

## Compton PC Local Plan Sub-Committee Report - September 2018

### Main Modifications

Guildford Borough Council has now published its draft changes to the Local Plan following the Public Examination. The changes include a new policy A26a for the new proposed 'Western Link'. (See:

<http://www2.guildford.gov.uk/councilmeetings/documents/s11448/Item%2005%201%20-%20Main%20Modifications%20consultation%20on%20the%20Submission%20Local%20Plan%20-%20App%201%20-%20Local%20Plan%20Fina.pdf>.)

The six-week consultation on the Main Modifications began on September 11. The Local Plan Subcommittee will prepare a draft response on behalf of the Parish Council. We propose to run this past Richard Bate (Green Balance) and Kristina Kenworthy (solicitor and consultant at Richard Buxton Environmental and Public Law firm and Chair of CPRE Surrey). Copies will also be sent to the parish councillors (via the Clerk) for review/comment.

The consultation responses will be forwarded to the Planning Inspector before he drafts his Report on the Local Plan. The Inspector's Report was originally due to be published this autumn, but may well be delayed until early next year.

### Judicial Review

Planning Consultant Richard Bate has advised Compton and Worplesdon PCs that in his opinion there are strong grounds to challenge the Inspector's decision through the High Court.

Our understanding is that an application for a Judicial Review must to be made within six weeks of the Local Plan being adopted, which means that the PC would need to be ready to act quickly if it wishes to apply for this.

Arguments as to why Compton might wish to support such a challenge include:

- The Blackwell Farm development will be harmful to the Surrey Hills Area of Outstanding Natural Beauty, which lies within Compton Parish. LMS (the landscape architect commissioned by Compton and Worplesdon PC) has confirmed that the new alignment of the road will be even more harmful to the AONB than the alignment GBC originally put forward in the submission draft of the Local Plan.
- Building a 1,800 housing estate in the setting of the AONB and driving a main road through the AONB would set a precedent that would enable similar developments to be built in other AONBs and National Parks across the country.
- The new alignment of road and the proposed junction was found by Compton and Worplesdon PCs' traffic consultant (RGP) to be unsafe and unworkable. It is very possible, therefore, that the new access road would be moved further west, and that the signalised junction will be replaced by a large roundabout (as originally proposed). This would be even more detrimental to the landscape, as a roundabout

(which would have to be lit at night) at such an elevated location would be highly visible, damaging views into the AONB for miles around.

- Any road linking the A31 to the Guildford via Gill Avenue would attract additional traffic from the south, along the B3000 (The Street), Down Lane, and along Priorsfield Road. This would add to Compton's existing noise and air quality problems.
- The widening of the A3, which would be necessary to unlock the Blackwell Farm development would increase traffic through Compton by 16% in the northward direction alone.
- A new junction on the A31 would increase morning peak-hour queues going into Guildford on the Hog's Back, negatively impacting residents living along the Hog's Back and at Compton Heights.
- Traffic from the new Blackwell Farm housing estate, together with rat-runners from the south and west, would increase congestion at the Tesco/Hospital roundabouts and impede emergency vehicles trying to access the A&E department at the RSCH.
- The Local Plan Sub-Committee has recently been advised by Cllr Nigel Mitchell (Vice Chair of Worplesdon PC and a member of the PC's Flood Forum that an increase in hard landscaping (an increase in the access road) will impact on the water run off from the site in both directions from the high point of the Hog's Back. Consequently flooding could occur both north and south of ridge. I understand that Cllr Mitchell is a civil engineer.
- At previous public meetings organised by the PC, members of Compton Parish have shown almost unanimous support for opposing the Guildford Local Plan and the Blackwell Farm site allocation in particular.

Worplesdon, Wanborough, Artington and Putterham PCs are all opposed to the Blackwell Farm development. The CPRE Surrey Chairman has already indicated that the CPRE would contribute around £5k towards a legal challenge and has offered consultancy/support free of cost.

Arguments against mounting a legal challenge:

- We have been advised that Judicial Reviews related to planning typically cost around £25-30k
- Success rates for claimants at trial (in cases related to planning) are variable - varying between 43% (highest) and 14% (lowest) in the years 1998 to 2010. In 2017, 36% of JRs were successful. However, there is a filtering system and a Judicial Review requires permission from the Court. If the Court considers that Compton's case is not arguable, then it would not be given permission to proceed. There is also the possibility to withdraw the JR application before going to trial, should we be so advised.
- If a JR claim is successful, the decision to develop Blackwell Farm could be:

a) prohibited/made illegal

b) be quashed or nullified. This means that the original proposal to include this strategic site in the Local Plan will be reconsidered, but this time following proper procedure (for example, having factors such as AONB and traffic/air quality impact

properly taken into account). There is a risk that this could result in exactly the same decision being taken (ie Blackwell Farm scheme would go ahead), but in most cases, the following of proper procedure usually results in a better, and substantively different, decision. A barrister would be able to advise on which was the most likely outcome.

- If the JR claim is unsuccessful, there is a risk that the PC would have to pay towards the Council's costs. However, the PC would have the opportunity to obtain a protective costs order (PCO). These are orders which are made at the beginning of the case and provide that regardless of who wins, the party in question will either not have to pay the other party's costs, or will only have to pay the other party's costs up to a set amount. In order to obtain a PCO, the Parish Council would need to show that the issues are of general public importance and that it has no private interest in the outcome. In cases of environmental judicial reviews (as a result of the UK's international obligations), claimants which are organisations have their potential liability for the other side's costs automatically capped at £10,000. It is likely that Compton would fall into this category as increased ground water run off as a result of concreting over the chalk ridge would impact on Whitmoor Common SPA (a European protected area).

Having taken into account all of the above, and in particular the detrimental effect that the Blackwell Farm scheme (including link road) would have on the residents of Compton, **the Local Plan Sub-Committee recommends that Compton PC agrees in principle to challenge Policies A26 and A26a of Guildford's Local Plan through the courts, and that a sum of £25k is 'ringfenced' for this purpose. The final decision regarding a Judicial Review would be subject to receiving confirmation from Green Balance and a barrister/QC that there continues to be a strong legal case for the JR, following publication of the Inspector's Report. NB, although £25k would be ringfenced, we hope that Worplesdon, and perhaps other PCs, would make a significant contribution to the JR, and that the costs would in fact be at least halved.**

### Wanborough Fields Update

Following confirmation on July 17th, the Secretary of State, Surrey County Council, landowners in Wanborough Fields and Vantage Land have been served with notices and copies of an Article 4 Direction. Despite these notices, plots of land continue to be subdivided/surrounded with fencing/hedging (many without planning permission), whilst others continue to be offered for sale by Vantage Land on Rightmove and UK Land & Farms.