



Ministry of Housing,
Communities &
Local Government

Mrs Charlotte Dyer
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Our ref: APP/Y3615/W/16/3159894
Your ref: 8091/2461/30987614

13 June 2018

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY WISLEY PROPERTY INVESTMENTS
LAND AT WISLEY AIRFIELD, HATCH LANE, OCKHAM
APPLICATION REF: 15/P/00012**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Clive Hughes BA(Hons) MA, DMS, MRTPI, who held a public local inquiry from 19 September 2017 – 25 October 2017 into your client's appeal against the decision of Guildford Borough Council ('the Council') to refuse your application for planning permission for the phased development of a new settlement of up to 2068 dwellings incorporating up to 60 sheltered accommodation units and 8 gypsy and traveller pitches and associated infrastructure including accesses onto the A3 (Ockham Interchange), Ockham Lane and Old Lane and revised access to Elm Corner, a secondary school, a primary school, community provision, nursery provision, health facility, a local centre (incorporating food & drink, retail, a visitor centre and offices), employment area, sports and recreational facilities (incorporating a floodlit sports pitch and pavilion); Sustainable Drainage Systems and an area of Suitable Alternative Natural Greenspace incorporating a landform feature and car parking; the erection of associated utilities infrastructure; the development proposal to incorporate the demolition/removal of the runway and VOR Beacon (and any associated outbuildings), in accordance with application reference 15/P/00012, dated 16 December 2014 (as amended¹).
2. On 31 October 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed.

¹ See paragraph 6 below

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the subsequent addenda (CD14, CD14.1 and CD14.2). The Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The Secretary of State notes the Inspector's comments about amended plans at IR1.9 – 1.10. He agrees that no prejudice would be caused by determining the appeal on the basis of the amended plans, and he has proceeded on that basis.

Matters arising since the close of the inquiry

7. The Secretary of State has received requests from both Guildford Borough Council (dated 30 May 2018) and Savills (dated 30 January, 13 March, 6 June and 11 June 2018) all requesting that he delay his decision, together with a letter from the Wisley Action Group and Ockham Parish Council (dated 30 May 2018) asking him to adhere to his published timetable. He has also received a letter from Anne Milton MP about issuing this decision during Guildford's Local Plan Inquiry. Careful consideration has been given to delaying this decision, but in view of the range of factors to be resolved, we have concluded that the most satisfactory approach would be to decide the appeal today. All these letters are being replied to separately today.
8. A number of representations were received following the close of the inquiry. The Secretary of State is satisfied that the issues raised do not affect his decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate referrals back to parties. A list of representations received (including those referred to in paragraph 7) is at Annex A and copies may be obtained from the address at the foot of the first page of this letter.
9. Five applications for full awards of costs were made by the Cobham Conservation and Heritage Trust; East and West Horsley Parish Councils; Mr G B and Mrs A Paton; Ripley Parish Council; and Wisley Action Group & Ockham Parish Council against Wisley Property Investments Limited (IR1.1). These applications are the subject of separate decision letters.

Policy and statutory considerations

10. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
11. In this case the development plan consists of the saved policies of the Guildford Borough Local Plan 2003 (GBLP), a saved policy in the South East Plan 2009 (SEP); and the

Surrey Waste Plan 2008 (SWP). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR5.3 – 5.7.

12. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').
13. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
14. In accordance with section 72(1) of the LBCA Act, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plans

15. The emerging local plan (eLP) (IR5.8-5.11) was submitted for independent examination on 13 December 2017. The Secretary of State considers that relevant policies include A35 and A43a. As it has not yet completed its examination, objections are not yet fully resolved, and its policies are still subject to change, he considers the eLP carries limited weight.
16. The Council designated the Lovelace Neighbourhood Area on 2 July 2015 as a Neighbourhood Plan area (IR5.13). This includes the whole of the appeal site but, as no documents have yet been published, the Secretary of State gives it no weight.

Main issues

Green Belt

17. The Secretary of State agrees that the proposal would represent inappropriate development in the Green Belt (IR20.30), and considers that this carries substantial weight. In accordance with paragraph 87 of the Framework, inappropriate development should not be approved except in very special circumstances.
18. For the reasons given at IR20.32 – 20.37, the Secretary of State agrees with the Inspector that the scheme would conflict with two of the five purposes of the Green Belt as it would neither assist in safeguarding the countryside from encroachment nor assist in the regeneration of urban land due to the rural location. He also agrees that the scheme would reduce the openness of this part of the Green Belt (IR20.38).
19. Overall, the Secretary of State agrees with the Inspector that the harm to the Green Belt would be very considerable (IR20.38); and that this would be in conflict with the primary expectations of paragraph 79 of the Framework and Policy RE2 of the GBLP. He gives this substantial weight and has gone on to consider whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and whether very special circumstances exist to justify the development.
20. The Secretary of State notes that eLP draft policy A35 proposes that Wisley Airfield removed from the Green Belt to provide a residential led mixed use development for

about 2,000 homes and various elements of infrastructure, including access to and from the A3 (IR5.9-5.11), but he gives that proposal limited weight (see paragraph 14 above).

Housing land supply

21. Given that, as the main parties agree, the Council cannot demonstrate a five-year housing land supply and the current supply is about 2.36 years (IR20.39), the Secretary of State agrees with the Inspector that this represents a significant shortfall against the annual requirement set out in the SHMA and the delivery of up to 2,068 homes, 40% of which will be affordable, carries significant weight in favour of the scheme (IR20.83).

Thames Basin Heaths Special Protection Area (SPA)

22. For the reasons given at IR20.43 – 20.48, the Secretary of State agrees with the Inspector that, overall, the proposals would provide a suitable quantity of Suitable Alternative Natural Greenspace (SANG) and that, with careful management, it should be of suitable quality. He further agrees with the Inspector that, subject to the proposed conditions and the s.106 Agreement, the development would not have an unacceptable likely significant effect on the SPA.

Strategic road network (SRN)

23. The Secretary of State has carefully considered the Inspector's analysis at IR20.52–20.58 and agrees with his conclusion (IR20.59) that the proposed development would have a severe impact on the northbound section of the SRN between the Ockham Interchange and J10 of the M25 and this would be harmful to highway safety and contrary to advice in the Framework. He further notes that Highways England has maintained their objection. The Secretary of State, like the Inspector, gives this objection substantial weight against the proposal.

The local road network

24. For the reasons given at IR20.60–20.69, the Secretary of State agrees with the Inspector that, overall, the proposal would not be likely to result in unacceptable harm to the local road network subject to the implementation of the off-site works which would be provided in accordance with the s.106 Agreement (IR20.70).

Transport sustainability

25. For the reasons given at IR 20.71–20.80, the Secretary of State agrees with the Inspector's conclusion at IR20.81 that, overall, the proposals go a long way towards making the location more sustainable, as sought in paragraph 17 of the Framework. However, he agrees with the Inspector that the proposal would not be in full accord with emerging Policy A35 of the eLP as it would fail to provide the required cycling improvements, and he gives limited weight to that. The Secretary of State also gives limited weight to the concerns of Surrey County Council (SCC) that the appeal site is not a suitable location for an all-through school to serve the wider community (IR20.81).

Loss of major safeguarded site in Surrey Waste Plan (SWP)

26. For the reasons given at IR20.84–20.85, the Secretary of State agrees with his conclusion at IR20.86 that the conflict with the SWP carries very little weight.

Character and appearance of the area

27. The Secretary of State has carefully considered the Inspector's assessment of the effect of the proposal on the character and appearance of the area at IR20.87–20.99 and agrees that, although some of the harmful impacts on the appearance of the area could be partially mitigated by extensive landscaping, this would not disguise the basic fact that a new settlement in a rural area would, inevitably, cause substantial harm to both its character and its appearance. The Secretary of State agrees that this would be irreversible and contrary to Policies G1 and G5 of the GBLP; and that this harm carries significant weight against the development in the overall planning balance.

The effect of the proposals on nearby heritage assets

28. The Secretary of State has carefully considered the Inspector's analysis of the potential impact of the proposals on heritage assets at IR 20.101–20.124. He agrees that, in all cases, this would amount to less than substantial harm, and he gives this harm moderate weight, but agrees that this needs to be weighed against the public benefits of the proposal (see paragraph 38 below).

Air quality impact

29. For the reasons given at IR20.128–20.132, the Secretary of State agrees with the Inspector that there is no evidence to suggest that the proposal would harm air quality in Ripley. He also agrees (IR20.133–20.143) that there is no evidence to demonstrate that the changes in air quality, either individually or in combination with other developments, are likely to have significant effects or undermine the conservation objectives for the SPA. He therefore also agrees that no Appropriate Assessment is required and the matter is neutral in the overall balance.

Provision for community and other facilities

30. The Secretary of State agrees with the Inspector (IR 20.145) that the financial contributions towards police and libraries, together with the provision of facilities for an on-site police presence are beneficial to both the future residents of the development and to nearby residents. He gives this limited weight in favour of the scheme. However, he also agrees that the provision for a health centre and nursery and primary education facilities are no more than mitigation and are neutral in the overall balance (IR20.146). He also agrees with the Inspector that, for the reasons given at IR20.147-20.148, the provision of a secondary education facility cannot carry weight in favour of the proposals.

Other harm

31. With regard to the potential impact of the retail element of the proposal on the vitality and viability of existing district and local centres, the Secretary of State agrees with the Inspector (IR20.150-20.151) that the likelihood of trade diversion seems remote. Turning to the loss of BMV agricultural land, the Secretary of State agrees with the Inspector (IR20.152) that, although only about 19ha of BMV would be built on, some 44ha of BMV would no longer be available for agriculture, and that this loss weighs against the proposals and is attributed considerable weight. The Secretary of State has also carefully considered the scheme's potential impact on residential amenity, but he agrees with the Inspector's analysis at IR20.153-20.156 and, overall, gives limited weight to the issues identified.

Other material considerations

32. The Secretary of State has also carefully considered the Inspector's analysis of the fourteen other material considerations advanced by the appellant in support of the scheme (IR20.157–20.192). The Secretary of State agrees with the Inspector that there is a degree of overlap between them and that many of the purported benefits are little more than mitigation, while the benefits for the wider community, outside the appeal site, are rather more limited (IR22.12).

Planning conditions

33. The Secretary of State has given careful consideration to the Inspector's analysis at IR18.1-18.11, the recommended conditions set out at Annex 4 to the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

34. The Secretary of State notes that SCC, as Education Authority, consider that it has not been demonstrated that there is a need for the secondary school element on this site and wish to maintain their flexibility to provide the secondary school elsewhere (IR21.3). This has resulted in two planning obligations; with a second, stand-alone planning obligation between the Appellant and the Council to provide an all through primary and secondary school should the secondary school element be needed on the appeal site. The Secretary of State has given limited weight to the concerns of SCC - see paragraph 24 above.

35. Having had regard to the Inspector's analysis at IR19.1-19.12, the two planning obligations both dated 9 November 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR21.2-21.3 that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework. However, the Secretary of State does not consider that the obligations overcome his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

36. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policy RE2 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

37. As there is no 5-year housing land supply, paragraph 14 of the Framework indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

38. In this case the Secretary of State considers that the definitional harm to the Green Belt and the harm to openness each carry substantial weight against the proposal. He also considers that the proposals would have a severe impact on the northbound section of the A3 and that this harm to highway safety conflicts with advice in the Framework and carries further substantial weight against the proposals. He also considers that the harm to the character and appearance of the area carries significant weight and that the 'less than substantial' harm to the identified heritage assets carries moderate weight.
39. The loss of BMV agricultural land; loss of privacy for residents of two adjoining dwellings and the loss of a safeguarded waste site carry limited weight against the scheme.
40. The Secretary of State considers that the principal benefit is the provision of homes including market and affordable housing, sheltered housing/ extra care homes and traveller pitches. Although there is an acknowledged and pressing need for housing in the Borough, the scale of the need and the requirement has not yet been fully tested in the Local Plan context. The Secretary of State also acknowledges that the site forms part of a larger parcel of land allocated in the eLP for a residential lead mixed use development. Nonetheless, the Secretary of State considers the provision of up to 2,068 new homes carries significant weight in favour of the development.
41. He also considers that both the residual effect on employment during construction and the provision of employment space are likely to have a beneficial impact on the wider area and carry some weight in the scheme's favour and the provision of public transport carries limited weight as do improvements to cycle routes which primarily benefit the site residents. The other benefits which go beyond mitigation include the re-use of PDL, although this weight is limited by the amount of agricultural land that would be lost. The flood alleviation at Ockham Interchange carries only limited weight as it has not been shown that this is the only way in which this issue could be addressed.
42. Overall, the Secretary of State concludes that the harm caused by the inappropriate nature of the proposal in the Green Belt and any other harm would not be clearly outweighed by other considerations and thus it has not been demonstrated that the very special circumstances exist to justify development in the Green Belt.
43. The Secretary of State has considered Paragraph 134 of the Framework, which states that the harm to heritage assets should be weighed against the public benefits of the proposal. He considers that the public benefits of the proposal would outweigh the harm and that therefore paragraph 134 is favourable to the proposal.
44. The Secretary of State concludes that there are no material considerations to indicate that the appeal proposal should be determined other than accordance with the development plan and that the appeal should be dismissed and planning permission refused.

Formal decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the phased development of a new settlement of up to 2068 dwellings incorporating up to 60 sheltered accommodation units and 8 gypsy and traveller pitches and associated infrastructure including accesses onto the A3 (Ockham Interchange), Ockham Lane and Old Lane and revised access to Elm Corner, a secondary school, a primary school, community provision, nursery provision, health

facility, a local centre (incorporating food & drink, retail, a visitor centre and offices), employment area, sports and recreational facilities (incorporating a floodlit sports pitch and pavilion); Sustainable Drainage Systems and an area of Suitable Alternative Natural Greenspace incorporating a landform feature and car parking; the erection of associated utilities infrastructure; the development proposal to incorporate the demolition/removal of the runway and VOR Beacon (and any associated outbuildings), in accordance with application reference 15/P/00012, dated 16 December 2014 (as amended)

Right to challenge the decision

46. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

47. A copy of this letter has been sent to Guildford Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A – Schedule of representations received since the inquiry

General representations received

Party	Date
Mrs D K Hurdle, Clerk, Send Parish Council	10/10/2017
Mr Patrick Sheard	19/10/2017
Helen Cowell	20/10/2017
John Burns	22/10/2017
Mary Pargeter	26/10/2017
Katharine Paulson	26/10/2017
Paul Sherman, Guildford Borough Council	05/01/2018
Charles Collins, Director, Savills	30/01/2018
Charles Collins, Director, Savills	13/03/2018
Wisley Action Group and Ockham Parish Council	24/04/2018
Ben Paton	25/05/2018
Tracey Coleman, Guildford Borough Council	30/05/2018
Alison Tero, Senior Director, CBRE Ltd	01/06/2018
Charles Collins, Director, Savills	06/06/2018
Rt Hon Anne Milton MP	07/06/2018
Charles Collins, Director, Savills	11/06/2018



Report to the Secretary of State for Housing, Communities and Local Government

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State

Date: 1 March 2018

TOWN AND COUNTRY PLANNING ACT

GUILDFORD BOROUGH COUNCIL

APPEAL BY

WISLEY PROPERTY INVESTMENTS LIMITED

Inquiry Opened on 19 September 2017

Land at Wisley Airfield, Hatch Lane, Ockham, Surrey GU23 6NU

File Ref: APP/Y3615/W/16/3159894

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List of abbreviations used in this Report:

µg/m ³	Micrograms per cubic metre
ACV	Asset of Community Value
ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BMV	Best and most versatile (agricultural land)
CCHT	Cobham Conservation & Heritage Trust
CHS Regs	Conservation of Habitats and Species Regulations 2010
CIL Regs	Community Infrastructure Levy Regulations 2010 (as amended)
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DMRB	Design Manual for Roads and Bridges
dpa	Dwellings per annum
dpha	Dwellings per hectare
EBC	Elmbridge Borough Council
EHPC	East Horsley Parish Council
EiP	Examination in Public
eLP	The emerging Guildford Borough Local Plan (Regulation 19 consultation version) (June 2017)
Framework	The National Planning Policy Framework 2012
FTE	Full time equivalent
GBC	Guildford Borough Council
GBCS	Green Belt and Countryside Study (Pegasus) (2013/5)
GBLCA	Guildford Borough Landscape Character Assessment (2007)
GBLP	Guildford Borough Local Plan (adopted January 2003)
GPA	Historic Environment Good Practice Advice in Planning, Note 3 (2015)
HE	Highways England
HistE	Historic England
IAMS	Impact Avoidance and Mitigation Strategy
IVC	In-Vessel Composting Facility
LDS	Local Development Scheme
LRN	Local road network
LSE	Likely significant effect
LVIA	Landscape and Visual Impact Assessment
M25 (J10)	Junction 10 of the M25 motorway (junction between M25 and A3)
MUGA	Multi-use games area
ND	Nitrogen deposition
NE	Natural England
NMU	Non-motorised users
NO ₂	Nitrogen dioxide
NO _x	Nitrous oxides
OPC	Ockham Parish Council
PC	Parish Council
PDL	Previously developed land
PIM	Pre Inquiry Meeting
PPG	The National Planning Practice Guidance
PROW	Public right of way

RHS	Royal Horticultural Society (Wisley)
RIS Scheme	Road Investment Strategy Scheme (A3/ M25 Junction 10)
RPC	Ripley Parish Council
RSPB	The Royal Society for the Protection of Birds
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SCC	Surrey County Council
SEP	South East Plan 2009
SHMA	Strategic Housing Market Assessment
SoCG	Statement of common ground
SoS	Secretary of State for Housing, Communities and Local Government
SPA	Special Protection Area
SRN	Strategic road network
SSSI	Site of Special Scientific Interest
SWP	Surrey Waste Plan 2008
SWT	Surrey Wildlife Trust
TBHSPA	Thames Basin Heaths Special Protection Area
vpd	Vehicles per day
vph	Vehicles per hour
VSC	Very special circumstances (paragraphs 87 & 88 of the Framework)
WACT	Wisley Airfield Community Trust
WAG	Wisley Action Group
WHPC	West Horsley Parish Council
WPIL	Wisley Property Investments Limited (the Appellant)
WWII	World War II

File Ref: APP/Y3615/W/16/3159894

Land at Wisley Airfield, Hatch Lane, Ockham GU23 6NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wisley Property Investments Limited against the decision of Guildford Borough Council.
- The application Ref 15/P/00012, dated 16 December 2014, was refused by notice dated 11 April 2016.
- The development proposed, as revised, is the phased development of a new settlement of up to 2068 dwellings incorporating up to 60 sheltered accommodation units and 8 gypsy and traveller pitches and associated infrastructure including accesses onto the A3 (Ockham Interchange), Ockham Lane and Old Lane and revised access to Elm Corner, a secondary school, a primary school, community provision, nursery provision, health facility, a local centre (incorporating food & drink, retail, a visitor centre and offices), employment area, sports and recreational facilities (incorporating a floodlit sports pitch and pavilion). Sustainable Drainage Systems and an area of Suitable Alternative Natural Greenspace incorporating a landform feature and car parking. The erection of associated utilities infrastructure. The development proposal to incorporate the demolition/ removal of the runway and VOR Beacon (and any associated outbuildings).
- The inquiry sat for 21 days between 19 September and 25 October 2017.

Summary of Recommendation: That the appeal be dismissed.

1. Procedural Matters

- 1.1 At the Inquiry five separate applications for costs were made by seven of the Rule 6(6) parties (two were joint applications) against the Appellant, Wisley Property Investments Limited (WPIL). These applications are the subject of separate Reports.
- 1.2 On 31 October 2016 the Secretary of State (SoS) directed that he would determine this appeal. The reason for this direction is that the appeal involves proposals for residential development of over 150 units or on a site of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities and proposals for significant development in the Green Belt.
- 1.3 The planning application was made in outline form with all matters other than access into the site reserved for future consideration. The site is also known locally as Three Farm Meadows and is referred to as such in some of the representations, especially those from local residents.
- 1.4 There is a typographical error in Guildford Borough Council's (GBC) decision notice in that it refers to "up to 100 sheltered accommodation units" whereas the correct wording should be "up to 60 sheltered accommodation units". The total number of units, 2068, as set out in the decision notice is correct. The decision notice listing the reasons for refusal is in the Core Documents at CD6.3
- 1.5 The Wisley Action Group (WAG), Ockham Parish Council (OPC), East Horsley Parish Council (EHPC), West Horsley Parish Council (WHPC), Ripley Parish Council (RPC), Cobham Conservation & Heritage Trust (CCHT), Mr and Mrs Paton and Highways England (HE) were each afforded Rule 6(6) party status and presented evidence accordingly in respect of their objections to the proposals. The evidence of WAG and OPC and the evidence of EHPC and WHPC were presented jointly. The Royal Society for the Protection of Birds (RSPB) was also afforded Rule 6(6) party status but opted to present a written statement rather than present evidence at the Inquiry (PID5).

- 1.6 GBC did not pursue reason for refusal 6 concerning the impact of the proposed development on the vitality and viability of existing district and local centres and so produced no evidence on this matter. This reason for refusal was only pursued by one of the Rule 6(6) parties, RPC, who expressed various concerns about the potential impact on businesses in Ripley, particularly if a superstore is provided, but adduced no evidence to support those concerns and asked no relevant questions of the Appellant. The issue was not referred to in the RPC closing submissions.
- 1.7 In addition to reason for refusal 6, at the Inquiry GBC did not pursue reasons for refusal 2 (effect on the Thames Basin Heaths Special Protection Area (TBHSPA)); 3 (impact on the strategic and local road networks); 4 (sustainable transport options); 5 (affordable housing); 7 (loss of safeguarded waste site); 9 (effect on the setting of a heritage asset, Yarne); 10 (air quality); 11 (education infrastructure); 12 (policing); 13 (health infrastructure); and 14 (library provision). This was based upon additional information from the Appellant and the provisions of the s106 Agreements. Notwithstanding the position of GBC, these reasons for refusal were all pursued by other parties at the Inquiry.
- 1.8 The planning application was originally submitted to GBC on 16 December 2014. A number of amendments were submitted by the Appellant in December 2015, February 2016 and March 2016. The amendments are detailed in paragraphs 3.2 to 3.3 of the Statement of Common Ground (SoCG) between the Appellant and GBC (CD12.3). The relevant plans are listed at the end of this Report.
- 1.9 Prior to the Pre-Inquiry Meeting (PIM) the Appellant submitted five amended plans making minor revisions to the plans determined by GBC. The amendments to the Masterplan are illustrative and are not for determination now. The changes update the plan in accordance with comments made during the application process and in the reasons for refusal. Two other plans, Drawings No 1715/SK/09 and 10 Rev B show revisions to the densities and storey heights, in particular in the south east corner of the site close to Yarne, a Grade II listed building, to reduce the impact on the setting of that dwelling.
- 1.10 The other two plans, Drawings No 0934/SK/005/F and 025/J show minor alterations to the proposed access to the site from the A3 at Ockham Interchange and to the eastern site access. These changes are in response to Surrey County Council's (SCC) Road Safety Audit. All the changes are minor and this is an outline application. GBC carried out consultation on the amended plans in July 2017 and a summary of the responses is set out in Section 17. The parties also had the opportunity to respond to the amended plans at the Inquiry. I do not consider that any party is prejudiced by the consideration of these amended plans and I have used them for this Report.
- 1.11 I made an unaccompanied visit to the site and surrounding area on 5 September 2017, before the Inquiry opened. I carried out an accompanied visit to the site and its immediate surroundings on 24 October 2017 in accordance with the suggested itinerary (ID92). I carried out a further unaccompanied site visit to view various other sites and viewpoints, including from RHS Wisley, on 25 October in accordance with the suggested itineraries for the wider area (ID92 and ID96).
- 1.12 A Pre-Inquiry Meeting was held on 5 July 2017. A copy of the agenda is set out at PID1 and the notes of the meeting are at PID3. At the PIM the main issues were agreed (PID2); these are listed at Annex 3. Prior to the opening of the Inquiry I issued a draft Programme (PID4).

- 1.13 On two occasions during the Inquiry I was required to make rulings on the admissibility of documents and plans that parties wished to submit. These rulings are set out at Annex 1 and Annex 2 to this Report.

2. The Site and its Surroundings

- 2.1 The site has an area of about 114.7ha and is strongly linear in shape, having a length of about 2.5km and a maximum width of about 0.6km. It comprises the former Wisley Airfield which was constructed in 1944 for the testing of aircraft and which closed in 1979. The majority of the buildings were subsequently demolished although the runway and some hardstandings remain as does a building adjacent to the Ockham Lane access. There is a facility known as "The Beacon" within the site which is the Ockham VHF Omni-directional Range VOR and Distance Measuring Equipment, accessed from Ockham Lane.
- 2.2 Some 29.9ha (about 26%) of the site remains hard surfaced and so comprises previously developed land (PDL) with the rest comprising a mix of arable agricultural uses, woodland and scrub grassland. There are several public footpaths and bridleways that cross the site, generally running either east/ west (parallel to the runway), or north/ south linking the hamlets. They run from Ockham Lane and other footpaths to the south through to the open land and TBHSPA to the north. These public rights of way (PROWs) are the only public access onto the site.
- 2.3 The site is located to the north east of Guildford with the A3 to the west/ north west and, further north, the M25 motorway and its Junction 10 (M25 (J10)) with the A3. More immediately the site is bounded by Old Lane to the east while to the south is Ockham Lane, agricultural land and other vegetation with, further south, Ockham, part of which is designated as a Conservation Area. In the south west corner there is some woodland and the Stratford Brook. To the west lies the A3 and the roundabout junction at Ockham Interchange with the A2215 heading south towards Ripley and north to where it filters into the A3. To the north are dwellings at Elm Corner, open land at Ockham and Wisley Commons and "Snakes Field" which is open grassland.
- 2.4 In the south east corner, and immediately abutting the site, is Yarne, a Grade II Listed Building that has a core dating from C15. Other listed buildings to the south of the appeal site include the Grade II listed Appstree Farmhouse and Upton Farmhouse. Further north, on the opposite side of the A3, lies the Royal Horticultural Society (RHS) gardens of Wisley which are a Grade II* Registered Park and Garden and to the north east lies Chatley Semaphore Tower (a Grade II* listed building) which is within Elmbridge Borough Council (EBC).
- 2.5 Apart from agricultural uses, the Beacon and the PROWs the land is currently disused, although there have been intermittent uses such as use as a film set and for parking. The Beacon is scheduled to be removed as part of a national programme that runs for about the next 5 years. The site is largely open, although there are barriers and some mounding to discourage the use of the runway by motorcycles.
- 2.6 The appeal site lies at the heart of the parish of Ockham whose boundaries are roughly star-shaped. The parish of Ockham comprises a community of small hamlets and dwellings scattered over a wide area. Ockham, with its Grade I listed Church of All Saints is the largest of the hamlets. The other settlements are dotted around the parish, with three of them, Elm Corner, Martyr's Green and Hatchford End all more-or-less abutting the appeal site to the north and east. Outside these small settlements the area is characterised by narrow lanes, high hedges, public footpaths

and intermittent houses and farms. Fields tend to be relatively small, often separated by hedges that include mature trees, and there are several significant areas of woodland. Taken as a whole, the parish exudes a quiet, enclosed, rural character, in stark contrast to the openness of much of the appeal site.

- 2.7 Further afield are larger settlements such as Cobham, Ripley, East Horsley and West Horsley which provide shops and services. There are railway stations at Horsley, Effingham Junction and Woking with regular services to Guildford and London. The Borough boundary with EBC is very close to the eastern boundary of the site, running down the eastern side of Old Lane. Some of Martyr's Green, including the Black Swan PH, is within EBC.
- 2.8 The topography of the site is an important characteristic as it lies on a ridge that runs parallel with the runway. There is a slight slope downhill from east to west, with the highest part of the land adjacent to Yarne in the south east corner. The land falls away to the north and, especially, to the north-western boundary close to the A3. The fall in the land level towards the western boundary is due to the land having been engineered to create a level runway. Some way to the south, but clearly visible from within the site, lie the North Downs, designated as the Surrey Hills Area of Outstanding Natural Beauty (AONB). This topography is best illustrated in document WPI/2/1 (page 11).

3. The Proposals

- 3.1 It is proposed to construct a new settlement of 2068 dwellings comprising 1200 units of market housing; 800 units of affordable housing; 60 units of sheltered housing; and 8 pitches for use by travellers. The scheme is in outline form but the indicative market housing mix would comprise 255 no 2-bed apartments; 63 no 3-bed apartments; 393 no 3-bed houses; and 489 no 4+bed houses. The affordable housing would comprise 238 no 1-bed apartments; 237 no 2-bed apartments; 125 no 3-bed houses; and 200 no 4-bed houses.
- 3.2 The scheme also proposes about 2,240 sq m of retail floorspace (A1, A2, A3, A4, A5); 1,790 sq m of offices (B1); 2,500 sq m of general industrial, storage and distribution (B2/ B8); and 730 sq m of health centre. There would be around 50ha of SANG; 5.85ha of playing fields; and 6.8ha of children's play space (including 1.3ha of equipped play space). The SANG would be mostly sited to the north of the site, its southern edge following the boundary of the 400m SPA "exclusion zone".
- 3.3 The indicative masterplan shows a linear form of development with a central spine road running east/ west across the site. The new village centre would be located towards the centre of the site. Housing would generally be in the range of 2 to 5 storeys with the taller buildings fronting the central spine road.
- 3.4 The site would have an access from the A3 Ockham Interchange and a second access to Old Lane to the east. The existing access to Ockham Lane would be closed to motor vehicles. The s106 agreement secures various off-site highway works. The PROWs across the site would all be retained on their current alignments. A tump would be created in the north west of the site with a maximum height of around 60m to allow views over the housing to the Surrey Hills to the south.

4. Planning History

- 4.1 There have been various planning applications for the use of the site for filming works for temporary periods. The details of these are set out in the Officers' report

to GBC's Planning Committee on 6 April 2016 (CD6.1). The only previous planning application for the site which is directly relevant to this appeal concerns a proposal for an In-Vessel Composting Facility (IVC). This scheme included a building some 160m by 70m situated close to the north western corner of the current appeal site. The building would have had a ridge height of 11.7m with chimney stacks extending some 9.2m above the ridge. While it would have been situated in one of the lowest parts of the site, it would nonetheless have been in a highly visible position as it would have been close to a bridleway (BW544) and public footpath (FP13).

- 4.2 Planning permission for this facility was granted on appeal in March 2010¹. Subsequent to that permission condition 10 was varied to allow the phased construction of its site access. While the IVC itself has not been built, a start was made on its vehicular access from Ockham Interchange in accordance with the amended scheme and in accordance with its approved timetable. As a start has been made on the access the planning permission remains extant. The access is similar to that intended to serve the current proposals.

5. Planning Policy

- 5.1 The development plan includes the saved policies of the Guildford Borough Local Plan 2003 (GBLP) (CD8.1); a saved policy in the South East Plan 2009 (SEP) (CD8.3); and the Surrey Waste Plan 2008 (SWP) (CD8.4). The emerging plans include the Guildford Borough Proposed Submission Local Plan: strategy and sites (June 2017) (eLP) (CD8.24) and the Lovelace Neighbourhood Plan (NP).
- 5.2 Several saved policies in the GBLP are relevant to this appeal. It is also noteworthy that none of the policies in the GBLP relating to housing land supply were saved and so there are no extant relevant housing land supply policies. GBC has agreed with the Appellant that it cannot demonstrate a five-year housing land supply.
- 5.3 The principal relevant saved GBLP policies are Policies RE2, G1, G5, G6, G12, H11 and NE2. Ockham, the nearest settlement of any size to the appeal site, is not identified as a settlement within the Green Belt for the purposes of Policy RE3 (Identified settlements in the Green Belt) and does not have a defined settlement boundary.
- 5.4 Policy RE2 (Development within the Green Belt) says that new development in the Green Belt will be deemed inappropriate unless it is for one of six identified uses. The policy does not suggest that inappropriate development should not be approved except in very special circumstances (VSC) although this is implied in the text. Policy G1 (General standards of development) sets out various requirements for new development. Policy G5 (Design code) sets out design requirements. Policy G6 (Planning benefits) says that GBC will seek the provision of suitable planning benefits from developers. Policy G12 says that development generating significant numbers of trips will only be allowed in locations highly accessible by public transport and served by existing cycle and pedestrian routes. In other locations improvements to public transport services and improved access for cyclists and pedestrians is sought.
- 5.5 Policy H11 (Affordable housing) says that an element of affordable housing will be sought for all developments of 15 or more dwellings. A contribution of at least 30% will be sought from unidentified sites in excess of the threshold which may come

¹ Ref: APP/B3600/A/09/2098568 (March 2010): CD4.10

forward. Policy NE2 (SSSIs) says that development that would harm SSSIs will not be permitted unless the reasons for the development clearly outweigh the intrinsic value of the site itself.

- 5.6 The SEP was largely revoked on 25 March 2013. Policy NRM6 (TBHSPA) was saved and is extant. This policy says that new residential development that is likely to have a significant effect on the ecological integrity of the TBHSPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England (NE). The policy establishes a 5km zone of influence from the SPA boundary and within this zone there is a 400m "exclusion zone" where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. It also sets out the standards that apply where the mitigation takes the form of the provision of Suitable Alternative Natural Greenspace (SANG).
- 5.7 The SWP was adopted in May 2008 and amended by order of the High Court on 5 March 2009. Policy WD2 (Recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)) allocates a parcel of land of some 17ha within the appeal site as one of 13 sites where planning permission will be granted provided the proposals meet the development criteria and where VSC can be demonstrated for development in the Green Belt. Policy DC1 safeguards these sites from non-waste development.
- 5.8 The timetable for the eLP was initially set out in the Local Development Scheme (LDS) (2015) which set out a submission date of December 2016 with adoption in December 2017. Following the Regulation 19 consultation amendments were proposed which resulted in a further round of public consultation. The revised LDS envisages submission in December 2017 leading to adoption a year later.
- 5.9 Policy A35 of the eLP relates specifically to the former Wisley Airfield. The plan accompanying this policy has been amended (ID17) to include the land to the north and more land at Martyr's Green. It is a large site, including the entire appeal site, which would be removed from the Green Belt. It also includes some agricultural land to the south around Bridge End Farm and a few dwellings at Martyr's Green. The policy seeks a residential led mixed use development for about 2,000 homes, about 100 sheltered/ extra care homes and 8 traveller pitches. In addition it proposes about 1,800 sq m of employment floorspace (Class B1a); 2,500 sq m of employment floorspace (B2/ B8); 500 sq m of comparison retail (A1); 600 sq m of convenience retail (A1); 550sq m of services in a new local centre (A2-A5); 500 sq m of community uses in the local centre (D1); a primary school and a four-form entry secondary school.
- 5.10 The policy requires various elements of infrastructure, including primary access from the Ockham Interchange with the A3 with a vehicular link through to Old Lane. Other off-site works are mentioned including the A3/ M25 (J10) works; works in Ripley High Street; at the junctions between Ripley High Street and Newark Lane/ Rose Lane; and on rural roads surrounding the site.
- 5.11 Policy A43a and appendix C sets out the infrastructure schedule which includes SRN9 and SRN10 for new north-facing slip roads at the A3 Burnt Common (A247) junction.
- 5.12 Several other policy documents were referred to at the Inquiry. In particular GBC's Green Belt and Countryside Study (2013/5) (GBCS). This is an evidence document prepared for GBC by external consultants and its conclusions have not been tested.

- 5.13 Concerning the emerging NP, GBC designated the Lovelace Neighbourhood Area on 2 July 2015. This follows the boundary of the Lovelace Ward and includes the whole of the appeal site. Various meetings were referred to at the Inquiry but no documents have yet been published. This emerging NP carries no weight at this stage.
- 5.14 Also relevant are the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). In respect of the Framework, of particular relevance are the section on Achieving Sustainable Development; as well as chapters 4 (promoting sustainable transport); 6 (delivering a wide choice of high quality homes); 9 (protecting Green Belt land); 11 (conserving and enhancing the natural environment); 12 (conserving and enhancing the historic environment); and Annex 1 (Implementation).

6. Other Agreed Facts

- 6.1 The whole site lies within the Metropolitan Green Belt although it forms part of a larger parcel of land that is proposed for release from the Green Belt in the Regulation 19 version of the eLP. There is no public access to any part of the site other than on the PROWs.
- 6.2 The Appellant and GBC agree that there is a significant under-provision of deliverable sites for housing such that GBC cannot provide five years' worth of housing against the requirements. Based upon the eLP's objectively assessed housing needs GBC can demonstrate about 2.36 years' supply (using an agreed 20% buffer). The Appellant and GBC agree that the appeal site could contribute some housing in the next 5 years, but the site would mainly make a significant contribution to the housing land needed in the Borough in years 6 to 10.

There follows a summary of the main points raised by the Appellant, GBC and each of the 6 Rule 6(6) parties. The summaries are based on the closing submissions of the parties; the full submissions are in the Inquiry Documents (IDs).

7. The Case for Wisley Property Investments Limited (ID125)

Introduction

- 7.1 The appeal scheme comprises a new sustainable settlement of up to 2,068 dwellings (of which 40% would be affordable housing) together with community provision, nursery provision, primary school, secondary school, health facility, local centre, employment area and sports and recreation facilities including an area of SANG. The context in the Borough is an acute need for market and affordable housing; the current supply is 2.36 years and it is agreed that there will have to be the release of Green Belt land for the need to be met. The site contains the largest area of PDL within GBC's Green Belt.
- 7.2 GBC does not have a post-2004 local plan. The planning application was made to support the eLP but the local plan process has been delayed by a number of years. But for that delay the site would have been removed from the Green Belt and allocated. As it stands it is the largest part of a site allocated in the eLP for a residential/ mixed use development under draft Policy A35. It is critical to GBC being able to meet its housing needs, especially in the first 10 years of the plan. The 2017 Sustainability Appraisal (SA)² identifies the settlement as a "given". GBC considers

² CD8.31 para 6.6.12

that the exceptional circumstances necessary to justify removing the site from the Green Belt are present but that the necessary VSC are absent. The Appellant's evidence shows that they are present.

Overarching matters

i) GBLP

- 7.3 The agreed position is that the GBLP is out of date for the purposes of the Framework; it was adopted in January 2003 and ran until 2006. The evidence base dates from 1997. It was partly saved in 2007 but the policies for housing provision were not saved. No new housing policies have been adopted since and it is accepted that GBC has no housing land supply policies.
- 7.4 The Green Belt in the Borough was designated in 1987 but national policy now expects authorities to increase housing provision. The GBLP was produced under the revoked PPG2 in accordance with the then national and regional policy. GBC's witness agreed that limited weight should be given to the GBLP.
- 7.5 GBC alleges breach of just 3 GBLP policies; RE2, G1 and G5. While Policy RE2 does not explicitly mention VSC, GBC agreed in cross examination that it implicitly recognises VSC and that if they are established the scheme would comply with this policy. Policies G1 and G5 relate to the character and appearance of the area and GBC accepts that the scheme would not be so harmful in this regard such as to justify refusing permission on these grounds.
- 7.6 GBLP Policy G1 relates to the landscape and natural features. The construction of the Airfield has resulted in a landscape that has lost many of its pastoral key features and contrasts with the enclosed and well-managed character of the wider landscape character area. The appeal scheme would increase the presence of the key characteristic features by providing 6.2ha of woodland and over 3km of hedgerows. The scheme has been designed in accordance with the requirements of the design code in Policy G5. It is not possible to produce a sustainable settlement and to replicate the site's surroundings.

ii) eLP

- 7.7 GBC has not alleged any breach of draft policies in the eLP. The scheme fully complies with draft policy A35 which allocates the site; the GBC witness, and other witnesses opposed to the scheme, accepted that the scheme is capable of being consistent with it. This draft policy allows for potential performance issues on the Local and Strategic Road networks (LRN & SRN) to be addressed by alternative mitigation measures to the Burnt Common slip roads. The Infrastructure Schedule to the Delivery Plan includes SRN9 and SRN10 which are the Burnt Common slip roads but alternative mitigation measures could be provided. This is not critical as the s106 agreement delivers or funds the slip roads. Compliance with draft policies in the eLP carries significant weight.
- 7.8 The weight to be given to the eLP needs to be considered in the light of the 3 criteria in paragraph 216 of the Framework. First, the eLP is at an advanced stage with the appeal site included as a draft allocation in the Regulation 19 submission. An amendment to delete this allocation was lost at a Full Council meeting; the site is key to the eLP's spatial strategy. When it is submitted for Examination, which will be by the time this appeal is determined, it will be possible to give it significant weight.

7.9 Second, there are no longer any objections to the 2016 version of the eLP from statutory consultees. It is necessary to go beyond simply counting the other objections; it is their content that needs to be considered. The Appellant considers that many of the objections can be overcome. This criterion is outweighed by the other two criteria which strongly support more weight being given. The third criteria relates to consistency between draft eLP policies and the Framework. The eLP is fully consistent with the Framework. Significant weight should be given to the eLP.

7.10 The eLP's evidence base is up-to-date in contrast to the 20-year old evidence base for the GBLP. Its SAs were prepared by AECOM, independent expert consultants. There is no suggestion that these do not satisfy all applicable regulatory requirements. The 2017 SA is supportive of this site. Without it there would be a need to accept low growth overall or high growth at other locations. The site performs well for growth; avoids the need to place pressure on other more sensitive parts of the Borough; and would support community infrastructure objectives.

iii) GBCS

7.11 The GBCS was prepared by independent consultants, Pegasus. GBC accepted that its methodology is appropriate and this is addressed in the first main issue.

iv) Prematurity

7.12 There is no basis for refusing permission on grounds of prematurity; this is not part of GBC's case. The *Perrybrook* call-in³ establishes that a proposal should not be regarded as premature within the terms of paragraph 216 of the Framework if it is in keeping with an emerging local plan. Second, a proposal will be "plan-led development" where the purpose of the planning application is to support the local plan process. This scheme is fully in keeping with the eLP.

v) Lovelace NP

7.13 The draft Lovelace NP is not yet a public document so carries no weight.

vi) VSC test

7.14 Concerning the VSC test, the correct approach is set out in *Wildie*⁴ and is accepted by GBC and other witnesses. Where the other considerations clearly outweigh the harms there are VSC. Ministerial Statements make clear that a housing shortfall on its own is unlikely to amount to VSC but does not say it can never do so and housing need can be part of a wider set of factors that together make up VSC⁵. The Appellant says that while the scheme would be inappropriate development (definitional harm) and there would be impact on openness, there would be only limited other harm. The benefits outweigh the totality of the harm such that the VSC test is satisfied.

vii) Application of the Framework

7.15 The tilted balance in paragraph 14 of the Framework is not relevant here and, after the application of the VSC test, adds nothing.

