

Compton PC Local Plan Sub-Committee Report (January 2020)

Ockham PC Appeal

On December 23, 2019, Ockham PC lodged its appeal against the High Court ruling which dismissed the joint challenge of Guildford's Local Plan.

Ockham PC's ground of appeal is as follows:

"The learned Judge erred in law in failing to find that the Council and the Inspector had taken into account matters which were not capable of contributing to exceptional circumstances for the removal of land from the green belt and the allocation of that land for 3,924 homes above the objectively assessed need and Local Plan requirement of 10,678 and had reached their conclusions irrationally."

The Local Plan Sub-Committee asked Ockham PC's QC (via Helen Jefferies) to add a second ground, ie that the Judge had overlooked the Inspector's failure to decide whether or not the road up the Hog's Back was 'major development', imputing arguments that the Inspector had not actually made. Richard Bate believed that this was worth challenging in the Appeal Court. The Sub-Committee felt that this second ground was the stronger of the two and that it would give Ockham two "rolls of the dice", increasing its chances of success and recouping legal costs. Disappointingly, Ockham PC's QC did not put forward this second ground.

Compton's solicitor Kristina Kenworthy has advised that if Ockham PC's appeal is successful, the remedy is likely to be that Guildford Borough Council will be asked by the Court to reduce its housing supply figure and return one or more sites to the green belt. In this event, Compton PC will need to put forward a strong case for removing the Blackwell Farm site allocation and its associated road infrastructure (policies A26 and A27).

It is possible that the Appeal Court Judge will order the Wisley Airfield site to be removed, particularly in light of paragraph 23 in Ockham's Skeleton Argument for the Appeal. This states:

"Ockham Parish Council are the only party appealing and so the Green Belt deletions and the allocations challenged only by Compton or Mr Cranwell are no longer in issue."

Once the Judge has been named, it is proposed that the Local Sub-Committee writes to him/her with a request that, in the event of a successful appeal, the remedy should be a reduction in land for housing. Given that the ground for appeal applies to all green-belt site allocations in Guildford, we consider that it is not for the Appeal Court to decide the merits or otherwise of any particular site allocation, and that removal of sites should be the decision of the planning authority.

Letter to the SoS

Compton PC's QC suggested that someone should consider writing directly to the Secretary of State in order to reverse the High Court's decision not to uphold Compton's challenge. Dr Kimblin QC suggested that a policy change which is focused on what comprises 'exceptional circumstances' in planning law would be helpful.

Because of the time it would take the Parish Council to sign off such a letter, the Chairman of the LP Sub-Committee wrote to the Secretary of State in a private capacity. The email is attached for information only. It uses more forceful language than would be used in a communication on behalf of the PC. A copy of the email was forwarded to the newly-elected Guildford MP Angela Richardson.

Future action

Once the Ockham PC Appeal is over, the University of Surrey may submit a planning application for the first tranche of housing, likely to be in the order of 150 homes, given that this is all that can be built without widening the A3. It will be important for Compton PC to comment on this and to ensure that Guildford Borough Council first finds a solution to the link road problem (the matter of whether this would be a public or private road, how it is going to get traffic in and out past the hospital, how it is going to avoid severe queues on the Hog's Back, and how the new junction with the A3 is going to be made buildable and workable).

In order to protect the interests of Compton's residents, it is imperative that PC has a "seat at the table", and given that most of the issues affecting parish are traffic related, it might be good to nominate a local representative (perhaps from the traffic committee). A strategy of build-first-and-sort-out-the-traffic-problems-later could be detrimental to Compton and it is important for the PC to resist this. The LP Sub-Committee has already begun a dialogue with Cllr John Rigg outlining the PC's concerns. It may be politic for the PC to set aside funds to pay for future traffic studies to supplement those the PC has already commissioned from RGP (although it would be better to persuade GBC to pay for these).

On a brighter note, the Blackwell Farm development may never go ahead. There are massive up-front costs to supply water, sewerage and other services many miles to Blackwell Farm. If the A3 is not widened, then Blackwell Farm is dead anyway. It is possible that for the foreseeable future the University will bank the allocation as a resource against which to borrow money.

In addition to the £6,398 that Save Hogs Back raised through its online appeal towards the High Court Challenge, the group would like to offer Compton Parish Council a further cheque for £1,750. This money is to help the PC protect the residents of Compton against the detrimental effects of the Blackwell Farm development and its associated road infrastructure.