection Area and J10 of the M25. The West is the A3, an immovable six lane highway. To the South is the Ockham Conservation Area. To the East the land, including Hatchford Park, is within Elmbridge Borough Council, that opposes the development. These immovable obstacles prevent future expansion of the new town.

The area of the land cited in planning application P/15/00012, currently on appeal to the Secretary of State, is 115ha. However this is not the *net* developable area. Land falling within 400m of the SPA must be deducted. This amounts to at least 50ha and possibly significantly more leaving a site area of only 65ha.

To compensate for the insufficient size of the plot, GBC and the developer have approached adjacent landowners to the south of the land parcel. Three of these have acceded to requests to include their land in the Local Plan. Existing owners have no wish to be engulfed by the rising tide of development all around them. Confronted by this dilemma it is not surprising that some have allowed their land to be included within the development area, *faute de mieux*.

The suitability of the southern parcels of land is highly questionable. They encroach on/are contiguous with the Ockham Conservation area and Ockham Lane and affect the setting of Upton Farm. It is likely that high density housing in these areas will be contrary to the NPPF.

The developer has designed the new town as an 'urban extension' with extremely high housing densities to achieve the required numbers of dwellings/people. The space available for the new town is a long sausage shaped plot – some 2km long from West to East and about 200m wide at its narrowest points. To accommodate nearly 2,100 dwellings the density of the dwellings per hectare in the new town will be unprecedented in the borough of Guildford and will exceed the density per hectare (dw/ha) in most parts of Greater London.

#### **4 Que 11.25.**

Que 11.25: What is the position regarding the substantial brownfield/hardstanding areas that are not included within the site boundary?

The In Vessel Composting Facility (IVC) application was pursued as a Trojan horse to seek to establish an access onto the A3. It would be a more sustainable use of the previously developed land on the site than the creation of a new town.

Residential houses may not be built on this land because it is within 400m of the Special Protection Area. This area is excluded from Site Allocation A35. The developer's plan has replaced the IVC with playing pitches and a 'Tump' some 60m high (AOD) in its new town plans.

#### **5 Que 11.26.**

Que 11.26: The site is on a rise, with extensive views. How would the visual impact of the scheme be handled?

The visual impact of the scheme is handled very badly. The reason for the high buildings is to accommodate a population of some 5,000 people on a net area of only 42ha.

The land slopes down from Hatchford Hill and Yarne in the East towards the Wey valley to the West. The new town will occupy the ridge that runs from West to East along Three Farms Meadow. The developer's plans show that the spine road ('Ridgeway') will have 3 to 5 storey terraced or 'linked attached' houses on either side of it. The plans show 26 new 4 to 5 storey buildings and a 4 to 5 storey care home along the length of the 'Ridgeway'. At 3.5m per storey this implies a building height of at least 17.5m. The development will therefore dominate the landscape including Yarne and Martyrs Green as well as all of the surrounding hamlets of Ockham.

The developer plans to reduce the level of the western end of the site by an average of 0.75 metres requiring nearly half a million tonnes of earth to be moved. Much will form a new 'tump' at the western end of the site some 60m high.

The heights of the new buildings are completely out of keeping with the rest of Ockham. The only building design with more than two storeys (ie ground and first floor) in the Parish at present is the Hautboy – built in 1864 as a hotel. It appears that at least half of the buildings in the new town will be either 3-5 storeys or 2-4 storeys high.

These design features exacerbate the effects of placing development on the highest ground in the locality.

#### **6 Que 11.27.**

Que 11.27: How would the site access be handled?

The main access to this site is at Elm Lane off the A3. This was used by Vickers Armstrong when much of the site was a private company airfield. Highways England has restricted access from the A3 as the number of lanes and the volume and speed of the traffic on the A3 has increased.