³ Land at Perrybrook (APP/G1630/V/14/2229497): CD10.2

⁴ *Wildie v Wakefield MDC* [2013] EWHC 2769 (Admin) CD11.27

⁵ *Doncaster MBC v SSCLG* [2016] EWHC 2876 (Admin); *R (Smerch Properties Ltd) v Runnymede DC* [2016] JPL 677; & *Perrybrook*

viii) GBC's position on its reasons for refusal

7.16 Only 2 issues remain in dispute with GBC, namely reasons for refusal 1 (Green Belt) and 8 (quantum and scale). GBC does not consider that reason 8, on its own, would justify refusing permission.

ix) SCC

7.17 SCC does not object; on highways matters it has written in support (ID22).

x) RIS

7.18 If (and it is only an "if") the RIS requires any land take from the site this can be accommodated with only very minor alterations to the illustrative masterplan which can be conditioned. This appeal does not seek consent for the RIS.

xi) The Wisley Airfield Community Trust (WACT)

7.19 The scheme includes about 50ha of SANG that is to be maintained as public open space, along with community and leisure facilities that would require sustained management and investment. The bus services are to be provided in perpetuity with resilience funding to ensure sustained viability and affordability. The WACT has been determined to be the most appropriate mechanism through which to ensure long term provision and management of these facilities. The Surrey Wildlife Trust (SWT) and the Land Trust have expressed a strong interest in operating it. Its Outline Business Plan sets out its principal aims and the related activity areas. It will be secured through the s106 Agreement and has full support of GBC and SCC.

xii) ES Compliance

7.20 GBC, following independent review by Nicholas Pearson Associates, the production of the ES Addendum and its independent review, considers that the ES meets the relevant regulatory requirements. WAG/ OPC maintain that the ES is defective as it did not include any assessment of the Appellant's amended highways mitigation measures. That assertion is without foundation for a number of reasons.

7.21 First, most of the highways measures that were assessed in the ES remain as proposed mitigation measures. Second, the Burnt Common slip roads have been part of the eLP evidence base since 2016 and have been identified as mitigation for this site since June 2017. The habitats assessment and air quality review for the eLP concluded that there would be no significant effect on the TBHSPA and that on annual mean NO₂ concentrations it would be negligible.

7.22 Third, the highways mitigation measures have evolved over time in discussions with GBC and SCC; the planning application has not been changed to include them. Fourth, it must be recognised that "the environmental assessment process is not intended to be an obstacle course that a developer has to overcome".⁶ (Carnwath LJ). It is also necessary to have regard to the judgment of Sullivan J⁷, (sections of which are set out at ID125 paragraph 77).

7.23 No request for further information pursuant to Reg 22 of the EIA Regulations has been made by GBC or PINS. Nor has any party requested that GBC or the Inspector

⁶ *Jones v Mansfield DC* [2003] EWCA Civ 1408

⁷ *R (oao) Linda Davies v SSCLG* [2008] EWHC 2223 (Admin) (ID3)

make such a request. If it is concluded that the ES is defective due to inadequate assessment of the amended highways mitigation proposals to include Burnt Common the proper course is for the Inspector or the SoS to request further information.

- 7.24 Much can be said of the concerns of EHPC/ WHPC in relation to sewage treatment. There is no objection from the EA or Thames Water; the Appellant undertook an impact study; the addendum ES did consider this issue; and there is further consideration of this in the Appellant's evidence. No consent for off-site infrastructure is now being sought; the parameter plans show a possible pumping station on the site. No further information is currently needed.

xiii) Design

- 7.25 The scheme has been designed by a multi-award winning architectural practice. The scheme is design-led; the architect acknowledged that the scheme went well beyond the minimum requirement for necessary facilities to make this an exemplary sustainable settlement. That was the brief.

xiv) Support for the scheme

- 7.26 An initial telephone survey of 1,002 Guildford Borough residents (March 2015) showed 46% support against 31% who opposed it. A subsequent telephone survey of 502 Borough residents aged 18 to 40 (June 2016) found support at 45% and opposition at 15%. In March 2017 a repeat of that survey found 57% in support and 10% against. Some 1,434 persons have signed up through the Appellant's website as supporters. Other surveys have shown that 89% of respondents in Guildford aged 18 to 40 wanted to buy their own home. The scheme would provide about 12-14% of the affordable housing planned for the eLP plan period.

xv) Third parties

- 7.27 The main points raised are responded to in the various issues (below). Few third parties acknowledged the need for more housing in Guildford but it is a well-known dynamic of planning Inquiries that those who object tend to have a house while those without a home tend not to turn up. The witness for EHPC/ WHPC accepted that younger people could be under-represented in their survey responses; the Appellant says it is probable.
- 7.28 Some third parties, such as RPC, acknowledged the likelihood of some development on the site because of the extent of GBC's constraints including the fact that 89% of the Borough is Green Belt. The right of appeal is a statutory right; it is not an abuse of the planning system. Concerning late evidence, the only change of any substance made by the Appellant concerns the inclusion of the Burnt Common slip roads. This was in the Appellant's proofs of evidence which were submitted in time. The Technical Note No 1 (ID4) contained a detailed technical transport submission under the Design Manual for Roads and Bridges (DMRB) and was of little relevance to the third party concerns. The identity of the appellant is generally not relevant to a planning decision. The Appellant refutes any alleged wrongdoing.

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 7.29 It is not disputed that the development comprises inappropriate development in the Green Belt. By definition, this is harmful to the Green Belt. This must be given substantial weight, and it has been.

- 7.30 The Appellant also accepts that there will be an impact on openness, but in considering this a number of points need to be considered. GBC recognises a need to release some land from the Green Belt as 89% of the Borough is so designated. The Borough's urban capacity would not allow even the "interim" housing figure of 322 dpa to be met, still less the 654 dpa as set out in the 2017 SHMA Addendum⁸. Green Belt release is inevitable and this will result in a loss of openness; this site is identified as being less sensitive and so its release would protect more sensitive areas and the AONB.
- 7.31 Based on *Turner*⁹, the extent to which the proposed development is visible is relevant. The only Landscape and Visual Impact Assessment (LVIA) before the Inquiry says that the site benefits from strong enclosure around its boundaries and is not widely influential in the wider landscape. These boundaries would be further reinforced. The visual impacts are localised and no widespread significant harm is caused.
- 7.32 About 30ha of the site is PDL and about 16.75ha benefits from planning permission for an IVC with a substantial building. The PDL has a negative visual impact. The appeal scheme includes 65ha of interlinked green infrastructure. The spatial impact that the scheme would have is therefore reduced.
- 7.33 It is the Appellant's case that only one of the 5 purposes of including land in the Green Belt would be offended – safeguarding the countryside from encroachment. That position is supported by one of the objectors' planning witnesses and by the GBCS which says that the land parcel within which the site sits "is not one of the parts of the Borough that best serves the purposes of the Green Belt".
- 7.34 Only one planning witness alleged conflict with the first purpose, checking the unrestricted sprawl of large built-up areas and he related this to stopping the urban sprawl of London. However, national policy does not allow for the entirety of the Green Belt around London to be considered as a whole. The letter from the London Green Belt Council is from a pressure group and its views should carry limited weight.
- 7.35 The same planning witness also stood alone in considering that the second purpose (preventing neighbouring towns from merging into one another) was offended. Having regard to the separation between the site and any towns, it is obvious that this purpose would not be offended by the scheme. The Appellant accepts that the scheme would conflict with the third purpose (safeguarding the countryside from encroachment).
- 7.36 The GBCS explains that if the precise wording of the fourth purpose (preserving the setting and special character of historic towns) is followed, there can be no conflict as there are no historic towns in the area. GBC asserted that the scheme would not harm the Ockham Conservation Area as a designated heritage asset, but would harm the village which extends beyond the Conservation Area boundary. This view is at odds with GBC's own GBCS which identifies that there is the potential to provide a layout that will ensure that this purpose is satisfied.

⁸ West Surrey Strategic Housing Market Assessment: Guildford Addendum Report 2017: CD8.23

⁹ *Turner v SSCLG* [2016] JPL 1092 (CD11.22)

7.37 The only harm to the designated heritage asset identified by the expert concerns additional traffic. The concerns of GBC are at odds with its assertion that Bridge End Farm land should be included in the scheme as this land is closer to the Conservation Area. Harm to this purpose can be avoided, as agreed by GBC's witness. The final purpose (assisting urban regeneration...) is not relevant here as the GBCS recognises that there is not sufficient urban land to meet the Borough's growth requirements. So only one purpose is offended by this scheme and the harm is less here than at other Green Belt locations.

Whether GBC can demonstrate a five-year housing land supply and the implications for this on local and national planning policy

7.38 GBC can only demonstrate a 2.36 year housing land supply; this is a significant shortfall against the requirement. GBC accepts this as it accepts that it has a persistent record of under-delivery such that a 20% buffer should be applied. This matter is considered in greater detail below. The need for housing beyond 5 years is also relevant as the Framework requires local planning authorities to identify developable sites or broad locations for growth for years 6-10 and, where possible, years 11-15. The site is crucial in this regard as GBC is not meeting even its interim target.

The effect of the proposals on the TBHSPA

7.39 This is focused on possible recreational impacts; the air quality impacts on ecological receptors are considered under a later main issue. Detailed consultation with NE has informed development of an appropriately tailored package of impact avoidance and mitigation measures which has allowed NE to conclude that the scheme is unlikely to lead to likely significant effects. The required mitigation can be secured; great weight should be given to NE's views. In the light of NE's position GBC did not pursue this issue at the Inquiry, as set out in the SoCG. The Impact Avoidance and Mitigation Strategy is to be secured by the s106 Agreement, SANG management Plan and WACT Framework. The maintenance of the SANG is a key function of the WACT.

7.40 The agreed package includes a prohibition on any housing within 400m of the SPA; 50ha of SANG; a contribution to the SAMM; and a bespoke "SAMM Plus" which provides for dedicated site-specific heathland management efforts and educational initiatives and PROW improvements. This package goes beyond the standard provision as what would normally be required is 8ha of SANG per 1,000 persons, giving a need for 38.6ha against a provision of 50ha. This is to secure no net increase in visitor pressure on the SPA with the SANG providing an alternative to the SPA for recreational use.

7.41 The only Rule 6 party to pursue this was the RSPB who, in the end, chose not to give evidence at the Inquiry, relying on their January 2017 Statement of Case and the further written statement. The points raised are responded to in the Appellant's evidence; there has not been any response to this. There will be no likely significant effects on the SPA.

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

Introduction

7.42 Highways issues have been given detailed consideration. GBC has not offered any evidence in support of its third reason for refusal. SCC is entirely content with the

highways mitigation package offered and offers no evidence against the scheme. This is significant as it is the highway authority for all roads around the site apart from the A3 and M25.

The highways mitigation package

- 7.43 The package is largely unchanged from the Transport Assessment Addendum (TAA) save for two matters. The first is the Burnt Common slip roads; the second is the Ripley mitigation. This latter work is now unnecessary due to the Burnt Common slip roads. Leaving aside these slip roads the objectors' most common complaint is that the Appellant has changed its position in its evidence on the appeal in respect of local road closures. This is incorrect as the position was clear in December 2015. The road closures were never actually proposed as they were in a list of measures that could be implemented if seen as beneficial. Following discussion with SCC they were not pursued.
- 7.44 The only highways witness for any Rule 6 party confirmed that he made no criticisms of the proposed mitigation on local roads in terms of design, layout, safety etc. Concerning Effingham Junction he confirmed that it would be an overall improvement against the current situation. He raised no issues with impacts on the SRN or with construction traffic.

Burnt Common slip roads

- 7.45 The scheme would either fund or deliver these. GBC and SCC strongly support this mitigation and their decision not to adduce evidence is based upon their delivery. The SCC letter at ID22 supports the scheme and says that the impact would not be severe on the basis of, amongst other things, the delivery of the slip roads.
- 7.46 The slip roads have been in the eLP evidence base since June 2016 (Policy A43a) and are safeguarded in the June 2017 version with draft Policy A35 amended to include this as a requirement for the Wisley Airfield development. They are dealt with in the evidence base for the 2017 eLP. The slip roads provide two principal benefits, allowing traffic to join/ leave the A3 before reaching Ockham Interchange creating headroom at that location on the strategic road network (SRN) and they reduce, significantly, the traffic through Ripley allowing the growth planned in the eLP.
- 7.47 By allowing the development in the eLP the slip roads provide wider economic benefits beyond those from the appeal site. These benefits are very substantial, running into hundreds of millions of pounds and providing thousands of jobs. These benefits form part of the Appellant's VSC case. WAG/ OPC did not object to the slip roads in representations on the 2016 or 2017 versions of the eLP. Cllr Cross indicated that RPC objected but that seems bizarre as Ripley is the village that would benefit the most from their provision. The chair of Lovelace NP accepts that impacts on the local road network (LRN) could be partly mitigated by their provision¹⁰.
- 7.48 The slip roads are not within the appeal site; consent is not being sought for them in this appeal. The s106 Agreement requires the Appellant to either deliver or fund them. Therefore the Appellant has not changed the scheme. In due course the slip roads would be the subject of a separate process. This could involve HE delegating its powers to SCC. If there are objections an Inquiry must be held under the Highways Act 1980. There is also a requirement for an EIA.

¹⁰ CD13.4 – meeting notes 10 April 2017

7.49 HE require information on environmental issues. The evidence of WAG/ OPC evidence on ecology and air quality is not affected by their provision, a point accepted by their witnesses. No other environmental issues have been raised in relation to their provision and WAG/ OPC don't actually object to them. The land required by them is subject to an option agreement between the owners and GBC. This land is safeguarded under eLP Policy A43a; this makes no express link to the Garlick's Arch allocation at Policy A43. GBC have indicated a willingness to use compulsory purchase powers if necessary. Given their importance in the eLP the SOS can have a good level of assurance that the slip roads will happen.

Issues raised by Rule 6 parties on traffic impacts

- 7.50 Apart from HE, the Rule 6 parties only called one highways witness, on behalf of EHPC/ WHPC. His concerns related to traffic modelling; cycle safety; bus proposals; and the environmental/ safety impacts on Ockham Lane. The bus issue is considered under the relevant main issue, below. WAG/ OPC produced no evidence on transport matters but their advocate was allowed to cross examine the Appellant's witness.
- 7.51 The evidence of EHPC/ WHPC's witness can be given very little weight. He was unaware that GBC/ SCC were not pursuing the relevant reasons for refusal (Nos 3 & 4) despite this being clear in the SoCG, GBC's proofs and the Appellant's proofs. He had not read the Transport chapter in the Addendum ES; large parts of his proof appeared to be based on the TA without it being clear that he had read the TAA; the proof does not mention the "severe" test in paragraph 32 of the Framework. He was wholly unaware of some of the fundamental concepts that underlie the verification of modern traffic models, such as GEH. This is fundamental to the verification of all models, and is described in the TAA appendices and the Appellant's proof.
- 7.52 Paragraph 32 of the Framework makes it clear that development should only be prevented or refused on traffic grounds where the residual cumulative impacts are severe.
- 7.53 Concerning modelling, the TA (December 2014) was largely replaced by the TAA (December 2015) along with a new chapter on transport in the ES which was subject to a scoping process by SCC before submission. The traffic generation and trip distribution was agreed with SCC; the transport witness for EHPC/ WHPC accepted them. The model used was SINTRAM, the same as that used by SCC to support the eLP and its validation was undertaken in accordance with WEBTAG, the usual standard. The modelling was audited by SCC and is now agreed to represent the local network in accordance with WEBTAG. It is fit for purpose. Neither SCC nor HE are seeking further work and HE are using the Appellant's modelling for the RIS, giving it further credibility. SCC indicated that its audit was passed.
- 7.54 In May 2017 a further run was undertaken and no further modelling work has been sought by SCC. In September 2017 SCC wrote to PINS supporting the appeal scheme (ID22) and SCC's final supportive position is now known (ID86). The transport witness for EHPC/ WHPC had not carried out any technical audit.
- 7.55 The Appellant's highway witness responded in great detail to each of the criticisms made by EHPC/ WHPC's transport witness in respect of differences in flows; "pairs" of flows being different; the Effingham Junction crossroads; the accuracy of the model; the zoning undertaken in the Validation report; and the performance of the model.

- 7.56 Concerning cycling safety, GBC and SCC did not pursue any issues on this matter. Indeed, SCC is supportive (ID22) identifying improvements to the cycle network as one of the reasons it no longer alleges any severe impacts. The provision of the route to Byfleet is considered in main issue 5 (below). The agreed trip rates show cycling off-site to be about 3%. Cycling is considered in the ES and was reviewed for GBC and agreed with SCC.
- 7.57 Appendix R shows 52 non-motorised users (NMU) accidents; the level and rate of such accidents is a little higher in this area for cyclists than in the Borough as a whole but overall the situation is not unusually different. The scheme would create a safe and secure environment within the development where cycling and walking to local facilities is designed for safety and convenience. The cycle route to Byfleet/ Brooklands will provide a quiet route to a major employment centre. The Appellant is also providing £2m funding to fulfil the Guildford cycling strategy. The assertion that cycle accident rates would quadruple is not backed up by any data or analysis.
- 7.58 Although EHPC/ WHPC's transport witness expressed concerns about increased traffic on Ockham Lane, in cross examination he indicated that there is no capacity issue; his concerns related to the environmental impact and safety. However, no evidence on this was in his proof and he produced no rebuttal. The Addendum ES deals specifically with fear and intimidation. There is no formal guidance on this but as predicted peak hour flows are just 276 vph (AM) and 241 vph (PM) the flows are not significant. Concerns about this road becoming a by-pass for the new settlement are not borne out by the modelling.
- 7.59 WAG/ OPC produced no transport evidence. The responses to the issues raised in cross-examination of the Appellant's witness and in the objections by this Rule 6 party were all responded to in some detail. Garlick's Arch is not a committed development; it is only a potential site in the eLP and was excluded at the request of SCC. The RHS Wisley scheme was only approved in 2016 and, in any case, most of its likely traffic generation will be outside the peak periods. The primary school and community facilities would be mostly used by residents of the development; staff to the school would result in a limited number of trips in the overall context.
- 7.60 The various errors in the data either did not relate to the relevant scenario (Scenario C3) or were transcription errors relating to air quality, dealt with in the relevant issue. They were all responded to and are either not relevant in transport terms or are of no significance to transport issues.

HE's objection

- 7.61 It is accepted that as matters stand HE has an outstanding objection to the appeal scheme based on potential impacts on the SRN. Strenuous efforts continue in an attempt to agree matters with HE and to secure the removal of this objection. Any updates will be reported directly to the SoS. The Appellant considers that with the proposed mitigation there would be no severe impact on the SRN; HE does not yet agree. If HE does agree the mitigation measures then the severe impact on the SRN falls away.
- 7.62 It is agreed that mitigation is necessary in respect of the SRN and that the Appellant's modelling is fit for purpose. Four elements of mitigation are proposed: improvements to M25 (J10); improvements to the southbound A3 between M25 (J10) and Ockham Interchange; improvements to the Ockham Interchange roundabout; and the Burnt Common slip roads. This mitigation is put forward on the

basis that the RIS scheme is not in place. It is agreed that if the RIS scheme were to happen then there is no need for further mitigation on the SRN.

- 7.63 The first three elements of mitigation, as set out above, are agreed in principle by HE as providing suitable mitigation with only minor points of detail outstanding. HE does not object in principle to the Burnt Common slip roads; HE is neutral as to the eLP proposal for them. The benefits of the slip roads are recognised by HE as they are included in the Route Management Strategy for the M25 – Solent Route. While they may not be in the RIS scheme for 2020-2025 they might be.
- 7.64 Concerning the trigger points for the Burnt Common slip roads, the 1,000 dwelling trigger is supported by the safety analysis (ID4) and the position in Ripley with 1,000 homes would be no worse than the position in Ripley in 2031 without the appeal scheme. The trigger is agreed with GBC and SCC but it is acknowledged that HE currently objects to it.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices

Introduction

- 7.65 The scheme would deliver the required transport sustainability measures necessary to enable sustainable travel choices. This is endorsed by GBC and, as highway authority, SCC. The relevant reason for refusal (no 4) has not been pursued by GBC, the SoCG recording that the s106 agreement addresses this. GBC's witness advanced no case to say that the development is not sustainable; it was accepted that the proposal could be described as a sustainable new settlement. SCC said in its letter at ID22 that it was not contending that the proposals would not provide sustainable transport solutions. Sustainability has been key to the design of the settlement; neighbourhoods are designed to be walkable. This sustainability is reflected in various cited documents.

On site provision

- 7.66 Local facilities would be provided on site, as set out above. The provision is in excess of that normally provided for a population of 5,000. There would be a new local centre at its heart. While some homes at the eastern end of the site would be outside the 800m walking distance, other sustainable transport options would be available. The whole site is within the 5km cycling distance and there would be a frequent bus service with 200m between stops. The site would accommodate 776 jobs, enough for 27% of the likely economically active population. The homeworking hub would make it attractive for home workers.

Access to train services

- 7.67 The site is within 5 miles of a number of mainline railway stations, being particularly well-related to Horsley and Effingham Junction. It provides access to these two stations with its proposed frequent (every 12 minutes) bus services. No bus service is proposed to Woking station as the journey time makes that route unattractive and neither GBC nor SCC has sought such provision. No issue regarding train capacity has been raised by SCC or the train companies and in any case significant capacity increases are proposed.
- 7.68 Parking surveys at these two stations show spaces to be available in excess of the likely demand as estimated by EHPC/ WHPC's transport witness. It was only when

the witness increased the demand figure, on the basis of peak periods and inclement weather, that he could show an unmet need. In any case, if lack of parking encourages bus use that is a good result in sustainability terms. Concerning the relative cost of parking compared to using the bus the objections raised fail to take account of lower fares for shorter journeys, such as to the station, and the fact that season tickets (like the parking season tickets) would be cheaper. This concern also ignores costs such as fuel and car ownership.

Bus services

- 7.69 The scheme would deliver new bus services in perpetuity that will enable sustainable travel around the site and beyond making it possible to reach services, stations, employment opportunities and other facilities without using the car. The three proposed services would be: Wisley to Guildford (every 30 mins); to Cobham (every 30 mins); and to Horsley/ Effingham Junction (every 12 mins). There would be improved bus facilities at East Horsley and improvements at Effingham Junction. Detailed evidence on viability and funding has been provided; funding would be provided through the WACT. The 5.9% modal share is considered conservative as the travel plan could increase use.
- 7.70 The evidence of the EHPC/ WHPC's transport witness was based upon the TA, not what is now proposed or even what was proposed in the TAA. He agreed that the linear nature of the site is ideal as regards serving it by bus. The service proposed is vastly superior to that now in the area and allows for increased usage in existing towns and villages.

Cycling

- 7.71 There is a network of routes in the area, including the 2012 Olympic Cycle Route. This is supplemented by the PROW network. The scheme will provide a new route to Byfleet/ Brooklands including improvements to the A245 Parvis Road crossing facilities; improvement for cyclists at Ockham Interchange; a £2m contribution to local schemes and Guildford Cycling Strategy. On-site cycle infrastructure is designed as an integral part of the masterplan to encourage use. Covered secure cycle storage will be available at key locations and in the dwellings.

Conclusion

- 7.72 No issue is taken with the Travel Plan. The scheme complies with paragraphs 30, 32, 38 and 52 of the Framework; Policy G12 of the GBLP; The Sustainable Design and Construction DPD; and Policies S1, ID3 and D2 of the eLP. It is designed to achieve a modal shift away from the private car.

Whether the proposals would deliver an appropriate quantity and mix of affordable housing

- 7.73 GBC has not advanced any evidence in respect of its 5th reason for refusal. It is common ground that 40% affordable housing provision is appropriate. GBC has also agreed the mix of tenures.

Whether the loss of a safeguarded waste site is outweighed by other considerations

- 7.74 The site is an extant allocation in the SWP, but the Appellant believes that its loss is very plainly outweighed by other considerations. GBC does not contest the 7th reason for refusal and agrees with the Appellant that very little weight should be

afforded to this policy conflict. While the planning permission for the IVC is extant, as a start was made, the Appellant will not build it. The s106 includes a commitment not to construct or operate the facility. In addition, the SWP is out of date and not in conformity with the Framework. The site is not currently available for such use and SCC does not intend to include it in a new SWP.

The effect of the proposals on the character and the appearance of the area

Introduction

7.75 The quantum and scale of the development are cited by GBC in support of the 8th reason for refusal. GBC's position has evolved and, due to the additional restrictions imposed by the parameter plans, it considers that the scheme would not be so harmful as to justify withholding permission on this ground. The Appellant agrees as the limited harm that would arise would be outweighed by the landscape benefits, the ecological enhancement and improvement in amenity value that it would secure.

Landscape evidence

7.76 The Appellant's landscape architect produced the only LVIA before the Inquiry. Not everybody present was aware that only public views are relevant to the LVIA process. The starting point is that GBC cannot meet its housing needs without building outside the urban areas so some landscape and visual harm will inevitably arise. The character of the site will significantly change, as would any non-urban site in the Borough.

7.77 The site lies within the *Ockham and Clandon Wooded Rolling Claylands* landscape character type in both the GBLCA and the Surrey Landscape Character Assessment. While the site is broadly representative of this type of landscape, it lacks the regular, large and medium geometric field pattern bounded by hedgerows. Long views to the chalk downs to the south are a key feature from farmland to the north and are not unique to the site. The majority of the site has a low landscape value; it is not a valued landscape within the meaning of paragraph 109 of the Framework.

7.78 The SA for the eLP says that the development of the site would avoid the need to put pressure on the most sensitive Green Belt and landscapes designated as being of larger-than-local importance. The airfield construction has resulted in the loss of key landscape features including hedgerows, trees, rural lanes and farms. The large scale open landscape of much of the site contrasts with the nearby enclosed agricultural landscape and the wooded heathland around Ockham Common. The current management of the site is not aimed at landscape or biodiversity enhancement as evidenced by the scrub encroachment to the west. There is strong enclosure to some boundaries but it is gappy to the east and southeast.

7.79 It is recognised that the character and appearance of the site will substantially change. Major magnitude and significant adverse effects would, however, only occur from the PROWs within the site and from some dwellings. There would be negligible impact on the wider landscape. Views to the Downs to the south would be affected, but are not unique to the site. The retention of the PROWs and provision of green corridors would allow some views out and the 65ha of open space, including the SANG and the tump, and would open up new views.

7.80 No obtrusive overlooking or loss of privacy to any properties is predicted. The loss of visual amenity from existing properties would not justify refusing permission. Built development is a characteristic view from Chatley Semaphore Tower and it adds to,

rather than detracts from, such views. The site would occupy a relatively small part of the arc of views. Views from roads and lanes would not be significantly harmed. Most views from PROWs within the site are degraded by the hard surfacing of the runway. There would be no significant harm to views from RHS Wisley, only glimpses of the taller buildings would be seen. Neither SWT, who manage the Tower, nor RHS Wisley object on landscape/ visual impact grounds. There would be no significant impact on views from Effingham.

- 7.81 Long range views of the site are available from a limited number of public viewpoints in the AONB, but the site is difficult to discern in the varied landscape. The photomontages do not take account of landscaping and the scheme would not be built with light coloured facing materials so it would recede more into the landscape. The Surrey Hills AONB Planning Advisor concluded that the scheme would not materially impact on the AONB.

Design evidence

- 7.82 The scheme is design-led and landscape considerations have been a key influence in the masterplanning process. Landscape corridors would be provided between the neighbourhoods and there would be green streets, green links and street trees. Landscape would not merely be peripheral. The WACT will manage the SANG, structural planting and landscaping. The scheme would be developed by phase and the parameter plans allow flexibility.
- 7.83 It is not possible to replicate the scale of the surrounding development. The differences in scale of the buildings are necessary to avoid a monotonous development. Variety would be used to create interest. The 4-storey dwellings on the northern boundary are deliberate to create a defined edge. No density figures are set out in the eLP but demand for housing is high and land is scarce. The density would be 30/32 dpha across the site excluding the SANG; 49 dpha under the old PPG methodology; and 18 dpha across the whole site including the SANG.
- 7.84 The south eastern corner, close to Ockham Lane and Old Lane is to be treated sensitively to connect the new development to the existing community. It is only in this corner that such a connection can be made. The density in this corner would be lower than elsewhere in the scheme.
- 7.85 The inclusion of Bridge End Farm, within the eLP Policy A35 allocation, was made for the first time by GBC in its rebuttal statement. The cited topic paper¹¹ dates from June 2017. It was not suggested that allowing this scheme would prejudice the possibility of this land coming forward; an integrated scheme using this additional land could come forward. There is no requirement in draft Policy A35 that the whole of the allocation be developed comprehensively. Developing the Bridge End Farm site would bring the development closer to the Conservation Area; elsewhere GBC contend that the scheme would offend the 4th Green Belt purpose by impacting on Ockham village.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets

- 7.86 The 9th reason for refusal refers to Yarne; no issues are raised about any other heritage assets. The relevant parameter plan, secured by condition, means that GBC

¹¹ CD8.29 Housing Topic Paper

is now satisfied that the scheme could be accommodated without material harm to the setting or significance of Yarne. It produced no detailed evidence.

7.87 The appellant put forward a heritage witness who considered the relevant heritage assets in the area. He concluded that the scheme would give rise to less than substantial harm to Yarne and Upton Farmhouse (both at the lower end of less than substantial); to Appstree Farmhouse (negligible harm) and Ockham Conservation Area (due to potential traffic increase only).

i) Yarne

7.88 As the Grade II building would not be altered or destroyed, the issue is the effect on its setting. The Glossary to the Framework defines “setting”. The Appellant’s expert witness considers that Yarne has a single setting. While he was criticised for placing too much reliance on visual evidence, HistE’s advice in its Good Practice Advice (GPA)¹² plainly advocates an approach in which visual reasoning plays a key role. He acknowledged that other factors can play a part but considered that, given the exclusively rural surroundings to the relevant assets the only additional sensory impact that can reasonably be considered is sound. His reasoning was entirely consistent with *Steer*¹³ and had not been impermissibly limited to intervisibility.

7.89 As explained by the Appellant’s witness, historical associations do not, per se, necessarily constitute setting. They comprise part of setting only if they are part of the surroundings of the heritage asset that can be experienced. In any case, the issue is not whether the setting of Yarne would change; it is whether that change would harm the significance of the listed building. The witness confirmed that the additional restrictions in the parameter plan (Drawing 1715/SK/709) gave effect to his recommendations, although due to difficulties in interpreting exactly what is proposed, a condition is suggested prohibiting any building within 20m of the curtilage of Yarne.

7.90 Yarne’s significance relates to the architectural and historic interest inherent in the surviving later medieval and/ or post medieval fabric of the building and the evidence of later change. No heritage values or significance relating to its relatively early origins are readily apparent from its current external appearance. The witness wrote that the modern form of the house and its garden, visible from the appeal site, are “essentially the result of more recent cosmetic changes which do not necessarily reflect the historic character of the building or its surroundings”.

7.91 The Appellant considers that its setting is confined to its curtilage. The boundary hedge limits views from Yarne into the site from the building and its setting; the hedge seems to be designed to make the property a visually enclosed entity. Concerning the assertions of the owner of Yarne, Ockham village is not an integrated whole, it is dispersed. Neither Ockham village nor Ockham Park Estate form part of Yarne’s setting despite the historical associations, and in any event these relationships would not be affected by the scheme. There is no evidence to support extending the Conservation Area to include Yarne. Due to the distance involved, that claim would be impossible.

¹² Historic Environment Good Practice Advice in Planning, Note 3 (2015): CD13.52

¹³ *Steer v SSCLG* [2017] EWHC 1456 (Admin): ID75

7.92 The evolution of the setting of Yarne was considered; many of the nearby landscape character features were destroyed when the airfield was constructed. The appeal site has been subject to considerable change and makes no positive contribution to the setting of Yarne. Views from Yarne across the appeal site are of no particular historic significance. There would be no harm to its physical fabric which comprises its significance. There would be only less than substantial harm to the setting of Yarne, and that would be at the lower end of the range. GBC considers that there would be no material harm.

ii) Ockham Conservation Area

7.93 The development would be minimally visible from the margins of the Conservation Area which would result in a negligible harm to its significance. There would also be a low level of harm arising from additional traffic. HistE has not objected to the development and the Officers' Report concludes that there would be no harm to its significance. It is not in the reason for refusal.

iii) Chatley Semaphore Tower

7.94 This Grade II* listed building was raised by WAG/ OPC at the Inquiry but is not in the list of buildings that they consider would be harmed by the scheme, as set out in their Statement of Case. HistE are a statutory consultee but has not objected. Similarly, SWT, who manage the Tower, has not objected. GBC considers that the scheme would not impact upon it. There is no evidence that the scheme would cause appreciable harm to the Tower.

iv) RHS Wisley

7.95 This Park and Garden is also Grade II* listed and was also raised by WAG/ OPC. HistE said it did not wish to object and RHS Wisley has not objected on heritage grounds. GBC considers that the scheme would not materially impact upon the Park and Garden. The Appellant considers that there would only be a negligible level of harm. There is no evidence that the scheme would cause any material harm to the heritage asset.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife)

i) Introduction

7.96 GBC offers no evidence to support its 10th reason for refusal as it is no longer in dispute. It has taken advice from AECOM and now accepts that "it has been demonstrated that the proposed development will have satisfactory air quality impacts"¹⁴. NE raises no objections on air quality/ ecological impact grounds. The issue is only maintained by Rule 6 parties, notably WAG/ OPC and RPC.

ii) AECOM Reviews

7.97 Air quality assessments were undertaken in 2014 and 2015 by WSP who gave evidence at the Inquiry. The ES contained chapters on air quality and was subject to a scoping process by SCC and GBC, as well as NE. The ES was independently reviewed; this resulted in an Addendum ES with new chapters on air quality and ecology and further traffic modelling. The Addendum was also independently

¹⁴ Statement of Common Ground p30: (CD12.3)

reviewed and GBC took specialist advice on the issue from AECOM who, albeit seeking some additional information and clarification, nonetheless concluded that the *“scheme is not likely to lead to a significant air quality effect on the TBHSPA or Ockham and Wisley SSSI during construction or during operation, with regard to nitrogen deposition or NOx concentrations”*.

7.98 The Appellant was given no opportunity to respond to the request for additional information and clarification before the scheme was refused. Following refusal WSP submitted the information (CD13.69) which was reviewed by AECOM. In the light of this review, GBC says, in its Statement of Case, that any impacts can be avoided or mitigated by conditions or through the legal agreement. GBC now regards the air quality issue as resolved. Air quality was also considered in respect of the eLP allocation at Wisley, including the Burnt Common slip roads with the conclusion, again by AECOM, that the impact on annual mean NO₂ concentrations will be negligible and not a key constraint on development.

7.99 A sensitivity test, on the basis of updated traffic data, was included in Transport Technical Note 1 (ID4) which the objectors' expert witness accepted was better modelling and he raised no issue with the modelling or its verification and adjustment.

7.100 The assessments in the ES and ES Addendum did not consider the Burnt Common slip roads as, at that time, these were not part of the mitigation. The objectors' witnesses accepted that their concerns were not dependent on what happens with these slip roads.

iii) Traffic data issues

7.101 WAG/ OPC sought to raise issues concerning the traffic data used in the air quality assessments and these have been responded to in Transport Technical Note 1 (ID4). The errors identified were transcription errors and are not significant on the outcome of the air quality assessment; this explanation was given at the Inquiry and not challenged.

iv) Criticisms of the ES Addendum

7.102 The Appellant argues that the conclusions in the Addendum hold good following a number of sensitivity tests. In response to the criticisms raised by WAG/ OPC, EBC were consulted on the EIA scoping and the planning application. Data shows either a very small increase or a decrease in traffic in Cobham. The 3-month monitoring in 2014 was not used as it was only three months data and was mainly from kerbside sites. AECOM accepted it was appropriate to reject the use of this data for verification purposes.

7.103 No request for further traffic data was ever made by the objector; this is significant as the witness was instructed in January 2016. Neither GBC nor SCC sought further traffic data. The points concerning the model being appropriately verified and adjusted were all fully responded to by the Appellant's witness. The modelling was undertaken in accordance with DEFRA technical guidance. The objector accepted at the Inquiry that the modelling was intended to be conservative as it did not include vehicle emissions improving in line with national forecasts.

7.104 Acid deposition was considered at length in WSP's letter of June 2016 (CD13.69) and in the Appellant's proof. It was accepted that any criticism in this regard had fallen away. Exceedances of 1% are only recorded at two kerbside

locations and at one non-kerbside location which is only 5m from the kerb. Exceedance is only 1.2% at its highest, a marginal figure so likely effects from acid deposition were screened out. It was not even mentioned in the evidence of the objector's ecology witness.

v) The air quality case against the scheme

7.105 Only WAG/ OPC called expert witnesses on this issue. These witnesses disagree with all the other views put forward including GBC; AECOM (GBC's expert advisors); NE; and the Appellant's professional witnesses. The witnesses for WAG/ OPC raised the same issues in March 2016 but failed to persuade these parties that the air quality assessment was in any way flawed. The objector's focus is entirely on operational impacts, not construction impacts, and is exclusively focused on vehicle emissions associated with the appeal site.

vi) Human receptors - Ripley

7.106 The air quality expert for WAG/ OPC agreed that the only relevant location in human health impacts is Ripley. The only issue raised is NO₂; the relevant objective is the 40 µg/m³ as an annual mean. The Appellant's assessments in the ES Addendum conclude no likely adverse effect; that is endorsed by AECOM. Based on GBC's own monitoring there are no breaches of the annual mean NO₂ objective in Ripley. There is no designated AQMA in Ripley. The Appellant challenges the data provided by RPC as there is missing data; it only covers 4 months so needs to be annualised; and no explanation has been made for the bias adjustment. It is the annualisation and bias adjustment, not the monitoring results, that is driving the alleged NO₂ exceedances. The locations of the monitoring tubes are also questioned as all but one are at kerbside, at least 2m from the nearest façade.

7.107 Transport Technical Note 1 (ID4) shows that in 2013 there would be no exceedances in Ripley; the modelling shows substantial falls from the present position. Based on GBC's monitoring data there is no breach now and there will be none in 2031. The scheme may cause the rate of improvement to slow but only if the scheme materially added to traffic in Ripley. The scheme would deliver or fund the Burnt Common slip roads which would reduce the amount of traffic in Ripley. The air quality expert for WAG/ OPC agreed that the reduction in traffic would be a benefit in air quality terms.

7.108 The evidence does not support the view that there are current exceedances of the NO₂ annual mean objective nor that there would be due to the scheme. None of the modelling indicates any risk to human health.

vii) Ecological receptors

7.109 In relation to the TBHSPA issues were raised by WAG/ OPC about NO_x, nitrogen deposition (ND) and acid deposition. Their witness accepted that acid deposition had been comprehensively addressed in WSP's letter of June 2016. The ecology witness accepted that acid deposition formed no part of his evidence. The issue therefore focuses on impacts from NO₂ and ND on the SPA. There is no Special Area of Conservation (SAC) here. SACs are sensitive to air pollution. The SPA is designated for important populations of rare birds which are not sensitive to air pollution (unless levels are exceptionally high).

7.110 The question is whether there is a credible pollution pathway for what is undoubtedly a small magnitude impact arising from the appeal site to effect an

ecologically significant change on bird habitats in the SPA when acting in combination with other contributors.

- 7.111 The principal sources of pollution in the vicinity are the A3 and M25. The issue is whether additional traffic from the appeal site will have harmful ecological effects on the SPA. The view of the ecology expert for WAG/ OPC is that within the SPA the critical level for NO_x and the critical loads for ND are already being exceeded. This is accepted. However, he then says that where critical levels or loads are exceeded harm to the SPA cannot be ruled out. Therefore, any additional traffic from development of even a single vehicle on the A3 will result in adverse effect on the integrity of the SPA such that under EU law planning permission must be refused. This extreme position has no proper basis in either ecology or law and the SoS is invited to robustly reject it.
- 7.112 The views of NE carry great weight. NE has carried out a detailed, thorough and lengthy review of the appeal scheme including air quality issues and concluded that there is not likely to be a significant effect on the SPA from air quality. NE had been engaged in the process in respect of the appeal site for a long period. NE has said that they have no objection, as set out in their statutory response of February 2016. This is supported by AECOM and the Appellant's expert witness.
- 7.113 The position of the ecology expert for WAG/ OPC must be that these parties, including NE, are all grossly wrong. Not just wrong, but NE must have been negligent in the exercise of their duties under the Habitats Regulations. It is relevant that NE does not object to the eLP. That witness relied on *Wealden*¹⁵ to say that NE does not always get it right, but this judgment does not help his case. That case concerned the 1,000 AADT screening methodology set out in DMRB but that methodology has not been used here. It did not involve air quality monitoring or modelling and no use was made of the 1% methodology. There was no assessment of in-combination effects.
- 7.114 *Wealden* does not overrule what is said by other Courts and endorsed by the Supreme Court in *Morge*¹⁶, namely that the views of NE must be given great weight on nature conservation issues. That is especially true here where, unlike *Wealden*, there has been detailed consideration of air quality issues by NE.
- 7.115 The extreme view of the ecology expert for WAG/ OPC must be rejected for a variety of reasons. It is based upon a seriously flawed understanding of critical loads and levels. Where NO_x/ ND is below the critical level/ load one can assume without further consideration or analysis that there will be no harm to ecological receptors. Where the level/ load is exceeded that does not mean that there will be further damage, just that there is potential for damage.
- 7.116 That witness's view is that in such circumstances you have to assume that there will be damage. However, this does not take proper account of other factors including habitat type, existing suitability for SPA birds etc. His view is directly contradicted by the Appellant's evidence and other sources such as AECOM's Habitats Regulations Assessment of the eLP.