It is proposed to build two new access points, one at the Ockham Park Roundabout at the West end and the other at Old Lane at the East end connected by a new road. Part of SCC's so-called mitigation for the new town was the proposed permanent stopping up of a number of local roads including Ockham Lane, Elm Lane and Plough Lane in both directions and Guilehill Lane and Old Lane in one direction:

The proposed transport system for the new town has a number of fatal flaws that make it unsustainable. There is no existing primary transit network. The developer must introduce a bus service to the nearest railway stations. The economics of a bus service here are likely to be fragile. The daily volumes of passengers are likely to be too small to make the service economic for a bus operator to sustain. Bicycles are promoted as a transit method. But the number of bike friendly destinations is limited and local roads are not well adapted for cycling.

The secondary transport mode is a stopping slow train service. Only two train stations are within a reasonable journey time, East Horsley and Effingham Jctn. These provide a service to only two key employment centres – London and Guildford. The combined journey total journey times are too long to be efficient and will erode quality of life.

The scope for adding additional neighbourhoods in the future is extremely physically constrained. Any new neighbourhoods would also suffer from a shortage of facilities and destinations.

Ideal new town locations have primary transport facilities that are efficient mass transit systems such as trains and trams. The new town has an inefficient two tier transport system based on buses connecting to a stopping branch line train service.

## **7 Que 11.28.**

Ques 11.28: What is the relationship of this site to the A3 infrastructure improvement works?

At the Public Inquiry in 2017 into the refusal of planning application P/15/00012, Highways England became a Rule 6 Party. It objected to the approval of the application on the basis that it would cause severe harm to traffic on the A3.

The Applicant produced new evidence on the day before the start of the Inquiry to try to show that it could mitigate the effects of the new traffic on the A3. The Inspector permitted the Inquiry to proceed despite the late submission of this evidence. HE and the developer worked throughout the Inquiry to try to find agreement on how to mitigate the effect on the A3.

No agreement between HE and the developer was reached before the end of the Inquiry. It was agreed by all the parties, including the developer's traffic consultant, that the scheme must be refused on the evidence before the Inquiry.

Since the Inquiry HE and the developer have continued to try to reach agreement on mitigation. None has so far been reached.

A number of conditions were agreed with HE including that no more than 200 dwellings shall be occupied until a Traffic Management Measure for the A3 between Ockham and J10 has been agreed (condition 35) and that no more than 500 dwellings shall be occupied until J10 improvements have been completed (condition 36) limitation on access to the A3.

M25 impacts: -the site is too close to the wrong kind of transportation: the A3/M25 junction will be a bottleneck for short commuter journeys yet facing the health/wellbeing risks of air pollution, noise and congestion associated with 6-8 lane traffic in close proximity to playing fields, schools and homes

## **8 Que 11.29.**

Que: 11.29: What would be the pattern of movement from the site? How could the plan more effectively promote more sustainable transport modes?

Town & Country Planning Association guidance emphasises the critical importance of a site's proximity to primary public transit systems and to centres of employment.

The Appeal site is

- Not near local employment centres. It more than five kilometres (the key criterion) from Woking, Weybridge, Esher, Leatherhead, Dorking and Guildford.
- Not near primary public transit infrastructure. railway stations > 3km as the crow flies from the new settlement, well in excess of the 600m to 800m in the guide to 'Sustainable Settlement's exhibited by the developer's town planning expert at the Public Inquiry.
- Not near existing facilities. (None in Ockham.)
- Not a suitable commuter location. Even if a bus service were viable (which is speculative) the new settlement would still require multiple change-overs for commuting

For most of the new settlement the 'Village Centre Neighbourhood' is outside a 5 minute walk.

The new settlement is car dependent. RTPI research indicates residents will primarily use their cars and not local railway stations to travel to work. The risk is that the number of car trips has been materially understated.

The new town does not have pedestrian access to a fast primary public transit system. The nearest equivalent is the railway service on the Guildford to Waterloo services via Cobham and Bookham. The developer proposes to subsidise a bus service to the stations *during the development phase of the project* only. Thereafter the cost of the bus service will be paid for by a charge on all the residents of the new town. It is misleading to suggest that the bus service will be subsidised in 'perpetuity'. Residents will have to finance the bus service post project completion. The viability of that service depends on the number of residents who will wish to use the two local train stations.