¹⁵ *Wealden DC v SSCLG* [2017] EWHC 351 (Admin): CD11.23

¹⁶ *Morge v Hampshire CC* in the Supreme Court C [2011] 1 WLR 268: CD11.5

- 7.117 The view is contradicted by other evidence including despite the fact that there are widespread exceedances of the NO_x critical level and ND critical loads in the SPA bird territories are holding or increasing so conservation measures are being met; there are bird populations in areas where the critical level for NO_x is being exceeded; and the amount of heathland in the SPA is increasing.
- 7.118 The view ignores the fact that there needs to be a pathway for the impact to effect a significant change on bird habitats in the SPA, either alone or in-combination. The DMRB says, in respect of air quality impacts for road projects, only properties within 200m of roads need to be considered. This was accepted by the witness. In fact, although no NO_x impacts can be discernible up to 200m from a road, impacts are thought to be greatest within the first 50-100m and the 200m distance is precautionary as beyond this road traffic contributions have no discernible and no tangible effect. A study by, amongst others the objector's air quality witness, indicates that NO₂ contributions drop off steeply from the roadside and are no different to background levels by 100-140m. That witness accepted that the fall off rate for NO_x would be similar. While the first 200m from the A3 and M25 need to be considered, the focus is on the first 140m.
- 7.119 The ES Addendum shows that the critical exceedance contour for NO_x will be well within 140m from these roads. The 2031 model shows this contour to be largely unaffected. Under Scenario C3 the maximum distance of exceedance of the critical level into the SPA is 65m. The updated modelling in Transport Technical Note 1 (ID4) shows the process contribution from the appeal scheme for NO_x falls to less than 1% significantly before 140m. Thus the areas where the scheme makes a 1% or greater contribution to NO_x is only very close to the road, all well within 100m.
- 7.120 Any damage to the SPA would be well within 140m of the A3 and M25. The most important habitat for the rare Annex 1 birds is heathland. Dartford Warblers and Nightjars are habitat specialists and only potentially affected by impacts on heathland. Woodlark could be affected by impacts on coniferous woodland as this is used for breeding, but only where it is managed by rotational felling.
- 7.121 Only the Appellant had surveyed the vegetation within 200m of the A3 and M25. In this area there is hardly any heathland; it is mostly dry woodland and scrub. This is not attractive to Annex 1 birds and not sensitive to nitrogen. The coniferous woodland in this area is not managed by rotational felling. Indeed, there are no bird territories within 140m of the roads.
- 7.122 The woodland that lies within 140m of the roads provides a shelterbelt for the remainder of the SPA, and Annex 1 bird populations, from bird strikes, noise, light and pollutants so it is undesirable to remove it. Woodland is an important component of heathland ecosystems; a heathland monoculture would be harmful to the biodiversity of the SSSI. This area is not disregarded; it simply performs a different function. The evidence shows that birds nest across the area including areas exceeding the air quality objectives.
- 7.123 There would not be a likely significant effect (LSE) on the SPA for many reasons. The modelled assessment is in the context of background improvements between 2013 and 2031. The exceedances are likely to be exaggerated by the shelterbelt effect of the perimeter trees. Most of the habitat within the exceedance areas is already not suitable for Annex 1 birds as it is not open ground within heathland or recent coniferous plantation clearings. Most of the habitats within the

exceedance area are covered with plants that are not dependent on low nitrogen levels. The woodland is likely to be retained as a shelterbelt.

7.124 In-combination effects were considered so that criticism is unfounded. The only omissions are the RHS Wisley scheme, which post-dates the ES Addendum, and the RIS scheme for which there has been no announcement about the preferred route or detailed junction design so the in-combination effect could not be assessed.

7.125 The contention that the objector's approach is mandated by EU law has meant that the potential impacts have been considered. They would permit no development that would generate a single vehicle movement on the A3/ M25, or indeed on other roads. The fact that WAG/ OPC do not object to construction traffic seems at odds with this approach. The scheme would not undermine the conservation objectives for the SPA so there is no LSE from the appeal site or in-combination.

viii) SPA Boundary

7.126 The Appellant's position relies upon detailed GIS mapping provided by NE and the Joint Nature Conservation Committee, the bodies charged with updating SPA boundaries with the European Commission. In any case the disputed land lies adjacent to the A3 and is not suitable Annex 1 bird habitat.

7.127 There is no remotely credible reason for dismissing the appeal on air quality grounds.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries

7.128 The s106 Agreements make adequate provision for community and other facilities including education, police, health and libraries. The facilities would be beneficial beyond the appeal site.

Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

Harms

7.129 The Green Belt harm is considered in the first issue (above).

7.130 The other harms accepted by the Appellant are some loss of BMV agricultural land; some localised harm to character and appearance; harm to heritage assets, limited to the settings of grade II listed buildings (within the lower range of less than substantial/ negligible harm); and loss of a site for a potential waste facility, designated in the SWP. The test concerning the heritage impacts is whether these are outweighed by public benefit; the Appellant considers the test is satisfied.

7.131 Concerning BMV, this relates to 19.3ha. Its loss is not a reason for refusal. The Officers' Report identified that this loss would be contrary to paragraph 112 of the Framework but that the harm could be minimised by the reuse of suitable soils. A condition to this effect has been suggested. Concerning the loss of agricultural land the undeveloped land has the potential to be returned to agricultural use in a national emergency or change of circumstances. NE was consulted and did not object.

7.132 GBC gave moderate weight to the impact on the character and appearance of the area and to the loss of BMV. It gave little weight to the conflict with the SWP.

Other material considerations

7.133 Fourteen other material considerations are advanced in support of the appeal which, taken together, amount to the VSC necessary to justify the development. These are not all of equal weight; some are less important than others. Even if some are not accepted, VSC could still be established; it is a matter of planning judgment. The Appellant's VSC case is not based exclusively on housing need as some have asserted. There is some overlap in the considerations but that is inevitable and unobjectionable. The *Perrybrook* case (CD10.2) demonstrates that other material considerations can outweigh harms, including Green Belt harms. Applying *Perrybrook*, the scheme is plan-led.

i) Support from the eLP and its evidence base

7.134 Like the *Perrybrook* case, the site has been consistently concluded as being suitable for release from the Green Belt and for allocation for housing for a number of years. It has been selected as a site for a new settlement since 2013 in no less than 4 iterations of the eLP; at each stage it has been the subject of a resolution by full Council. The eLP is on the brink of submission for examination; it will almost certainly have been submitted by the time this appeal is determined. It is critical to the eLP's spatial strategy.

7.135 It has consistently been assessed as the best site for Green Belt release for a new settlement given its relative lack of sensitivity in Green Belt terms and distance from the AONB. GBC considers that it meets the exceptional test for Green Belt release. The factors for this include the intensity of the objectively assessed housing need; the inherent constraints on supply (Green Belt, AONB, SPA); difficulties in achieving sustainable development without impinging on the Green Belt such that Green Belt release is inevitable; the relatively low Green Belt sensitivity of the site; and the extent to which impacts can be ameliorated due to its enclosed nature.

ii) The uniqueness of the appeal site

7.136 It contains the largest area of PDL in the Green Belt in the Borough. It has been in the eLP process as the preferred site for a new settlement since 2013; this has been robustly tested and favoured in studies as part of the eLP evidence base; in successive sustainability assessments it has been assessed against reasonable alternatives and has remained the preferred site for a new settlement; and there are no alternatives which, given the Borough's constraints, is not surprising. Mr and Mrs Paton put forward alternative sites but as these are already in the eLP as draft allocations they are not alternatives. They are needed in addition to the appeal site to meet housing needs.

iii) & iv) Job creation, delivery of economic growth, increased consumer spending and retail provision

7.137 The economic benefits are very considerable. These have not been challenged and are considerably greater than when assessed for the ES Addendum. The benefits include 776 direct jobs; 1410 indirect jobs; a GVA uplift of £57,551,000 pa; rates of £500,000 pa; gross Council tax of £3.5m pa; New Homes Bonus of £21m over 6 years; and a cumulative net income gross of £130m. These benefits are significant; more than were relied upon in *Perrybrook*.

7.138 The Appellant's proof provides the best evidence on this matter. GBC's witness confirmed that it was unchallenged; that the benefits weighed in favour of the grant of planning permission; and that the benefits carried considerable weight. The evidence of the Enterprise M3 Housing Evidence Study (2014) expresses the importance of housing for the local workforce and the ability for it to retain and recruit the right talent. The site is referred to as a large, important housing site. GBC withdrew its reason for refusal on retail grounds; no party pursued this at the Inquiry. New retail would be a benefit.

v) Upgrades to local infrastructure

7.139 The benefits go beyond mere mitigation. The proposed slip roads at Burnt Common would lead to overall reductions in traffic on many local roads, including within Ripley, as well as improved conditions on the SRN. The cycle route to Byfleet is a publically available enhancement; the bus services would provide additional transport options for local communities. The financial contributions towards cycling and road safety benefit all road users and the capacity improvements at the M25 (J10) in the absence of the RIS would extend the life of the junction.

7.140 The benefits of the Burnt Common slip roads, as set out in Transport Technical Note 1 (ID4) are unchallenged. They are seen as a prerequisite to realising the benefits of the eLP as a whole. GBC's closing submissions recognise their importance, describing them as being critical to the delivery of growth within the Borough.

vi) Housing

7.141 *Doncaster*¹⁷ makes it clear that while national policy regards it as unlikely that unmet housing need alone would overcome the hurdle posed by Green Belt policy; it does not say that it cannot do so. It could constitute VSC. A submission that this appeal is bound to fail is thus wholly erroneous. In *Lee Valley*¹⁸, Ousley J said that a shortfall in housing land supply can, as a matter of policy, be a VSC. It can be one of a number of VSCs.

7.142 The housing need in the Borough is critical. Housing is a benefit which carries significant weight; all the planning witnesses agreed on this. GBC has a 2.36 year supply; a significant shortfall. It has not had a five-year housing land supply for many years and is a "20%" authority due to persistent under-delivery. The scheme could deliver 210 dwellings in the first year period, about the same amount as GBC delivers most years in total. Account needs to be had of years 6-10 and 11-15, too, and this carries significant weight.

7.143 GBC has had no housing requirement in its development plan since 2006; the interim target is 322 dpa which is an untested, modest, target. The household projections give a need of 538 dpa while the SHMA is, at 654 dpa, significantly higher. In only one year since 2012/13 has the interim target been met, 2016/17. The scheme provides 18% of the housing allocations in the eLP. The mix is not in dispute. The site would also provide pitches for travellers, providing 13% of the need. The scheme also provides 60 much needed homes for the elderly which adds more weight.

¹⁷ *Doncaster MBC v SoSCLG and AB* [2016] EWHC 2876 (Admin): ID129

¹⁸ *R (Lee Valley Regional Park Authority) v Broxbourne BC* [2015] EWHC 185 (Admin): CD11.17

vii) Affordable housing

7.144 The Appellant and GBC are in agreement on this VSC. Nobody disagrees with the acute need. There are 517 households per year in the Borough that require support for their housing needs and are eligible for affordable housing. Only 485 affordable homes have been built in the Borough since 2009, about 60 per year. At 1 April 2016 there were 2,768 households on the affordable housing register in the Borough (2,203 in the top priority bands). In Surrey the waiting list is 14,333 families. In the County 850 such homes were built in 2015/16.

7.145 It is a key corporate ambition of GBC to increase the supply of affordable housing and the scheme would deliver 800 such homes. GBC recognises that this satisfies the social dimension of sustainability. It constitutes a very material consideration in favour of the scheme.

viii) Education provision

7.146 The all through school, proposed as mitigation, has the potential to serve the wider secondary education needs. The Officers' Report acknowledges that a school of greater capacity could count significantly in favour of the scheme. This will be delivered by the Appellant through a separate s106 Agreement. The 4-form entry school will meet identified future needs in the Borough. It would accord with the application; be compliant with Policy A35 of the eLP; be supported by the eLP evidence base; would increase choice; is important to place-making sustainability objectives; has been of interest to a leading provider; and would result in a benefit beyond mitigation and so count towards VSC.

7.147 SCC is not opposed to the school in principle. Its concern relates to the timing of the provision and whether this might result in over-provision of school places. However, factors beyond provision, such as place making, justify its provision.

ix) Re-use of brownfield land, including the derelict runway

7.148 It is well established that Green Belt land being PDL may constitute, or be part of, VSC (*Smesh Properties Ltd*)¹⁹. PDL comprises about 29.9ha, some 26% of the site. It comprises the largest area of PDL in the Green Belt in the Borough. In the IVC appeal, the SoS held that the concrete standing on the site was PDL and both the Inspector and SoS held that this was part of the VSC justifying the grant of permission. The Framework encourages the re-use of such land in paragraph 17; it is a core principle. Its re-use would accord with emerging national policy concerning changes to the Framework where the benefits of the use of brownfield land for housing would be given substantial weight.

7.149 The evidence base for the eLP relies upon the PDL nature of part of the site as justification for the release of the land from the Green Belt and its allocation for housing. The re-use of materials should carry some weight. The IVC, while not a fall-back, benefits from an implemented planning permission. It would be a large scale building. The re-use of a substantial area of PDL should carry significant weight in the balance and this makes a substantial contribution towards establishing VSC.

x) Creation of new publicly accessible greenspaces

¹⁹ *R (Smesh Properties Ltd) v Runnymede DC* [2016] JPL 677: CD11.20

7.150 The only areas of public access on the site are the PROWs. This was one of the key reasons why the application for an Asset of Community Value (ACV) failed (CD13.2 & CD13.3). The scheme would provide about 9.51ha of playing fields; 6.8ha of children's play space; and 50ha of SANG. The play space and SANG are above standard. This provides additional benefit.

xi) Landscape and biodiversity benefits

7.151 The Appellant's landscape witness's evidence is that the overall landscape benefits outweigh the harm. GBC's witness accepts that the landscape enhancements to the site outweigh the landscape character impacts of the scheme. This is clearly a benefit.

7.152 In ecological terms the Appellant's case is that there would be an on-site net gain. While some third parties disagreed with this, no expert evidence was put forward. The SoCG agrees that the site has the potential to provide ecological improvements over the present baseline situation. This is clearly a benefit.

xii) The sustainability of the proposals (with particular regard to the WACT)

7.153 The scheme is fully compliant with paragraph 7 of the Framework. The three dimensions of sustainability are met, as set out in the issues and VSC factors above. GBC agree that there are benefits within each of these dimensions. The scheme would result in sustainable development as defined in the Framework. The eLP has subjected the site to a number of SAs which provided a key part of the evidence base for the site's allocation in Draft Policy A35.

xiii) Flood risk mitigation at Ockham Interchange

7.154 The delivery of the site access will enable existing flood risk issues at Ockham Interchange to be alleviated providing benefits to all road users and so is a benefit. One third party referred to existing flooding issues in her statement; the scheme deals with this.

xiv) Local policing

7.155 The financial provision for the police also provides some benefit. The site lies within the Send, Wisley, Ockham, The Horsleys, The Clandons and Effingham Neighbourhood Police Area. Following the closure of Ripley Police Station the area is served from Guildford. The Surrey Police made representations and sought a number of measures, all of which are included in the s106 Agreement. These measures include space in the Community Building on the site. This is a wider benefit in terms of additional local police facilities.

Conclusions on this issue

7.156 The material considerations in support of the scheme clearly outweigh the totality of the harm that would arise. The requisite VSC are thus present.

Overall conclusions

7.157 The scheme is plan-led, full square and compliant with Policy A35 of the eLP which is at an advanced stage. The scheme is key to the overall spatial strategy of the eLP and is strongly supported by the eLP evidence base. It is a site that has been identified for release from the Green Belt and for a new sustainable settlement in successive versions of the eLP going back to 2013. It contains the largest amount

of PDL in the Green Belt and there is no viable alternative for a sustainable settlement. Harm, other than definitional Green Belt harm is limited and the totality of the harm is very clearly outweighed by the considerable benefits. There are therefore VSC that justify approving the scheme and the Appellant asks that planning permission be granted.

8. The Case for Guildford Borough Council (ID120)

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 8.1 The Appellant accepts that openness is a key characteristic of the site and one that reflects, in part, its history as an airfield. While this degree of openness may not reflect the prevailing character of the *Ockham and Clandon Wooded Rolling Claylands*, it contributes to a number of the identified key, valued features such as the sparse settlement pattern and the individualism of settlements. The GBLCA records that these features have been threatened by development pressures. The landscape strategy for this landscape character type includes the need to conserve the settlement pattern.
- 8.2 In Ockham, the various elements of the village (Ockham, Bridge End, Martyr's Green, Hatchford End and Elm Corner) each contributes to its character and the appeal site contributes, principally through its openness. This openness can be experienced from Ockham Lane, Old Lane and the PROWs across the site. It is an important, albeit primarily local, contribution.
- 8.3 The effect of the hardstanding, associated with the previous airfield use, only has a very limited effect on openness, as the Inspector in the IVC appeal concluded²⁰. He said that "the land could not be more open..." and the Appellant agreed with this assessment. This only referred to part of the current site but is equally applicable to all the hardstanding on the site.
- 8.4 The appeal scheme, and notwithstanding the fact that about 68ha would remain in open uses, would result in a fundamental and permanent change to the site, including its rurality, openness and how it is perceived by local people. This is clearly contrary to the fundamental aim of the Green Belt which is that land should be kept permanently open, as set out in paragraph 79 of the Framework. The harm to this aim is very substantial.
- 8.5 In terms of Green Belt purposes, the GBCS identifies that the site is within an area that serves two purposes; assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns, albeit that the GBCS treated the fifth purpose as neutral as it was looking at the relative merits of sites in the Borough.
- 8.6 On any assessment, the site lies in open countryside that serves to separate a number of clusters of development and the scheme would encroach into this resulting in very substantial harm to this purpose. While this would be the case for any development of this scale in the Green Belt this does not lessen the conflict; the need for Green Belt release falls on the other side of the VSC balance. The Appellant's case does not appear to recognise that.

²⁰ CD10.4 para 200

- 8.7 Concerning the preservation of the setting and special character of historic towns it is accepted that if the precise wording is followed there are no historic towns in the vicinity. The GBCS approach is less literal and more purposive, using Conservation Areas associated with towns and villages to assess whether this is relevant and applying this purpose to the appeal site. Of itself, this harm would not justify refusing planning permission and GBC's balance is not sensitive to a finding that this purpose is offended but it a Green Belt harm to be weighed in the balance.
- 8.8 The Appellant's attempts to downplay the harm to the Green Belt are not convincing. While the previously developed status of the land may be relevant in the overall balance it does not lessen the impact on the third Green Belt purpose. In terms of visual containment, GBC accepts that openness has a visual and spatial element²¹ but the absence of a visual impact is insufficient on its own to found a conclusion that there is no impact on openness.
- 8.9 The fact that other areas within the Green Belt fulfil a greater number of Green Belt purposes, as identified in the GBCS, does not mean that the site lacks value in Green Belt terms. Nor does GBC's recognition that Green Belt land will need to be released if its development requirements are to be met. These factors weigh in the benefits side of the balance, not the harm side. Otherwise it becomes an exercise in double counting, which is where the Appellant has gone wrong.

Whether GBC can demonstrate a five-year housing land supply and the implications for this on local and national planning policy

- 8.10 GBC accepts that on the basis of the West Surrey SHMA Guildford Addendum Report 2017 (CD8.23), which identifies an annual requirement of 654 dpa for the period 2015-2034, it is unable to demonstrate a five-year housing land supply. The position agreed with the Appellant is that it can demonstrate 2.36 years' supply. The GBLP was adopted in 2003 and the relevant policies for the supply of housing have not been saved so paragraph 47 of the Framework has little bearing in this appeal.
- 8.11 In terms of other GBLP policies, the fact that the plan is out of date does not mean that all the policies can be written off; the Framework requires a more refined approach in which consistency with the Framework is the key consideration. In respect of the policies most relevant to this appeal, GBLP Policies G1 and G5, the Appellant has identified no inconsistency with the Framework. Given that the evidence is that both these policies were used in designing the scheme, it can safely be concluded that significant weight can be given to them. Policy NRM6 of the South East Plan also remains up to date and carries significant weight.
- 8.12 The weight to be accorded to GBLP Policy RE2 is the only policy on which there is any dispute. The development conflicts with it because it is not appropriate development which is the only development sanctioned in the Green Belt under the adopted policies. It was drawn up to accord with PPG2 which required that all inappropriate development applications were treated as departure applications. To that extent it is no longer consistent with the Framework. However, given the combined effect of the Framework, the PPG and the WMS it does not materially advance the Appellant's case as the latter two documents say that unmet housing demand is unlikely to outweigh the harm to the Green Belt such as to constitute VSC. In reality, nothing turns on the weight accorded to this policy.

²¹ *R(Turner) v SSCLG* [2016] EWCA Civ 466 (CD11.22)

- 8.13 Paragraph 14 of the Framework, the tilted balance, cannot apply despite the development plan being out of date due to the provisions of footnote 9. The balance is therefore set by paragraphs 87 and 88 of the Framework.

The effect of the proposals on the TBHSPA

- 8.14 The advice from NE to GBC was that it was satisfied that there would be no likely significant effect on the TBHSPA as a result of the proposal subject to appropriate mitigation. Significant weight must be accorded to this advice. The agreed terms of the s106 Agreement secures the necessary mitigation. That advice is consistent with the evidence supporting the eLP, in particular the Habitats Regulations Assessment 2017 update and the Air Quality Review, both produced by AECOM. These assessments are robust as they assume committed and eLP allocations as well as background growth in traffic.

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

- 8.15 The evidence makes it clear that both HE and SCC are satisfied that acceptable mitigation can be provided for the SRN and the LRN. To the extent that there is a highways issue it arises from the effects on the A3 of the local mitigation proposals in the form of the Burnt Common slip roads. The principal objective of these slip roads is to mitigate the effects of the traffic from the site, and other growth proposed in the eLP, on Ripley and surrounding rural roads.
- 8.16 Without this mitigation there is no dispute that the effects of the appeal proposal would be severe and this would be compounded by traffic from other planned sites. The slip roads have therefore always been included in the eLP as essential mitigation for eLP growth. The proposed June 2017 amendments make it a requirement of draft policy that the slip roads and associated traffic management are provided as mitigation.
- 8.17 While HE has yet to be persuaded that the slip roads can be provided without an unacceptable effect on the SRN the Appellant continues to make efforts to satisfy them (as does GBC in the context of the eLP evidence base). GBC is confident that a solution can be found and will continue to work with HE to ensure that it complies with its licence obligations.
- 8.18 The SoS should be aware that GBC and SCC regard the Burnt Common slip roads as critical to the delivery of growth within the Borough. Without them there is no realistic prospect of GBC being able to meet its housing needs. No alternative has been advanced by HE or anyone else. The soundness of the eLP is not a matter for this Inquiry; not all the eLP evidence is before the Inquiry and soundness relates to the position on the date of submission, which has not yet been reached.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices

- 8.19 The location of the site is such that significant interventions would be required to ensure that the development can be sustainable in transport terms. The package of measures which has been agreed within the latest draft of the s106 Agreement and which includes both infrastructure provision/ enhancements and service provision/ enhancement is acceptable to SCC and addresses GBC's original reason for refusal.

Whether the proposals would deliver an appropriate quantity and mix of affordable housing

- 8.20 GBC has a pressing need for affordable housing. High demand to live in the Borough coupled with high house prices means it is one of the least affordable areas of the country outside London. To meet the identified need for affordable housing would require the development of 1,300 dpa. The eLP requires that 40% of all homes on sites of over 0.17ha should be affordable. Emerging policy also requires that it be of an appropriate mix having regard to the identified need. The s106 Agreement secures the necessary provision and mix.

Whether the loss of a safeguarded waste site is outweighed by other considerations

- 8.21 The site is identified in the SWP and the Aggregates Recycling Joint DPD 2013 as a preferred site for a waste/ recycling facility and has planning permission for an IVC facility. It is safeguarded for these uses by SWP Policy DC1 and policy MC6 of the Surrey Minerals Plan Core Strategy 2011. SCC has advised that as the Appellant has withdrawn support for a waste use, and that as proposals for a new settlement have progressed, the site will not be included in the short-list of proposed sites in the new Waste Local Plan. Therefore no material weight should be accorded to the policy conflict with the SWP. Nor should material weight be given to the IVC permission or SWP safeguarding as establishing a baseline for the effects of the appeal proposals.

The effect of the proposals on the character and the appearance of the area

- 8.22 The site is in a rural area which, save for that small section that adjoins the Ockham Interchange, sits in a local context of a network of small rural lanes and small hamlets. It is adjoined by arable and pasture and small residential pockets. Houses in the area are generally two-storey with traditional design and materials.
- 8.23 It is a challenge to introduce a settlement of just over 2,000 dwellings onto the land available within the appeal site without having an unacceptable effect. This challenge is exacerbated by the relationship of the site to the TBHSPA and the A3, which directs development towards the south/ south east of the site. The topography and vegetation enable satisfactory assimilation of the west and central parts of the site, the openness and absence of robust boundaries to the south/ south east, where the site adjoins Old Lane and Ockham Lane, is more difficult to address.
- 8.24 These are the most sensitive boundaries, the sensitivity increased by the topography with the south east corner being the highest point. The south/ south east boundary warrants a high ranking in the assessment of landscape impacts and neither is a strong boundary. They contribute to the character of the rural lanes which they abut and there are views into the site which are agreed to be significant.
- 8.25 The design approach has not risen to the challenge of these boundaries. The masterplan fails to achieve even a respectful relationship. While the design objective for the site of creating its own context is sound for much of the site it needs tempering in this corner. Nowhere does the Design and Access Statement explain how the site context has informed this part of the design. The need for sensitivity in this corner is not recognised. The scheme brings development closest to the most sensitive boundaries which have the least potential for mitigation.
- 8.26 While the revised parameter plans mean the GBC no longer considers that this weakness of the scheme is sufficient, in itself, to justify withholding planning permission, the conflict with GLP Policies G1 and G5 weigh in the balance against the

scheme. There is no inconsistency in identifying a breach of policy that does not justify a refusal of planning permission. The extent and nature of the breach need to be considered in the context of the whole scheme.

- 8.27 The eLP includes additional land, outside the Appellant's control, with the objective of allowing for greater potential to integrate the new settlement. The Appellant accepts that the additional land could be developed notwithstanding the closer proximity to Ockham and its Conservation Area. With the same number of dwellings it allows for less harm and a better relationship with the new village centre than would be possible with the aggressively linear form dictated by the Appellant's land ownership.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets

- 8.28 GBC is satisfied that the limitations imposed by the revised parameter plans and the suggested conditions would mean that there would be no harm to the setting of Yarne having regard to its heritage values. The reduced scale and density of the development, and the increased separation, leaves scope for planting. The further revisions to the parameter plans, introduced during the Inquiry (ID78) would improve the relationship. This issue is one of detail rather than principle.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife)

- 8.29 The Appellant's conclusions are consistent with those of GBC's assessment undertaken on its behalf by AECOM to support the eLP. The development is expected to have a negligible effect on human health with no exceedances of the UK's air quality objectives at locations where public exposure is likely. There would be no likely significant effect on sites designated for nature conservation.

- 8.30 GBC does not accept WAG/ OPC's extreme approach to the deposition effects on the TBHSPA as an ecological receptor as being supportable. The UK's obligations cannot sensibly be interpreted as meaning that any development that has the potential to add to traffic flows on the A3, wherever that development may be located in the UK, must be refused because of a potential additional effect on the SPA. Proportionality is a key component of European Law. Where there is evidence that the objective of SPA designation is being met, within the terms of the number of birds within the species of interest in the SPA, and that the effects of new development would not affect habitats of principal relevance to those species, it would not be proportionate to refuse permission.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries

- 8.31 GBC has agreed the terms of the s106 Agreement in relation to each of these elements of a sustainable new community. Subject to the Agreement being completed the original reason for refusal is addressed.

Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

- 8.32 The Framework provides that VSC will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by the benefits of the

scheme. Within the context of preparing a local plan, Green Belt boundaries may be altered where exceptional circumstances are shown to exist whereas the development management test is one of VSC. The Courts²² have held that the VSC test is stricter than the exceptional circumstances requirement. The fact that the Courts²³ have held that the exceptional circumstances test is an exacting one only reinforces the high threshold that the VSC test sets.

- 8.33 How high that test is has not been definitively ruled upon by the Courts. They have ruled that it is a qualitative judgment as to weight for the decision maker, that it can be a combination of factors which, though individually commonplace in combination are very special. Sullivan J²⁴ has stressed the need to give the words their ordinary and natural meaning; the circumstances must not be merely special in the sense of unusual or exceptional but very special.
- 8.34 This approach finds resonance in the Framework that substantial weight is given to any harm to the Green Belt in the assessment of planning applications and in advice in the PPG which says that even a matter of such national significance as unmet housing demand is unlikely to outweigh the harm to the Green Belt and any other harm such as to constitute VSC. The balance requires that the protection to the Green Belt which the Framework intends, by harm being given substantial weight and the threshold for VSC, be properly respected. It is heavily weighted towards protection; this point seems to be lost on the Appellant whose balance was a straightforward unweighted balance.
- 8.35 Concerning the harms, and in addition to the harm to the Green Belt set out in the first issue, GBC identifies harm to the character and appearance of the area (Ockham Lane/ Old Lane) addressed under issue 8 and to which moderate weight ought to be given and the loss of BMV (just over 19ha) which also attracts moderate weight.
- 8.36 The Appellant relies on some 14 benefits which, together, are said to clearly outweigh the harms such that VSC have been demonstrated. The list needs to be approached with caution as it includes examples of double counting and some benefits are unsupported by the quantitative analysis which would be required to attribute anything other than limited weight to them.
- 8.37 The development has the potential to deliver a number of significant public benefits which weigh in its favour. The very sizeable contribution to the housing supply; the provision of 8 traveller pitches; and 800 units of affordable housing weigh heavily in its favour. GBC sees the site as essential to meeting its housing needs and has been unable to identify any reasonable alternative strategy for the eLP that does not rely on 2,000 homes being delivered here.
- 8.38 The contribution to the five-year housing land supply is a modest benefit. Even on the Appellant's assumptions, which GBC consider to be optimistic, the proposal might deliver 210 dwellings in the first 5 years. Against an annual requirement of 654 dwellings this is a modest contribution. It is the long term benefit which weighs principally in its favour.

²² *R (Luton BC) v Central Bedfordshire Council* [2015] JPL 1132

²³ *Calverton PC v Nottingham CC* [2015] EWHC 1078 Admin

²⁴ *R (oao) Chelmsford BC v First Secretary of State* [2004] 2 P&R 34 (CD11.32)

- 8.39 The economic benefits are acknowledged, both during construction and after. In this context the PPG guidance concerning unmet housing demand being unlikely to amount to the necessary VSC to justify inappropriate development in the Green Belt guides the comparative weight that can be given to this. Here the scale of the benefits is a reflection of the scale of the development and a product of the large scale impact on the Green Belt. In promulgating the guidance in the PPG the Government will have been well aware of the economic benefits associated with new housing and large new housing in particular. It must have concluded that such benefits do not generally clearly outweigh the harms that such development gives rise to.
- 8.40 The benefits of the community facilities are, in large part, required for mitigation. While they are all capable of serving a wider function such benefit would be local. Apart from the school, the extent of wider benefit is almost impossible to quantify and so such benefits carry modest weight. The improvements to the landscape character come at the cost of harm to the character off-site. The ecological enhancement would be of local value only. The landscape and ecological benefits also carry only modest weight.
- 8.41 In terms of highways and public transport, the proposals have the potential to deliver a range of benefits. The Burnt Common slip roads are regarded by GBC and SCC as essential mitigation for the Borough's future growth over and above that provided for by the appeal scheme. They would also deliver significant economic benefit as without them the Borough's strategy for future growth, as set out in the eLP, cannot be delivered. The importance of these slip roads is such that consideration would be given to compulsory purchase powers. It cannot be concluded that there is no prospect of the slip roads being delivered.
- 8.42 There is the outstanding issue of the acceptability of the slip roads to HE. Until HE is satisfied that they can be safely delivered, in a way consistent with their licence objectives for the A3, the benefits of the slip roads remain contingent ones. Until the issues are resolved they cannot materially contribute to the VSC. However, the SoS should note that the primary balance undertaken by GBC assumes that the outstanding highways issues are resolved.
- 8.43 In terms of the SRN there is the potential benefit of the M25 (J10) improvements which are likely to provide a degree of betterment of performance for the junction which, in the absence of the RIS scheme, would be a significant benefit. However, HE appears committed to the RIS scheme so the benefit may be an accelerated one rather than one that would not otherwise occur. The SoS's announcement on RIS should inform how much weight can be given to the benefits of the appeal scheme.
- 8.44 The proposals have the potential to provide public transport benefits which would benefit surrounding communities; this weighs in favour of the scheme. However, the principal purpose of the bus provision is mitigation of the effects of the development and wider benefit is difficult to quantify but likely to be both local and modest.
- 8.45 The use of PDL is a benefit in that it avoids green field release elsewhere in potentially more sensitive locations in terms of landscape and visual impact. However, the benefit is tempered by the almost complete absence of buildings on the site and the fact that much of the development would be on land not currently hard surfaced. Flood alleviation would be a local benefit but there is no evidence that the problem is significant or that these proposals are the only means of addressing it. It attracts limited weight.

- 8.46 The Appellant accords significant weight to the eLP but that overstates the weight to which a plan at Regulation 19 stage is entitled. There are outstanding objections to the detail and also to the principle and the underlying rationale.
- 8.47 GBC remains confident that it will, through the local plan process, be able to satisfy the Examining Inspector that exceptional circumstances exist justifying a revision to the Green Belt boundary so as to accommodate the development at Wisley Airfield. However, the Framework advises that regard must be had to the nature of the issues raised in representations on policies. Objections to the principle of the Burnt Common slip roads cannot be simply airbrushed out and so at present only limited weight can be given to the eLP.
- 8.48 The Appellant's reliance on the *Perrybrook* appeal decision is misplaced as the circumstances differ and so this decision is not a relevant comparable. Similarly the *Luton*²⁵ and *Smerch*²⁶ decisions are simply not comparable.
- 8.49 Taken overall, the benefits come at the expense of the substantial incursion into the Green Belt with its consequent effect on its essential characteristic of openness, even allowing for the containment of the site by topography and the use of some PDL.

Conclusion

- 8.50 The harm is not clearly outweighed by the benefits when both sides of the balance are properly and fairly weighted. The Appellant's case falls short of demonstrating that, judged qualitatively, VSC exist.

9. The Case for Wisley Action Group/ Ockham Parish Council (ID114)

Introduction

- 9.1 It is common ground between the Appellant, GBC and the Rule 6 parties that the only outcome of this Inquiry can be a recommendation that the appeal be dismissed. It should be dismissed for the following reasons on its merits: it is harmful to the Green Belt and not justified by VSC; potential harm to the SPA due to air pollution; it causes less than substantial harm to 6 designated heritage assets; poor accessibility means it is not a sustainable location; harm to the character of the area; loss of BMV; and severe impact on the A3 in congestion and safety terms and severe impact on LRN.
- 9.2 There is no EIA for the development as now sought; what was assessed was the scheme for which planning permission was sought. The off-site Burnt Common slip roads and the water treatment works are not in the EIA. The extremely late changes to the scheme have severely prejudiced WAG/ OPC. The evidence has not been fully tested and assessed as third parties should have been able to do. However, the objectors' evidence and Inspector's questions have exposed sufficient flaws for the application to be refused.
- 9.3 The scheme involves off-site works, outside the appeal site. While planning permission has not been sought for them, they are necessary to enable the development to be carried out. This is shown by their inclusion in conditions/ obligations. In order to determine the appeal it is necessary to determine whether

²⁵ CD11.15

²⁶ *Smerch Properties Ltd v Runnymede BC* [2016] EWCA Civ 42

the works can be carried out; whether they would sufficiently mitigate the scheme; and what the impacts of these works would be. If that is not done, the scheme might not be able to proceed or its impacts might not be sufficiently mitigated or there might be additional harm caused by the off-site mitigation measures.

- 9.4 There were late changes to the scheme. In particular the Burnt Common slip roads are not mentioned in the ES as they did not form part of the scheme until the Appellant submitted its case. Further traffic modelling and air quality evidence was submitted on the eve of the Inquiry. Improvement works are required to the water treatment works but the extent of these works has not been identified. The ES is silent on this.
- 9.5 The lateness of the Appellant's modelling evidence, together with a lack of underlying data explaining it and numerous uncorrected errors created difficulties for the statutory consultees and the Rule 6 parties. In paragraphs 11 to 22 of their advocate's closing submissions, WAG/ OPC set out many of the difficulties experienced by the parties at the Inquiry arising from the lateness of the evidence; the late changes to the scheme (the off-site works); and the need for corrections to be submitted during the course of the Inquiry when witnesses had already given evidence. This has affected the highways evidence and the air quality evidence, making it very difficult for the parties to follow the case being advanced. HE has made clear its concerns on the highways aspects and the additional information still required, even after the close of the Inquiry.
- 9.6 The proper approach for the Appellant, under the rules and in accordance with PINS' guidance²⁷, is quite straightforward. In cases where the scheme is significantly changed the proper way forward would be for the Appellant to make a fresh planning application. This has been an abuse of the Inquiry process by the Appellant, unfair to Rule 6 parties and the public, and hindering the ability of the Inquiry to resolve the issues. The efforts of the third parties, the steadfastness of HE and the willingness of the Inspector to press for answers has led to the complete collapse of the Appellant's case.

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 9.7 The proposed development, including the housing, shops, employment, schools, community buildings and use of land as playing fields all constitutes inappropriate development in the Green Belt. This involves thousands of buildings and structures, as agreed by the Appellant. The car park serving the SANG would also be inappropriate development. Inappropriate development causes harm to the Green Belt by definition; the harm carries substantial weight in accordance with paragraph 88 of the Framework. The definitional harm would relate to a single house; the harm to 2068 homes and other uses would be even more substantial.
- 9.8 The new buildings would harm openness. The new development would be visible from off-site and from the paths within it. The visibility adds to the harm to openness. The fact that the hard surfaces of the former airfield are previously developed land does not impact on the openness harm. It is a clear, level, elevated site. Any buildings here will harm openness

²⁷ Procedural Guide - Planning appeals – England (PINS) (August 2016) para M.1.1

- 9.9 It is common ground that the site serves the Green Belt purpose of preserving the countryside. The number of purposes served by land is not an indicator for whether it should be released from the Green Belt. A site adjacent to an urban area is likely to serve more purposes than a remote one. However, a sustainable urban extension may be a better solution in Green Belt and sustainability terms than a new settlement. This is recognised in GBC's LP sustainability appraisals which prioritise Green Belt release adjacent to Guildford.

Whether GBC can demonstrate a five-year housing land supply and the implications for this on local and national planning policy

- 9.10 GBC does not have a five-year housing land supply. Housing need is not sufficient in itself to amount to VSC in the Green Belt. As the site is not deliverable, it hinders rather than assists the supply of housing in the Borough. Even if it were to proceed, its contribution to the five-year housing land supply is limited. The conditions mean that development would not need to commence for 6 years following the grant of permission and there is currently no developer on board. The traveller site is poorly located, failing to provide an integrated community and would not be available until late in the process.

The effect of the proposals on the TBHSPA

- 9.11 WAG/ OPC raised this matter in their Statement of Case but have not called evidence. This matter is left to the Inspector's consideration and the RSPB.

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

- 9.12 It is agreed by all parties that without mitigation the project would have a severe impact on the highway network, including safety and congestion on the A3. The Burnt Common slip roads are required to avoid an unacceptable impact on Ripley. As set out in in the SoCG between the Appellant and HE (ID31) the Appellant has failed to produce the necessary assessments of its proposals for any judgment to be made on their acceptability. The assessments that have been provided were produced too late for HE, or anybody else, to consider them. The Appellant's highway witness agreed in cross examination that the Inspector would have to recommend that the appeal be dismissed. Nothing has changed since that concession.

- 9.13 This issue cannot be deferred by condition or negative condition. The benefits and harms need to be considered to consider the planning merits and meet the EIA requirements. No alternative has been provided; giving money to SCC has been rejected by all parties and abandoned by the Appellant. The planning obligation would allow the project to proceed without the slip roads for a period, leaving a part-built settlement. However, the settlement is only said to be sustainable due to its size. Building half the settlement would not result in a sustainable community and so would be unacceptable. The slip roads are only the final failure of the Appellant's highways proposals.

- 9.14 HE's emerging proposals for M25 (J10) (the RIS) are yet to reach the preferred route announcement stage. They are not being relied upon by the Appellant as mitigation. The Burnt Common slips are being proposed to reduce the impact on the LRN but increase the impacts on the A3 (and hence M25 (J10)) by putting more traffic on it.

- 9.15 The Appellant's traffic modelling continues to be riddled with errors. The best judgment is that it underestimates development and non-development volumes on

the system and on particular stages. The trip generation figures omitted the primary school, nurseries, community, health centre and outdoor sports and recreation. The Appellant's highway witness acknowledged that these uses would generate some traffic and that the secondary school figures were not agreed with SCC.

- 9.16 Other traffic has been severely underestimated. The eLP was taken out of the TEMPRO growth factor. Other schemes since 2013 are also omitted. SCC has expressed caution about the model. In the Transport Technical Note 2 (ID72) incorrect figures were used but the witness was unable to say which figures were wrong. There are large sections, including the M25 beside the SPA, where the figures vary widely between the ES Addendum and May 2017 data with no satisfactory explanation. Some are transcription errors; others relate to converting peak period flows into average daily flows. There are numerous other discrepancies; the Appellant has failed to produce the underlying data to assess the basis of the exceptionally late explanations.
- 9.17 With regard to the effects of the proposals on the LRN, other Rule 6 parties, in particular EHPC/ WHPC and local residents, have produced evidence. The Inspector will have had the chance to see the low capacity of many local lanes and the congestion on the network. The Appellant's case that there would be no severe impact on the LRN was exploded by the highway witness who said that the Burnt Common slip roads were required for the LRN. Since there is no evidence that the slips are deliverable, the impact on the LRN would be severe.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices

- 9.18 The proposal is the wrong scheme in the wrong location. Evidence on this has been led by other Rule 6 parties. The site is in the least accessible part of the Borough, far from train stations and with poor local roads. Bus routes will be lengthy; no one would routinely walk or cycle to any settlement beyond the site. The Appellant has abandoned the eLP policy aspiration to an off-site cycle network. Cycling to Ripley involves crossing the Ockham Interchange by 4 signalised crossings and cycling around the inside of the roundabout.
- 9.19 The SRN should not be used for local traffic; this scheme produces the worst of all worlds. It is too small to be self-sustaining and so the majority of residents will travel out for work, shopping and most social facilities. The proposed 600-pupil secondary school will attract hundreds of children in each day. The SCC, as education authority, do not want to commit to a 4-form entry school so there is no justification in shipping pupils to a remote Green Belt site.
- 9.20 Little use of the cycle routes for work-related travel is envisaged and the bus service will need subsidy to encourage residents not to use the private car. The need to subsidise the buses in perpetuity shows that the Borough's third-largest settlement would not be sustainable. The Appellant's highway witness acknowledged that the TRICS database figures would need to be adjusted upwards to take account of the location. The 1.5 mile long, linear nature of the site will encourage car use within it.

Whether the proposals would deliver an appropriate quantity and mix of affordable housing

- 9.21 There is no issue on the delivery mechanisms. The housing need, on its own, would not amount to VSC.

Whether the loss of a safeguarded waste site is outweighed by other considerations

- 9.22 This would be a contravention of the development plan but that attracts little weight. Since the IVC planning permission was on its own VSC and it will not be built out, it does not advance the Appellant's case at all.

The effect of the proposals on the character and the appearance of the area

- 9.23 It is accepted by the Appellant's landscape witness that the scheme would have a significant visual impact on the site and its vicinity, including from PROWs. He also accepted some visual harm to views from Chatley Semaphore Tower and RHS Wisley. The amount and height of the proposed development is more akin to the main urban areas and would be out of keeping. It would have an unacceptable urbanising impact on the rural character contrary to GLP Policies G1 and G5 and the Framework.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets

- 9.24 The Appellant accepts that there would be less than substantial harm to 6 designated heritage assets due to the effect on their setting. These are the Chatley Semaphore Tower (Grade II* listed building); RHS Wisley (Grade II* Registered Park and Garden); Yarne, Upton Farmhouse and Appstree Farmhouse (all Grade II listed buildings); and Ockham Conservation Area. Where harm is to the setting of a listed building, considerable weight has to be given to a strong presumption against the grant of planning permission (*East Northants* CD11.12).

- 9.25 This approach is reflected in the Framework's advice on designated heritage assets which includes the setting of a registered park or garden and out of area impacts on the character and appearance of a Conservation Area. The preservation of such assets should be given great weight in accordance with paragraph 132 of the Framework. The balancing exercise in paragraph 134 has to be undertaken with that weight attached to the harm; less than substantial harm is not less than substantial objection to the development.

- 9.26 The scheme must be refused unless there are public benefits arising from it that clearly outweigh the harm it causes. It is necessary to consider whether the public benefits can be achieved without causing the harm. The Appellant has not addressed this and has argued that the benefits of the scheme as a whole justify the harm. The vast majority of the scheme, however, does not cause this harm; it is not part of the Appellant's case that a scheme could not have been designed that did not cause this harm. This is, as the Appellant agreed, relevant to the paragraph 134 balancing exercise. The harm has not been justified and this, on its own, justifies dismissing the appeal. It adds to the harm which goes into the VSC exercise.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife)

- 9.27 Nitrous oxides emitted by traffic causes harm to the protected bird habitats in the TBHSPA by encouraging excessive plant growth. It is accepted that nitrous oxide levels on the Ockham and Wisley Commons are, and will remain, above the critical level and that the contribution made by the appeal scheme is over the 1% threshold at various parts of the SPA.
- 9.28 Concerning the dispute over the SPA boundary, the boundary is that shown on the DEFRA map. The register is kept by the SoS and the register entry is decisive. If

the SoS amends an entry s/he must notify NE who are responsible for keeping the register available for public inspection.

- 9.29 However the boundary is drawn, and using whichever of the modelling outputs used, regardless of errors in them, a substantial area of the SPA is affected by nitrous oxide levels that are over the critical level. The position is so dire that permission must be refused. The Appellant's case is that part of the SPA is so bad that it does not matter how much more it is polluted.
- 9.30 Where a project is likely to have a significant effect on a European site, alone or in combination with other plans or projects, then an appropriate assessment must be carried out (CHS Regs)²⁸. That is a deliberately low threshold and the exceedances of the critical level and the 1% threshold show that it is met. The Appellant carried out a detailed assessment which was not called an appropriate assessment as it did not include a full in-combination assessment. The site has conservation objectives and supplementary advice which includes as a target the reduction of nitrous oxide to below the critical level.
- 9.31 The appeal scheme contravenes this target by raising NOx levels. On the Appellant's figures this will occur on between 22 and 63ha of the SPA; the higher figure being for the SPA within a 140m band. The SWT are continuing to clear trees and restore habitat, including within the 140m band. This land could provide habitat for the three bird species. The WAG/ OPC witness is an expert in bioacoustics and birds, particularly nightjars and his evidence is that traffic noise only had an effect on birds if it drowned out their calls; the roads caused only very limited disturbance.
- 9.32 The land is part of the SPA, the conservation objectives include its restoration and so the effects cannot be discounted because they occur on land that is presently in an unfavourable condition. A target for that land is breached by this scheme. The prudent conclusion, therefore, is that the proposals affect the integrity of the SPA. It cannot be said, beyond reasonable scientific doubt, that it would not cause such harm. NE's response fails to engage with these issues.
- 9.33 The Appellant says that 0.05% of the TBHSPA is suitable for birds and within the 140m band at Ockham and Wisley. This ignores the fact the other parts of the SPA adjoin major roads, such as the M3. The approach involves increasing the pollution in European designated sites on the justification that they are already in poor condition.
- 9.34 Regulations 68(3) and 62 of the CHS Regs are highly relevant. Regulation 68(3) says that where the assessment provisions apply, outline planning permission must not be granted except in certain circumstances. In this case the Regulation 62 exception (imperative reasons of overriding public importance) does not apply as outline planning applications are excluded and the Appellant does not attempt to argue that "Imperative Reasons of Overriding Public Interest" applies. It follows that planning permission must be refused on habitats grounds.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries

- 9.35 The settlement is too small and too remote to sustain a full range of facilities so excess provision is forced into the wrong location, as evidenced by the 4-form entry

²⁸ Conservation of Habitats and Species Regulations 2010 Reg 61(1)

secondary school which SCC doubts is necessary at the site and which may disrupt other schools. 300 children would be expected to travel each day to an out-of-the-way location to justify the development. If the school is elsewhere, then a similar number of pupils would have to travel off the site, which illustrates that they would be happier living in a more sustainable location.

- 9.36 The Appellant's typically late healthcare evidence on GP availability nearby was demolished by the CC&HT representative who pointed out that the Appellant had failed to identify whether the GPs were full time. Any assessment has to be of FTEs. The scheme has no redeeming features. It is not clear who the guiding light was. The architect is talented but unable to answer many questions. He deflected many questions to his planning witness.

Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

- 9.37 The proposal is for inappropriate development in the Green Belt. It is not identified for this form of development in the development plan so is contrary to the development plan. The decisive policy test is contained in the Green Belt policy in paragraphs 88 and 89 of the Framework. It is common ground that the "tilted balance" in paragraph 14 of the Framework is not material in this case. If the VSC and heritage tests are met then the scheme is justified and VSC would be a material consideration justifying departure from the development plan.
- 9.38 Harm includes those individual harms that, on their own, would not be sufficient to justify refusal. The harms in this case are by reason of inappropriateness; loss of openness; one of the Green Belt purposes (preserving the countryside); to the SRN and LRN; to the character and appearance of the area; the unsustainable location; loss of BMV; to the setting of designated heritage assets; and to the SPA. Most of these are addressed above.
- 9.39 The Appellant acknowledged that the admitted severe impact on highways would be part of the other harm. The additional point is that there would be a loss of 45ha of BMV; the Appellant suggested that the "net" loss would be 19.3ha but that excluded land to be used for sports fields and SANGs. In fact all the BMV would be lost.
- 9.40 There are no VSC that clearly (or at all) outweigh this harm. Unmet housing need (including traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the VSC justifying inappropriate development in the Green Belt. Almost all the claimed VSC arise from the benefit of housing (and ancillary, and also inappropriate, development). The benefits of housing, including affordable housing, are insufficient.
- 9.41 SCC does not say that the secondary school should be provided on the site as it may be possible to make the necessary provision elsewhere so this offers no benefit; it is a harm. There are 3 remaining points taken by the Appellant: the eLP, the previously developed land status of the hardstanding; and flood alleviation.
- 9.42 The eLP does not help the Appellant. It has not been submitted and it is subject to a considerable number of objections, including the appeal site. *Perrybrook* shows the gulf between a draft plan to which considerable weight can be attached and one which adds little. The eLP is now in worse state than it was at the start of the

Inquiry as the Wisley allocation (Policy A35) and the Burnt Common slip roads (Policy A43a) are not deliverable. We now have an agreed position that it has not been shown that the Wisley development or the slip roads are capable of being carried out. There is no alternative highway mitigation for the Wisley allocation.

- 9.43 It follows that the eLP would be found unsound in respect of these two matters. This would be a major, possibly fatal, blow to the plan. GBC can only submit the plan if it considers it to be sound. GBC cannot rationally, or sensibly, conclude that the plan is sound with the former Wisley Airfield or the Burnt Common slip roads in it. GBC needs to come forward with a new plan that leaves the former Airfield in the Green Belt, consigns the Burnt Common slip roads to history and brings forward sites which can be developed.
- 9.44 The flood alleviation works for Ockham Lane provides no justification, singly or in combination, for the construction of a 2,000 dwelling settlement.

Conclusions

- 9.45 The transport, ecological and heritage impacts are each on their own sufficient to refuse the planning application. The claimed benefits come nowhere near amounting to VSC that can outweigh the harm to the Green Belt. Adding the other harm reinforces the necessity to dismiss the appeal. The Appellant acknowledged that the VSC are contingent on resolving the highways issue; this has not been done.
- 9.46 There is no reason to think that something can be put before the SoS to overturn the evidence at the Inquiry. If there is an attempt to go round the Appellant's acceptance that the scheme should be dismissed it would re-open much of the evidence and 11 of 14 expert witnesses would need to be recalled. There would need to be a new Inquiry; it would not be much shorter than the one that has taken place. The Appellant has had a chance, a more than fair chance, to produce a workable, acceptable, desirable scheme and has failed. That is that.
- 9.47 The SoS is asked to dismiss the appeal.

10. The Case for East Horsley & West Horsley Parish Councils (ID115)

Introduction

- 10.1 The case for the Parish Councils (PCs) has been focused on the traffic impacts, in particular the LRN, (main issue 4) and transport sustainability (main issue 5), and on planning matters, in particular Green Belt issues (main issue 1); the character and appearance of the area (main issue 8); and on whether the Appellant has demonstrated VSC (main issue 12). Regarding main issues 3 (TBHSPA), 9 (heritage) and 11 (social infrastructure) these were considered in the overall context of the sustainability of the proposals.
- 10.2 At the end of the Inquiry there is no acceptable mitigation package, so, on the Appellant's own evidence, the scheme has to be refused. The Appellant was, and remains, unprepared to pursue the appeal. The proper approach would have been to finalise a highway mitigation package acceptable to HE and resubmit the application. In the event the PCs have been required to attend the Inquiry in the hope that the Appellant can find an acceptable solution while the appeal is before the SoS.
- 10.3 There needs to be an adequate assessment of the environmental effects of the scheme yet HE still seeks further information as set out in their SoCG with the

Appellant. The failure to assess the environmental and economic effects of the Burnt Common slip roads is a material failure; without these assessments planning permission cannot be granted. Further there has been no assessment of the proposed upgrade to the Ripley Sewage Treatment Works.

The emerging Local Plan

- 10.4 One of the core principles of planning policy as set out in the Framework is that planning should be genuinely plan led. The eLP is well progressed but there is a high level of unresolved objection, particularly concerning the appeal site. There are also questions about its conformity with the Framework, including the appropriate overall level of housing need, which is the only justification in the eLP for the proposed revisions to the Green Belt boundary. The exceptional circumstances necessary to support Green Belt releases are yet to be proven. Little weight can, therefore, be given to the identification of the appeal site in the eLP. The Appellant said that the eLP was very significant to the appeal proposal.
- 10.5 Concerning paragraph 216 of the Framework, it is agreed that the eLP is at an advanced stage. There is a high level of objection with 1,429 separate comments on emerging Policy A35 so bullet point 2 of that paragraph points to less weight to the eLP. The consistency of the eLP with the Framework, bullet point 3, will be considered at the EiP. Given the inextricable links between the appeal scheme and the eLP's overall strategy, a decision on this appeal will determine decisions about the scale, location or phasing of new development that are central to the eLP. The proposals at Wisley need to be tested through the local plan process.
- 10.6 With regard to the prematurity argument, the Appellant agreed that all the criteria for a refusal on prematurity grounds were met due to the substantial scale of the development being sufficient to determine the location of growth and the plan is at the requisite stage in preparation. The Appellant relied on the *Perrybrook* appeal but that case is materially different as it had a long history of consideration for housing; the relevant local plan had been submitted for examination; and there had been preliminary findings which included that there were exceptional circumstances for the release of the site from the Green Belt and that its allocation was sound. The same does not apply here where the scheme is now undeliverable.

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 10.7 It is agreed that the proposals are inappropriate development in the Green Belt. The Appellant is therefore required to demonstrate VSC. This is not a simple balancing act; the balance is the Appellant's case. The correct analysis is that Green Belt policy presumes against inappropriate development. VSC, the mechanism through which that presumption may be overcome, unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is a high hurdle; policy deliberately tilts the balance against permitting development which is why the balance in paragraph 14 of the Framework is dis-applied where Green Belt policy is engaged.
- 10.8 Substantial weight should be given to any Green Belt harm. The Appellant does not do this; the witness concluded that the harm to the Green Belt was moderate to significant. This approach does not apply the Framework properly and undermines the balancing exercise.

- 10.9 The PCs' case is that the development would cause harm by reason of inappropriateness (policy harm). It would also harm the openness of the Green Belt with a dense development of about 60ha but its impact being felt over a much wider area due to the curtailment of views and their replacement with a highly urban vista. The Appellant accepted that the Inspector who determined the IVC appeal had concluded that the existing hardstanding did not compromise the openness of the Green Belt.
- 10.10 Openness is one of the essential characteristics of the Green Belt. It is not accepted that the site is visually well contained. There are views from the AONB some 7.5km away. It is also perforated by existing PROWs. The loss of openness would be experienced by users of the PROWs and the impact on openness would be significant.
- 10.11 The proposals would harm the purposes of the Green Belt, undermining the safeguarding of the countryside from encroachment, adding to the sprawl of large built-up areas, contributing to the merger and coalescence of neighbouring settlements and undermining urban regeneration. Thus, 4 of the 5 purposes are harmed. The Appellant claims that harm to only one purpose (encroachment) reduces the weight to be applied to the harm to the Green Belt. This is a plainly flawed approach.
- 10.12 The evidence of the Appellant is that there is harm to two purposes, accepting that the site contributes to the fifth purpose (urban regeneration), yet the balancing exercise only relates to one purpose. The Appellant's witness was wrong to discount the first and second purposes (sprawl and merging). Preventing sprawl is fundamental to the Green Belt's strategic role. The GBCS states that the purpose of the Green Belt in the Borough will continue as it has since initial designation; the Appellant's suggestion that the boundaries are outdated fails to recognise this. Green Belt boundaries are permanent and only changed through the LP process in exceptional circumstances.
- 10.13 The Appellant's conclusions on the purposes of the Green Belt were based upon the GBCS which is, in turn, based upon a binary approach as to whether a parcel meets a specific Green Belt purpose. No consideration is given to the relative importance of the 5 purposes either Borough-wide or in relation to specific sites. The binary approach means that a minimal difference can result in maximum difference in weighting. It is a fairly crude analysis. The other harms are addressed separately.

The effect of the proposals on the character and the appearance of the area

- 10.14 The PCs also rely on the evidence of GBC, albeit that the PCs' concerns are somewhat wider. The site lies within the Ockham and Clandon Wooded Rolling Clayland which is rural and where development consists of scattered farmsteads, grand houses in parkland and large extended villages. The villages have grown organically over hundreds of years; that growth has been within the landscape and not imposed on it. The area retains a rural feel which is valued by its residents. It is the type of landscape that the GBLCA seeks to preserve.
- 10.15 The proposed development would impose itself onto the landscape, including into the views from the AONB, without regard to the existing settlement pattern or the character of the area. The Appellant's case is that the scheme is of sufficient size to create its own character. Almost by definition a new settlement cannot respect

the rural setting, but that is not an assessment against the baseline character and appearance of the area. The design has been driven to an unusual degree by land ownership and environmental constraints. This approach, albeit that the Appellant had little choice, is not appropriate for the planning of a new settlement in a rural location. Its dense linear form is accentuated by its ridge location.

- 10.16 The high degree of urbanisation has the potential to give rise to other urbanising influences that will diminish the rural character such as traffic on local roads, in villages and in Conservation Areas; an increase in human activity; noise; lighting; disturbance to wildlife; and pressure on local services.
- 10.17 The proposals do not take their design lead from local villages and pay no regard to the recommended measures for the built environment set out in the GBLCA²⁹. The Appellant's reliance on landscape benefits is wholly misplaced as these are mitigating the effect of imposing an urban area into the countryside. Short shrift should be given to the suggestion that there are landscape benefits where the proposal is to turn countryside into town. The proposals are plainly contrary to LP policies G1(12) and G5.

AONB

- 10.18 The site is outside but visible from within the AONB and from well-used PROWs within it. The Appellant said that one of the stated aims was to avoid a continuous block of development when seen in elevated views from the south. These aims would not be realised by this scheme. The site runs west/ east for some 2.4km almost parallel to the northern boundary of the AONB. The ridgeline runs down the spine of the site; a line of 4 storey 5-bed houses would run along the entire northern edge of the site. The highest (5-storey) buildings would be sited on the ridgeline, most exposed to the AONB, and much of the planting along the southern boundary is weak.
- 10.19 There is no group of walkers more sensitive as receptors than those going for a walk on a PROW in an area nationally designated for its beauty. They are plainly highly sensitive. The Fox Way National Trail is a designated route and a very high sensitivity should have been applied to it, but was not. The submitted views show the scheme in mid ground of views PM3 and PM5³⁰ with the development broadside on to the view. The view is rural. The scheme's impact would be better judged to be moderate; not negligible. The smaller scale of the IVC makes that Inspector's comments next to irrelevant in this case.
- 10.20 The impact on views from the AONB is not imperceptible, which is the Appellant's claim in categorising the impact as negligible. Views out from the AONB are a material consideration. The Appellant accepts that there would be major adverse effects on users of the PROWs within the site; one of their attractions is the views to the AONB.

Transport

- 10.21 Transport sustainability is central to the Appellant's claim that what is proposed is a sustainable settlement. Without permanent and viable connections it cannot be sustainable. The Appellant has limited ambitions in this regard. It is an

²⁹ CD13.48 pp81-82

³⁰ CD14.1 Appx11.11

urban area yet the Appellant strives for a development where car use is 60%. The Appellant consistently refers to there being 9 railway stations within 5 miles, but that distance is “as the crow flies” and only 2 stations are seen as being “well related” to the site.

- 10.22 Concerning buses, the provision of a permanent viable suite of bus services is an integral part of the claim that the site can be viable. The Appellant relies on them. The s106 Agreement makes provision for three routes with the Appellant/ developer providing or procuring the services until the Bus Service Takeover Date; at this point the WACT would provide the services. It is assumed that it would be provided in perpetuity.
- 10.23 The WACT would be given a pot of assets sufficient to generate £465,000 pa to cover the maintenance of the SANG and the bus services. It does not appear that this money is ring fenced for either the bus services or the SANG. If the assets under perform, which would take priority, the buses or the SANG? If funding is insufficient there is no mechanism to correct it. None of GBC’s sanctions involve the provision of funds so the SoS needs to have a high degree of confidence that the funding will be sufficient to support the service.
- 10.24 The PCs’ real concern lies in the viability calculations. The Appellant has mentioned connecting other villages, but none of the bus routes do. The Guildford service runs through Ripley, but not the main part of Send, and in any case replicates an existing service. The Cobham service only really serves Cobham. The station loop’s usefulness must be questioned if you live at the eastern end of the site as you would be taken the length of the site, then to Horsley, before reaching Effingham Junction. All this when it would be cheaper to park at the station on a monthly ticket. Why choose the much longer, more expensive and less convenient way to begin your commute?
- 10.25 There are other concerns relating to the likely patronage from Send and Ripley given the existing bus service and the distance of much of Send from the route. The education contribution was over-estimated as there would be spare capacity on site and the developer has used Guildford’s rate for mode share (4.7%), rather than the much lower Lovelace Ward modal share (1%). The employment site is next to the SRN and would have car parking, so the mode share of 7% seems optimistic. If the assumptions used are optimistic, as the PCs assert, the bus service could be reduced.
- 10.26 The bus turnaround facility at East Horsley Station Parade is not supported by the PCs as it is not necessary on the basis of the service as envisaged. Station Parade would be part of a loop so there would be no need for a bus turnaround facility. The facility would reduce parking, potentially obstruct cars and sit across the pedestrian crossing point. The public has not been consulted on this.
- 10.27 The cycling proposals involve a route to Byfleet and a contribution of £2m although there is no requirement for the sum to be spent on any particular facility and indeed it could be spent on footpaths. There is no geographic limit as to where the money is spent so no certainty that the sum would help the sustainability of the site. There are no actual proposals to support the scheme other than the Byfleet route. It is not proposed to link the site to Effingham Junction; there is not the room to provide this on Old Lane.
- 10.28 The Byfleet route is limited to that shown on drawing No 0934-SK-055 Rev A which is limited to a single junction along the route; it is not really a route at all. The

attractiveness of the route is questionable; shoppers won't use it, commuters will prefer Effingham Junction/ Horsley Station and there is no recreational draw at the end of the route. It has an arduous crossing of the A3 and an unpleasant crossing under the M25. The legal status of part of the route is to be the subject of an Inquiry shortly.

- 10.29 The cycle route to Ripley is also flawed as the current provision is below standard and the provision disappears at the bridge where there is a blind bend. The complex crossing of the Ockham Interchange is also a deterrent. No real cycling provision is offered. The model split for cycling in a neighbouring ward is 6%; the Appellant's ambition for this development is 3% which speaks eloquently of the suitability of the location for cyclists.
- 10.30 The planned capacity improvements for the trains will be fully utilised at current growth rates within 12 years without the appeal scheme. There is limited capacity at the stations for car parking so this scheme will plainly inconvenience not only those on the site but others living in the area.
- 10.31 Concerning transport modelling, paragraph 32 of the Framework requires a transport assessment for a project of this nature. That model needs to be reliable or it is a policy failure as there would be no proper basis by which to judge whether the impacts would be severe. While SCC as Highways Authority does not object, the email from SCC to WAG shows that it has not signed off all aspects of the model.
- 10.32 The model used, SINTRAM, was originally conceived for the SRN, not the LRN. The model identifies road speed limits. Old Lane, which has a speed limit of 40-mph, has an 85th %-ile speed of about 50-mph so the model makes the road appear less attractive to users than it is in real life and so must tend to underestimate its use. The Local Validation Report tends to support this view as the GEH measures would not identify if the modelled flows were consistently below actual flows. There are many examples of modelled flows being underestimates when compared to actual flows; these can be by as much as 40%. The model does not take account of some schools and does not expect anybody from the scheme to travel to Effingham Junction station by car.
- 10.33 Severe impacts were identified by the PCs' witness. According to the Appellant, peak traffic flows on Ockham Lane will almost double in the morning peak (134 vph to 276 vph) and almost treble in the afternoon (84 vph to 241 vph). As day traffic is approximately 10 times peak hour traffic this infers a rise from 1090 vpd to 2590 vpd which is a severe impact on a lane which GBC propose should be a "green lane". There would be a severe impact on its validity as part of a cycleway network.
- 10.34 Due to distances there would be few pedestrians off-site. The Appellant predicts a 150% traffic increase on Ockham Lane and 20% on Ockham Road North. To this must be added a similar level of under-estimate together with the missing commuters to the station and the school run. The PCs' witness estimates a four-fold increase in cycle accidents. The severe impact on the LRN provides a further basis for refusal.

Ecology and heritage assets

- 10.35 The PCs have not adduced evidence on these areas but support those who have. The Appellant's heritage witness accepted that there would be less than substantial harm to heritage assets that needs to be weighed in the balance. That

harm appeared to be greater than assessed in the planning balance by the Appellant's planning witness in his written evidence.

Loss of BMV

- 10.36 The appellant refers to a "net" loss of BMV of about 19ha but the notion of a net loss is misplaced. Some 44ha of BMV will no longer be used for agriculture. The BMV that would be lost to the SANG would no longer be available for agriculture and its productivity has no prospect of being revived where the legal agreement aims to ensure that the SANG would be held and managed in perpetuity. This is a clear flaw in the Appellant's balancing exercise.

Very Special Circumstances

- 10.37 The harms, as identified above, are the proposal's inappropriateness (policy harm); loss of openness; and harm to the purposes of the Green Belt. There would be further harm to other important assets including the character of the area; the form and pattern of settlements; internationally important nature conservation areas; nationally important heritage assets; BMV; and important views from Surrey Hills AONB.
- 10.38 The PCs acknowledge that there would be benefits which derive in large part from the delivery of housing and the accompanying mitigation package. The Appellant's approach to the balancing exercise involves no small degree of benefit inflation due to double counting and inflating the weight to be accorded to benefits compared to the ES assessment.
- 10.39 Using the numbering in the Appellant's list of VSCs (1-14), the factors relating to consistency with the evidence base (1) and the judgement that there is no alternative (2) are the same as housing need (6) and (7). Nos (3) and (4) follow from the delivery of housing. The PPG³¹ is clear that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the VSC justifying inappropriate development in the Green Belt.
- 10.40 Nos (5), (8), (10), (11), (13) and (14) are all necessary mitigation to produce a sustainable settlement (12). The Appellant has not considered in the balancing exercise the extent to which these factors are mitigation although it is acknowledged that they are benefits only insofar as they go beyond what is required by way of mitigation.
- 10.41 The PCs submit that there is no proper basis on which the Appellant can divorce itself from the ES. The ES, for example, assessed the proposal on the basis of a 2-form entry primary school and a 4-form entry secondary school. Other factors, such as job creation and economic growth; increased consumer spending and retail provision; education; health and community provision; green spaces and local policing were all assessed as being either minor or negligible benefits in the ES³². It is hard to see how these benefits can materially contribute to VSC. The Appellant has drawn attention to more recent information concerning job creation and the economy but also confirmed that the ES remains relevant and unchanged. The education benefits fall away if the secondary school is not provided on site; SCC currently object to such provision.

³¹ CD9.2 PPG ID 03-034-20141006

³² CD14.1 Chapter 13

10.42 The Appellant therefore relies on unproven housing need while national policy explicitly says that unmet housing need is unlikely to amount to VSC. It is clear, the PCs say, that the benefits claimed by the Appellant do not clearly outweigh the significant harm that would be caused to the Green Belt and to which very substantial weight should be given such that VSC do not exist. The proposals are contrary to national policy and Policy RE2 of the GLP.

10.43 The Appellant's conclusions cannot be relied upon as they are contingent upon the Burnt Common slip roads; the harms are underestimated; the long list of factors pleaded in the context of VSC amount to no more than housing need and the steps necessary to make that sustainable; and the weight applied to the benefits is inflated from that in the ES.

10.44 The PCs request that the appeal be dismissed.

11. The case for Ripley Parish Council (ID116)

Introduction

11.1 RPC upholds its objections on much the same grounds as at the start of the Inquiry; RPC's views have been reinforced by the evidence. The objections cover non-adherence with the Framework; the Pegasus' flawed 2014 GBCS; traffic issues; the incongruous design; effect on air quality; and local ecology side-effects for the SSSI/ SPA sites. There is also the effect on much of our local infrastructure and the perfect storm scenario of the site construction coinciding with the M25/ A3 reconstruction and the planned improvements at RHS Wisley. The Lovelace Ward is due to take an unfair and inherently disproportionate number of the sites in the eLP.

Framework issues

11.2 Paragraph 17 of the Framework identifies that one of the core principles is that planning should be genuinely plan-led, empowering local people to shape their surroundings. This development is a dis-empowerment of the local population. Only the Appellant is expressing a positive vision in this process; local people are shattered and disbelieving that such a disaster will befall the Ward. Local residents will be relegated to bystanders as, over a period of a decade, they experience a massive upheaval and a total change to their rural lifestyles.

11.3 There is no attempt by the scheme to fit into the locality or to protect the Green Belt. The tranquillity of Ockham would be lost. The Framework says that we should support the rural economy (paragraph 28) but this would turn it into an urban one by overdevelopment. Concerning sustainable transport modes, only a sticking plaster is proposed for an open wound. This is private car country; nobody walks on the country roads with no lights, pavements or cycle lanes. These aspects cannot be altered. The residual cumulative impacts of the development would be severe in Framework terms (paragraph 32).

11.4 Other Framework paragraphs cited include 55 (the vitality of Ockham); 58 (local character and history); and 66 (evolving designs to take account of the views of the community). The GBCS needs to be re-evaluated as it is not fit for purpose.

Traffic

11.5 The A3 was built in 1975 as the answer to Ripley's traffic problems but today Ripley is the default by-pass for the A3 every time there is an accident on that road. RPC

does not support the north-facing slip roads at Burnt Common as there is an inherent danger in creating a major 4-way roundabout less than 2km south of Ripley. It will attract new traffic from the housing at Gosden Hill (2,100 new homes), Garlicks Arch (400 new homes) and Send (7,000 sq m industrial floorspace). The proposed slip roads would add to the traffic from the A3 and A25 via the A247 to Send.

- 11.6 The traffic modelling cannot be taken seriously when it shows the peak hour number of cars exiting RHS Wisley to be 24. The true figure is at least 10 times that number. The bus routes from the proposed development appear attractive but the schedules are extremely tight for 3 routes and only 5 buses.

Urban design concept/ landscape

- 11.7 The design principles might work well in a semi-urban site. The problem is that this is not semi-urban or urban and it would be incongruous to propose this design in a historic, wholly rural, environment. It ignores the Framework. The density is too great, the buildings too high, the mass of the apartment blocks is too great and the roof-scape too over-powering.
- 11.8 The Appellant has no concept of Ockham, saying that it lies to the south of the development. That is a misconception of the 9 hamlets that comprise Ockham which form a loose-knit group, wholly encompassing the appeal site.

Air quality problems

- 11.9 The appeal proposals are part of the problem, not the solution to the existing problem. The proximity to the A3 and M25, both at near capacity on most days, are the real consideration and any increase in local traffic, let alone the 5,000 vehicles on the appeal site, will add to the toxicity levels in the Ward. After further study, RPC will consider triggering an AQMA on the High Street.

Ecology

- 11.10 Why, unless you had to, would you locate a SANG adjacent to SSSI/ SPA areas, where you will potentially lead visitors into these protected areas instead of away from them? This seems counter-intuitive in the extreme.

Local infrastructure limitations

- 11.11 Various improvements to existing facilities can be achieved and new infrastructure facilities can be constructed to alleviate some problems brought about by the development. However, much is left to future detailed plans as to what can be realistically achieved within finite budgets. The local roads and traffic are intractable problems. We have heard nothing about the other services apart from the suggested planning conditions.

Contiguous competing major developments

- 11.12 There is an emerging perfect storm scenario for the areas either side of the A3 up to Cobham from the Ockham Interchange, including the whole area encircling the A3/ M25 (J10). This is not of the Appellant's making. The A3/ M25 (J10) work will probably start around 2019, soon after RHS Wisley undertake a major expansion of facilities as part of their refurbishment.
- 11.13 If a new road from Ockham Interchange to Wisley Lane, through the appeal site, is added there is a recipe for years of gridlock on local roads. This would be

similar to the current position off the A3 at Guildford where there is a single entry/exit system from the A3 serving the University campus and sports centre, the Royal Surrey Hospital, the Surrey Research Park, a hotel, a hypermarket, various schools and housing. Too much development with insufficient infrastructure.

Proportionality

- 11.14 A recent Government consultation paper looking at local plans and NPs proposed that where a local plan was not in place, the housing number for the NP would be based on the current population for the area. There are currently about 1,000 houses and 2,200 residents in Lovelace Ward. A 1% increase over 15 years would give 1,150 dwellings and 2,530 residents by 2032; a 2% increase gives figures of 1,300 and 2,860 respectively. GBC's figures for Lovelace Ward total 2,500 additional houses with about 6,000 new residents, a 270% housing and population increase. This Ward, which has 1.6% of the population, is to take over 25% of the planned new homes in the eLP. This is disproportionate and is the result of seeking easy quick fixes to difficult or intractable housing problems. The first stage in finding a new course is to dismiss this appeal.

12. The Case for Cobham Conservation & Heritage Trust (ID117)

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 12.1 The Trust supports the submissions of WAG/ OPC and EHPC/ WHPC. The Trust identified how consultants employed by EBC had pointed to land adjacent to the appeal site, within EBC, which acted as an important barrier to urban sprawl in accordance with the purpose set out in the first bullet point of paragraph 80 of the Framework and a role in preventing the coalescence of settlements (bullet point 2). The land also prevents the encroachment of development into the countryside (bullet point 3). Nor should the final purpose be overlooked, as it states that one purpose of the Green Belt is to assist in urban regeneration (bullet point 5) by encouraging the recycling of derelict and other urban land.

Whether the Council can demonstrate a five-year housing land supply and the implications for this on local and national planning policy

- 12.2 The Trust supports the submission of WAG/ OPC and EHPC/ WHPC. The Trust is based outside GBC. Housing need needs to be examined and tested.

The effect of the proposals on the Thames Basin Heaths Special Protection Area

- 12.3 The Trust supports the submission of WAG/ OPC and EHPC/ WHPC.

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

- 12.4 The delivery of the north facing slips at Burnt Common raises concerns from residents, not least those in the Clandons, and the Trust maintains that the Appellant has not been able to evidence that their proposals are sustainable and deliverable. The Appellant has been treating with HE on the layout of the A3/ Old Lane junction. Blocking southbound Old Lane traffic would be inconvenient, especially to those using the car parks at Chatley Heath, resulting in longer journeys and it raises concerns about an increase in traffic through Cobham – the traffic that could no longer use Old Lane southbound.

12.5 The narrow nature of local lanes has been identified. The Appellant has changed the scheme to avoid some road closures but there are still concerns about the distribution and increase in traffic from the development. The direct route to Cobham is via Ockham Lane east of Old Lane and then via Plough Lane to Downside Road. From the Black Swan PH, through Hatchford, Ockham Lane is narrow and bendy. Then Plough Lane is very narrow, indeed single carriageway with few passing places. The Appellant has asserted that this road would need to cope with an additional 13 vehicles per hour in the morning and 49 vehicles per hour in the late afternoon peak. In the past 6 years there have been 3 personal injury accidents involving pedestrians or cyclists.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices

12.6 The Appellant has advanced the intention of running a bus service between the site and Cobham. Using Old Lane and Horsley Road through the junction near Effingham Junction, it seems that to meet timetable requirements it would need to drop passengers 200m from Effingham Junction Station.

12.7 It seems that the Appellant is relying on GPs outside the development site, including the Cobham Health Centre, to provide medical facilities, albeit perhaps only in the short term. The availability of medical services in Cobham has not been properly researched, the telephone survey of GP numbers failing to take account of whether some are part time. The surgery is some half mile from the centre of Cobham and has only limited parking. The private schools in Cobham are also well outside the centre. The proposed bus service, with its quick turn-around, would not have time to service these facilities.

12.8 Concerning cycling, the Appellant has agreed to refurbish a cycleway from the site to Byfleet, although there is little evidence of research to show any need for this route. A further sum, £2m, is to be provided as a cycle and public rights of way contribution. SCC has commented that opportunities for providing meaningful off-site cycle improvements would require substantial financial investment and the significant purchase of private land in multiple ownerships. Therefore the development is unable to prioritise or maximise the potential for travel by cycle.

The effect of the proposals on the character and the appearance of the area

12.9 The hamlets around the site; the openness of the site and surrounding countryside; and the narrow lanes would be substantially spoilt, if not lost, by the proposed development. Even with the runway there can be no suggestion that the site is of low landscape value. It is an outline application and the Trust cannot see the logic in not considering an assessment of the development on the landscape at this stage as enough is known about the proposals to assess how it would adversely affect the landscape and this should be considered now.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets

12.10 Other parties have described the effect of the proposals on the local setting of Yarne, other old buildings on the Ockham area and their setting and on the nearby Conservation Area. A large increase in traffic is also relevant to considering this harm.

- 12.11 Chatley Heath Semaphore Tower, within EBC, allows the public to see fine views over the appeal site. It is owned by SCC and managed by SWT. It is open to the public more frequently than the Appellant asserts; with funding for a ranger the public access could be extended. Views from this heritage asset would be marred by the proposals; the linear nature of the scheme would worsen its intrusion into the view.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife)

- 12.12 The air quality impacts are very relevant in adding to other harm. Cobham suffers from many traffic hold-ups and has an AQMA. The witness for the Appellant said that an air quality assessment would be required for the Cobham areas which forecast an increase of only 100 additional vehicles per day. The forecast was unreliable and later revised.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries

- 12.13 The Trust is concerned that if permission is granted, on the Appellant's own evidence there may be difficulty in providing the health facility or there might be a significant delay in providing it.

Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

- 12.14 The Trust submits that the material considerations advanced by the appellant are of limited value and are clearly insufficient to outweigh the harm. There are some benefits but they arise mainly from what is provided on site, if housing is included, while the Appellant fails to recognise the extent of the potential impact on the area and the road network in particular.

- 12.15 The proposals are clearly premature in advance of the eLP and there is still a lack of agreement on highways matters with HE and, in respect of education, with SCC. The announcement concerning M25 (J10), anticipated during the Inquiry, has failed to materialise. The proposals would adversely affect the local communities on the EBC side of Old Lane, with the hamlet of Hatchford being particularly close to the site. EBC opposed the scheme on Green Belt and infrastructure grounds. SCC has identified a failure to advance any meaningful off-site cycle improvements and see little prospect of securing those. The problems concerning the impact on the SRN ought to result in the dismissal of this appeal. The eLP needs to be examined before the future of this site is considered further.

Conclusion

- 12.16 The proposals would cause serious adverse impacts on highway safety and efficiency; increase the carbon footprint; and result in significant air pollution. When the cumulative impacts are considered the impact would be severe. The other harm that would arise is so extensive as to have the limited amount of benefit falling far short of the test of outweighing it to show VSC. The SoS is asked to dismiss the appeal.

13. The Case for Mr GB and Mrs A Paton (ID118)

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt

- 13.1 The appeal scheme would have a damaging effect on the openness of the Green Belt as the site is at the heart of the Green Belt that was established to serve London and to separate the surrounding towns and villages. It commands a strategic position; removing it from the Green Belt would undo the work of public authorities since 1936 to protect environmentally sensitive public land. The conservation of Ockham as a rural and agricultural parish that has remained substantially unchanged since the 1816 OS Map can be attributed to the constraints imposed by the Green Belt. The removal of these constraints would cause permanent harm.

Whether the Council can demonstrate a five-year housing land supply and the implications for this on local and national planning policy

- 13.2 Regardless of whether GBC can demonstrate a five-year housing land supply, there are many other more sustainable sites in the borough that should be developed first.

The effect of the proposals on the TBHSPA

- 13.3 All concerned agree that the proposals would cause harm to the SPA; the question is whether the scheme can be mitigated to do no harm. In this regard GBC seeks comfort from NE who raised no objections subject to conditions. In April 2017 GBC obtained a new HRA from AECOM, who relied on the opinions of GBC and NE. The reasoning process, therefore, has been circular. GBC and AECOM have not independently addressed the concerns of SWT.

- 13.4 The appeal scheme introduces a densely packed new town on the southern approaches to the SPA, street lighting and the likelihood of significant numbers of cats and dogs. The proposed avoidance and mitigation scheme has many implausible elements such as the replacement of 50ha of countryside with 2,068 dwellings not having a net ecological effect and that 1.5 wardens would be sufficient. The SAMM measures do not provide assurance that no harm will be done and the scheme conflicts with the aims of the Surrey Nature Partnerships Biodiversity Opportunity Area. The improvements to the M25 (J10) threaten the SPA; the appeal scheme will compound the risks.

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

- 13.5 The Appellant's traffic model is not fit for purpose as it does not include the effects of the Improvement Scheme for M25 (J10); traffic flows from other sites in the eLP; traffic flows from Heathrow Terminal 5; and traffic flows from a new settlement at Dunsfold Aerodrome. The model should start from an accurate description of the present position; accurately predict the number of new road users; accurately predict trips and destinations; and accurately model the traffic network and its bottlenecks.
- 13.6 The model is not available for public scrutiny so the sensitivity or resilience of the model to changes in the assumptions cannot be tested. The public is therefore reliant on the diligence of Surrey Highways and HE; neither organisation is directly accountable to the public.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices

- 13.7 The Town and Country Planning Association's guidance emphasises the critical importance of a site's proximity to public transit systems and to centres of employment. This site is not near employment centres, railway stations or existing facilities. It is not a suitable commuter location, needing multiple mode changes for commuters, and there are few valuable destinations (including the Village Centre) within 5 minutes' walk of most of the new dwellings. It would be car dependent. The danger is that the degree of car trips has been materially underestimated.
- 13.8 To give the site a semblance of sustainability it needs the subsidised bus service and its usage is dependent upon the number of rail commuters. If the number of rail commuters is smaller than predicted and the number of car users greater, then there would be serious bottlenecks at the Ockham Interchange. The site is constrained by having only two entry points and there would be 4,000 parking spaces. Peak time traffic, together with traffic signals on the roundabout to prevent queuing on the A3, could result in traffic flows overwhelming its capacity. With the estimated 1.5m visitors to the redeveloped RHS Wisley it is hard to see how gridlock on the SRN and LRN can be avoided.

Whether the proposals would deliver an appropriate quantity and mix of affordable housing

- 13.9 40% of the houses will be affordable, but we question whether they will be attractive to people on relatively low incomes. Living on the site will incur additional travel costs and the service charge levied through the WACT, including the bus subsidy.

Whether the loss of a safeguarded waste site is outweighed by other considerations

- 13.10 We consider that the planning application for the IVC was only ever submitted in order to establish an access to the A3. It would, nonetheless, be a more sustainable use of the land than the appeal scheme. Most of the site is also safeguarded as a source of gravel and this resource would be lost.

The effect of the proposals on the character and the appearance of the area

- 13.11 The scheme would permanently change a rural agricultural ward whose primary features have not changed in the last 250 years. 45.4ha of BMV agricultural land would be lost. The open elevated site, dominating the parish, would be replaced by a new town with 27 no. 4/5 storey buildings. And the SNCI would be lost.
- 13.12 Three Farm Meadows forms part of the setting of Ockham, a dispersed settlement with 9 rural hamlets around the appeal site. These hamlets are connected by physical and historic bonds as shown by the footpaths that cross the land. The two bridleways and the other footpaths were reopened after the land was sold by the Government. There are historical functional relationships between the hamlets and the site. They were all under the common ownership of the Ockham Park Estate for three centuries and it has been farmed since medieval times.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets

- 13.13 The Council has not carried out Conservation Area appraisals for Ockham or Ockham Mill Conservation Areas. Yarne is a farmhouse of medieval origin that has

been continuously lived in for 550 years. It has direct functional and historic relationships with Ockham. Parts of its original timber frame date from around 1470; the front was remodelled in around 1908. The house has historic interest as one of the possible places where William of Occam might have lived and for its long association with the Ockham Park Estate.