The RTPI examined travel-to-work data for five medium-sized towns within the existing Metropolitan green belt, towns which are centred around railway stations and have direct connections to central London. We found that in these five towns, only 7.4% of commuters actually travel to London by train on a regular basis, despite living within easy walking or cycling distance of a station. The majority of commuters (72%) instead travel by private vehicle, mostly driving to jobs within their hometown and to other places not in London.

If the number of train users is smaller than predicted and the number of car users greater the two effects will compound each other and create serious bottlenecks at the Ockham Park Roundabout.

The site is constrained by having only two points of road access. Small changes in the number of trips generated could easily lead to tipping point. There are 4,000 designed car parking spaces. The actual number of cars may be higher. If a third of the, say, 4,000 cars (ie 1,333) seek to exit the site using both access points in equal numbers (ie 667) during one peak hour then 667 cars will need to pass through each exit in an hour. This figure only includes traffic generated from within the site. Through-traffic wishing to reach the A3 from Effingham and further south must be added. When the estimated 1.5 million annual visitors to the RHS Horticultural Society gardens at Wisley, nearly all of whom will pass through this roundabout, are added in it is hard to see how gridlock on the Strategic and Local road networks can be avoided.

Cars are the least sustainable form of transport from an environmental perspective. The A3 from Guildford to London connects the most congested city in the UK, London, with Guildford, the 8th worst congested town in the UK and the 80th worst in the World<sup>1</sup>.

The new town will create the need for a by-pass. It will be a traffic bottleneck because it has only one through-road with only two points of access. It is not designed with sufficient capacity for the likely traffic flows. It is only 7.3m wide. It will have to cope with new traffic flows to and from the new town as well as the traffic that formerly used Ockham Lane and Old Lane.

## **9 Que 11.30.**

Que 11.30: What is the timing of the key infrastructure works for this allocation and their relationship and their relationship to the delivery trajectory for the site?

In its submission to the public consultation regarding the J10 Road Improvement Works the Developer set out long stop dates for housing delivery on A35. The longstop date for completion of just under half of the houses ie 1,000 houses is 2032. This assumes that planning permission is obtained in 2018 and calls further into question suitability of the site for delivering housing need in the short term.

## **10 Que 11.31.**

Que 11.31: Can the plan's provisions effectively prevent an adverse impact on the SPA?

The allocation of this site is perverse. The proposal is to put a new town on top of:

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<sup>1</sup> Congestion data from INRIX

- A Site of Nature Conservation Interest
- A Biodiversity Opportunity Area designated by Surrey Nature Partnership and
- within the 400m to 800m risk zone around the Special Protection Area.

A new town on this SNCI and BOA will not 'deliver appropriate net gains in biodiversity'.

The precautionary principle requires the development to do no harm. AECOM's Sustainability Appraisal relies on GBC and Natural England and Natural England in turn relies on the Council. The reasoning behind the approval process has been circular. GBC and AECOM have not independently addressed the concerns expressed by Surrey Wildlife Trust. Natural England took *no account* of the effect of air quality deterioration.

The Appeal Scheme introduces

- an extremely densely packed new town on 42ha which completely covers the southern approaches to the SPA
- street lighting in a presently unlit area
- significant numbers of cats and dogs – assuming pet ownership in line with averages for the South East.

The proposed Impact Avoidance and Mitigation Scheme has many implausible elements. It implies that replacement of 50ha of countryside with 2,068 houses will not have a net negative ecological effect. It implies that the equivalent of 1.5 full time wardens can

- patrol the 296ha of Ockham Wisley and Chatley Commons in addition to the 50ha SANG 24/7/365 days a year.
- Prevent encroachments by cats from the new town and encroachments by foragers for mushrooms and wild animals
- Limit recreational use of Ockham Wisley and Chatley Commons by 5,150 new residents

There is no plan to safeguard the SNCI ecology through biodiversity offsets. The SAMM measures do not provide assurance that no harm will be done and so do not satisfy the precautionary principle test.

The purported 'wildlife corridors' do not meet the criteria for suitable corridors and are in fact designed for other purposes – such as surfaced playing pitches and playgrounds.

Surrey Nature Partnership has recommended that the whole of the Appeal Site should be designated as a Site of Nature Conservation Interest. The Appeal Site forms one ecological unit with the 'Commons group' which is contiguous with its northern boundary. This is recognised by SyNP designating the Appeal Site as part of a Biodiversity Opportunity Area.