- 13.14 Its setting has remained substantially unchanged since the 1816 OS Map with just one new house in its vicinity, Ockham End, built in the 1930s. The setting is rural with agricultural land on all sides. It stands at the highest point in the local area and there are long views over the appeal site to Woking (8km) and beyond. Its setting is its garden, the neighbouring agricultural land and Ockham. This setting contributes to its aesthetic and historic interest as a farmhouse in Ockham Park Estate. Its agricultural setting affects the ability of future generations to appreciate its significance.
- 13.15 The harm caused by the appeal scheme is primarily to its setting. There can be no greater loss of setting to a farmhouse than the loss of its adjacent farmland. The temporary use as an airfield did not change how the appeal site is experienced from Yarne and its garden. The hangars were 1.7km away and on lower ground. The aviation activities have not altered the way the setting, landscape and views are experienced at Yarne.
- 13.16 The appeal scheme, even with the last minute adjustments to the parameter plans, would bring a dense urban development around two sides of Yarne. The dwellings would be up to 8/9m high, some 50% higher than the ridgeline of Yarne. Adjacent to Yarne, separated by a 9m verge, would be a street with lighting. Ten houses would face the west boundary; 4 its north boundary at a distance of 20m which would allow significant overlooking of the house and garden.
- 13.17 Within 200m there would be 4-storey blocks. This would create an urban environment, divorcing Yarne from its agricultural heritage and from the rest of Ockham. This would change the way in which Yarne is experienced. It would permanently change the views from the house and garden. The potential changes to the rest of Ockham may also be dramatic, with Ockham Lane experiencing a 3- to 4-fold increase in traffic. Yarne would have an urban setting on the periphery of the third largest settlement in the Borough.
- 13.18 The Appellant's description of the appeal site is highly selective, putting weight on the 27 years of the last 550 years in which a small part of the site was used as a runway (9%) and another part was a hanger area (15%). It ignores the 61% of the site in agricultural use and the non-agricultural countryside, grassland and trees (15%). It is not true or fair to describe the site as effectively representing a brownfield site. The Appellant wrongly describes Ockham as a nucleated village based around the former Hautboy Hotel; this denies Ockham its historic shape, character and history.
- 13.19 We do not accept the Appellant's description of Yarne and its significance which focuses on its 1470 timber frame and not its functional relationship with the land and its historic relationship with its owners. The assertion that the creation of the airfield radically altered the landscape of the appeal site as experienced from Yarne is false as most of the field hedges were lost to consolidation long before WWII. The views over the appeal site from Yarne have been broadly unchanged for 250 years save for the removal of some hedges which were, in any case, not the dominant feature which remains the topography.

- 13.20 The Framework's interpretation of "setting" allows for more than just the experience of our 5 senses. It includes our ability to remember, re-experience memories through visual, auditory and olfactory clues. This piece of England has survived in recognisable form for 500 years uncompromised. It would be permanently compromised by the loss of its setting to a dense modern housing estate on two sides and suburban traffic on a third side.
- 13.21 There was no attempt during the conception of the masterplan to consult OPC or us or to conserve or enhance Yarne's setting. The first detailed Heritage Appraisal was in May 2016; the application had been refused in April. Only after that has the Appellant taken any steps to mitigate the impact of the new town on the setting of Yarne. These changes are too little and too late. The Appellant has consistently exaggerated the distance of the site from Yarne and the efficacy of the new planting. Planting cannot mitigate the permanent effects of the new town. The Appellant has tried to characterise the entire site as being previously developed and blighted by the airfield. Due to the above considerations, we maintain that the adverse effect on the setting of Yarne is substantial.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife)

- 13.22 Our home, Yarne, is located to the north east of the site and the prevailing winds blow the noise, dust and pollution from the A3 across that property. The 15 year construction period would subject us to unacceptable levels of air, light and noise pollution.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries

- 13.23 The site is in the wrong location and is too small to support a sustainable new settlement. The designs are suitable for an urban extension and are completely inappropriate for a new settlement in the countryside. There is no assurance that the education, health and library facilities will be delivered by the relevant public bodies who may choose to take the s106 contributions and use them elsewhere.

Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

- 13.24 The Appellants' consultants have uncritically adopted each other's opinions and the core assumptions about the site, the character of the area, Ockham and the GBLP have been adopted without critical challenge. GBC has brazenly acted as the promoter of its politically motivated eLP while other public bodies have succumbed to years of lobbying.

- 13.25 The Appellant does not show any convincing VSC. Four relate to GBC and its local plan which reflect its desire to direct development away from Guildford and from Ash and Tongham. The first VSC has been included in the eLP for political, not planning, reasons. The GBCS should carry no weight as it does not consider VSC and is methodologically flawed. There are many sites in the eLP that are more credible and sustainable alternatives, some of which are outside the Green Belt and some are sustainable urban extensions. The environmental benefits do not suffice to mitigate the harm caused to the loss of the SNCI and strategic habitats adjacent to an SPA.

- 13.26 This is the wrong proposal on the wrong site that will permanently damage our heritage, our traffic system and our environment while not delivering a place where people will want to live. The appeal should be dismissed.

14. The case for Highways England (ID119)

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks

- 14.1 There are a number of minor outstanding points, including the detailed design of the proposed improvements to (i) M25 (J10); (ii) the southbound A3 between M25 (J10) and Ockham; and (iii) Ockham roundabout. The main concern, however, relates to the impact of the development on the northbound A3 between Ockham Interchange and M25 (J10). This section of road has one of the highest numbers of collisions of any part of the SRN and operates under considerable stress. Additional demand on the network from the appeal site will exacerbate safety and operational concerns and will amount to a severe impact. It is therefore common ground that the development is unacceptable in planning terms unless the impact on the SRN can be safely mitigated.
- 14.2 The Appellant acknowledges HE's objection and is trying to resolve it by the submission of further evidence. A list of the required evidence is set out in the SoCG between the Appellant and HE (ID31). The Appellant has submitted evidence to justify the mitigation package now proposed but some evidence is still outstanding. In due course HE should be able to conclude whether the mitigation is acceptable, but this will not be before the close of the Inquiry. The Appellant also needs to show that the mitigation is deliverable.
- 14.3 HE's case was not challenged at the inquiry. Nonetheless, it is necessary to emphasise two points. First, HE strongly objects to the terms of the s106 Agreement whereby the M25 (J10) improvements and the north facing slip roads onto the A3 at Burnt Common (or an alternative financial contribution) are only delivered at a trigger of the occupation of more than 1,000 dwellings. That would permit very significant unmitigated impacts on a severely stressed part of the SRN in circumstances where the effectiveness of the triggered mitigation has not been demonstrated. No weight can be given to these provisions of the s106 Agreement; the provisions are not supported by evidence and are premature.
- 14.4 Second, the Burnt Common slip roads could only be delivered by a side road order promoted by HE itself. HE would also need to consent to their construction under s178 of the Highways Act 1980 in accordance with the terms of its licence from the SoS (ID32). It is not just a case of HE satisfying itself that the mitigation is acceptable.
- 14.5 HE therefore maintains its objection and asks that the appeal be dismissed on account of its unacceptable impact on the SRN, in particular the northbound A3 between the Ockham Interchange and M25 (J10).

15. The case for the Royal Society for the Protection of Birds

[The RSPB were accorded Rule 6(6) status prior to the Inquiry but opted to rely on its Statement of Case and did not present evidence at the Inquiry. Their case, as summarised below, is based upon that Statement of Case and was not subjected to examination at the Inquiry.]

Grounds for objection

- 15.1 The RSPB objected to the planning application due to serious concerns regarding the potential impacts of the proposed development on the interest features of the SPA. The concerns relate to
- The mitigation measures are insufficient to avoid adverse effect on the integrity of the SPA and of its species; and
 - The proposed development is not sustainable in planning terms due to its remote location away from established employment and service opportunities and lack of adequate public transport connections.
- 15.2 There is substantial evidence that nearby housing can give rise to harmful effects on adjacent Annex 1 breeding bird species and their lowland heathland habitat. The evidence does not show that the SoS can conclude, under the Habitats Regulations, that these potential impacts will be removed or avoided. The SoS cannot conclude that there would be no adverse effect on the TBHSPA; in addition the scheme is likely to damage the SSSI and its features.
- 15.3 The proposed SANG has a number of shortcomings that undermine its ability to attract new residents away from the SPA. There is concern that the calculations made to justify the effectiveness of the SANGs at intercepting sufficient visits are not robust. The mitigation measures are not secured for the lifetime of the development. PROWs from the development lead through the proposed SANG onto the SPA.

Planning policy

- 15.4 The cross-boundary approach to the protection of the SPA from the cumulative effects of residential development has been agreed by all 11 TBHSPA local authorities. The principles of this approach are set out in SEP Policy NRM6 and in the TBHSPA Delivery Framework. The success is dependent upon the consistent and robust implementation of policy. The proposed scheme, with all 2068 dwellings within 400-800m of the SPA must be regarded as a large development scheme. Due to its scale, proximity to the SPA and the PROWs, the RSPB do not consider that it has the ability to sufficiently mitigate its impact.
- 15.5 Policy NRM6 seeks to direct developments to those areas where potential adverse effects can be avoided without the need for mitigation measures. The overall effect of the use of SANGs has not yet been verified. The Wisley site is clearly inconsistent with GBC's broad approach to minimise impacts on the SPA. The RSPB is concerned that the SANGs, together with PROWs, will attract residents towards the SPA rather than away from it.
- 15.6 The RSPB is aware that the exclusion of this site from the eLP would lead to a shortfall in housing in the identified 2033 target. However, other sites further from the SPA have been rejected. This housing shortfall should be considered through the ongoing local plan process. The generic mitigation standards for small schemes around the SPA are a starting point; they were not intended for large schemes. The RSPB objected to the allocation of this site in the eLP.

Public Rights Of Way

- 15.7 The existing PROWs fundamentally and unavoidably devalue the northern SANG as an avoidance measure. For example, bridleway BRI16, provides a route across the

SANG to the SPA. A gently sloping mound and planting are unlikely to discourage people from using it; the landscaping makes it an attractive route to the SPA. The routes through the SANG may result in calls for better surfacing through the SANG and the SPA/ SSSI. The quality of footpaths can influence use by dog walkers.

Location and size of the SANG

- 15.8 Bespoke schemes need to consider the conditions pertinent to them; other schemes may not be similar. Without substantive information about their efficacy the fact that other SANGs are comparable in area to other consented developments can give very little weight in the overall evaluation of the likelihood of this SANG being effective. The PROW through the SANG to the SPA is a fundamental concern.
- 15.9 This proposed SANG differs from other consented SANGs as there would be direct access through it to the SPA. The Appellant has to do everything possible to make it an attractive alternative to the SPA. While the SANG, as proposed, would provide a walking loop of sufficient length, it would not provide the variety of walks available in the SPA. It is likely that residents would use the SPA for some of their visits, increasing recreational pressure on the SPA.

SANG discount calculations

- 15.10 A discount needs to be made in respect of the SANGs to be provided to the north and south of the site due to the fact that they have existing access via the PROWs on the site. The RSPB has provided a review of the Appellant's calculation by Footprint Ecology which demonstrates that the available capacity is likely to be significantly lower than the 49.9ha stated by the Appellant and so would not meet the 10ha/ 1000 residents required by NE.
- 15.11 The southern SANG is subject to flooding and a boardwalk may be necessary to allow access. This would reduce its appeal to dog walkers; this should be considered when assessing the effective area of the SANG. The need to provide SANG on areas not subject to flooding has been considered as part of other SANG proposals.

Quality of SANG

- 15.12 It is not considered that the quality of the proposed SANG is sufficient to overcome its locational deficiencies. Car parking is to be shared with the school and community facilities; it is not clear how the 30 spaces for the SANG would be enforced. If the SANG car park is full people would be likely to head to the SPA car parks instead. Dog walkers need a safe route; walking through a large car park risks conflicts with drivers on the school run, again encouraging use of the SPA car parks. The SPA's landscaping would not have sufficient time before first occupation of the houses for anything other than the meadow features. It would need to be fully functioning before the first residents arrive so that the SPA does not become established as the first preference.
- 15.13 Traffic noise would affect the SANG and its tump. The presence of the 2-3 storey houses along the southern boundary of the northern SANG [*confirmed by the Appellant at the Inquiry to be 4-storey*] would be exacerbated by the change in ground levels, with much of the SANG at a lower level. The ongoing construction of the SANG, following first occupation, would detract from its quiet enjoyment, possibly resulting in residents preferring to seek the quiet, more natural environment of the SPA.

- 15.14 The southern SANG, with its boardwalk, would not be ideal for dog walkers. The northern SANG, being as narrow as 75m at one point, would mean that the two arms of the circular walk would be very close together. It would give the walk a contrived feel. The construction routes would also make use of the SANGs less attractive. Overall, it is considered that a substantial number of new residents would use the SPA, resulting in greater disturbance and potential for illegitimate activities such as litter, fires and vandalism. The distribution of Annex 1 birds is such that they are concentrated in that part of the SPA that is not currently subjected to high recreational pressure.

SAMM measures and the "SAMM plus" strategy

- 15.15 The RSPB supports the per-dwelling contribution towards the TBHSPA SAMM project to provide access management and education measures. The SAMM plus strategy is also welcomed. It comprises 1.5 full-time wardening for the Wisley and Ockham Commons in perpetuity; off-site PROW improvements; and the increase in public education via improved signage. These measures, however, are not as preferable as a highly effective SANG.
- 15.16 There may be difficulties in enforcing the increased restrictions that would be in place if the whole of the Wisley and Ockham Commons become Open Access Land. SWT currently provide some wardening; it is essential that the SAMM plus wardening is additional to provide further engagement and enforcement to prevent recreational disturbance impacts. Other wardening should not be reduced due to the SAMM plus wardens.

Traffic mitigation measures

- 15.17 The Appellant places reliance on the traffic measures to reduce the baseline number of visits to the SPA. There is concern that the measures as proposed cannot be relied upon so should be disregarded in any assessment of impacts. The SANG will only be regularly used instead of the SPA if it is easier to get to and provides an equal, or better, experience. Only a few existing residents are in easy walking distance of the SANG and they are also within easy walking distance of the SPA. The link between the roads in the proposed development and Old Lane would provide an easy access to the SPA for those who choose to drive/ walk. The return journey down the A3 would be easy and quick.

Summary

- 15.18 The RSPB considers that the main issues are whether the mitigation measures overcome the issue of the existing PROWs and how well the SANG would function, that is to say whether it would intercept existing SPA visitors. There are serious reservations about the quality of the SANG and hence its ability to be a credible alternative to the SPA. The calculations put forward by the Appellant to the effect that there would be no net increase in numbers are challenged. The calculations are based upon the residents within the TBHSPA zone of influence (a 5km radius) visiting 5 times per year.
- 15.19 The Appellant has not taken distance into account. The use of a visitor study showed that 38% of visitors came from 400m to 2 km and that 31% came from 2km to 5km fails to take account of the fact that far more residents live within the 2 to 5km zone than the 400m to 2km zone. The number of visits declines with distance;

people living in the new development would be within 800m of the SPA. Living so close to the SPA they would be likely to visit more often.

- 15.20 The mitigation measures are not sufficient to enable the SoS to conclude that there would not be an adverse effect on the integrity of the TBHSPA and its species or conclude that the scheme is not likely to damage the SSSI and its species. The proposals do not conform to key legal requirements, including the tests in the Habitats Regulations. The RSPB fundamentally disagrees with the conclusions of NE in this regard.

In-combination assessment (M25 (J10) / Wisley Interchange improvements)

- 15.21 The potential impacts of the appeal proposals need to be considered in combination with the proposed changes to M25 (J10). Three potential options involve land take from the TBHSPA. This would have an adverse effect on the SPA. The later phases of the appeal scheme are dependent upon the junction improvements, linked through the s106 Agreement. Any compensation land would need to be delivered as close as possible to the harm that would be being caused by the scheme. Compensatory habitats would need to be delivered to SPA standard with a view to it being designated as SPA.

Conclusion

- 15.22 The proposals are not consistent with the strategic approach to the avoidance/mitigation of recreational impacts on the TBHSPA as set out in regional and local planning policy and guidance. The deficiencies in the proposed mitigation measures leads the RSPB to conclude that it is not possible for the SoS to conclude no adverse effect on the TBHSPA and its species or conclude that the scheme is not likely to damage the SSSI and its species.

16. Interested persons

- 16.1 **Sir Paul Beresford MP** is the **Member of Parliament for Mole Valley** which includes the appeal site. He commented that while, as a former Planning Minister, he usually avoids getting involved in planning matters, there are exceptional circumstances in this case. Any threat to the Green Belt is vehemently resisted; his volume of correspondence increases every time the Green Belt boundary is threatened. Development in the Green Belt has to be for VSC; housing development is not even special, never mind very special. The site is not brownfield; most of the airstrip was returned to farming after World War II. There would be a harmful effect on infrastructure; the A3/ M25 are crowded with a bad accident record and Guildford By-Pass is a bottleneck. If planning permission is granted, without public transport, traffic will increase as this is an isolated site.
- 16.2 **The Reverend Hugh Grear, Rector of Ockham with Hatcham and Downside**, (ID13) said that the vast majority of the village are implacably opposed to this plan. Historic Ockham is a wonderful parish with a wonderful church. It is mentioned in the Domesday Book (1086) and notable people such as William of Occam and Ada Lovelace have lived here. Three Farm Meadows, as it is locally known, is a vital part of the community with houses on virtually all sides (except the A3 side). The airstrip came about because the community was trying to play its part during WWII. The community is welcoming but this is the wrong plan in the wrong place at the wrong time. Its sheer scale would be devastating to the village.

- 16.3 **Richard Max, of Richard Max Solicitors (ID18)** was instructed by the **Royal Horticultural Society, Wisley (RHS)**. The RHS owns the Grade II* Registered Park and Garden of Wisley, north of the appeal site and the A3. The RHS has recently been granted planning permission for the redevelopment of part of the site which will result in an investment of £70m in the gardens, horticulture, new laboratories and visitor facilities. The RHS has historically supported WAG and been content for WAG to object on its behalf.
- 16.4 It is now clear that there is a parallel process exerting influence over these appeal proposals, the proposed changes to the SRN in the form of the A3/ M25 (J10) Interchange Improvement scheme promoted by HE. These proposals have a knock-on effect on the A3 between the M25 and Ockham Interchange. These proposals, if progressed in accordance with Appendix A of HE's statement³³, would have a wholly unacceptable impact on the RHS gardens at Wisley, both in terms of land take and accessibility.
- 16.5 The preferred route announcement for the improvement scheme was due to pre-date the Inquiry but, at the time of writing, the date for the announcement is not known and it may still not be known when the Inquiry closes. RHS therefore proposes to submit written evidence on highways matters that concern it and its site. In respect of other aspects of the appeal it adopts the evidence of WAG.
- 16.6 **Lesley Tregaskes, (ID29)** local resident, is concerned that the width of Ockham Road North, to the north of the railway bridge, is too narrow to allow two vehicles larger than cars to pass one another without wing mirrors encroaching onto the pavement. The pavement is used by, amongst others, pedestrians with prams and pushchairs accessing the two schools from the village. The increase in large vehicles, including buses, will make walking on the pavement even more dangerous and encourage car use. When doing Community Speed Watch she has witnessed large vehicles encroaching onto the pavement to pass one another.
- 16.7 **Mary Pargeter, (ID30)** local resident, has lived near the site since 1999 and has found serious problems with the sewage system. In periods of sudden or continual heavy rain the manholes discharge foul sewage onto the road and from there into Stratford Brook. Passing cars can spray pedestrians with foul sewage from the road. No solution has yet been resolved with Thames Water; the Ripley Treatment Works is already over capacity. The proposals are forcing a development upon a neglected rural system of already failing infrastructure. The developers will leave residents with the serious fall out and the Green Belt countryside ruined.
- 16.8 **Arnold Pinder, Chairman of Effingham Parish Council (ID37)** raised objections to the development as Effingham, as a close neighbour, would be seriously affected. A local survey showed that 96% of respondents opposed the scheme. The emerging NP for Effingham makes provision for sustainable development within the Parish. The concerns relate to highways, public and private transport and public services. The proposed development would have a severe impact on the local road network. The Appellant's failure to settle the access issue shows that there is no sustainable answer to the highways problems.
- 16.9 The local roads are rural and often narrow where lorries struggle to pass. Often there are no pavements and there are few cycleways leading to safety concerns. The

³³ HE/1/2 (p 20)

junction at Effingham Common Road/ Forest Road/ Old Lane is a safety hotspot and there is a blind hump at the nearby station. Old Lane is used by local traffic heading towards the A3; the road is not suitable for an access from the site. There is concern about residents driving to Effingham Junction station rather than using the expensive, and less flexible, bus service.

- 16.10 The station car park is often full, leading to parking in Effingham Common Road with safety issues. There is insufficient capacity to absorb the additional residents likely to use the station. The site is remote from services meaning residents will use cars. Parking in the village is limited; the safety issue of parking will be exacerbated by people using local schools, services and shops.
- 16.11 There are concerns about the funding for the medical facility and as to whether it would be a GP surgery. GP surgeries in nearby villages are close to capacity and there is planned growth in Effingham, Bookham and the Horsleys. The facility should be fully funded and functioning by the completion of Phase 1. There are also concerns as to whether the schools will be fully funded. If it is not realised where will the children go to school?
- 16.12 Effingham is producing a NP. The Examiner has recommended that it proceed to the final stage, the referendum. The policies therefore carry weight. The proposals would affect three protected views, identified in the emerging NP, especially when trees are not in leaf. While it is accepted that the new development would be some distance away, it is requested that the dwellings be restricted to three storeys in height to minimise the impact on views.
- 16.13 **Vivien White, Chairman, Effingham Residents' Association** (ID38) objects to the scheme and fully supports the case put forward on behalf of EHPC/ WHPC and their professional witnesses. The PC and Residents' Association carried out a joint survey regarding the appeal proposals in June/ July 2017. 24% of households returned questionnaires (354 completed forms). 96% of respondents opposed the development.
- 16.14 VSC have not been demonstrated. The proposal would result in the construction of a new town amidst rural villages with about 5,000 people and 4,000 vehicles. The scale of the buildings would be out of keeping in the area, as would the density. There is concern that the proposals would put pressure on local facilities, especially medical facilities and schools, and the plans for building these in a timely manner are inadequate.
- 16.15 The proposals to mitigate traffic congestion and highway safety issues are totally inadequate, especially at school times and in respect of the overburdened parking situation at Effingham Junction. Trains to London are already overcrowded and this will worsen the situation. Rural roads are not capable of accommodating two lorries passing one another with pavements used, where there are any, to facilitate this. This is dangerous for pedestrians. Wildlife in the area will be irreparably harmed by the proposals.
- 16.16 **Euan Harkness**, local resident, said that cities can accommodate housing of this scale while developers concentrate on the Green Belt to maximise profit. This would be a dormitory town for financial gain. Guildford, with its university, is the ideal location for such development. On this site there are no amenities and it would cause traffic congestion and harmfully impact on the SPA. There are further concerns about the impact on air quality and health.

- 16.17 **Alistair Cochrane**, local resident, has lived in the area and worked on the land for about 30 years. He farmed the appeal site until 2015 when the lease was not renewed. The land has grown many different crops including oil seed rape, rye, wheat maize and potatoes. The land has been used to stockpile manure for spreading on the fields. The fields are accessible throughout the year and regular soil tests show it to be good quality.
- 16.18 **Cathryn Walton**, (ID39) local resident, moved to the semi-rural and peaceful hamlet of Ockham as she understood that the Green Belt was sacrosanct and safe from development. The scale and location of the proposed development would destroy what currently exists. Residents do not oppose new development per se; 11 new dwellings have been built in Ockham Lane in the past 5 years. These fit in with the architecture of the area and do not upset the ethos of a small hamlet. The proposals would destroy our way of life, especially as Ockham Lane would be used as a rat run. The development would eventually subsume Ockham and create the urban sprawl that the Green Belt was created to prevent.
- 16.19 **Garry Walton**, (ID40) local resident, described the history of Ockham which was home to the renowned philosopher, William of Occam, and to Ada Lovelace, scientist and mathematician who became the world's first computer programmer. The church dates from C11 and the "Ockham Hoard" of Bronze Age jewellery and axe heads from around 1400BC is now being evaluated by the British Museum. He added that the developers had brought the villagers together in common purpose, sharpened fund raising skills and harnessed their professional skills. He felt confident that William of Occam would say that the simplest solution would be to "leave it alone".
- 16.20 **Peter Cordrey**, (ID41) local resident, commented that the history of the site has had a harmful effect on him due worry and planning blight. The site was compulsorily taken over as a standby runway for Wellington bombers in WWII, supporting their manufacture at Brooklands. After the war the Government failed to honour its commitment to remove the runway and return the land to agriculture. The land is now deemed Green Belt. He expects that the owners of the land will have been investigated. There would be practical issues with more road accidents, an adverse effect on weekend cyclists, and flooding will get worse. The air will be more polluted and there will be gridlock at commuter times. It is not clear that the Appellant has the resources to pay for the necessary roads and Obligation requirements.
- 16.21 **Jennie Cliff** (ID42) has lived in Ripley all her life; her family have lived there for generations. She is Chair of Ripley Council but was speaking on her own behalf. The first issue is the huge increase in traffic; the local roads can take no more. It also causes pollution and air quality is already proven to be very poor. Country lanes would be lost and with them their hedges, ditches, flowers and grass verges. There could be problems with water supply and sewage disposal as well as increased flooding when the green spaces go. The rural landscape would be lost and there would be light pollution. Small scale developments are tolerable, but this would be overwhelming. While the Appellant's website records 1,438 people have registered their support, only 20 are from the nearby villages while many come from far afield.
- 16.22 **Frances Porter** (ID43) local resident, referred to the far reaching views out to the Surrey Hills AONB. She lives in Elm Corner and her daughter would not wish to live on the appeal site due to the lack of facilities and the need to travel for anything.

She uses the bridleways every day to exercise dogs. Local residents use the Parish Rooms and Cricket Club for events; there was a recent ploughing competition on Three Farms Meadow. The wildlife is amazing; the developers have shown no respect for this with boreholes close to active badger setts. The site is used by walkers, cyclists and bird watchers. The additional traffic would increase the need to widen the A3 with its attendant noise, dust and pollution closer to the houses.

- 16.23 **Suzie Powell-Cullingford** (ID44) is a local resident as well as being a Ripley Parish Councillor. Her statement was on her own behalf. She does not believe that the Burnt Common slips to the A3 will mitigate the additional traffic from the site. HE says M25 (J10) is the worst performing piece of road in the country; it is frequently near capacity. This has a knock-on effect on nearby villages as the local lane network is the only route available when the A3/ M25 is at a standstill. The cars from the appeal site would be completely unsustainable on the local road network. Not all traffic from the site will travel north/ south on the A3; some will come towards Woking through Ripley. There are already queues back on the A3 south of Burnt Common; the new slips will not alleviate the traffic issues. The residents are under threat from the huge increase in traffic to RHS Wisley which wishes to increase footfall to 1.5m visitors per year.
- 16.24 **Malcolm Aish** (ID45) local resident and also a Parish Councillor for Ockham. His statement is on his own behalf as WAG/ OPC are formally represented at the Inquiry. He lives some 150m south of the site boundary, outside the land proposed to be removed from the Green Belt in the eLP. The former runway should be returned to farmland after its brief wartime use. He uses the paths and bridleways, which extend to some 5km, regularly. Walking or riding these routes would be manifestly different if it was an urban environment as views, wildlife and the atmosphere would change. The land has had many uses including walking, riding, cycling, bird watching and use by organisations and for recreational uses such as the recent ploughing competition. The elevated position allows long views from the site; 5-storey buildings would be very noticeable. Local roads are narrow; more traffic would mean more pot holes. When the A3 is blocked the local roads become very crowded. The contention that there would be less traffic in Ripley flies in the face of common sense. This is not the solution to Guildford's housing problems and it would cause further problems due to a lack of infrastructure including station car parks.
- 16.25 **William Barker** (ID46), local resident and, until May 2017, County Councillor for this Division said that confusion and lack of clarity surrounds the planning application, not helped by new proposals added at the 11th hour. GBC unanimously rejected the planning application but it is in the eLP for determination later. Another development of 400 houses at Garlicks Arch, Burnt Common is also proposed. This needs to be considered by HE along with improvements to M25 (J10), the second busiest on the M25. Traffic on local roads will reach crisis point long before the development is completed. Homes should be provided closer to where people work to reduce the use of cars rather than adding to it.
- 16.26 **Katharine Paulson** (ID47), local resident, lives in Bassetts, Old Lane, Ockham which dates from the late 1700s, has a single brick skin and original sash windows, and is sited close to the road. She has to reverse out of her drive multiple times per day as she has children at different schools. The prospect of buses passing her house every few minutes will cause noise nuisance and windows to rattle. Due to the long construction period houses will be impossible to sell or let. The proposals will have an adverse effect on the rural character and the dangerous roads. We need

to safeguard agricultural land as we currently import 60% of our food. This scheme would result in the irreversible loss of agricultural land which needs to be considered by reason of paragraph 112 of the Framework. The loss of BMV agricultural land so close to London is, on its own, sufficient to dismiss the appeal.

- 16.27 **David Scotland** (ID48), local resident, lives in Hatchford End, one of the 9 hamlets that make up the historic village of Ockham. He set out the history of the area in the form of a story, including the contention that it was the Government's intention to return Three Farm Meadows to agriculture after WWII. The lack of VSC is highlighted. He also described how Three Farm Meadows is, and always has been. Most of the hamlets that make up Ockham interconnect by means of footpaths and bridleways; that is how it has been for hundreds of years. Green Belt should be cherished, nurtured and preserved to be handed down as our legacy to those who follow.
- 16.28 **Alice Jefferies** (ID49), local resident who was born in Guildford and has lived in Ockham all her life. She is a student and queried the maths in some of the calculations in the Appellant's highways evidence. She considered that the sports pitches should not be sited so close to the polluted A3; as an elite athlete she knows that pollution affects her lungs and her performance. She cannot see why any young person would want to live in this isolated location.
- 16.29 **Robert Shatwell** lives in Woking but was once the local policeman for the Wisley/ Ripley/ Ockham area, cycling around in the area, even at night. He accepts the need for housing but this should not be built on good quality agricultural land. Woking solved the problem of having to build more houses by allowing tower blocks in the town centre close to the station, shops, cafes and employment. The Green Belt needs to be protected for food production and for the sake of the wildlife.
- 16.30 **Harry Eve** (ID50), local resident, objected to the planning application. He has taken an interest in transport assessment for the last 4 years and constructed several traffic flow models. It is clear that very significant rerouting of traffic will take place as a result of this development. He asserted that the level of rerouting from the modelling process constitutes a severe impact for the purposes of paragraph 32 of the Framework. The impact would be severe as drivers would have to take longer journeys on less suitable roads with additional risks associated with them. The development would reduce the efficiency of the road network and compromise the safety of road users. He was surprised that some of the trip numbers actually reduce as a result of the development, which casts doubt on the methodology. The proposed options for changes to the RHS Wisley access, with additional traffic on the Ockham roundabout, will need detailed consideration in terms of capacity. He also pointed out some alleged arithmetic discrepancies in the Appellant's calculations.
- 16.31 **Clare Attard** (ID51) lives at Upton Farm, Ockham Lane, a Grade II listed building dating from about 1420. The hamlet has only about 150 dwellings and most residents moved here because they did not want to live in a town. She cannot understand how Three Farm Meadows can be considered by GBC for housing as it will devastate Ockham and alter the character of the area. It would harm the setting of listed buildings. The site is to be protected, surrounded by Green Belt and agricultural land. GBC unanimously rejected the planning application in line with the Officers' recommendation.

- 16.32 **Carol Cordrey**, local resident, from Old Lane, Ockham has lived in Ockham for many years. The lack of street lighting and pavements is welcomed as they bought into a rural environment. She is concerned about traffic congestion, with the access to Effingham Junction being particularly busy and difficult with a humped bridge and an inadequate car park. The route to the station along Old Lane, with no pavements or lighting, would be dangerous, especially in the dark. Not all cyclists wear high-visibility clothing and they can ride 2- or 3- abreast which significantly slows down traffic. Traffic is particularly bad at the time of the annual RHS Wisley flower show; the Ockham Interchange will be jammed as RHS Wisley is seeking 50% more visitors.
- 16.33 **David Boothby** (ID52), local resident, raised concerns about traffic and the difficulty in exiting Chilbrook Lane especially due to parked cars associated with the school. He is concerned about traffic speeds. With the revised scheme he is concerned for safety on Plough Lane which is not suitable for regular two-way traffic as it slows to pass and sometimes larger vehicles have to manoeuvre to pass one another. This will affect road safety. In winter the roads are often closed due to flooding from field run-off which will divert traffic onto other roads. Ockham Lane also suffers from flooding as does the entrance to Ockham Interchange. Guilleshill Lane is also an issue due to its narrow width and limited passing spaces. He accepts the need for more housing and taking land out of the Green Belt, but this is more than the local community can absorb.
- 16.34 **Glen Travers** (ID53) a local resident of Ockham, considered this to be an oversized, misplaced development in the Green Belt. There are huge infrastructure costs due to its isolated, difficult and congested location. It has been unable to mitigate the impact on the SRN in spite of the best efforts of HE. RHS Wisley has received planning permission for a major expansion. This will result in competing traffic, access and pollution issues. The severe highways impact feeds into the local road network. There are air quality exceedances and noise issues for surrounding communities. There would be harm to local heritage assets and harm due to long views of 5-storey buildings. There are misleading statements from the Appellant in the evidence on highways and air quality. The scheme is ill-conceived, premature, uncertain and undeliverable.
- 16.35 **Annie Cross** (ID54) has been a local resident of Ripley for 41 years. She acknowledges the need for GBC to plan for future housing and that Three Farm Meadows is one of the three large strategic sites in the eLP. She is concerned as to whether the Appellant will deliver on the promises made. It is likely to be accessed mostly by car as footways to other settlements are unlit and isolated. Nearby services are likely to be swamped by new residents. Sites in urban areas are proposed; this is the only site in the eLP for housing that is not adjacent to the urban area. Few of the identified supporters of the scheme are from the local area; there are 2,000 letters of objection and 7 of support. Only 17ha of the land is brownfield; some had hangers on it but most was runway. The objections show that the development is not wanted. An urban estate in the countryside will destroy the character and landscape of the area forever.
- 16.36 **Jane Paton** (ID55) is the mother of Ben Paton, who lives at Yarne. Her parents lived in that house from 1932 and carried out extensive improvements to the house and garden. The new town, if built, would completely destroy the setting of Yarne and the historic parish of Ockham. It would be a small area densely packed with dwellings and devoid of pavements.

- 16.37 **Jan Lofthouse** (ID69), a resident of Old Lane, Ockham, walks every day with her dogs over Three Farm Meadows and enjoys seeing the wildlife. She liaises with the SWT who graze Belted Galloway cattle on the adjoining land. The small village would be smothered by the urban settlement, ten times the size and population of Ockham. There are village activities which have raised money to fight this scheme which threatens our way of life and the peaceful enjoyment of our homes. Urban housing should be adjacent to Guildford or another major city with infrastructure, jobs and transport links. GBC turned the planning application down on 14 grounds; how can the Council's position have changed so much now?
- 16.38 **Amy Barklam**, local resident, noted that the land owner was not present at the Inquiry. She has experienced hate crime against her with graffiti etc. The land owner has refused to engage in the process.
- 16.39 **Peter Heath**, local resident, is concerned at traffic congestion in Send village. The Burnt Common access to the A3 will increase the traffic problem. The proposals would result in additional traffic on the road to Woking as the train to London is quicker on that line.
- 16.40 **Emily Haywood** (ID58), Chairperson of Ockham and Hatchford Residents' Association, lives in a house overlooking Three Farm Meadows. She said that 2000+ homes in this location would be completely out of keeping with the rural area; you cannot have an urban density in a rural area without impacting on the quality of life. The site is in the Green Belt which is this generation's responsibility to protect. It would impact on the safe and efficient operation of the busiest junction of the M25, on the A3 and on local roads and stations. A car dependant site is not sustainable. The community does not want the development which is not well located. It would harm air quality. A thriving community needs more than just somewhere to live; it needs accessible transport links and a healthy environment in which to live.
- 16.41 **Julia Paton** (ID56) and **Arthur Paton** (ID57), residents of Yarne, read out poems that they had written about their home and its surroundings.

17. Written Representations

- 17.1 During the Inquiry several written representations were received.
- 17.2 **West Clandon Parish Council** (ID20) is concerned about the likely impact of traffic on the A247 through West Clandon village. The proposed north facing slips at Burnt Common could potentially exacerbate this. The A247 carries large volumes of traffic and part of it is too narrow for large vehicles to pass in safety without increasing danger for pedestrians. The slips could increase the attractiveness of the route through the village via the A247. The slips might provide a quick fix for a section of the B2215 but only at the expense of increased pressure on other parts of the local road network.
- 17.3 **East Clandon Parish Council** (ID21) wrote to say that it had become aware of the proposals to construct the Burnt Common north facing slips. This latest change in the proposals leaves a number of essential matters unknown and prejudices the position of the PC. The road through East Clandon carries a substantial amount of traffic wishing to gain access to the north- and south-bound lanes of the A3. This revised scheme has denied the PCs the opportunity of being properly consulted on traffic and road safety aspects.

- 17.4 **Surrey County Council** (ID22) wrote in the capacity as one of the Highway Authorities involved in the proposals. Initially SCC raised objections on the grounds that it had not been demonstrated that there would not be a severe impact on the local road network and that the proposals did not provide sustainable transport solutions. Following discussions, and subject to the s106 Agreement delivering the required package, SCC considers that there would no longer be a severe impact. SCC considers that a combination of (i) the provision of the north facing slips at Burnt Common; (ii) a robust provision for a comprehensive network of public transport local bus services in perpetuity; and (iii) a significant contribution/provision in kind for material improvements to the local cycling network to be integral to the ability of the site to provide sustainable transport solutions. SCC add that some of the triggers in the Agreement are later in time than would normally be considered necessary.
- 17.5 **The Royal Horticultural Society (Wisley)** (ID36) made a written statement in response to HE's evidence and the SoCG between the Appellant and HE. While the witness for HE indicated that it was likely that the RIS Scheme for the A3/ M25 (J10) would address the impacts of the appeal proposals, there is no evidence before the Inquiry which deals with the RIS Scheme in conjunction with both the committed development at the RHS and the appeal scheme. The RHS has been told that the modelling work for the RIS Scheme will not be available until after the preferred route announcement.
- 17.6 The witness for HE described two options for the stopping up of the direct Wisley Lane connection between the RHS and the A3 by either (i) providing access from the Ockham Interchange to Wisley Lane within the RHS land or (ii) utilising land within the appeal site and a new bridge over the A3. Plans of these options are appended to ID36. HE was, at the time of writing, in discussions with the Appellant to provide a condition to safeguard option (ii). [*Included at Annex 4 to this Report as suggested condition 6*]. The RHS has made it clear that option (i), involving land within RHS Wisley Garden, would have a totally unacceptable impact on the Garden, its successful operation and on important trees which would be lost.
- 17.7 The RHS has been liaising with HE regarding the access utilising part of the appeal site to minimise RHS land take; avoid impact on the SPA; avoid impacts on ancient woodland adjacent to the A3; and minimise land take within the appeal site. These discussions are on-going and no details have been agreed. Option (ii) would involve some land take within RHS Wisley Garden to bridge over the A3 but this would not impact on the most valuable garden land or the ancient woodland. Option (ii) would, however, have some impact on the proposed employment uses as shown on the indicative masterplan for the appeal site, as shown on Plan 3 attached to ID36.
- 17.8 The Officers' Report to GBC's Planning Committee states that there were **2,201 written representations** received raising **objections** to the proposed development on the following grounds:
- Impact on the Green Belt
 - Harmful to openness of Green Belt
 - Should not be considered to be previously developed land
 - Site is not brownfield
 - Over estimate of the amount of hard surfacing on the site
 - Conflict with Surrey Waste Plan
 - Lack of very special circumstances
 - Prematurity/ in advance of eLP

- Lack of deliverability in 5 years
- Overly dense development
- Scale and layout is overly urban
- Impact on local views from village
- Impact on long range views including impact on AONB
- Density would result in poor quality housing
- Would overwhelm existing smaller settlements
- Impact on the Ockham Conservation Area
- Impact on setting of Listed Buildings
- Harmful to views from RHS Wisley
- Potential harm to plant life at RHS Wisley
- Impact on highway network/ highway safety
- Impact of traffic on neighbouring villages
- Road impact of road closures/ highways mitigation
- Lack of southbound A3 slip at Ockham
- Lack of alternatives to private car for transport
- Poor public transport connections
- Development is not sustainable
- Lack of health care provision
- Transport assessment assumptions are unrealistic
- Surrounding rail stations are at capacity
- Impact on TBHSPA/ SSSI
- Impact on local biodiversity/ SNCI
- Impact on protected species on the site
- Impact on rights of way
- Air quality impacts
- Impacts from light pollution
- Flooding and surface water drainage concerns
- Lack of waste water capacity in the area
- Uncertainty regarding the removal of NATS beacon
- Lack of school places in the area / insufficient provision in development
- Open space/ play space standards are not met
- Loss of BMV agricultural land.

17.9 The Report also noted that there had been an **electronic petition** raising **objections** to the development with some 25,352 UK based signatures and 1,305 comments. The issues raised are covered by those set out above.

17.10 In addition there were **7 written representations** received in **support** of the development, the main issues raised included:

- Need for additional housing
- Good transport links
- Preferable to expanding other villages.

17.11 The officers' Report also sets out the other representations received in respect of the planning application. Many of these are from parties who were represented at the Inquiry, either as Rule 6(6) parties or through giving oral evidence, and as their comments are summarised above they are not repeated here. The representations of the other organisations who commented on the planning application are set out below:

17.12 **Elmbridge Borough Council** raised concerns regarding the impact of the development on the highway network within the A317/A319 corridor to M25 (J11);

impact on the openness of the Green Belt and lack of VSC; proposals would not take account of impact of development outside the Borough; and it would amend the Green Belt boundary which should be done through the local plan process. If GBC approve the scheme a secondary school and improved access to railway stations at Effingham and Cobham should be secured.

- 17.13 **Woking Borough Council** objected to the impact of the development on key infrastructure, facilities and services in Woking Borough until it can be demonstrated that there would be no adverse impacts on them.
- 17.14 **Mole Valley District Council** objected on grounds of inappropriate development in the Green Belt; harm to openness; and encroachment into the countryside without any VSC to justify making an exception. Other concerns included the release of Green Belt land in advance of the eLP and the impact on transport and infrastructure including education.
- 17.15 **Send Parish Council** objected on Green Belt grounds; lack of infrastructure in the area; and impact on RHS Wisley.
- 17.16 The **Guildford Society** objected on the grounds that approval should not be considered until the revision of the eLP is published. It was concerned that the development would be too large to be assimilated as a housing scheme yet too small to be a viable new community.
- 17.17 The **Ripley Society** objected on grounds of impact on the Green Belt; encroachment into the countryside; unsustainability of the location; air quality; and potential impact on plants at RHS Wisley.
- 17.18 **Bookham Residents' Association** objected to local road closures and raised concern about the size of the proposed development and the ability of existing infrastructure to cope.
- 17.19 **Byfleet, West Byfleet & Pyrford Residents' Association** raised concerns about the impact of the proposals on these villages and on the effect on infrastructure, particularly education, the road network and flooding and drainage issues.
- 17.20 **Downside & Hatchford Community Group** objected on grounds of inappropriate development in the Green Belt without VSC. Concerns about impact on the road network, other infrastructure and the effect on the character of the area were also raised.
- 17.21 **Cobham & Downside Residents' Association** objected due to harm to the Green Belt and rural character. Also concerns about scale and impacts on adjoining boroughs, air quality and the highway network.
- 17.22 **Natural England** is satisfied that the proposal is unlikely to lead to a significant effect on the TBHSPA. This is subject to securing the package of mitigation outlined in the application. NE has requested that various details relating to the SANG be secured and agreed with them before planning permission. These include the site ownership; the body responsible for its management; and management and financial security in perpetuity. NE also noted that the Habitat Regulations Assessment has been produced by the Appellant, not GBC. As the competent authority it is a requirement that GBC produce an Assessment prior to the grant of any permission that may have an impact on the SPA.

- 17.23 **Department for Environment, Food and Rural Affairs** says that NE is the Nominated Body to respond to proposals affecting agricultural land on behalf of DEFRA. NE advises that a proportion of the agricultural land affected by the development is BMV. If the development proceeds the developer should use an appropriately experienced soil specialist to advise on, and supervise, soil handling and how to make the best use of the different soils on the site.
- 17.24 The **Environment Agency** considered the proposal in relation to flood risk, groundwater protection, land contamination and biodiversity. No objection was raised subject to the imposition of various suggested conditions.
- 17.25 **Surrey County Council**, as **Lead Local Flood Authority** is satisfied that the proposed outline drainage strategy meets the relevant technical guidance. Planning conditions are suggested to ensure that the SuDS scheme is implemented and thereafter maintained.
- 17.26 **Thames Water** said that the developer-funded impact study has shown that there is not sufficient capacity to accept the development. There are capacity concerns in respect of Ripley Sewage Treatment Works to accept the proposed flows. A condition is required to ensure that the relevant upgrade works are carried out prior to the connection of any new properties.
- 17.27 **Historic England** raised no objections insofar as the proposals relate to All Saints, Ockham and RHS Wisley. It recommended that GBC considers the impact on grade II buildings and undesignated heritage assets.
- 17.28 The **National Air Traffic Service** raised no objection subject to the imposition of conditions relating to the phasing of development in respect of the planned withdrawal of the VOR navigation beacon.
- 17.29 The **County Archaeologist, Surrey County Council** noted that the site exceeds the threshold triggered in LP Policy HE11. As there has been little intrusive archaeological investigation in the vicinity, there is the possibility that unknown archaeological assets would be destroyed during the development. Further investigations are required prior to the commencement of development and this should be the subject of a condition.
- 17.30 **Surrey & Sussex Police** considers that additional infrastructure is required to police the new settlement and has requested £215,235 towards the provision of infrastructure. An on-site Neighbourhood Policing Centre is required (30 sq m) with 2 parking spaces.
- 17.31 The **Ecological Planning Advisor, Surrey Wildlife Trust** raised concerns about the impact on the TBHSPA and the ability of the SANG to mitigate the impact. The whole site was recommended to be an SNCI in 2007 and there is concern at its loss and the reduction in biodiversity value of the site.
- 17.32 The **Living Landscapes Manager, Surrey Wildlife Trust** objected due to potential impact on the TBHSPA and Ockham and Wisley Commons SSSI; loss of Wisley Airfield SNCI; the impact on breeding and wintering birds; and the impact on protected species.
- 17.33 The **Campaign to Protect Rural England** objected primarily on the grounds of inappropriate development in the Green Belt. Concerns were also raised about whether the site is PDL; additional traffic; water infrastructure; and biodiversity.

- 17.34 The **Surrey Hills AONB Officer** raised no significant concerns relating to the AONB or AGLV. Some concerns were raised about the propensity of traffic from the proposed development to use routes through the AONB thereby spoiling its character and relative tranquillity.
- 17.35 There were also **278 written representations** made in respect of this appeal; many by nearby residents including some who also spoke at the Inquiry. The written comments are broadly in line with those set out in the oral representations to the Inquiry together with those made in respect of the planning application and summarised above.
- 17.36 On 12 July 2017 GBC carried out a further consultation exercise in respect of the amended plans that were submitted just before the PIM. **140 responses** were received, generally re-iterating previous objections to the proposals. **One letter** was received in support of the proposals, on the basis that it would provide homes, and complaining about the "heavily coached" letter being sent by WAG to local residents inviting them to write to GBC raising objections.

18. Conditions

- 18.1 A draft list of suggested conditions (ID1) was submitted at the opening of the Inquiry. A revised list (ID122), which had been agreed by the Appellant and GBC, was submitted during the Inquiry and these conditions were discussed at a round-table session towards the end of the Inquiry. The suggested conditions are set out as an Annex to this Report and include the standard conditions setting out timescales for the submission of details and listing the approved plans.
- 18.2 The scheme would be developed in four phases and so a construction management plan, setting out the phasing, construction routes and compounds is necessary. Any sub-phases within the overall phasing needs to be approved by the Council to ensure the proper planning of the development and within each sub-phase a site waste management plan is necessary to protect the local environment. Details of the proposed tump need to be provided as this will involve a large amount of movement of materials within the site. A soil specialist is needed to advise on how to make the best use and reuse of the better quality soil on the site and to ensure that the impact of the loss of some BMV agricultural land is reduced.
- 18.3 The SANG phasing strategy and its construction, environment management and implementation strategies all need to be provided to ensure its proper planning and a coordinated construction process. Car parking for the SANG needs to be provided and maintained; the location of this may change as the scheme progresses.
- 18.4 To ensure a coordinated design process across the four phases, a master phase design framework is needed, with sub-phase design frameworks including public realm (including public art), architecture, lighting and boundary treatment. In respect of Phase 4, adjacent to Yarne, a Grade II listed building, various parameters, including building heights, scale and massing need to be approved.
- 18.5 The composition of the village centre, together with its timing for delivery, need to be approved before 400 dwellings are occupied to ensure that it is delivered in tandem with the housing. For the same reasons, the employment/ commercial floorspace needs to be safeguarded and provided before 1500 dwellings are occupied.

- 18.6 Tree protection during construction needs to be conditioned, as does the landscaping of the site which needs to be set out in a landscape management plan to ensure its implementation by sub phase and its subsequent management including the replacement of trees/ vegetation that dies or is damaged. This is all necessary in the interests of the appearance of the area. The sports pavilion and MUGA need to be conditioned to ensure their provision in a timely manner. An energy and sustainability strategy needs to be approved in the interests of energy efficiency.
- 18.7 The countryside rights of way need to be safeguarded to ensure delivery and a PROW strategy is necessary to ensure that the existing PROWs are retained and maintained. The access roads, driveways, parking and turning areas need to be provided within each sub-phase to ensure that adequate access and parking is provided. The Travel Plan is necessary in the interests of encouraging sustainable modes of transport, as it the provision of on-site public transport infrastructure.
- 18.8 Off-site highway works are necessary to mitigate the impact of the proposals on the local and strategic road networks; this has to be linked to the number of dwellings occupied in order to ensure that the works are completed in a timely manner.
- 18.9 A surface water drainage strategy, a ground water protection strategy and a SuDs strategy are necessary in the interests of the environment and to mitigate flood risk. The proposed waste water drainage scheme needs to be submitted and approved, including any off-site infrastructure, as no such details have been submitted. The new bridge over the Stratford Brook needs to be provided, and the 8m buffer zone to that Brook implemented in the interests of the environment.
- 18.10 Concerning potential contamination within the site, a site-wide contamination report needs to be provided and acted on as necessary. There needs to be a strategy for dealing with any unexpected contamination to ensure that any potential risks are managed. Further conditions are necessary in respect of archaeology, ecology, noise and utilities in the interests of archaeological investigation, biodiversity, and the amenity and living conditions of future residents.
- 18.11 The Beacon needs to be protected and safeguarded until it is decommissioned in the interests of NATS. An employment and skills strategy is necessary in the interests of local employment.

19. Obligations

- 19.1 Two unsigned Agreements under s106 of the Act were submitted during the Inquiry. These were discussed at a round table session during the Inquiry. Completed, signed versions were submitted in accordance with an agreed timetable shortly after the Inquiry closed. The Agreements are (i) between the Appellant, GBC and SCC; and (ii) between the Appellant and GBC. The reason for there being two separate Agreements is because the Appellant could not get the agreement of SCC in respect of the proposed secondary level school.
- 19.2 Saved LP Policy G6 (CD8.1 p28) says that where necessary to the grant of planning permission and in order to meet a planning need arising from a proposed development, GBC will seek from developers the provision of suitable planning benefits. Supporting paragraph 4.45 says that these benefits will normally be achieved through the use of s106 obligations.
- 19.3 Consideration of obligations is undertaken in the light of the advice at paragraph 204 of the Framework and the statutory requirements of Regulation 122 of the

Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs). These require that planning obligations should only be accepted where they meet the following tests:

- they are necessary to make the development acceptable in planning terms;
- they are directly related to the development; and
- they are fairly and reasonably related in scale and kind to it.

Both obligations are conditional upon the appeal succeeding and planning permission being granted

(i) *The Agreement between the Appellant, GBC and SCC (ID123)*

- 19.4 This is an outline application with all matters other than access into the site reserved for future consideration. Nonetheless the appellant has set out a number of details in the s106 Agreement, and brief details are set out here. The Appellant has covenanted not to construct or operate the IVC, for which there is an extant planning permission. The master plan and sub-phasing plan, together with the master phase design framework and sub-phase frameworks to be approved by GBC will provide for a minimum of 2,000 dwellings on the site.
- 19.5 The SANG works will be implemented in accordance with the SANG Management Plan. On completion the SANG land will be transferred to the WACT. The SAMM contributions shall be paid prior to the occupation of each 100 dwellings. The s106 sets out a mix for the affordable housing. Not less than 40% of the Class C3 dwellings shall be affordable units and there are various timescales to ensure that these are provided prior to the occupation of all the market units within each phase.
- 19.6 The traveller site has to be completed prior to the occupation of 1,000 dwellings and kept available for that use thereafter. The timing has been designed to ensure that there is a community on the site before the pitches are provided and to ensure that the tump, which would be close to the traveller site, has been constructed to prevent unacceptable disturbance to the travellers.
- 19.7 Concerning off-site highway works, triggers for each of the various elements have been agreed with SCC. The works include improvements to the Effingham Junction Crossroads and to the Send roundabout. Bus infrastructure improvements, and bus stops, are to be provided at Horsley Station and Effingham Junction Station. The Wisley Airfield Cycle Route shall be provided and a financial contribution of £2m shall be paid to SCC towards cycling provision.
- 19.8 The development shall not commence until the Appellant has entered into a Highways Agreement with HE or SCC (as applicable) in respect of works to Ockham Interchange. The A3 slips need to be provided, or a funding payment made to SCC, prior to the occupation of more than 1,000 dwellings.
- 19.9 Various bus services, with identified routes, frequency of service and times when the services shall run are set out. A financial contribution shall be made for local libraries or library services. The healthcare facility shall be constructed prior to the occupation of 650 dwellings and various measures are proposed to endeavour to find suitable healthcare providers. The community facility shall be provided before more than 499 dwellings are occupied. A temporary facility shall be provided before more

than 75 dwellings are occupied to ensure that facilities are available shortly after the first residents arrive.

19.10 Part of this temporary building shall be made available for use by Surrey Police, who shall also receive contributions towards neighbourhood policing infrastructure. The public open space is required to be provided and surfaced; the playing pitches to be in accordance with the Sports England standards. Funding shall be provided towards dedicated GBC resourcing. Monitoring details for the progress of the scheme are set out.

19.11 There are various provisions towards the establishment of the WACT, including its business plan, endowment scheme and implementation agreement. There are proposals for the Board of Trustees and its functions are set out.

(ii) The Agreement between the Appellant and GBC (ID124)

19.12 This Agreement makes provision for education facilities. It says that the Appellant shall deliver, or procure the delivery of, an All Through School on the site. This is defined as an all through primary and secondary school with two forms of entry at primary level and four forms of entry at secondary level and including a state maintained nursery. The Agreement sets out various requirements for the submission of details, approval of details and its construction in terms of the numbers of dwellings that may be occupied at each stage. The nursery shall be constructed by the Appellant with space for 140 children aged three to four and for 12 children aged two.

20. Inspector's Conclusions

20.1 The following considerations are based upon the evidence given at the Inquiry, the written submissions and my inspections of the site and surrounding area. In this section the numbers in square brackets [] refer to paragraphs in the preceding sections of this Report.

The site and its surroundings [2.1-2.8]

20.2 The site and its surroundings are described in Section 2 (above). There is a further, and fuller, description in Section 3 of the Landscape and Visual chapter of the ES (CD14.1.11). There are photographs of the site and its surroundings in a number of documents, but are most clearly shown in Mr Davies' proof of evidence (WPI/2/1).

20.3 In brief, the site has an area of about 114.7ha and is highly linear in shape, having a length of about 2.5km and a maximum width of about 0.6km. It comprises the former Wisley Airfield which was constructed in 1944 for the testing of aircraft and which closed in 1979. One small building, together with the runway and other hardstandings remain. On the site there is a facility known as "The Beacon" which is the Ockham VHF Omni-directional Range VOR and Distance Measuring Equipment, accessed from Ockham Lane to the south.

20.4 Some 29.9ha (about 26%) of the site is hard surfaced and so comprises PDL with the remainder comprising a mix of agricultural uses, woodland and scrub grassland. There are several PROWs that cross the site, generally running

either east-west or north-south linking through to Ockham Lane and other PROWs and public open space to the north. These PROWs are the only public access onto the site.

- 20.5 The site lies at the heart of the parish of Ockham whose boundaries are roughly star-shaped. Ockham parish comprises a community of hamlets and dwellings scattered over a wide area. Ockham, with its Grade I listed Church of All Saints is the largest of these. The other settlements are dotted around the parish, with three of them, Elm Corner, Martyr's Green and Hatchford End all more-or-less abutting the appeal site to the north and east. Outside these small settlements the area is characterised by narrow lanes, high hedges, public footpaths and intermittent houses and farms. Fields tend to be relatively small, often separated by hedges that include mature trees, and there are several significant areas of woodland. Taken as a whole, the parish exudes an enclosed, rural character, in stark contrast to the rather more bleak openness of much of the appeal site.
- 20.6 The topography is best illustrated in Mr Davies' proof (WPI/2/1, p 11). It is a very relevant characteristic as the site lies on a ridge that runs parallel with the runway. There is a slight slope downhill from east to west, with the highest part of the land adjacent to Yarne in the south east corner. Some way to the south, but clearly visible from within the site, lie the Surrey Hills AONB.

Proposals and plans [1.7-1.9, 3.1-3.4, 7.1]

- 20.7 The planning application was made in outline form with all matters other than means of access onto the site reserved for further consideration. An indicative masterplan has been submitted indicating how the site could be developed to accommodate the proposed development. Various parameter plans are for approval at this stage.
- 20.8 It is proposed to construct a new settlement of 2068 dwellings comprising 1200 units of market housing; 800 units of affordable housing; 60 units of sheltered housing; and 8 pitches for use by travellers. The scheme also proposes about 2,240 sq m of retail floorspace (A1, A2, A3, A4, A5); 1,790 sq m of offices (B1); 2,500 sq m of general industrial, storage and distribution (B2/ B8); and 730 sq m of health centre. There would be around 50ha of SANG; 5.85ha of playing fields; and 6.8ha of children's play space (including 1.3ha of equipped play space).
- 20.9 The indicative masterplan and the parameter plans indicate that the new settlement would have a strongly linear form, running west/ east across the site. The northern part of the site, where it adjoins the TBHSPA, would be used to provide the SANG. The development would have four distinct phases running west to east across the site and each having a separate identity. There would be a village centre where the schools, community facilities and commercial premises would be located, with an industrial/ storage area towards the western end of the site. The central spine road would be a bus route linking all the phases; the roads would be green routes to encourage cycling and walking.
- 20.10 The main site access would be from the Ockham Interchange, to the west of the site, giving access to the A3 (northbound) and the B2215 southbound to Ripley and Burnt Common where traffic can join the southbound carriageway of

the A3. There would be a secondary vehicular access to Old Lane, to the east. All the PROWs across the site would be retained on their present alignments.

20.11 The on-site part of the scheme before the Inquiry was almost identical to that considered by GBC; the principal amendment being the inclusion of design parameters being provided to ensure that there would be a gap between the new housing and the Grade II listed Yarne in the south east corner. There were other, minor, technical alterations to the design of the access points. These amended plans were submitted before the PIM, GBC consulted on them in July 2017 and I have used them for this Report.

20.12 A revised parameter plan was submitted during the Inquiry to take account of comments made concerning the relationship of the scheme with Yarne. This amended plan, Drawing No 1715/SK/88 (ID78) shows a further reduction in development close to Yarne. These further limitations are more clearly shown on Drawings No 1715/SK/709 & 710 Rev B and have also been taken into account. Their provisions have been carried forward in suggested condition 16.

20.13 Concerning off-site highway works, these were partly changed by the Appellant between the refusal of planning permission and the submission of the proofs of evidence. The changes were to take account of the requirements of HE and the provisions of Policy A43a in the eLP. A full list of the off-site highway works is set out in the Annex to the Appellant's opening speech (ID5) and in Mr McKay's proof of evidence (WPI/4/1). The main changes are the introduction of the north facing slip roads at Burnt Common; the deletion of the additional northbound lane on the A3 to M25 (J10); the deletion of the highway mitigation measures in Ripley; and the deletion of several possible local road closures. This Report is based on these revised off-site works as set out in the Appellant's proofs of evidence.

20.14 A full set of the appeal plans is in ID110.

Planning policy [5.1-5.14, 7.2, 7.4-7.7, 7.8-7.14, 9.42-9.43, 10.4-10.6, 11.2-11.4]

20.15 The parties agree that for the purposes of this appeal the development plan includes the saved policies of the GBLP (CD8.1); a saved policy from the SEP (CD8.3); and the SWP (CD8.4). The emerging plans include the eLP (CD8.24) and the Lovelace NP (NP).

20.16 There are no policies in the GBLP that relate to housing land supply. GBC acknowledges that it cannot demonstrate a five-year housing land supply.

20.17 GBC and the Appellant agree that the GBLP is out of date. Its end date is 2006 and its evidence base dates from the last century. Nonetheless, some of the relevant policies were saved in 2007 (CD8.2). The fact that the Plan is out of date does not mean that its policies cannot carry weight. The amount of weight must be commensurate with their consistency with the Framework, as set out in paragraph 215 of the Framework. In this case, Policies G1 (General standards of development) and G5 (Design code) are compliant with the Framework and so carry substantial weight. Similarly Policy G6 (Planning benefits) is consistent with the decision taking chapter in the Framework and so also carries substantial weight.

20.18 While Policy RE2 (Development within the Green Belt) identifies that new development in the Green Belt will be inappropriate unless it is for one of 6

identified uses, it does not go on to say that inappropriate development should not be approved except in VSC. While the GBLP does make reference to the VSC test, for example in paragraph 5.64, this is in the context of affordable housing which is one of identified exceptions in Policy RE2. As it does not make allowance for any other form of development in the Green Belt it is not fully consistent with the Framework and so it carries only limited weight.

- 20.19 Policy H12 (Affordable housing), while relevant to this appeal, identifies a lower affordable housing requirement than the eLP. The current proposals are fully in accordance with the eLP and so exceed the requirements of this policy.
- 20.20 The SEP was largely revoked in 2013 but Policy NRM6 (TBHSPA) was saved and remains extant. This policy says that new residential development that is likely to have a significant effect on the ecological integrity of the TBHSPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The policy carries substantial weight and the development proposals exceed the standards of mitigation it requires.
- 20.21 The SWP was adopted in 2008 and subsequently amended in 2009. Policy WD2 (Recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)) allocates a parcel of land of some 17ha within the appeal site. Policy DC1 safeguards allocated sites from non-waste development. While it is quite elderly, the SWP does not appear to have an end date and remains extant. GBC accepts that the site will not be allocated for this use in the emerging Waste Plan and so this Policy carries very limited weight.
- 20.22 The timetable for the eLP was initially set out in the Local Development Scheme (LDS) (2015) which set out a submission date of December 2016 with adoption in December 2017. Following the Regulation 19 consultation amendments were proposed which resulted in further round of public consultation. A revised LDS envisages submission in December 2017 leading to adoption in December 2018.
- 20.23 Paragraph 216 of the Framework says that weight may be given to relevant policies in emerging plans. Three relevant factors are cited: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
- 20.24 I agree with those parties, including GBC and the Appellant, who consider that the eLP is at an advanced stage as it is intended to submit it in December 2017. I also agree with the parties who consider that the relevant policies are fully consistent with the Framework. However, there are a high number of unresolved objections. The Regulation 19 consultation in summer 2016 generated some 32,000 comments from the public and a high proportion of these related to the possible release of Green Belt land and/ or the creation of a new settlement at Wisley.
- 20.25 The second bullet point of paragraph 216 of the Framework refers to the significance of the unresolved objections. On the assumption, confirmed by the GBC witness, that the objections are similar to those raised at this Inquiry I consider that the unresolved objections are highly significant. Some go to the heart of GBC's strategy for development in the Borough; some relate to the principle of releasing land in the Green Belt; others are more detailed objections

to the impact of the proposed development including the slip roads at Burnt Common. In these circumstances I consider that the eLP can only carry limited weight. While it indicates the intended direction of travel the unresolved objections remain too significant for it to carry more weight.

20.26 Several other policy documents were referred to at the Inquiry. In particular GBC's Green Belt and Countryside Study (2013/5) (GBCS). This is an evidential document prepared for GBC by external consultants and its conclusions have not been tested. For the reasons set out below in respect of the first issue I do not consider that it can carry much weight.

20.27 No weight can be given to the emerging Lovelace NP. The appeal site lies fairly centrally within its boundary. While GBC designated the Lovelace Neighbourhood Area over 2 years ago, no documents have yet been published.

Main issues [1.5, 1.6, 7.17, 10.1]

20.28 As set out above GBC did not defend all its reasons for refusal. It only defended reasons for refusal 1 (Green Belt) and 8 (character of the area). At the Inquiry these reasons, together with all the other the reasons for refusal, (except for 6 (effect on district and local centres)) were defended either by GBC or by other Rule 6(6) parties. A draft list of main issues, based upon the reasons for refusal, was produced and circulated to the main parties, including the Rule 6(6) parties, before the PIM. At the PIM all parties agreed the list.

20.29 The main issues are set out in Annex 3 to this Report and each is now considered in turn.

The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt [7.30-7.38, 8.1-8.9, 9.7-9.9, 10.7-10.13, 12.1, 13.1, 16.1, 17.8, 17.12, 17.14, 17.15, 17.17, 17.20, 17.21, 17.33]

20.30 It is agreed that the proposals constitute inappropriate development in the Green Belt as described in Chapter 9 of the Framework. Paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. Paragraph 88 advises that substantial weight is to be given to any harm to the Green Belt so the harm arising from its inappropriateness attracts substantial weight. It adds that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

20.31 Paragraph 80 of the Framework advises that the Green Belt serves five purposes, namely

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

20.32 There is agreement between the parties that the proposals would result in conflict with the third bullet point and that the resultant harm weighs against

the proposals. Concerning the first bullet point it was argued that the Metropolitan Green Belt is designed to prevent the outward spread of Greater London and, as such, the appeal site performs this function. I consider that this is a disproportionate interpretation of this purpose as any development anywhere in this Green Belt would fall foul of it. This cannot reasonably be its intention. The site sits amidst the various hamlets that together comprise Ockham and there would be no conflict with this purpose.

- 20.33 The same consideration applies to the second bullet point as the site has no "neighbouring towns" and any parcel of land in the Green Belt is likely to be located somewhere between towns. Again this is too wide an interpretation of the purpose and, if accepted, would be a disproportionate approach.
- 20.34 There is only conflict with the fourth bullet point if Ockham, with its listed buildings and Conservation Area, can be described as a "historic town". It is plainly not a town; it is a hamlet or, at best, a collection of hamlets. The GBCS took a precautionary approach and used Conservation Areas associated with towns and villages to assess whether this purpose was activated. The GBCS concluded that there is sufficient land within the site to provide a layout that would ensure that this purpose is satisfied.
- 20.35 I agree that even if Ockham Conservation Area is taken into account and described as a historic town, there is scope within the appeal site to ensure that this purpose would not be offended. This is demonstrated by the indicative masterplan. The allocation in eLP Policy A35 could bring the development much closer to the Conservation Area than currently proposed and so may impact on this purpose but that involves additional land outside the current appeal site.
- 20.36 Concerning the final bullet point, the proposals would plainly not assist in the regeneration of urban land due to the rural location. The GBCS recognises that the development of land such as the appeal site is only being considered as there is not sufficient suitable urban land within the Borough. Nonetheless, this final purpose is offended, although this conflict would arise in connection with any large non-urban site in a Borough where 89% lies within the Green Belt.
- 20.37 Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and their permanence. The development would undoubtedly reduce the openness of this part of the Green Belt. Planning permission was granted in 2006 for an IVC on a small part of the site but this would only have had a very limited impact on openness compared to the development now proposed. The Inspector who considered that scheme in 2010 concluded that the runways did not compromise openness; I agree. The proposals would be in direct conflict with this essential characteristic and this adds to the quantum of harm that weighs against the proposals.
- 20.38 Overall the harm to the Green Belt arising from inappropriateness (definitional harm); conflict with two of its purposes; and harm to openness and permanence would be very considerable. This would be in conflict with Chapter 9 of the Framework and with Policy RE2 of the GBLP. In accordance with advice in the Framework this carries substantial weight against the development.

Whether the Council can demonstrate a five-year housing land supply and the implications for this on local and national planning policy [6.2, 7.39, 17.10]

20.39 GBC cannot demonstrate a five-year housing land supply. The SoCG says that the current supply is in the order of 2.36 years. This is based on the SHMA³⁴ which identifies an annual requirement of 654 dpa for the period 2015-2034. It is also accepted by GBC that it has a record of persistent under delivery and that a 20% buffer is appropriate. The eLP, while at an advanced stage, still has to undergo the rigors of an EIP and there is no certainty that other allocated sites will come forward or that the shortfall will be made up in the near future. These proposals should enable the appeal site to start contributing to the supply in the Borough in year 5, although its main contribution would be in years 6-10 and 11-15. The current supply of housing land represents a significant shortfall against the annual requirement set out in the SHMA and the proposals carry significant weight in favour of the scheme.

20.40 In terms of local planning policy, it is acknowledged that the GBLP is out of date, having an end date of 2006 and an evidence base dating back to the late 1990s. While some policies have been saved, and so still form part of the development plan and carry appropriate weight, none of the policies relating to housing land supply have been saved. The weight to be given to the relevant saved policies is set out above.

20.41 Concerning national planning policy, the absence of a five-year housing land supply and the lack of any saved policies concerning housing land supply means that on this matter the development plan is absent, silent and out-of-date. This could trigger the tilted balance as set out in paragraph 14 of the Framework. However the final bullet point of that paragraph identifies that there are exceptions. Footnote 9 identifies that land designated as Green Belt is such an exception; the Framework indicates that in such areas development should be restricted. The tilted balance is not triggered and the relevant policies are those set out in paragraphs 87 and 88 of the Framework.

The effect of the proposals on the TBHSPA [7.40, 7.42, 13.3-13.4, 15.1-15.22, 16.10, 17.8, 17.22, 17.31, 17.32]

20.42 The impact on air quality in the TBHSPA is considered later in this Report.

20.43 I have given considerable weight to the fact that GBC, having sought and accepted the advice of NE³⁵ and having taken account of the s106 Agreement, has not pursued this reason for refusal. Subject to the proposed mitigation GBC is satisfied that there would be no LSE on the TBHSPA. GBC is satisfied that the s106 Agreement secures the necessary mitigation. This is consistent with the advice from GBC's consultants, AECOM, in April 2017³⁶.

20.44 The proposals include the provision of a bespoke Impact Avoidance and Mitigation Strategy (IAMS) which has been designed to avoid a likely significant effect on the TBHSPA. The various measures in the IAMS include the provision of SANGs exceeding the 8ha/ 1000 population standard as set out in SEP Policy NRM6. The SANGs would meet all the necessary quality criteria with almost

³⁴ West Surrey SHMA Guildford Addendum Report 2017: CD8.23

³⁵ Officers' report: CD6.1 paragraph 7.3

³⁶ HRA for Guildford Borough Submission Local Plan: Strategy and Sites: CD8.48 paragraph 11.4

50ha being sited mostly to the north of the proposed settlement, abutting the SPA. A second area of SANG would be sited in the south west corner of the site. The Appellant would also make a contribution to the SAMM and a contribution to a SAMM-Plus to provide dedicated site-specific heathland access management with 1.5 (FTE) wardens. The SANG management and the SAMM-Plus measures would be provided in perpetuity and funded through the WACT.

- 20.45 The principal concerns about the impact on the TBHSPA have been raised by the RSPB. To some extent I share their concerns about the desirability of using the SANG in preference to paths within the SPA for the future residents of the development. There are existing PROWs that lead from the site into the SPA and there is a realistic danger that residents, and particularly those with dogs, may prefer to use the less managed environment of the SPA over the SANGs. This would apply particularly to the southern SANG whose boardwalks would not be so conducive to dog walking.
- 20.46 The paths into the SPA would need careful management to ensure that they did not become the routes of choice for residents. The attraction of the circular walk would be reduced where it would run quite close to the houses along the northern boundary of the settlement. These would, according to the Appellant's architect, be 4-storey properties, and the proximity of the houses to the paths would give the paths a less-than-rural feel.
- 20.47 Photomontages 02 and 03 in Mr Davies' Appendix 3³⁷ are taken from viewpoints on the southern leg of this circular walk. Viewpoint 02 in particular shows how close the path would be to the housing. The path would be due south of the houses which could result in limited sunshine even during the summer. While the proposed wardens would be able to discourage residents from walking in the SPA, or at the very least prevent dog owners from letting their pets run free, they would not be on hand at all times and the public footpaths would run directly from the SANG into the SPA. New residents would be likely to soon discover the routes notwithstanding the intended measures to dissuade them from using these paths.
- 20.48 I have taken account of the criticisms of the IAMS, and in particular the discounting that the RSPB consider should be applied due to the existing PROWs. The key point is that while large parts of the site are used for recreation, there is no lawful public access to any of this land apart from the PROWs which cross it. While users of the PROWs undoubtedly benefit from the open views across the undeveloped site, these views are at the discretion of the landowner who could close them off at any time. The sweetcorn being grown at the time of my first site visit showed how crops can significantly reduce the recreational value of the land. The evidence of the Appellant's witness on this matter was not seriously challenged at the Inquiry and I am satisfied that the SANG provision would exceed the requirements of SEP Policy NRM6.
- 20.49 Overall I conclude on this issue that the proposals would provide a suitable quantity of SANG and that, with careful management as envisaged in the WACT, it should be of suitable quality. Subject to the proposed conditions and the s106 Agreement, including the provision of wardens in perpetuity, the development would not have an unacceptable LSE on the TBHSPA.

³⁷ Document WPI/2/2: Appendix 3 Tabs 2 & 3

The effect of the proposed development on the safe and efficient operation of the strategic and local road networks [7.42-7.65, 8.15-8.18, 9.4-9.5, 9.12-9.17, 10.21, 10.31-10.34, 11.5-11.6, 12.4-12.5, 13.5-13.6, 14.1-14.5, 16.1, 16.3-16.5, 16.6, 16.8-16.9, 16.15, 16.20, 16.21, 16.23, 16.24, 16.25, 16.30, 16.32, 16.33, 16.34, 16.39, 17.2, 17.2, 17.4, 17.5-17.8, 17.12, 17.18]

20.50 The third bullet point of paragraph 32 of the Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of it are severe. The off-site road proposals were changed by the Appellant during the course of the application and their final position was only first set out in their proofs of evidence. A summary of the Appellant's position at the start of the Inquiry in respect of the SRN and LRN is appended to the Appellant's opening speech (ID5). Some proposals, and in particular those relating to works at the Ockham Interchange and at M25 (J10), are based upon the assumption that the RIS has not already been implemented.

20.51 The proposals would impact upon both the SRN and the LRN and these are considered in turn.

The Strategic road network (SRN)

20.52 There are three elements that specifically impact upon the SRN: the provision of north-facing slip roads to the A3 at Burnt Common; works at M25 (J10) and associated slip roads; and works to Ockham Interchange and associated slip roads (where the SRN and LRN meet). The first of these, the Burnt Common slip roads, does not overlap with the RIS and is the only contentious part of the off-site road proposals with the other elements being generally acceptable.

20.53 The position of GBC is quite clear and it did not advance any evidence in respect of its third reason for refusal. In closing its advocate stated that GBC and SCC regard these slip roads as being "critical to the delivery of growth within the Borough and without them there is no realistic prospect of it being able to meet its identified needs"³⁸. Concerning these slip roads, eLP Policy A35 says that their provision is a requirement for the development of the former Wisley Airfield; eLP Policy 43a is specifically for their provision and eLP Appendix C Infrastructure Schedule lists them as SRN9 and SRN10³⁹. As stated above, however, the eLP carries limited weight in accordance with advice in paragraph 216 of the Framework.

20.54 The Appellant says that the scheme will either deliver or fund these slip roads which would provide two principal benefits. They would enable vehicles to enter and leave the A3 without having to use the Ockham Interchange which would increase its capacity and enable it to accommodate the proposed development. Second, they would reduce through traffic in Ripley, and on other local roads, allowing the planned growth in the Borough in accordance with the eLP.

20.55 These slip roads, however, have not been agreed by HE as Highway Authority for the SRN. During the Inquiry HE and the Appellant submitted a SoCG⁴⁰ which, at paragraphs 10-12, sets out the matters which were not yet agreed between these parties. The Appellant has subsequently submitted evidence to

³⁸ Closing submissions on behalf of GBC: ID120 - paragraph 32 p12

³⁹ Guildford Borough Proposed Submission Local Plan June 2017: CD8.24 p312

⁴⁰ First statement of common ground between WAPI and HE: ID31 28 September 2017

justify the mitigation package but the other matters remain unresolved. In particular, it is not agreed by HE that the north facing slip roads can be provided safely and with a demonstrable benefit to the economy.

20.56 The other principal unresolved issue concerns the delivery of these slip roads. The ability of the Appellant to deliver the full mitigation package remains unresolved although GBC indicated that it would be prepared to use CPO powers if necessary. Nonetheless, at the close of the Inquiry it was uncertain that the mitigation package could be delivered. Nor is it agreed with HE what departures from DMRB are required by the proposals.

20.57 The Appellant acknowledges HE's objection and is attempting to overcome it by the submission of further evidence but the necessary evidence had not been produced by the close of the Inquiry and so HE's objection stands. In the light of the above unresolved matters, HE considers that the impact of the development on the northbound A3 between Ockham Interchange and the M25 (J10) would be severe. This position was not challenged at the Inquiry and the development would have to be resisted on the grounds that it would be harmful to highway safety and be in conflict with the Framework.

20.58 HE also strongly objects to the terms of the s106 Agreement which inserts a trigger for the provision of the delivery of the M25 (J10) improvements and the north facing slip roads at Burnt Common (or alternative financial contribution). That trigger is the occupation of 1,000 dwellings. Not only would that permit very significant unmitigated impacts on a part of the SRN that suffers from considerable stress, but the effectiveness of the trigger has not been demonstrated. A further, but equally important, issue concerning this trigger is that it would raise the possibility of only part of the development being completed. Such an outcome would severely impact upon the sustainability credentials of the settlement which, in part, depend on its scale making it able to support the proposed facilities.

20.59 I conclude on this issue that the proposed development would have a severe impact on the northbound section of the SRN between Ockham Interchange and the M25 (J10). This would be harmful to highway safety and contrary to advice in the Framework. While HE does not object to the principle of the provision of the slip roads, the current position is that an objection is being maintained for the reasons set out above. It has not been shown that it would be appropriate to allow almost half of the proposed development to be completed and occupied without the certainty that the proposed highway impacts would be mitigated. It has not been shown that a lesser amount of development would be sustainable. Overall, this objection carries substantial weight against the development.

The Local road network (LRN)

20.60 There has been considerable confusion about the Appellant's exact intentions in respect of the LRN as these changed during the course of GBC's consideration of the application. Many of the letters of objection from nearby residents refer to road closures that no longer form part of the proposals. Outside the SRN proposals, the main elements of the off-site road works comprise a new mini-roundabout at the Forest Road/ Howard Road/ Horsley Road junction (close to Effingham Junction station); alterations at the Send roundabout; and minor changes to facilitate the site accesses from Old Lane.

- 20.61 The proposed mini-roundabout near Effingham Junction would be beneficial and reduce queuing times at what is an awkward staggered junction. The proposals seem to be recognition that there would be an increase in car traffic along Old Lane from the site to the closest stations. That seems logical, especially as the loop bus services would not be so helpful to those living at the eastern end of the site, which is also closest to Effingham Junction.
- 20.62 The alterations to the roundabout at Send are relatively minor and are mainly intended to reduce traffic speeds onto it for traffic coming from the south west. This would have highway safety benefits, including increased safety for cyclists. Both these schemes have been accepted by SCC as Highway Authority.
- 20.63 The amended access to Old Lane was confirmed as being acceptable as a minor amendment to the submitted scheme at the PIM. It changes the priorities at the junction so that the existing northern arm becomes the minor arm. The intention is to reduce traffic speeds on Old Lane; it is acceptable to SCC. The section of Ockham Lane from Old Lane to the new NMU access to the site would be resurfaced in a different material to emphasise the change in character of this part of the road and improve the accessibility of Footpath 27 and the Black Swan PH.
- 20.64 At the northern end of Old Lane there would be a traffic restriction to prevent traffic travelling south from the A3 to Ockham Lane and beyond; the restriction would occur at the Pond car park. This would decrease the volume of traffic entering Old Lane from the A3 and so make exiting onto the A3 easier and safer, increasing the capacity of this junction. Both SCC and HE are satisfied with the proposed arrangements.
- 20.65 The proposals do not now involve any changes in Ripley High Street. The infrastructure requirements for eLP Policy A35 seek interventions at its junctions with Newark Lane and Rose Lane. However, these interventions are not now proposed as the north facing slip roads at Burnt Common would reduce traffic through Ripley to the extent that the conditions in 2031, even with the appeal scheme, other committed developments and traffic growth would be only slightly worse than now and better than they would be without the slip roads.
- 20.66 Overall the off-site highway works are beneficial for highway safety and enable an increase in the capacity of roads and junctions. None of these works would be necessary but for the scheme and so this mitigation is a neutral factor.
- 20.67 At the Inquiry the Appellant's traffic modelling was challenged by various parties, although it is acceptable to SCC and HE, as Highway Authorities, and to GBC. I acknowledge that the various changes before and during the Inquiry made it difficult for parties to fully consider the scheme. The proposals are likely to increase traffic on rural lanes. Some of these, such as Guileshill Lane, are really not suitable for additional traffic due to its restricted width in places and limited forward visibility. However, it was not demonstrated that the capacity of any of the rural roads was an insurmountable obstacle to the development. The concerns related more to the change in their character that would inevitably arise due to the increased traffic.
- 20.68 The impact on the character of the area is considered elsewhere in this Report and to avoid double counting it is not revisited here. I have taken into account the highly detailed description of the current difficulties of walking on roads in

the area from Mrs Paton, a Rule 6 party. There are few facilities in walking distance of the site and the roads are not conducive to walking. The increase in traffic would inevitably have some impact on walking in the area but I am not convinced that this would be unacceptably harmful.

20.69 Of greater concern is the failure of the Appellant to make surrounding roads more conducive to cycling as sought by the infrastructure requirements of eLP Policy A35. The improved route to Byfleet would involve relatively little new works and can be achieved by this development provided ownership issues are resolved. The omission of the full off-site cycle network is considered in the following issue and so is not considered here to avoid double counting.

20.70 Overall, the proposals would not be likely to result in unacceptable harm to the LRN subject to the implementation of the off-site works which would be provided in accordance with the s106 Agreement.

Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices [7.66-7.73, 8.19, 9.18-9.20, 10.22-10.30, 12.6-12.8, 13.7-13.8, 16.1, 19.9, 16.32, 16.40, 17.8]

20.71 Paragraph 17 of the Framework sets out the core planning principles. The eleventh bullet point advises that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The appeal site is not in a sustainable location. There is little public transport in the immediate vicinity and the narrow, winding lanes, without footways or lighting are not conducive to walking or cycling. In any case, there are few employment, leisure or retail opportunities close enough to the site to make walking a realistic option. The site is close to the SRN with the A3 immediately to the west and making travelling by car an enticing option.

20.72 As an acknowledgement of the poor location, in sustainability terms, the Appellant has sought to improve this by making significant interventions in respect of the provision of public transport and making contributions to encourage cycling in the area. These measures are included in the s106 Agreement and GBC is satisfied that the measures, and the certainty of their provision, overcome its fourth reason for refusal.

20.73 The site is in a relatively remote location in a part of the Borough poorly served by public transport and with few nearby facilities. The proposals include the provision of three new bus routes that would be retained in perpetuity providing access to Guildford, Cobham and to the Horsley and Effingham Junction railway stations. The buses would run down the central spine road linking the more distant parts of the new settlement with the new village centre with its shops, offices, schools and community facilities and with the employment area at the western end of the site.