The effectiveness of the proposed mitigations is unknown because there are no precedents for placing a SANG immediately next to an SPA. Reasons why the mitigation measures are likely to prove ineffective and inadequate include:

- 1) The new dwellings in the new town have not been allocated meaningful personal private indoor and outdoor space. (See Schedule of Accommodation in Fig 18 below.) Residents may work from home to avoid commuting times. There is no provision on the site for recreation other than the SANG and the shared sports grounds at the school. Residents are therefore very likely to enter the SPA.
- 2) The new town is remote from any significant town centre eg Guildford, Esher or Woking. So the SANG and SPA will be the closest local attractions.
- 3) Wider catchment area. The SANG is sized only to provide for the inhabitants of the new town. No capacity has been added for visitors from further afield – even though the expected 'catchment area' is 5 km taking in all of Cobham & Stoke d'Abernon, Byfleet, Pyrford, Ripley, East and West Horsley etc
- 4) The physical proximity to the SPA and the more attractive habitats on Ockham Common will draw people through the SANG onto the Common.

5) The numerous public footpaths and bridleways leading from all corners of Ockham and the new town will enable easy access to the SPA.

6) The proposal relies on wardens to monitor the behaviour of dog walkers. Given the very large areas (over 50ha), the wide frontage with the SPA (2.5km), and the small number of wardens in relation to the population of the new town and the likely numbers of visitors, the ability of the wardens to provide effective safeguards is compromised from the start.

7) The SANG will not provide a better habitat for the existing wildlife than the current SNCI.

8) The prolonged disruption caused by moving 470 thousand cubic metres of topsoil will cause permanent damage to the populations of reptiles, invertebrates and amphibians.

9) Translocation of species from the site of the proposed new town onto the SANG is unlikely to be successful. Habitat recreation has a poor success rate and requires ratios of replacement land to original land of 20:1 to 100:1.

The proposed SANG will not replicate the present environmental benefits of Three Farms Meadow. The previously developed portion of this Green Belt site is contributing positively to national level biodiversity. Not yet built housing is internationally proven to be easier to translocate to a more appropriate site than old growth biodiverse habitats, without any costly land offsetting ratios.

A biodiversity offsetting study by Zurich University in 2014<sup>2</sup> showed: ‘... recreating species richness in offset sites within 100 years would occur for about 40% of cases...‘offset ratios’, which calculate the amount of new land needed in hectares relative to the amount lost, need much greater consideration. Presently, ratios of less than 10:1 are typically used, but this study points to 20:1 – 100:1 as more realistic’.

Based on the ‘do no harm’ precautionary principle translocating these unbuilt housing to more sustainable location enables both the housing and the biodiversity to have greater survival prognosis and both then can complement the NPPF for sustainability on all three dimensions.

The recent SNCI report for the site shows that it qualifies by 2008 criteria for SNCI status and some features qualify for national status. Arable and mosaic habitats qualify at national level. Mosaic habitats are the habitats that have thrived on the concrete and tar macadam portions of the site.

The new town will in fact cause harm to the SPA rather than create benefits. The existing baseline will not be improved. There will be the net loss of an SNCI. The open-spaces argument is over-ridden by the fact that 40% of the dwellings have no gardens and the gardens for the other 60% the outside recreation space is very limited. The proposed new town will not add new open space; it will diminish the existing open space on Three Farms Meadow. The creation of the SANG or ‘Parkland’ will draw more visitors into the SPA.

The creation of a new town on this site will obviously isolate the species within Ockham Common and cut them off from the land to the south – ie Ockham, Effingham and Ripley.

## **11 Que 11.32.**

Que 11.32: How much of the site is considered to be brownfield land?

The developer commissioned an agricultural land classification of its land ie the gross 115ha. This shows that the area of concrete is 27ha ie 24% of the whole. This comprises two main parts: the former hardstanding area near Elm Lane

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<sup>2</sup> [curranm@ethz.ch](mailto:curranm@ethz.ch)



where the IVC would have been built and the areas of former runway. The IVC area is 17ha. The former runway area is, by elimination, c27.1ha less the 17ha ie c10ha.