20.74 These bus services, as long as they are provided in perpetuity, the fares are reasonable and the suggested schedules, which would be quite challenging, maintained would go some way to improving the public transport options. The loop service⁴¹ would be less attractive to residents at the eastern end of the site

⁴¹ Bus route 3 Option b - proof of evidence of Colin McKay: WPI/4/1 p79

who would have a considerable journey to get to Horsley Station and may be tempted to drive the rather shorter journey to Effingham Junction. Residents at the eastern end of the site would also have to change buses at the village centre in order to travel to Guildford, which may make it less attractive for commuting. Apart from these relatively minor concerns the identified services would provide suitable alternative to the car and help to overcome residents' concerns about the increased pressure on the station parking facilities.

20.75 Policy A35 of the eLP sets out various requirements for the development of this site allocation including a significant bus service to serve the locations identified above. The proposals meet this requirement. The proposals include a bus turnaround facility at East Horsley, in front of Station Parade. The EHPC do not support its provision due to the loss of parking and as it is not needed. As the buses serving this station would be on a loop route, its purpose is not obvious.

20.76 Policy A35 also requires an off-site cycle network to key destinations including the above mentioned railway stations, Ripley and Byfleet. The proposals do not make provision for a route to these stations as the roads are not of sufficient width. This rather demonstrates the fact that the roads are not conducive to cycling and while this mode would still be an option I consider that only experienced and confident cyclists would use them.

20.77 The route to Ripley has a number of challenges for cyclists, not least crossing the Ockham Interchange via a series of traffic lights which would enable cyclists to access and leave a dedicated route around the centre of the roundabout. I do not consider that this would be attractive and safe for the average cyclist as required by eLP Policy A35. The route to Byfleet is largely already in place and only relatively minor alterations are proposed. The ramps over the A3 and low bridge under the M25 do not make the route ideal but it would provide a sustainable alternative to the motor car. The financial contribution towards cycling in the area could provide benefits for existing and future residents but the absence of detail means that this carries little weight.

20.78 The long, linear shape of the site does not assist in the creation of a sustainable community. While the Appellant sought to make a virtue of its linear form, enabling as it does a chain of bus stops down the spine road, the fact that the new settlement needs buses so that some of its residents can reach its own village centre is indicative of its lack of sustainable credentials. While there would, in all probability, be pleasant walks through the site, there would still be a considerable distance (up to about 1,500m as the crow flies) between some new housing and the village centre, as demonstrated in Mr Bradley's evidence⁴².

20.79 The proposals would provide suitable bus routes as an alternative to the use of the motor car. The routes to the stations would be particularly beneficial as the car parks at the stations are close to capacity. The need to provide these subsidised routes, however, is an indication that this is not an inherently sustainable location.

20.80 The proposals would make only a limited contribution towards cycling in the area; significantly less than envisaged in the eLP. While this limited provision is

⁴² Keith Bradley Proof of Evidence: WPI/1/1 p48

primarily due to the nature of the roads, the failure of the scheme to meet even the minimum requirements of emerging eLP Policy A35 is a further demonstration of the unsustainable nature of the location. There would be few facilities in the area, outside the site, that would encourage walking, and there is a general lack of footways and street lighting in the area.

20.81 Overall the proposals go a long way towards making the location more sustainable, as sought in paragraph 17 of the Framework. However, it remains the case that the proposals would not be in full accord with emerging Policy A35 of the eLP as it would fail to provide the required cycling improvements. While that policy carries limited weight at this stage, it is nonetheless the document that GBC intends to submit for Examination and so the failure to comply with it weighs against the proposals. It is also notable that SCC, as education authority, is not satisfied that this is a suitable location for an all-through school that would serve the wider community. This all weighs against the proposals.

Whether the proposals would deliver an appropriate quantity and mix of affordable housing [7.74, 8.20, 13.9]

20.82 Up to 800 homes, some 40% of the proposed dwellings, would comprise affordable housing. That fully complies with eLP Policy H2. The provision, mix and timing of delivery relative to the market housing are set out in the s106 Agreement. GBC is satisfied that this fully meets its requirements and so did not pursue this issue at the Inquiry.

20.83 The provision of 800 homes, comprising a mix of sizes and tenures as set out in Appendix 1 of the s106 Agreement, is particularly important in a Borough where there is such a significant shortfall in housing provision. GBC has a poor record of provision with only 485 affordable homes built over the past 8 years against a backdrop of 517 households per year needing support to meet housing needs. The provision would represent over 19% of the projected affordable housing provision in the Borough to 2034. This is a major contribution which carries very significant weight in favour of the scheme.

Whether the loss of a safeguarded waste site is outweighed by other considerations [4.1-4.2, 7.75, 8.21, 9.22, 13.10]

20.84 Planning permission was granted on appeal⁴³ in 2010 for an IVC with a new pedestrian/ vehicular access from the A3 Ockham Interchange in the north western part of the site, an area of about 17ha. A minor variation to the scheme was approved in August 2012. The planning permission was subject to a condition requiring commencement by 8 March 2013 and in 2013 SCC confirmed in writing that a start had been made. The permission therefore remains extant and this is a material consideration.

20.85 GBC did not defend its seventh reason for refusal at the Inquiry. SCC, in its role as the Waste Planning Authority, initially objected to the planning application. Since then, in May 2017⁴⁴, SCC indicated that it is not proposing to include Wisley in the new Waste Plan as it is not deliverable without the support

⁴³ APP/B3600/A/09/2098568 dated 8 March 2010: CD4.10

⁴⁴ Email from SCC to Appellant 25 May 2017: WPI/7/2 Appendix 10

of the landowner. As set out in the SoCG, the IVC is no longer the favoured technology in the SWP and the site is not currently available.

20.86 While it remains safeguarded for such use in the 2008 SWP by reason of Policy WD2 which allocates the site and Policy DC1 which safeguards it, the Appellant and GBC accept that it will not be allocated in the next iteration of the plan. As things stand, however, the proposals are in conflict with the SWP. This conflict with the SWP carries very little weight as the land is not available for this use; it is not likely to be allocated for this use in the next Waste Plan; and the IVC technology is no longer the preferred option.

The effect of the proposed development on the character and the appearance of the area [7.76-7.86, 8.22-8.27, 9.23, 10.14-10.20, 11.7-11.8, 12.9, 13.11-13.12, 16.2, 16.14, 16.18-16.21, 16.24, 16.26, 16.27, 16.31, 16.32, 16.37, 16.40, 17.6, 17.21, 17.34]

20.87 The site is located in the countryside and so it is inevitable that there would be some landscape and visual harm. This is accepted by the Appellant. Both the character and the appearance of the site would change significantly; the character of the wider area would also be affected. The allocation of the site by GBC in the eLP for a new settlement is due to the need for GBC to provide sites for more housing and, given the severe constraints within the Borough, GBC accepts that some harm is inevitable, regardless of where in the Borough the housing is provided.

20.88 In terms of the character of the area, the site lies within the *Ockham and Clandon Wooded Rolling Claylands*. The GBLCA describes this as a gently shelving area founded on London Clay and rising from 30m AOD in the north to 90m AOD in the south at the base of the chalk downs. Many of the key positive landscape attributes as set out in the GBLCA are to be found on and around the appeal site, including woodlands, networks of hedgerows and hedgerow trees, historic farmsteads, historic villages, rural lanes and views to the open slopes and wooded crest of the chalk downs to the south. It identifies the development of the A3 and the creation of Wisley Airfield from farmland as past forces for change.

20.89 The historic farmsteads on the site have all been demolished and the only one of the identified key attributes to be seriously affected is the loss of views towards the chalk downs to the south. The proposals would also be likely to increase traffic on rural lanes which, while not a road capacity issue, would nonetheless harmfully impact on their character.

20.90 The character of the area immediately around the site is predominantly rural with small fields comprising a mix of arable and pasture interspersed with areas of woodland. There are a few small settlements around it, the hamlets collectively comprising the parish of Ockham. In addition there is a scattering of isolated farms and dwellings, many of considerable age, which contribute positively towards a pleasant rural landscape. There are a number of rural lanes and tracks as well as numerous PROWs, several of which cross the site.

20.91 There is no getting away from the fact that the development would result in a very substantial change in the character of the area. The proposed settlement would have a tight-knit, strongly linear, form that would be wholly at odds with the loose, informal nature of the nearby settlements which have grown organically over very many years. The density and layout reflects the fact that

it would be imposed on the landscape whereas existing nearby settlements have grown slowly within the landscape and remain subservient to it. The bulk and height of the new buildings, at up to 5 storeys, would appear wholly out of place in an area where most dwellings are two-storey.

- 20.92 The site has three main constraints which need to be addressed as they affect the form and impact of the proposed development. In the first instance, the site is located on a long ridge which runs west/ east, in tandem with the runway, with the highest point at the eastern end, close to Yarne. This means that any development on the site would inevitably stand out in the surrounding landscape making it prominent and potentially dominating.
- 20.93 The second constraint is the TBHSPA which lies to the north. There is no housing permitted within 400m of it and this influences the size and shape of the developable part of the appeal site, making it excessively linear in form. The land to the north would be used to provide a SANG which, together with the land ownership constraints, which make up the third constraint, reduces the width of any development. This resultant roughly rectangular shape differs slightly from the shape of the site allocation in the eLP which includes more land to the south around Bridge End Farm. The inclusion of that additional land, with the same amount of development as set out in eLP Policy A35, would allow a less dense and linear development, as envisaged in the eLP.
- 20.94 These constraints, and in particular the TBHSPA, means that in order to provide all the proposed housing and other elements of the new settlement it appears to be squeezed from the north and the south, forcing the development upwards and resulting in a highly urban character. This is partly a consequence of the site being considerably smaller than the site that GBC intends to allocate in eLP Policy A35. While any development of this scale on this site would appear out of keeping with its surroundings, the additional constraint imposed by a smaller site seems to exacerbate the harm to the character of the area.
- 20.95 I have taken into account the proposed landscaping, which would be significant and substantial, including the provision of new hedgerows, woodland and the green gaps between the four distinct phases. Nonetheless, the overall impact would result in substantial harm to the character of the immediate area. Being sited at the very heart of Ockham parish it would, in effect, link all the surrounding hamlets. It would erode the historic pattern of development in the area to the detriment of the character of these settlements. It would fail to reflect or respect its immediate setting and I agree with the nearby residents that this impact would be catastrophic on their rural way of life.
- 20.96 The impact of the proposed development on the appearance of the area would be rather less severe than on its character as much of the site is quite well screened from off-site public viewpoints. Within the site the existing runway is a stark concrete feature that fails to make a positive contribution to the appearance of the area, although it contributes to the sense of openness and allows views towards the chalk hills to the south. There would be a harmful impact on the PROWs within the site. The experience would change from travelling through an open and largely agricultural landscape to an urban walk with tall buildings, roads, vehicles, lighting and general urban sounds. At present it is a largely open landscape, with long views and the opportunity for birdwatching which seems a popular activity here.

20.97 In terms of off-site views of the development, these would mostly be fairly long distance as the site is quite well screened by existing trees and, from nearby, by the ridge. The development would be visible from as far afield as the AONB from where the full length of the settlement would be visible; its narrow width would not be noticeable, probably making it appear rather larger in scale than its actual size. It would appear as a linear, urban feature, although careful use of materials would help soften its visual impact. The impact would be exacerbated by its ridge location with 3- to 5-storey buildings along the central spine road with the result that the full 2.4km length of the development would be visible to highly sensitive receptors using PROWs in the AONB.

20.98 The tops of buildings would be likely to be visible from a number of more local viewpoints including from within the Ockham Conservation Area, from where it would appear as a large settlement on the skyline. The area where it would be most visible from outside the site would be from Ockham Lane/ Old Lane to the east and south east. Not only is this the highest part of the site, but it is also the closest to roads and has the weakest vegetation. The rural lanes with their hedgerows contribute positively to the character of the area.

20.99 The proposed development would be visible from these rural lanes and it would have a negative effect on both the character of the lanes and the appearance of the area. By bringing the development so close to these lanes, as shown on the indicative masterplan, the scale and density of the housing would be visible and noticeably out of keeping with the established form of development in the area. There would be substantial harm to the appearance of the area.

20.100 There is no doubt that some of the harmful impacts on the appearance of the area can be partially mitigated, in time, by extensive landscaping. This provision is an integral part of the proposed scheme. This would not disguise the basic fact that a new settlement in a rural area would, inevitably, cause substantial harm to both its character and its appearance. It would be contrary to Policies G1 and G5 of the GBLP. This harm would be irreversible and carries significant weight against the development in the overall planning balance.

The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets [7.87-7.96, 8.28, 9.24-9.26, 12.10-12.11, 13.13-13.21, 16.3, 16.36, 17.8]

20.101 The ninth reason for refusal makes reference to the scale and quantum of development in proximity to Yarne, a Grade II listed building, and the likelihood of this having an adverse effect on its setting and significance. The revised parameter plans, submitted before and during the Inquiry⁴⁵, are acceptable to GBC and the SoCG between the Appellant and GBC says that there would be no harm to heritage assets, including Yarne. In closing GBC confirmed that the revised parameter plans, together with the suggested conditions, would mean that there would be no harm to the setting of Yarne. GBC did not allege any harm to any other heritage assets.

20.102 The Appellant's initial position was that there would be no harm to the setting of Yarne or, as set out in the SoCG, to any other heritage assets. In its

⁴⁵ Submitted as ID78 and subsequently formalised (Drawing Nos 1715/SK/709 & 710 Rev B): ID110

evidence, however, the Appellant accepted that there would be some less than substantial harm to 6 heritage assets. These are: Chatley Semaphore Tower (Grade II* listed building); RHS Wisley (Grade II* Registered Park and Garden); Yarne, Upton Farmhouse and Appstree Farmhouse (all Grade II listed buildings); and Ockham Conservation Area. These are each considered in turn.

20.103 Other heritage assets assessed by the Appellant included Bridge End House, the Hautboy Hotel, Ockham War Memorial, Ashlea Church End/ Church Gate Cottage, Chimneys, Church of All Saints, Ockham Park House and the walls and gates to Ockham Park. I have considered each of these assessments and agree with the Appellant and the majority of the main parties that there would be no harm to any of these assets or their settings. While there may be some visibility between potential buildings on the appeal site and some of these properties, most notably with the Hautboy Hotel, due to the distance and the nature of their settings this would not result in any harm to them or their settings. In respect of these assets there would be no conflict with GBLP Policies HE4 and HE10 or with Chapter 12 of the Framework.

20.104 **Chatley Semaphore Tower** is grade II* listed and is sometimes open to the public with a viewing platform on the roof giving extensive views in all directions. The buildings on the appeal site would undoubtedly impact in views from the top of the Tower, as demonstrated in the evidence of the Appellant's landscape witness⁴⁶. The photomontages show that the development would appear as a line of buildings in the middle ground, some 850m or so to the south west. A softer colour from that shown on the photomontages for the facing materials would lessen the visual impact. *[The colour used for the photomontages is deliberate to make the buildings stand out].*

20.105 The Tower is surrounded by heath land and trees and due to the separation distance the proposed development would have no impact on its setting. Only from the top of the Tower would it be even visible in the distance. HistE has raised no objections; SWT, as owner, has not objected. There is some historical significance in the views from the top of the Tower as these are connected to its original function. The next Semaphore Tower in the chain of such towers, when looking south west, was in Guildford.

20.106 Due to the lie of the land and the height of the Tower, Guildford would still be in view over the top of the new development as demonstrated in the photomontages. While the view in that direction would be changed, the impact on the historical significance of the Tower would be minimal. The level of harm would be less than substantial. While paragraph 134 of the Framework does not make allowance for the degree of harm when assessing the less than substantial impact, the weight to be attached to it would be limited.

20.107 **RHS Wisley** lies a short distance to the north west, on the opposite side of the A3. It is a Grade II* Registered Park and Garden that is open to the public every day and attracts large numbers of visitors. Planning permission has recently been granted for quite major developments and landscaping that is likely to increase visitor numbers. HistE do not object; RHS Wisley raised no objections on heritage grounds; and GBC does not consider that there would be any material impact.

⁴⁶ WPI/2/2 Appendix 3 Photomontages 05

- 20.108 Based upon the photomontages⁴⁷ and my visit to the Garden, the roofs of some of the buildings would be visible over and through the trees when looking south. The views would be clearest from the top of Battleston Hill, within the Garden when looking over the trials fields and from the fruit mound. In the former view the buildings would be mostly hidden by existing mature trees but would nonetheless introduce a distinctly urban feature amongst the trees. In the latter view there is less screening and the tops of the buildings would slightly interrupt views towards the Surrey Hills AONB to the south.
- 20.109 Views south from the Garden would be harmed by the development as there would be the tops of buildings within what is currently a rural or landscaped outlook. While the Garden, and this southern end of the Garden in particular, is subject to significant levels of road traffic noise from the A3 which impacts on its character, there would be harm to the views. The buildings would not be so distant that they would disappear in the background; the top of Battleston Hill is less than 300m from the site and about 400m from 2-4 storey buildings. There would be a small amount of less than substantial harm to the setting of the Garden.
- 20.110 A detached dwelling **Yarne**, is located just outside the appeal site in the south east corner. The curtilage of Yarne abuts the appeal site to the west and north, with the house being sited towards the Ockham Lane frontage and close to the eastern boundary of the plot. The house is not particularly visible from public vantage points as there is a thick hedge along the road frontage which only allows brief glimpses of the house through the vehicular access when travelling towards Martyr's Green. The western flank elevation can be seen, at some distance, from a public footpath within the appeal site although this is partly screened by a hedge and, at the time of my first visit, by tall crops in the intervening field.
- 20.111 Yarne is the only heritage asset mentioned in the relevant reason for refusal and, as set out above, GBC did not pursue this reason for refusal at the Inquiry. GBC considers that the proposed restrictions on the design parameters together with suggested conditions 15 and 16, would mean that there would be no harm to its setting. This opinion is not shared by the Appellant, who considers that even with these added restrictions on new buildings there would still be some less than substantial harm to its setting.
- 20.112 Yarne is a dwelling dating from the late C15 that probably originated as a farmhouse. The listing description makes it clear that the building derives its primary significance from its physical fabric; it has a timber framed core. The house has been substantially extended and it seems that none of this historic fabric is publicly visible from the outside. The various changes to the building, which are substantial, doubtless contribute to significance of the dwelling as being reflective of changes in ownership, taste and function. In themselves, however, these changes are not of sufficient architectural merit as to justify it being listed were it not for the historic core. Its immediate setting comprises its garden; its wider setting includes the western end of the former airfield and, further afield, the parish of Ockham with which it has historical links.

⁴⁷ WPI/2/2 Appendix 2 Photomontages 01 & 02

20.113 The owners/ occupiers of the property, who gave evidence at the Inquiry, consider that the proposals would result in substantial harm to the property; the Framework says that substantial harm to or loss of a Grade II listed building should be exceptional. In this case, however, the harm would not be substantial; it would fall within the definition of less than substantial and so the harm would need to be weighed against the public benefits of the proposal in accordance with paragraph 134 of the Framework. That is not to say, of course, that this means that there is necessarily a less than substantial objection to the development.

20.114 There would be no impact on the fabric of Yarne; the only harm would be to its setting. It would be confined to the erection of houses and the construction of roads, footways, street lighting etc in proximity to its curtilage. The nearest houses, in accordance with Drawing No 1715/SK/709, would be sited about 40m from the house and about 9/10m from its curtilage. This is rather closer than the distance shown in Mr Davies' appendices and so it is recommended that suggested condition 16(b), which requires a separation distance of 20m between the curtilage of Yarne and any new dwellings, be imposed on any permission. This condition is agreed by the Appellant.

20.115 Nonetheless, despite this increased separation distance, and in accordance with the indicative masterplan, there would still be houses along two boundaries of Yarne, albeit separated by a landscaped strip and access arrangements. This would represent a very significant change to the appearance of this land which would impact on the setting of Yarne.

20.116 I am not convinced by the argument that the whole of Ockham, including Ockham Park Estate, falls within the setting of Yarne, notwithstanding any historic associations. Such a wide definition of setting would not be proportionate to the relationship between Yarne, which is set apart from Ockham, and other buildings. The relationship, even with the Estate, is too distant to be reasonable. In any case, even if the substantially wider setting is considered to be reasonable, the proposals would not necessarily result in an unacceptable level of harm to that setting. The physical and historic relationships between Yarne and the wider setting would not change. While the lines of sight would necessarily be significantly curtailed, any heritage value would lie in proximity rather than in any visual relationship.

20.117 No evidence was put forward that would justify extending the Ockham Conservation Area to include Yarne. The house is simply too distant.

20.118 Due to the proximity of the proposed development on two sides of Yarne, divorcing the house from its predominantly rural hinterland, I conclude that there would be some harm to its setting and its significance as a former farmhouse. This harm would be less than substantial and needs to be weighed against the public benefits of the proposals. The level of harm must be tempered by the finding that the historic significance of Yarne lies mainly in its fabric rather than its setting. The impact of the proposed development on the living conditions of the occupiers of Yarne is considered separately below.

20.119 **Upton Farmhouse** is a substantial C15 dwelling situated on the southern side of Ockham Lane, opposite the site. It is a late medieval farmhouse whose heritage significance relates primarily to its historic fabric. It lies in substantial grounds that slope downhill from Ockham Lane. The house is

at the end of a long drive and so is some considerable distance to the south of the road. Its main garden is around the house although the curtilage has quite a long frontage to Ockham Lane, there are hedges either side of the road that limit views into the appeal site. The upper parts of some houses, as shown on the indicative masterplan, would be visible from the northern parts of the garden but due to the distance, hedges and other planting and the lie of the land it would not be visually dominant or particularly intrusive from the house. There may be a small degree of less than substantial harm to the setting of this listed building.

20.120 **Appstree Farmhouse** is a C16 building in residential use whose significance lies in its being a fine example of a late medieval rural dwelling. It is clearly visible from Ockham Lane and it makes a positive contribution to the character and the appearance of the Conservation Area. It is located some distance to the south of the appeal site which sits on the crest of the ridge. With the proposed housing due to be set back from the southern boundary on the site, behind the ridge line, it is unlikely that it would even be visible from the ground floor of this property.

20.121 There would probably be some limited views of the new housing that would be almost due west of this property. However, due to a combination of the intervening planting and the distance (almost 800m), such views would be very limited. Details of the new buildings would be a reserved matter but this housing would not be likely to have any adverse impact on the setting of Appstree Farmhouse.

20.122 There is no published Character Appraisal for the **Ockham Conservation Area**. It is more or less butterfly shaped, with the bulk of the dwellings within the hamlet encompassed by the eastern "wing". This part of the Conservation Area exhibits a coherent, enclosed, predominantly residential character, and comprises several listed buildings of high quality. The Grade I listed Church of All Saints dominates the western "wing" which is altogether more open and pastoral. Further west lies Ockham Park. The hamlet of Ockham appears to derive functionally from this landed estate.

20.123 There are few views from the Conservation Area into the appeal site due to the trees, hedges, buildings and the change in ground level; the appeal site is on the ridge at a higher level. The larger allocation site, the subject of eLP Policy A35, extends further south than the appeal site and abuts the far north-eastern tip of the Conservation Area.

20.124 While there would probably be glimpses of the new development from within the Conservation Area, the harm would be very limited. There are other buildings visible in the wider setting of the Conservation Area and the harm to its setting would be negligible. There would be some limited harm arising from additional vehicular traffic using the roads within the Conservation Area and this could give rise to some less than substantial harm.

Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife) [7.97-7.129, 8.29-8.30, 9.27-9.34, 11.9, 12.12, 13.22, 16.28, 17.8, 17.17]

20.125 GBC's tenth reason for refusal says that it has not been demonstrated that the development would not give rise to an unacceptable air quality impact

on local receptors, including future residents, and on protected ecological sites. It refers specifically to the impact of vehicle movements during the construction phase on early occupants and to acid deposition on TBHSPA and the SSSI. GBC did not defend this reason for refusal at the Inquiry. The SoCG (CD12.3) says that “based on the updated Air Quality Consolidated Response it has been demonstrated that the proposed development will have satisfactory air quality impacts”.

20.126 At the Inquiry GBC stated that the conclusions of the Appellant’s air quality modelling are consistent with those of the assessment undertaken by AECOM to support the eLP and that the development is expected to have a negligible effect on human health and no significant effect on sites designated for nature conservation. NE raised no objection on air quality grounds. Two Rule 6 parties presented evidence on this topic. The concerns raised do not include any harm to early occupiers during the construction phase. The matter of acid deposition also fell away during the Inquiry.

20.127 The outstanding concerns relate to (i) the impact on human receptors in Ripley; and (ii) ecological/ wildlife receptors, particularly within the TBHSPA.

Ripley – Human receptors

20.128 There is no AQMA in Ripley. The issue here relates to NO₂ with the relevant objective being 40 µg/m³ as an annual mean. RPC produced its own evidence⁴⁸ from monitoring data which, at table 2, shows some exceedances of the objective. This is in conflict with GBC’s own monitoring results which shows an annualised average of 32.8 µg/m³ in Ripley High Street and 27.5 µg/m³ in Newark Lane⁴⁹, both well within the air quality objectives for NO₂ (albeit that the monitoring was only over a 9 month period rather than a full year so the results have had to be annualised).

20.129 The monitoring undertaken for RPC was over an even shorter period, just 4 months. There are also issues with this data which were not satisfactorily explained and which diminishes its credibility. In the first place the data is not only for quite a short period but it also contains significant gaps⁵⁰. The relatively short period means that the data needs annualisation which exacerbates the problem of the missing data and there are concerns about the bias adjustment used. The author of RPC’s evidence states that while the average NO₂ concentration for the monitoring period exceeds the annual mean objective of 40 µg/m³ the result should be treated with caution as it only relates to a 4 month period and not the full year.

20.130 Of perhaps greater concern is the fact that the monitoring tubes were not all positioned at locations of relevant exposure, as defined by DEFRA. All the tubes, apart from one (tube 7), were located at kerbside where the greatest concentrations of NO₂ are most likely to be found. The other tubes were at least 2m from the closest building façade. Tube 7’s location was on a lamppost which appears to have been mis-identified as there is no lamppost in the stated location. The nearest lamppost is some distance away, outside the façade of an

⁴⁸ RPC/1/1 Appendix E

⁴⁹ WPI/6/2 Appendix A Table AQ.4

⁵⁰ WPI/6/4 paragraphs 2.4 to 2.6

estate agents' office, which is not a location of relevant exposure. The Appellant re-calculated the RPC evidence using DEFRA's "fall-off with distance calculator" which shows that all the concentrations are well below the objective of 40 µg/m³ at nearest facades, except for tube 7 which is not at a location of relevant exposure. This is in line with GBC's monitoring results and gives this finding added weight.

20.131 The other important factor on this issue is that the Appellant is now seeking to rely upon the provision of the Burnt Common slip roads. These slip roads, according to the traffic monitoring data, would reduce the volume of traffic in Ripley as northbound traffic heading towards the A3 would be able to join the A3 south of Ripley and southbound traffic would be able to leave the A3 south of Ripley. The witness for RPC accepted that if the traffic data was correct, this would reduce traffic in Ripley and be a benefit in air quality terms.

20.132 In any case, even using RPC's evidence and projecting it forward to 2021 using DEFRA's projection factors for roadside concentrations the results⁵¹ show that the annual mean concentration at all façade locations would be below 40 µg/m³. I conclude that there is no evidence to suggest that the proposals would harm air quality in Ripley; this is a neutral factor in the balance.

Ecological/ wildlife receptors

20.133 The outstanding matters in respect of this part of the issue relate to nitrous oxide (NO_x) concentrations and nitrogen deposition (ND) within the TBHSPA. Paragraph 120 of the Framework requires the effects, including cumulative effects, of pollution on the natural environment and the potential sensitivity of the area to such adverse effects to be taken into account. It is reasonable to conclude that the TBHSPA is highly sensitive. It is so designated due to its population of rare birds which, of themselves, are not directly sensitive to air pollution levels unless the levels are exceptionally high. There is the potential for the habitat of protected birds to be harmed by pollution but it must be borne in mind that it is the birds that are protected, not their habitat. If there is an in-combination impact on the habitat of the protected birds, however, that would impact upon the birds themselves.

20.134 The qualifying features of the TBHSPA are the European Nightjar; the Woodlark; and the Dartford Warbler, all of which breed within the SPA⁵². These are the Annex 1 birds.

20.135 It is agreed that the principal sources of pollution are road traffic on the A3 and M25, both of which adjoin the SPA. The precise boundary of the SPA was a matter of dispute at the Inquiry but this is not critical as it is the distance from the roads and the habitat affected rather than the amount of SPA that would be affected that is at issue. The development would add to traffic on the A3 and the M25; the point at issue is whether this additional traffic would have harmful impacts upon the SPA and the Annex 1 birds.

20.136 The starting point is the fact that if you add nitrogen to the SPA then it acts as a fertiliser and plant growth is encouraged; this outcome is long

⁵¹ WPI/6/5 Appendix C pages 10-11

⁵² European Site Conservation Objectives for TBHSPA: ID33

established and not disputed. The key habitat in the SPA for the qualifying features, the Annex 1 birds, is the open heathland. Increased growth of competing plants could compromise this habitat by forcing out less competitive species that are more characteristic of such grassland⁵³; it could reduce its value to the birds and fail to provide the necessary habitat for them to feed and breed.

20.137 I have some difficulty with the position of the expert witness representing WAG/ OPC which is derived from the agreed position that the critical level for NOx and the critical loads for ND are already being exceeded. The advocate for GBC described his approach as being "extreme" (ID120 paragraph 51) and did not consider his approach to be supportable; the Appellant described it as an "utterly extreme view" (ID125 paragraph 337). WAG's position was clarified under questioning and is quite straightforward. Its position is that any additional traffic, even a single additional vehicle, on the adjoining roads (A3 and M25) generated by any development would result in an adverse impact on the integrity of the SPA. This being the case, under European law planning permission must be refused.

20.138 WAG/ OPC's position is that any proposals for any development whatsoever that could generate even a single vehicle movement on these roads must be refused. That would mean, for example, that all the development currently proposed in the eLP would have to be refused, as would all nearby development in adjoining Boroughs. I agree with GBC and the Appellant that that cannot be a reasonable interpretation of European law in which proportionality is a key component. The fact that there is current exceedance does not automatically mean that any further development resulting in more vehicles on these roads would result in damage to the habitat of the Annex 1 birds; it means that there is a potential for damage that needs to be assessed.

20.139 If a scheme (or "process contribution") results in an exceedance of the critical level for the sensitive features concerned of less than 1% then it can be screened out from further assessment as the EA advises that it is unlikely that an emission at this level will make a significant contribution to air quality change as the component from the scheme would be small in comparison to the background. If it exceeds 1% then further assessment is necessary and if adverse effects arise then permission should be refused. It is the Appellant's case, which is supported by GBC, that while the critical level is exceeded in some areas close to the A3 and M25 by more than 1%, there would be no adverse effect.

20.140 Based on the proposed Scenario C3, the Appellant carried out a detailed assessment. This shows that the part of the SPA where the 1% increase is exceeded is limited to strips of land adjacent to the A3 and M25 (ID4: Table A10.3). Surveys show that beyond 200m there is no discernible effect; the impacts are thought to be greatest within the first 50-100m but the area where the appeal scheme makes a greater than 1% contribution is much more limited. The Appellant took a precautionary approach in using the full 200m distance; beyond that distance NOx dispersion falls to background levels⁵⁴.

⁵³ CD8.48: AECOM's HRA of Proposed Submission of the eLP

⁵⁴ WPI/5/1: Table 9 page 119 (Extracted from DMRB Volume 11 Section 3 Part 1)

- 20.141 My site visits, together with the details shown in the Appellant's evidence (WPI/5/1: Map 10) show that most of the SPA that falls within even 200m of the A3 and M25 comprises woodland; there are only small areas of heath. It also shows that by 2031 none of the heathland would fall within an area exceeding critical levels for NO_x with the appeal scheme and other future development. Under scenario C3, the scenario being pursued by the Appellant, the maximum distance of exceedance of the critical level would be 65m into the SPA (ID4). This woodland provides a shelter belt and possibly nesting opportunities for the Woodlark but does not offer ground nesting sites. This type of buffer is advocated in DMRB best practice. The evidence, which was not challenged, shows that some Nightjar territories have been within the 200m distance, but none within the 140m distance from these roads.
- 20.142 There is no indication that there is any rotational felling of these trees and so the likelihood of this land returning to heathland in the foreseeable future is limited. The woodland shelters the SPA from noise, light and other pollutants. The Management Plan shows no forestry clearance in this area. It also shows that heathland within what is now the SPA has increased in area substantially since 1971⁵⁵. The SPA is a former SSSI and its boundary has not been changed to reflect the requirements of the Annex 1 birds. It is also clear from the evidence⁵⁶ of the Appellant that there are parts of the SPA within the CL exceedance area that are currently or have recently been used as territories by the Annex 1 birds. The numbers of Annex 1 bird territories within Ockham and Wisley Commons has been stable or has increased in the past 7 years and all three species are well above their site specific targets.
- 20.143 I have already noted that NE raised no objections on air quality grounds and that GBC, following independent assessment, has raised no objections. I have seen no evidence that demonstrates that the changes in air quality, either individually or in combination with other developments, are likely to have significant effects or undermine the conservation objectives for the SPA. It follows that an Appropriate Assessment is not required. This is a neutral factor in the overall balance.

Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries [7.130, 8.31, 9.35-9.36, 12.13, 13.23, 16.11, 17.8, 17.19, 17.30]

- 20.144 GBC has agreed the terms of the s106 Agreement in respect of all the above elements and is therefore satisfied that its original reason for refusal is now addressed. GBC did not pursue this issue at the Inquiry.
- 20.145 The financial contributions towards police and libraries, together with the provision of facilities for an on-site police presence are beneficial to both the future residents of the development and to nearby residents. That particularly applies to the police contribution as the area is currently policed from Guildford following the closure of the office in Ripley. This weighs in favour of the scheme.
- 20.146 The scheme would provide facilities for a health centre but the Appellant cannot guarantee that it would be utilised. In any event it is intended to

⁵⁵ WPI/5/5 Appendix 2: Wisley & Ockham Common Management Plan 2010-2020 (Figures 8 & 9)

⁵⁶ WPI/5/1: Maps 10 & 11

mitigate the impact of the development and has to be considered in that light. The provision of nursery and primary education facilities are designed to accommodate children living on the site. These facilities would therefore be no more than mitigation and are neutral in the overall balance.

20.147 The secondary education facility is rather more problematic, as shown by the fact that SCC would not be a party to the s106 Agreement if it were to be included. This resulted in the need for a second s106 Agreement, relating specifically to the provision of a secondary school, which has been signed by just the Appellant and GBC. The issue relates to the scale and siting of the secondary school; the need for one to accommodate children from the new development is not in dispute. SCC considers that it has not been demonstrated that there is a need for a 4-form entry school on this site; on its own the site would not generate sufficient pupils to justify a school of this size. SCC argue that the provision of a 4-form entry secondary school on the site may not be the most economically attractive solution; it is looking for a more flexible solution and does not want to be tied down to its provision on this site and at this time. SCC has caveated its response to the eLP to cover this point.

20.148 In these circumstances the Appellant has signed an Agreement with GBC to provide an all through primary and secondary school with four forms of entry at secondary and two forms of entry at primary including a state maintained nursery, all to be provided on the school site as detailed in the Agreement. This is in accordance with the allocation for the site as identified in the eLP. However, it is not agreed by SCC as Education Authority who considers that it may be harmful to school provision in the wider area. In these circumstances it cannot carry weight in favour of the proposals.

Other harm identified by interested parties [10.36, 13.16-13.17, 16.17, 16.29, 16.33, 17.8, 17.19, 17.23, 17.24, 17.25, 17.26]

20.149 GBC's sixth reason for refusal related to the potential impact of the retail element of the proposed development on the vitality and viability of existing district and local centres. The scheme includes about 2,240 sq m of retail floorspace (Classes A1 –A5) within the new village centre to serve the new residents, support its sustainability and reduce the need for off-site trips. Paragraph 26 of the Framework says that when assessing applications for retail, leisure and office development outside town centres an impact assessment is necessary where the scale exceeds either a locally set threshold or a default threshold of 2,500 sq m. The GBLP does not set a threshold and, while this element of the scheme would accord with the principles, if not the details, of the Policy A35 site allocation it is not in accordance with an up-to-date local plan.

20.150 GBC considered that in the absence of an impact assessment it was not possible to assess the impact of nearby local and district shopping centres. The Appellant submitted an "Assessment of Commercial Floorspace" (July 2016)⁵⁷. This resulted in GBC not pursuing this reason for refusal. It was pursued in the case presented by RPC albeit at a very general level with no evidence produced to demonstrate any harm arising. Part of the alleged harm arises from increased traffic and congestion having a negative impact on the ability of potential customers to park in Ripley.

⁵⁷ Assessment of Commercial Floorspace (Savills, July 2016): WPI/7/2 Appendix 4

- 20.151 Ripley appears to be a thriving centre with few vacant units. In July 2016 there was just one vacant unit (166 sq m) out of 34 units. It seems improbable that many Ripley residents would travel to the new centre, which would be considerably smaller. There would not be very much through traffic within the new settlement so the likelihood of trade diversion seems remote. I consider this to be a neutral factor in the balance.
- 20.152 There would be some loss of BMV agricultural land which, in accordance with paragraph 112 of the Framework, needs to be taken into account. While the Appellant considered that about 19ha of BMV would be lost to built development, this rather minimises the real impact. While that correctly identifies the amount that would actually be built on, some 44ha of BMV would no longer be available for agriculture and this is the quantum that needs to be considered in the overall balance. This loss weighs against the proposals.
- 20.153 The site is notable in that it adjoins very few dwellings so the impact on residential amenity would be limited. The dwellings to the north in Elm Corner would be close to the northern SANG and so a significant distance from any built development. There would be little impact on the living conditions of these properties. The only properties that would be sufficiently close to the proposed housing would be at Martyr's Green.
- 20.154 The occupiers of Yarne, in Ockham Lane, consider that their living conditions would be unacceptably affected, particularly due to loss of outlook and overlooking. In terms of outlook, the property, and particularly its grounds, benefit from long views to the west over the former airfield as far as Woking and beyond. These views would be lost by the development; it is unlikely that there would be any long views through the development. Yarne's principal windows appear to be to the front and rear, but there are first floor windows in the flank elevation facing the site whose views would be seriously curtailed. However, the loss of a private view carries little weight in the planning balance and, on its own, cannot reasonably sterilise an adjoining parcel of land. The new housing close to Yarne could be subject to restrictions in terms of height and proximity as set out in the suggested conditions 15 and 16 so the development would not appear unacceptably overbearing.
- 20.155 Despite these restrictions, if the development proceeded in accordance with the layout shown on the indicative masterplan, the garden of Yarne could be subject to a significant level of overlooking from the upper floor windows of new houses. The indicative plans show that as many as 11 houses would face its garden with a further two potentially having windows in their flank elevations. This would represent a significant change to a property which currently enjoys a secluded garden. While there is a hedge along the common boundary, its height and quality declines towards the rear of the plot. Most of the overlooking would impact on the northern end of Yarne's garden, furthest from the house, and the level of likely overlooking would not, on its own, be sufficient to justify withholding permission.
- 20.156 Ockham End, on Old Lane also benefits from a secluded garden. The indicative layout shows that there could be 5 houses whose principal outlook would face its garden and this would be likely to result in some harm. However, the distances exceed the minimum 20m and so the harm would be likely to be limited, although the parameter plan indicates that these houses could have

three storeys. The potential for harm to living conditions arising from a loss of privacy carries a small amount of weight against the scheme.

Other material considerations [7.15, 7.134-7.157, 8.32-8.49, 9.37-9.44, 10.39- 10.43, 12.14-12.15, 13.26- 13.29]

20.157 Fourteen other material considerations were advanced by the Appellant in support of the appeal scheme. The Appellant considers that each of these factors contribute to the VSC necessary to justify the development. This is in line with the judgment in *Temple*⁵⁸ where it was held that “there is no reason why a number of factors ordinary in themselves cannot combine to create something very special”. Each of the factors identified by the Appellant is now considered in turn:

i) *Support from the eLP and consistency with the emerging evidence base* [7.135-7.136, 8.46-8.49, 9.37-9.38, 9.42]

20.158 The appeal site forms part of a larger site identified in draft Policy A35 of the eLP to be removed from the Green Belt and to be developed. Amendment 2: Former Wisley Airfield (ID17) increases the amount of land proposed for removal from the Green Belt to include all the appeal site (including the northern SANG); all of Bridge End Farm; and the land abutting the site at Martyr’s Green in the corner formed by Old Lane and Ockham Lane, including Yarne. This additional land at Bridge End Farm and Martyr’s Green is not within the identified Policy A35 site allocation.

20.159 To that extent the proposals are consistent with the eLP. However, the eLP site is considerably larger than the appeal site as it includes land around Bridge End Farm to the south. Notwithstanding the fact that the site is smaller, the amount of development proposed has not been significantly reduced from that specified in the eLP. The proposals intend to place almost the whole quantum of the Policy A35 allocation for Wisley Airfield into a considerably smaller site. The number of sheltered/ extra care units proposed (60) is fewer than set out in the allocation (100), but otherwise the figures are similar.

20.160 The proposals gain support from the eLP, therefore, in terms of the principle of the development of the former Wisley Airfield, but the quantum of development now proposed is very similar to that identified in the proposed site allocation to be provided on a larger site. The residue of the land, surrounding Bridge End Farm, would remain within the eLP site allocation and its development for housing would result in a rather larger new settlement than envisaged in the eLP. To the extent that the appeal scheme proposes almost as much development on the appeal site as Policy A35 allocates on a larger site, the appeal proposals are not wholly consistent with the eLP. This reduces the amount of weight that can be given to this factor.

20.161 I give great weight to the fact that Wisley Airfield has been identified by GBC as a suitable site for a new community in various iterations of the eLP for several years. The Examination in Public (EiP) was initially anticipated in May/ June 2016 (CD8.40); now it is anticipated in April 2018 (CD8.43). In the light of this the not unreasonable expectations of the Appellant included the likelihood that the eLP would have gone through its EiP before the application

⁵⁸ *Basildon v FSS & Temple* [2004] EWHC 2759 (Admin)

was determined. GBC considers that the site meets the exceptional test for its removal from the Green Belt and its release would mean that other, possibly more sensitive, sites could remain in the Green Belt.