The total area of site allocation A35 (which does not include the former hardstanding area) is disclosed as 92.8ha in the GBC submission Local Plan. The proportion of the total that can be considered to be brownfield is therefore c10ha divided by 92.8ha or c11%.

Even this assessment may exaggerate the amount of brownfield land because the runway, by definition, has never had any structures on it. Only the former hangar area has been deemed to be previously developed.

Using the Developer's own evidence, the area of the Appeal Site that is agricultural land is 70ha and the net area of former runway is 9ha. The ratio of agricultural land to former runway is nearly 8 :1.

NPPF para 112 states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality..

45.4ha of BMV land represents just under half of the total land area of site allocation 35. The actual proportion may be larger because the Agricultural Land Classification of the land to the south of the Developer's land is not available. It is likely that a proportion of that land is also BMV land because much of it is contiguous with the identified BMV land.

## 12 Que 11.33.

Que 1.33: Are there local level exceptional circumstances that justify the release of the land from the Green Belt?

The Inspector in the 1981 Public Inquiry concluded:

"It would, in my opinion, call for the most exceptional circumstances, a clearly established national need, an exhaustive survey and subsequent rejection of all other possible alternative sites with less formidable planning barriers, before I could conceive of this site, ... being suitable for this use even at the very lowest conceivable level of user."

The Special Protection Area had not been created in 1981. There were no exceptional circumstances in 1981 and there are none today.

The site has been included in the draft local plan for political not planning reasons.

Guildford is responsible for selecting sites for development as part of the local plan process. There are two elements of the process:

1. Selecting candidate sites for inclusion within a population or pool of eligible sustainable sites
2. Ranking eligible sites in order of sustainability using objective criteria

The methodology for creating a population of eligible sites is flawed because GBC has not explored the fullest range of potential candidate sites in a meaningful way. As a result, the number of candidate sites for the creation of a new settlement amounts to no more than one site: the former Wisley airfield. It is implausible that there are no other sites within the borough that are even worth considering. The LPA's process for creating a pool of candidate sites has been deficient:

- GBC has reacted to approaches from a developer ie it has been developer led rather than strategy led
- GBC has not expressly initiated and completed a search process to identify suitable sites for **new settlements** either by desk-top research or by public advertisement. It has not explored whether it should use its powers of compulsory acquisition to acquire land parcels to facilitate the creation of suitable sites.

- GBC has not prioritised sites near to urban centres. In fact has penalised sites near urban centres making them more difficult to develop eg the Clandon Golf site

GBC has failed to rank its chosen sites objectively according to relevant criteria. The ranking process itself has been highly subjective and bears the hallmarks of political influence rather than the application of rigorous sustainability criteria. The process for ranking eligible sites for development is flawed because:

- The criteria used to qualify different sites have been inadequate and inconsistent
- The criteria have been applied subjectively and without regard to planning and sustainability principles

The AECOM Sustainability Appraisal 2017 and the draft local plan illustrate how GBC has prioritised political considerations over and above sustainability and planning principles.

There are at least three sites in the draft local plan that are eligible candidates for urban extensions or new settlements. They appear as sites C1 and C2 (Gosden Hill), sites H1 and H2 (Blackwell Farm) and site E1 (Clandon Golf) on the GBCS map. GBC's treatment of these sites is not consistent with its treatment of the A35. Whereas the Appeal Site has been treated as a 'given' several other sites are treated as options. Whereas the Appeal Site has been expanded in size, the other sites have been shrunk.

Instead of ranking the sites against each other to create an objective hierarchy, GBC has created 'pools' of sites that it calls 'options'. It then compares the options. Since Site Allocation A35 is within ALL of the options two consequences flow:

- i) the other sites within the options or pools are not objectively compared because the characteristics of the Ockham site dominate the character of the pools and
- ii) there is deliberate predetermination that the Appeal Site will be selected for development in all the chosen scenarios. This is not a fair or transparent methodology. It is equivalent to the extraordinary rendition of Site Allocation A35 at Ockham for development.