20.162 Nonetheless, the current position is that the eLP only attracts limited weight. It has not yet been submitted to the SoS or tested at an EiP and while it is at an advanced stage and the cited policies seem consistent with the Framework, there remain significant unresolved objections. These objections are significant in number and in substance. HE has not given the green light to the proposed slip roads at Burnt Common which GBC acknowledge are critical. In closing, GBC said that these slip roads are regarded by SCC and GBC as essential mitigation for the Borough's future growth; without them the eLP's strategy for the future growth of the Borough cannot be delivered. In accordance with paragraph 216 of the Framework the eLP can attract only limited weight. Due to the partial inconsistency of the scheme with the eLP and the limited weight that the eLP itself carries, I conclude that this factor can only be given a little weight in favour of the scheme.

20.163 I have also had regard to the fact that consideration of this factor overlaps with several of the other factors advanced as other material considerations, in particular the lack of alternative sites (ii); delivery of market and affordable housing (vi & vii); and reuse of brownfield land (ix). This risks double counting.

ii) *The uniqueness of the proposed development and site, notably the absence of a viable, feasible and available alternative for a new settlement in the Borough* [7.137]

20.164 The Borough is severely constrained in terms of opportunities for development. About 89% lies within the Green Belt and other constraints include the urban area of Guildford itself and areas subject to flooding. This site is identified in the eLP; it is the only such site in this emerging local plan and its allocation is supported in such background documents as the GBCS. GBC has agreed that it is essential for the development strategy proposed in the eLP. As things stand, however, the site still lies within the Green Belt although GBC, through the eLP is seeking to remove it from this designation. As set out above, however, the eLP has still to undergo its EiP and its weight is limited.

20.165 The eLP allocation site clearly has a number of benefits, not least the fact that it is of sufficient size to accommodate the Policy A35 allocation. It has a substantial amount of PDL with the disused runway and hardstandings. The single ownership of much the site, including the whole of the appeal site, is a benefit. The site is almost devoid of buildings or other uses apart from agriculture which means that it would be possible for the development to commence within the next 5 years with the bulk of the housing coming forward in years 6 to 15. Its availability for development and the lack of suitable alternative sites weighs in its favour. The weight cannot be very much, however, due to the limited weight that can be given to the eLP at this stage in the process.

iii) *Job creation and delivery of economic growth; & iv) Increased consumer spending and retail provision* [7.138-7.139, 8.39]

20.166 These two factors are dealt with together in the Appellant's evidence and closing submissions and I have followed that approach. There is no doubt that

there are significant economic benefits that would arise from the scheme. These include the creation of direct job opportunities during the construction phase (about 1,800 jobs over 12 years; about 150 per year) as well as indirect construction jobs (30 per year); the operational jobs within the site or associated with it; the financial benefits to nearby shops and other businesses that would derive from the consumer spending power of the new residents.

20.167 Other benefits would include a Gross Added Value uplift of £57,551,000 and an income of about £4m to GBC in the form of Council tax and business rates. Provided that the s106 Agreement is triggered, the development could produce planning benefits of around £40m. Overall, the economic benefits are considerable and carry significant weight in favour of the development. The Appellant has compared this proposal with the *Perrybrook* scheme on the basis that this proposal provides a greater degree of economic benefit and, despite having a smaller economic benefit that scheme was still approved. However, the other differences between the schemes, and in particular the different stages that the respective emerging plans had reached, means that *Perrybrook* is not particularly helpful to the Appellant.

v) *Upgrades to local infrastructure, notably to the SRN, upgrades to existing public transport and provision of new public transport; and cycling infrastructure benefits* [7.140-7.141, 8.41-8.44, 9.39]

20.168 There would be a number of improvements to local infrastructure and public transport. While many of these improvements are specifically designed to ensure that the proposals comprise a sustainable form of development, there would undoubtedly be benefits for the wider community. These benefits can reasonably be counted towards the VSC considerations.

20.169 The off-site highways works to the SRN at Burnt Common and M25 (J10) would be of benefit to other road users and, in accordance with the traffic modelling, would reduce traffic on local roads and be of particular benefit to residents in Ripley. The Burnt Common slip roads are strongly supported by GBC, who regard their provision as critical and a prerequisite to realising the eLP benefits as a whole. They accord with eLP Policies A35 and A43a. They are supported in principle by HE and SCC. While these works to the SRN are primarily for mitigation purposes, there would be benefits for other road users.

20.170 Concerning the off-site works to the LRN the measures at Ockham Interchange are mostly for mitigation purposes. The mini-roundabout at the Howard Road/ Horsley Road/ Forest Road junction would be of benefit to the wider community as this is currently an awkward staggered cross-roads. On the other hand, some of the proposed works such as at Horsley Station are not supported by that Parish Council and its benefit seems limited.

20.171 The three bus services are proposed to be provided in perpetuity with, long term, a minimum of 2 buses per hour to Guildford; 5 buses per hour to Effingham Junction/ Horsley; and 2 buses per hour to Cobham. Once again these services are primarily proposed for the benefit of residents in the new community. There would be some benefits for the wider community although as the bus to Guildford, for example, replicates an existing service and would not take in Send, the benefits would be limited. The service to Cobham could be beneficial to some businesses there but the benefit for non-site residents would again be limited.

20.172 The cycle route to Byfleet may encourage cycling, but the likelihood of many Byfleet residents wishing to visit the appeal site must be limited. It is mostly for the benefit of new residents. The substantial financial contribution (£2m) towards cycling in the immediate area would benefit existing residents and new residents alike but as the new residents would numerically outnumber the existing residents in the immediate area the benefit would be likely to be similarly skewed. Even with the substantial financial contribution these proposals do not fully meet the infrastructure requirements in eLP Policy A35.

20.173 Overall, the benefits to the SRN are considerable and would result in benefits to other road users and residents. This weighs in favour of the development. The wider public benefits of the other elements of this section are rather more limited; the main beneficiaries would be future site residents.

vi) *Delivery of a significant proportion of the Borough housing requirements, notably market and care homes, and provision for gypsies and travellers* [7.142-7.144, 8.37, 9.40]

20.174 The PPG⁵⁹ states that unmet housing need (including traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the VSC justifying inappropriate development on a site within the Green Belt. However, there is no doubt that the provision of market housing in a borough which has a very significant shortfall in supply is a major consideration. Housing can be a factor in the overall balance and be one of a raft of considerations which together combine to amount to VSC, as demonstrated in, for example, *Perrybrook, Lee Valley and Doncaster*.

20.175 GBC does not have a five-year housing land supply. It is agreed that the supply is in the order of 2.36 years and that it is a "20% buffer" authority due to past, present and persistent housing supply shortfalls. New housing from the site could come on stream in the fifth year and the bulk of the housing would come forward in years 6-10 and 11-15. It would continue to be a source of new homes, at a rate of about 133dpa (according to the Appellant; the Officers' report says 170dpa), for around 15 years. It would boost significantly the supply of housing in a borough which has persistently under-performed. This is a benefit that carries significant weight.

20.176 The provision of sheltered housing/ extra care homes would provide a further benefit. The Officers' report (CD6.1 p37) says that the SHMA identifies a need of 242 care home bed spaces and a need for 1,334 older persons housing between 2013 and 2033. This adds weight to the housing benefit.

20.177 GBC's GTAA acknowledges a need for more sites for travellers. The provision of 8 pitches would help to address this shortage. Its provision is in accordance with emerging eLP Policy H1 where 8 pitches/plots would be required on sites where the housing provision exceeds 2000 dwellings and Policy A35 which allocates 8 pitches for Wisley Airfield. The site, as shown on the indicative masterplan, would not be particularly well integrated with the rest of the housing. The Landscape Strategy⁶⁰ shows it to be sited behind a mound and planting, cutting it off from the rest of the site. However, this is an outline

⁵⁹ PPG: ID: 3-034-20141006

⁶⁰ WPI/2/1 Fig 16 page 48

scheme and its integration could be ensured at the detailed stage. While this provision is no more than would be required by the policy, due to the existing shortfall in provision this is a benefit that carries some weight.

vii) *Delivery of up to 800 affordable homes in the context of poor past delivery in the Borough* [7.145-7.146]

20.178 The provision of affordable housing is also a requirement of the eLP with emerging Policy H2 saying that on a site of this size GBC would seek it to comprise at least 40% of the homes. GBC has a poor record of providing affordable housing over the past few years and this provision would vastly increase its provision. In the last 8 years, only 485 affordable homes have been built in the Borough. In the period 2013/ 2014 the figure was 17. This is against a backdrop of 517 households per year needing support to meet their housing needs. Based on current projections, the provision of 800 affordable homes would represent over 10% of the Borough's affordable housing need in the period 2015-2034 and almost 20% of the likely provision. While the provision is no more than would be required by Policy H2, it is a benefit that carries significant weight.

viii) *Improvements to education, including direct provision of a primary school and secondary school, which partly meets the wider demand, and improvements to health and community provision including sports provision* [7.147-7.148, 8.40, 9.41]

20.179 Concerning education, the provision of on-site nurseries and a primary school would be a benefit for future site residents rather than for the wider community. There may be some wider benefits but these would be limited.

20.180 The provision of a secondary school could be a benefit provided it made provision for more than just the needs of the new development. In this regard it is accepted that the site would create a requirement for a 2-form entry secondary school as it would generate a need for an estimated 346 secondary school places. The Appellant proposes to provide a 4-form entry secondary school, which would provide 600 spaces. This surplus could be used by the wider community. Nonetheless the ES (CD14.1.13) says that the residual effects in the capacity of educational facilities are predicted to be "negligible".

20.181 In its Officers' report GBC stated that the provision of education facilities to serve the needs of the development would not weigh in favour of a grant of planning permission and that a school of greater capacity could count significantly in favour of the scheme. The Appellant and GBC have entered into a s106 Agreement to secure the provision of a 4-form entry secondary school. SCC, as Education Authority, has not entered this Agreement on the basis that such a large school could result in over-provision and that this is not necessarily its best location. It currently objects to this provision on this site as it requires greater flexibility and control over the location and timing of any provision. SCC has caveated its response to the eLP to avoid over-provision.

20.182 The Appellant is therefore in a difficult position in that the provision of a 2-form entry secondary school, meeting only the needs generated by the site, would not be a community benefit. Its desired solution, the provision of a 4-form entry secondary school, is not supported by the education authority who considers that it could, at this stage, be harmful to such provision in the area.

In these circumstances I do not consider that the provision of a 4-form entry secondary school here can reasonably weigh in favour of the scheme.

20.183 The provision of health facilities and sports facilities is primarily for the benefit of future residents and so carries very limited weight, the ES says it is "minor beneficial".

ix) *Re-use of brownfield land, including a derelict runway* [7.149-7.150, 8.45]

20.184 A significant proportion of the site is hard surfaced as a runway and hardstandings. At almost 30ha it is the largest area of PDL in the Green Belt in the Borough and its beneficial reuse is a benefit which weighs in favour of the development and one which contributes to VSC. The presence of the PDL contributes to GBC's justification for seeking to release it from the Green Belt.

20.185 The weight that arises from this must be tempered, however, by the fact that in addition to the PDL a large area of agricultural land including well over 40ha of BMV would be lost to agriculture. The Appellant argued that much of this agricultural land would not be built on as it would be used for playing fields, open space and SANGs, and so could be brought back into agricultural use in the event of a national emergency. This might be difficult to achieve due to the legal agreements entered into by the Appellant and GBC/ SCC. This benefit carries limited weight.

x) *Creation of new publically accessible greenspaces* [7.151]

20.186 The site is currently only accessible to the public along the several PROWs that cross it. The application for an ACV failed partly for that reason. The proposals would open up significant areas of publicly accessible open space, about 65ha in total, and retain the PROWs on their current alignments. While much of this greenspace is primarily for the benefit of future residents of the development, the SANGs in particular would also be of benefit for the wider area. The provision would exceed the minimum standards but, as set out above, the utility of the northern SANG where it abuts the housing would be limited. The ES (CD14.1.13) identifies that the provision of open space is likely to have a long term "minor beneficial" impact on the wider area. This public benefit is a material consideration which carries some weight in favour.

xi) *Landscape and biodiversity enhancements* [7.152-7.153]

20.187 The Appellant accepts that there would be some landscape impacts of the scheme that should be given moderate weight against it. There would be some landscape benefits that would make a positive contribution to the area although these would be quite limited and mostly seen from within the site or provided to reduce the visual impact of the site on the surrounding area. The biodiversity benefits are achieved, to a significant extent, at the loss of agricultural land as much of the built form of the new settlement would be sited over the existing runways. The removal of the large area of hardstanding in the north west part of the site would, in visual terms, be a landscape benefit; planting on it would in time be a considerable biodiversity benefit.

20.188 Overall, and as set out above, I have concluded that the harm to the landscape of the wider area weighs significantly against the development. The lesser benefits within the site would not outweigh this harm and so I do not consider that the on-site landscape and biodiversity benefits can be a factor that

carries much weight in favour of the scheme. They can only be achieved at the cost of off-site harm in the wider area.

xii) *Sustainable development incorporating ongoing management of the site via a Community Trust* [7.154]

20.189 The considerations as to whether the proposals comprise a sustainable form of development are set out elsewhere in this Report. They also form part of the considerations in respect of almost all the other material considerations advanced by the Appellant and so including this factor as an additional benefit risks double counting. In brief I have agreed that there are economic and social benefits, mainly arising from the provision of market and affordable housing and employment opportunities but that these benefits are outweighed by the environmental harm that would arise. This, together with the fact that the economic, social and environmental benefits are considered under other factors in this section of the Report, means that this factor, as a separate entity, adds very little to the Appellant's case.

20.190 The management of the site, including the SANGs, would be by means of the WACT. This would also be the means of providing a direct subsidy to the bus services, but the benefits of these have already been given weight in (v) above. There would be some benefits arising from the SANGs being managed but as their open space benefits have already been considered, their ongoing management which would be essential for them to have any benefit under (x) above, adds very little weight.

xiii) *Flood risk mitigation at Ockham Interchange* [7.155, 9.44]

20.191 The Appellant says that the improvements to the Ockham Interchange will enable the flood risk issues there to be alleviated. The details of this are set out in the Appellant's evidence⁶¹ but this has not been raised as an issue at the Inquiry. While some residents raised major concerns about flooding elsewhere in Ockham Lane only one resident raised flooding at this roundabout as an issue. There is no evidence to show that, if it is a serious problem, the appeal scheme is the only way it could be alleviated. Any works to alleviate flooding here would not justify a development of the scale now proposed.

xiv) *Improvement to local policing* [7.156, 17.30]

20.192 The proposed facilities for the Surrey & Sussex Police at the appeal site within the community centre would provide mitigation for the scheme. Insofar as it would bring policing closer to the existing communities in the area, there would be some benefit. The police station in Ripley closed recently and since then the area has been policed from Guildford. This would bring some limited benefit over and above the on-site benefits and so carries some limited weight.

21. Conditions and Obligations [18.1-18.11, 19.1-19.11]

21.1 If the SoS is minded to grant planning permission I recommend that the conditions set out in Annex 4 to this Report are imposed on any permission granted. A draft list of conditions, which had previously been agreed by the Appellant and GBC, was discussed at the Inquiry. An amended list was

⁶¹ Document WPI/7/2: Appendix 9

submitted following that discussion and I have based the suggested conditions on that agreed list.

21.2 The two Agreements under s106 were also discussed at the Inquiry. I consider that they meet the requirements of the CIL Regs and paragraph 204 of the Framework.

21.3 The separate s106 Agreement with GBC is necessary as a stand-alone document because SCC is not convinced that the timing of the provision of the secondary school element would meet its requirements. SCC agrees that the development would yield sufficient pupils for a 2-form entry school but SCC wishes to maintain the flexibility to provide the secondary school elsewhere. SCC has caveated its response to the eLP to avoid the potential for over-provision, which would be financially harmful to the SCC. The separate Agreement with GBC covers the eventuality that the four-form entry school is needed on the appeal site.

22. The Planning Balance: Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development

22.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework advises that the essential characteristics of Green Belts are their openness and permanence. These proposals would comprise inappropriate development in the Green Belt and this definitional harm weighs against the scheme. I have agreed with the 2010 Inspector that the existing runways do not compromise the openness of the site and as the scheme would result in a permanent loss of openness this also weighs against it. The weight to be given to the loss of openness is reduced only very marginally by the extant planning permission for the IVC on a small part of the site as the Appellant has said that this will not be built.

22.2 The Framework says that the Green Belt serves five purposes; this proposal would conflict with two of them. It would not assist in safeguarding the countryside from encroachment or assist in urban regeneration as the land, while largely derelict, is not in an urban area. Taken together, and in accordance with paragraph 88 of the Framework, this harm to the Green Belt carries substantial weight.

22.3 The proposals would have a severe impact on the northbound section of the A3 between Ockham Interchange and the M25 (J10). The revised proposals include the provision of new north facing slip roads at Burnt Common but HE object to these and it has not been demonstrated that they could be delivered. While HE, GBC and SCC all support the principle of the provision of these slip roads the current position is that there are unresolved HE objections. It has not been shown that the development can be carried out without causing harm to highway safety. This would be contrary to advice in the Framework and carries substantial weight against the proposals.

22.4 There would be harm to both the character and the appearance of the immediate area. The siting of a large new settlement in a rural part of the Borough that is surrounded by several hamlets would inevitably result in

substantial harm to the rural character. While the impact on the appearance of the area is less severe and could, to a large extent, be mitigated by landscaping, there would still be some harm especially when seen from the lanes in the south east corner and the PROWs within the site. The harm to the character of the area carries significant weight; the harm to the appearance of the area carries some further weight.

- 22.5 There would be some harm to the setting of several heritage assets in the vicinity of the site. There would be some harm to the setting of Yarne, and a small amount of harm to the setting of Upton Farmhouse and Appstree Farmhouse, all Grade II listed buildings. There would be very limited harm to the setting of Chatley Semaphore Tower, a grade II* listed building and a small amount of harm to the setting of RHS Wisley, a Grade II* Registered Park and Garden. There would be some harm to Ockham Conservation Area arising from a likely increase in traffic on its roads. All these harms fall within the ambit of less than substantial harm as set out in the Framework and I give this harm considerable weight.
- 22.6 Since the harm would be less than substantial it needs to be weighed against the public benefits of the proposal in accordance with advice in paragraph 134 of the Framework. The public benefits arising from the proposals, including the provision of market and affordable housing, in a Borough where there is substantial shortfall in provision, would be sufficient to outweigh this harm so the scheme would not be in conflict with paragraph 134 of the Framework.
- 22.7 There would be some harm arising from the poor location of the site, away from existing services and facilities and resulting in the likelihood that private cars would be used for most trips. It is proposed to provide some on-site facilities, as well as new bus services, but the need for these emphasises the lack of provision in the area and the fact that some of the new homes would be quite remote from the new village centre. The location is not conducive to cycling or walking to off-site facilities, such as stations. All this carries some weight against the scheme.
- 22.8 There would be further harm arising from the loss of BMV agricultural land, due to the loss of privacy for residents of two adjoining dwellings and the loss of a safeguarded waste site. This carries some weight against the scheme.
- 22.9 There are a number of neutral aspects of the proposals such as the likely impact on air quality, on the TBHSPA, and on the LRN. I have given these aspects no weight either way in the overall balance.
- 22.10 Against this harm it is important to consider that the site comprises part of a larger parcel of land allocated in the eLP for a residential led mixed use development. The site has been identified in GBC policy for this use for several years. This eLP allocation, however, carries only limited weight in accordance with paragraph 216 of the Framework. It is also relevant that the proposals do not fully meet the requirements of Policy A35 of the eLP.
- 22.11 Concerning the weight to be given to the eLP the Appellant sought to rely on *Perrybrook*⁶². In that case the relevant emerging plan was at a far more

⁶² CD10.2: APP/G1630/V/14/2229497

advanced stage. Of particular importance are paragraphs 19 and 30 of the Decision in which the SoS noted the preliminary findings of the Examiner of the emerging Joint Core Strategy. These included the finding that exceptional circumstances existed for the release of a strategic allocation from the Green Belt and that its allocation was sound. The emerging plan in that case was at a substantially more advanced stage than the eLP in Guildford, which has not yet been submitted. In *Perrybrook* the SoS was able to conclude that considerable weight could be given to its broad approach. I do not consider that anything like that amount of weight can be given in this appeal; its weight can only be limited.

- 22.12 The other material considerations advanced in support of the appeal, in the opinion of the Appellant and when taken together, amount to the VSC necessary to justify the development. However, the weight that can be given to them needs careful consideration as there is a degree of overlap between them which could easily result in double counting. Many of the alleged benefits are little more than mitigation for the proposed housing and to ensure that it comprises a sustainable form of development. The benefits for the wider community, outside the appeal site, are rather more limited.
- 22.13 The principal benefit is the provision of homes including market and affordable housing, sheltered housing/ extra care homes and traveller pitches. There is an acknowledged and pressing need for housing in the Borough although the scale of the need and the requirement has not yet been tested at an EiP. Government advice says that this, on its own, is unlikely to amount to the necessary VSC. The provision of up to 2068 new homes nonetheless carries very significant weight in favour of the development.
- 22.14 There would be economic benefits arising from the scheme. The ES⁶³ says that the residual effect on employment during construction is “moderate beneficial” and that the provision of employment space is likely to have a “minor beneficial” impact on the wider area. The economic benefits have since been updated and now carry rather more weight in favour. The provision of public transport would have few benefits outside the site as the routes do not take in many other communities so this benefit carries limited weight. The improvements to the cycle routes to Ripley and Byfleet are again primarily for the benefit of site residents so carry only limited weight.
- 22.15 The other benefits which go beyond mitigation include the re-use of PDL, although this weight is limited by the amount of agricultural land that would be lost. The provision of green spaces and the biodiversity improvements are primarily mitigation. The flood alleviation at Ockham Interchange carries only limited weight as it has not been shown that this is the only way in which this issue could be addressed.
- 22.16 Many of the other material considerations advanced are primarily mitigation for the impact of the housing; some, such as the schools, shops and commercial units, would themselves comprise inappropriate development in the Green Belt.
- 22.17 Overall, the benefits of the scheme and other considerations are not sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and all

⁶³ Environmental Statement, Chapter 13 – Socio-economics: CD14.1.13

the other identified harm. The other material considerations do not amount to the very special circumstances necessary to justify the development.

23. Overall conclusions

- 23.1 A core planning principle, set out in the first bullet point of paragraph 17 of the Framework, is that planning should be genuinely plan-led empowering local people to shape their surroundings. The GBLP dates from 2003 with some of its evidence base dating from last century. These proposals are largely, but not completely, in accordance with the eLP but, for the reasons set out above, it carries only limited weight as there are unresolved objections to the relevant policies. The unresolved objections are significant in content and quantity and this limits the weight that can be accorded to the eLP.
- 23.2 I can understand the frustration of the Appellant who could reasonably have expected the eLP to be at a more advanced stage by now, such that it could carry more weight in support of these proposals. However, a significant element in the objections to the proposals concerns off-site highway works. These were only changed at the time the proofs of evidence were submitted, giving other parties, including HE, insufficient time to fully consider them.
- 23.3 There is a further concern in that the proposals do not fully accord with the eLP. The scheme seeks to accommodate roughly the same amount of development as sought by the eLP on a smaller site. Other requirements of the eLP, set out in Policy A35, such as the provision of an off-site cycle network to key destinations; the reasonable integration of the traveller pitches with other residential development; and sensitive design at site boundaries would only be partly met by this scheme, impacting upon its sustainability.
- 23.4 Paragraph 7 of the Framework says that there are three dimensions to sustainable development: economic, social and environmental. While the site is in a location identified for this form of development in the eLP that emerging plan still has to be submitted to PINS and undergo the rigors of an EiP. Nonetheless, if approved the scheme would provide a comprehensive, phased residential development with supporting commercial and recreational facilities. There would be employment opportunities in the shops, schools, offices, transport, industrial units and recreational facilities which would ensure that much of the economic dimension would be met.
- 23.5 However, the failure to provide adequate infrastructure is a major, and fatal, failing of the scheme. Without the north facing slip roads at Burnt Common the local roads could not accommodate the traffic from the whole development; a partial scheme would not be of sufficient size to enable the facilities and infrastructure to be provided and maintained. This important aspect of the economic dimension weighs heavily against the proposals.
- 23.6 The social dimension would be met by the provision of much needed homes in a Borough which does not have a five-year housing land supply. Indeed, the supply is just 2.36 years and this represents a significant shortfall which will not be met for some time even if the latest iteration of the eLP is submitted in December 2017. The scheme makes provision for a mix of market and affordable housing, sheltered housing/ extra care homes and pitches for gypsies and travellers. The delivery and the mix of tenures and unit sizes for the affordable housing are set out in the s106 Agreement. The submitted indicative

plans show that there could be a high quality built environment, albeit that I have strong reservations about the scale of some of the buildings. In addition there would be social facilities including schools including nurseries, community facilities and bus services in perpetuity.

- 23.7 The environmental dimension is not met. The proposals would not protect or enhance the natural, built and historic environment and may well result in a high level of car-dependency and so fail to assist in the provision of a low carbon economy. For the reasons set out above the scheme would be harmful to the Green Belt; to the character and the appearance of the area; and to the historic environment.
- 23.8 Such a scheme, in a rural setting, is almost bound to result in harm to the character of the area in which it is located. By being located in the midst of a cluster of hamlets the harm caused by the new settlement would be particularly noticeable and severe. The scale of the buildings would be wholly out of keeping with its context, causing harm to both the character and the appearance of the area. A combination of its linear form, in part a consequence of the smaller site, and its location on a ridge means that there would be longer views of the proposals, including views from the AONB from where the new settlement would be seen to impose itself on the landscape without regard to the established settlement pattern or form.
- 23.9 Taking account of all three dimensions, I do not consider that compliance with the social dimension outweighs the conflict with the economic and environmental dimensions. While the provision of homes is in accordance with paragraph 47 of the Framework, which seeks to boost significantly the supply of housing, this cannot be at any cost and the costs here would outweigh this benefit. The proposals, therefore, do not constitute sustainable development.
- 23.10 The proposals are in conflict with the development plan, albeit that this is out-of-date. Some of the relevant policies have been saved and so remain extant. The proposals are also in conflict with the Framework, and in particular the policies that seek to protect the Green Belt, protect the countryside and ensure that the transport implications of development are not severe. The proposals are also in conflict with policies in the SWP, but this carries very little weight against the scheme. The benefits of the scheme do not outweigh this serious policy conflict and all the other identified harms.

24. Recommendation

File ref: APP/Y3615/W/16/3159894

- 24.1 I recommend that the appeal be dismissed.

Clive Hughes

Inspector

APPEARANCES

FOR WISLEY PROPERTY INVESTMENTS LIMITED:

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Heather Sargent of Counsel	
They called	
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Mark Patchett*	MPCS

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Charles Forest of Counsel	Guildford Borough Council
They called	
Paul Sherman MSc MRTPI	Development Management Team Leader (Majors),
	Guildford Borough Council
Stephen Cault*	Brown Jacobson (Solicitors)

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FOR RIPLEY PARISH COUNCIL:

Colin Cross	Ripley Parish & Guildford Borough Councillor
He called himself and	
Suzie Powell-Cullingford	Ripley Parish Councillor
Casper Hancock	Ripley Parish Councillor
Lisanne Mealing	Ripley Parish Councillor

FOR COBHAM CONSERVATION & HERITAGE TRUST:

David Bellchamber	Trustee, Cobham Conservation & Heritage Trust
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FOR MR GB & MRS A PATON:

Ben Paton	Yarne, Ockham Lane, Ockham
Andrea Paton	Yarne, Ockham Lane, Ockham

FOR HIGHWAYS ENGLAND:

Ned Westaway of Counsel	Instructed by Highways England
Hugh Flanagan of Counsel*	
He called	
Paul Harwood BSc CEng	Regional Lead for Spatial Planning, Highways England
MICE MCIHT	

FOR SURREY COUNTY COUNCIL:

Michael Green*	Highways
Stephanie Christiansen*	Solicitor, SCC

FOR THE ROYAL SOCIETY FOR THE PROTECTION OF BIRDS:

James Dawkins*	RSPB
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* Attended sessions on Conditions and s106 Agreements only

INTERESTED PERSONS:

Sir Paul Beresford MP	Member of Parliament for Mole Valley
Reverend Hugh Gear	Rector of Ockham with Hatchford and Downside
Richard Max	Richard Max Solicitors, on behalf of Royal Horticultural Society
Lesley Tregaskes	Local resident
Mary Pargeter	Local resident
Arnold Pindar	Chairman, Effingham Parish Council
Vivien White	Chairman, Effingham Residents' Association
Euan Harkness	Local resident
Alistair Cochrane	Local resident
Cathryn Walton	Local resident
Garry Walton	Local resident
Peter Cordrey	Local resident
Jennie Cliff	Local resident
Frances Porter	Local resident
Suzie Powell-Cullingford	Local resident
Malcolm Aish BSc ARCS DPhil	Local resident

William Barker OBE	Local resident
Katherine Paulson	Local resident
David Scotland	Local resident
Alice Jeffries	Local resident
Robert Shatwell	Local resident
Harry Eve	Local resident
Clare Attard	Local resident
Carol Cordrey	Local resident
David Boothby	Local resident
Glen Travers	Local resident
Annie Cross	Local resident
Jane Paton	Local resident
Julia Paton	Local resident
Arthur Paton	Local resident
Jan Lofthouse	Local resident
Amy Barklam	Local resident
Peter Heath	Local resident
Emily Haywood	Local resident

PRE-INQUIRY DOCUMENTS

PID1	Agenda for pre-inquiry meeting (5 July 2017)
PID2	Draft list of main issues
PID3	Notes of pre-inquiry meeting
PID4	Draft programme for inquiry
PID5	Letter from Royal Society for the Protection of Birds (26 June 2017)
PID6	Letter from Herbert Smith Freehills to PINS (with enclosures) (30 June 2017)

DOCUMENTS SUBMITTED AT THE INQUIRY:

ID1	Draft conditions
ID2	Draft Agreement under s106
ID3	Letter dated 18 September 2017 from Herbert Smith Freehills LLP to PINS and enclosures
ID4	Transport Technical Note and appendices: WSP (September 2017)
ID5	Opening speech on behalf of the Appellant
ID6	Opening statement on behalf of Guildford Borough Council
ID7	Opening submissions on behalf of Wisley Action Group and Ockham PC
ID8	Opening submissions on behalf of East and West Horsley Parish Councils
ID9	Opening statement from Ripley Parish Council
ID10	Opening statement of Cobham Conservation and Heritage Trust
ID11	Opening statement of Mr & Mrs Paton
ID12	Opening statement on behalf of Highways England
ID13	Statement from the Rector of Ockham
ID14	Council's neighbour notification letter and list of persons notified
ID15	Procedural note submitted by the Appellant
ID16	Guildford Borough: Traveller Accommodation Assessment (June 2017)
ID17	Guildford Borough Proposed Submission Local Plan: strategy and sites – Amendment 2: Former Wisley Airfield (June 2017)
ID18	Statement by Richard Max on behalf of Royal Horticultural Society
ID19	Suggested itinerary for site visit (Appellant)
ID20	Letter from West Clandon Parish Council to PINS (22 September 2017)
ID21	Letter from East Clandon Parish Council to PINS (20 September 2017)
ID22	Letter from Transport Development Planning Manager, Surrey County Council to PINS (14 September 2017)

- ID23 Suggested itinerary for site visit (Mr GB & Mrs A Paton)
- ID24 Memo from Appellant re Traffic Datasets (22 September 2017)
- ID25 Turning counts at Howard Rd/ Forest Rd/ Old Lane/ Horsley Rd
- ID26 Orientation of views towards site from AONB (based on Michael Davies' Rebuttal Appendix 1 tab 4)
- ID27 Suggested itinerary for site visit (East & West Horsley Parish Councils)
- ID28 Footpaths Map of Ockham and Hatchford
- ID29 Statement of Lesley Tregaskes
- ID30 Statement of Mary Pargeter
- ID31 First Statement of Common Ground between Wisley Airfield Property Investments and Highways England (28 September 2017)
- ID32 Highways England: Licence (April 2015)
- ID33 European Site Conservation Objectives (TBHSPA) and Supplementary Advice (Natural England: 2 May 2016)
- ID34 Note on Traffic Modelling by WAG&OPC (19 September 2017)
- ID35 Appellant's response to Air Quality Consultants Note (2 October 2017)
- ID36 Statement by Royal Horticultural Society, Wisley
- ID37 Statement by Effingham Parish Council
- ID38 Statement by Effingham Residents' Association
- ID39 Statement of Cathryn Walton
- ID40 Statement of Garry Walton and appendices
- ID41 Statement of Peter Cordrey
- ID42 Statement of Jennie Cliff
- ID43 Statement of Frances Porter (with photographs)
- ID44 Statement of Suzie Powell-Cullingford
- ID45 Statement of Malcolm Aish
- ID46 Statement of William Barker (with attachments)
- ID47 Statement of Katharine Paulson
- ID48 Statement of David Scotland
- ID49 Statement of Alice Jefferies
- ID50 Statement of Harry Eve
- ID51 Statement of Clare Attard
- ID52 Statement of David Boothby
- ID53 Statement of Glen Travers
- ID54 Statement of Annie Cross
- ID55 Statement of Jane Paton
- ID56 Poem by Julia Paton
- ID57 Poem by Arthur Paton
- ID58 Statement of Emily Haywood
- ID59 Written submissions of Andrea Paton
- ID60 Ombudsman Report on The Sale of Wisley Airfield (1981)
- ID61 SPA Boundary map (DEFRA) and accompanying email 29.09.17
- ID62 Statement of Brian Austin
- ID63 Extract from 2014 Environmental Statement pp6.23-6.25
- ID64 Nitrogen pollution and Habitat Regulations Assessments by Andrew Baker (Habitat Regulations Assessments Journal: Issue 8)
- ID65 Extract from Effingham Neighbourhood Plan - views pp29, 30, 32
- ID66 Guildford Landscape Character Assessment (2007) – introduction pp1-3
- ID67 Guildford Landscape Character Assessment (2007) – solid and drift geology Figs 1, 2
- ID68 RIS Wisley Lane access through Wisley Airfield and Drawings No 1715/SK/085 and DLA.1772.L002.01
- ID69 Statement of Jan Lofthouse
- ID70 Suggested itinerary for site visit (Wisley Action Group)
- ID71 Photograph of traffic congestion on Guileshill Lane, Ockham
- ID72 Transport Technical Note 2: (WSP) 9 October 2017
- ID73 Drawing No DLA.1772.L002.02 – Yarne boundary vegetation heights

- ID74 Four photographs of Yarne and boundary hedge
- ID75 *Peter John Steer v SoSCLG, Catesby Estates Ltd & Amber Valley BC* [2017] EWHC 1456 (Admin) 22 June 2017
- ID76 Guildhall Borough Green Belt and Countryside Study Volume II - Addendum
- ID77 Wisley Airfield Community Trust – Outline business plan 2019-2035 (Oct 2017)
- ID78 Drawing No 1715/SK/088 – Yarne site boundary offset
- ID79 APP/Q1255/V/10/2138124 – Land south of Wallisdown Road, Poole: Secretary of state’s Decision (27 February 2012)
- ID80 APP/Q1255/V/10/2138124 – Land south of Wallisdown Road, Poole: Extract from Inspector’s Report (12 December 2011) pp131-142
- ID81 Dealing with air quality in HRA – a practitioner’s view by Kevin Honour and Rosalind Flavell (Habitat Regulations Assessments Journal: Issue 8)
- ID82 Extract from Improvement Programme for England’s Natura 2000 Sites (IPENS) pp30-34
- ID83 Email exchange: Helen Jefferies and Michael Green (SCC Highways), September 2017
- ID84 Table of dwelling completion rates (Horsleys Parish Councils)
- ID85 Highways England’s Note on conditions and planning obligation
- ID86 Update to ID83: additional emails from Martin Knowles (GBC) and Michael Green (SCC) September 2017
- ID87 Details of Pegasus Group
- ID88 CV of Mark Pratchett (MPCS)
- ID89 Surrey adopted planned housing requirement October 2017 (Update of CD2.15)
- ID90 Healthcare facilities local to Wisley Airfield (October 2017)
- ID91 Gypsy and Traveller pitches – Inquiry briefing note
- ID92 Site visit – proposed itinerary
- ID93 Draft Articles of Association – Wisley Airfield Community Trust
- ID94 Draft Implementation Agreement
- ID95 Draft Agreement under s106 (Version 12.10.2017)
- ID96 Suggested additions to itinerary by RHS Wisley
- ID97 Statement by Gemma Hayes
- ID98 Proposed planning conditions; Appellant version v2
- ID99 Draft Agreement under s106 (Version 16.10.2017)
- ID100 Note for conditions and obligations inquiry session (Herbert Smith Freehills LLP)
- ID101 Extract from Conservation of Habitats and Species Regs 2010/490 Part 6 s59/s68
- ID102 *Redhill Aerodrome Ltd v SoSCLG and others* [2014] EWCA Civ 1386
- ID103 Costs submissions on behalf of the Wisley Action Group & Ockham PC
- ID104 Application for costs on behalf of East and West Horsley Parish Councils
- ID105 Orchard neighbourhood Density Calculation (Herbert Smith Freehills LLP)
- ID106 Suggested conditions (Mr and Mrs Paton)
- ID107 Suggested additional condition
- ID108 Second written statement on behalf of the RHS and appendices
- ID109 Appellant’s response to Paton Note on conditions
- ID110 Conditions Plans
- ID111 Section 106 Plans
- ID112 Statement by the Libraries Service, Surrey County Council
- ID113 Photos of Plough Lane, Cobham
- ID114 Closing submissions on behalf of Wisley Action Group and Ockham PC
- ID115 Closing submissions on behalf of East and West Horsley Parish Councils
- ID116 Closing statement of Ripley Parish Council
- ID117 Closing submissions of Cobham Conservation and Heritage Trust
- ID118 Closing statement of Mr & Mrs Paton
- ID119 Closing note on behalf of Highways England
- ID120 Closing submissions on behalf of Guildford Borough Council
- ID121 Application for costs on behalf of Ripley Parish Council
- ID122 Proposed planning conditions; Agreed between the Appellant and Guildford Borough Council

- ID123 S106 Agreement between Guildford BC, Surrey CC and the Appellant
- ID124 S106 Agreement between Guildford BC and the Appellant
- ID125 Closing statement on behalf of the Appellant
- ID126 *Goodman Logistics Developments (UK) Ltd v SoSCLG and Slough Borough Council* [2017] EWHC 947 Admin 27 April 2017
- ID127 *R. (on the application of Jones) v Mansfield DC* [2003] EWCA Civ 1408 & [2004] Env. L.R. 21 16 October 2003
- ID128 *Jaytree (Rainton LLP) (and others) v SoSCLG, Harrogate BC, Hambleton BC (and others)* [2013] EWHC 2835 (Admin) 28 October 2013
- ID129 *Doncaster MBC v SoSCLG and AB* [2016] EWHC 2876 (Admin)
- ID130 *Basildon DC v SoS Environment & Others* CO/3315/2000 21 December 2000
- ID131 Application for costs on behalf of Cobham Conservation and Heritage Trust
- ID132 Costs submissions of Mr & Mrs Paton
- ID133 Response to costs applications on behalf of the Appellant

CONDITIONS PLANS (Full set of plans at ID110)

- A Drawing No 1715/P/001/P1 – Red line plan
- B Drawing No 1715/P/002/P2 – Land use parameter plan
- C Drawing No 1715/P/003/P2 – Landscape structure parameter plan
- D Drawing No 1715/P/004/P2 – Movement parameter plan
- E Drawing No 1715/P/005/P2 – Building height parameter plan
- F Drawing No 0934/SK/005/F – Proposed A3/ Ockham Interchange with modified site access
- G Drawing No 0934/SK/025/J – Proposed eastern site access arrangements
- H Drawing No 1715/SK/064A – DVOR DME Beacon safeguarding plan
- G Drawing No 1715/SK/709 – Design parameters (i)
- H Drawing No 1715/SK/710/RevB – Design parameters (ii)
- I Drawing No 1715/P/010/P1 – Site survey
- J Drawing No P1467_250117 – Potential area for s16 CROW designation
- K Drawing No 13228-BT2a – AIA Overview
- L Map 4 – SANG Phasing plan
- M Drawing No DLA.1772/L002/02 – On site highways works plan

SECTION 106 PLANS (Full set of plans at ID111)

- N Drawing No 0934 Fig PROW – Cycling improvements plan
- O Drawing No 0934/SK/005/F – Proposed A3/ Ockham Interchange with modified site access
- P Drawing No 0934/SK/020/C - Send roundabout
- Q Drawing No 0934/SK/053/C – Effingham Junction crossroads improvements
- R Drawing No 0934/SK/062/B – Burnt Common slips
- S Drawing No 1715/P/101/B – s106 red line plan
- T Drawing No 1715/P/001/P1 – Red line plan
- U Drawing No DLA.1730.L001.01 – Option 1 Rev A – Station Parade Horsley bus turning area
- V Drawing No 1715/P/103 – Education indicative dedication arrangement plan

CORE DOCUMENTS:

- CD1 Appeal documents (CD1.1 to CD1.14)
- CD2 Original planning application documents (CD2.1 to CD2.22)
- CD3 Addendum submission documents (CD3.1 to CD3.14)

- CD4 Further correspondence and other relevant information (CD4.1 to CD4.5)
- CD5 Key consultation responses and representations on planning application/ appeal (CD5.1 to CD5.21)
- CD6 Decision notice and committee report (CD6.1 to CD6.3)
- CD7 Legislation (CD7.1 to 7.4)
- CD8 Local planning policy and guidance (CD8.1 to CD8.60)
- CD9 National policy and national guidance (9.1 to CD9.13)
- CD10 Relevant appeals (CD10.1 to CD 10.19)
- CD11 Relevant case law (CD11.1 to CD 11.32)
- CD12 Statements of common ground (CD12.1 to CD12.3)
- CD13 Other documents: Wisley (CD13.1 to CD13.97)
 - (i) General (CD13.1 to CD13.3)
 - (ii) Emerging Lovelace NP documents (CD13.4 to CD13.5)
 - (iii) Ecology related (CD13.6 to CD13.30)
 - (iv) [No section (iv)]
 - (v) Highways (CD13.31 to CD13.42)
 - (vi) LVIA (CD13.43 to CD 13.48)
 - (vii) Heritage related (CD13.49 to CD13.61)
 - (viii) Additional documents (CD13.62 to CD13.97)
- CD14 Environmental statement
 - CD14.1 Addendum environmental statement (CD14.1.1 to CD14.1.91)
 - CD14.2 Addendum environmental statement non-technical summary

WITNESS DOCUMENTS:

Wisley Property Investments Limited

- WPI/1/1 Keith Bradley's proof of evidence
- WPI/1/2 Keith Bradley's appendices
- WPI/1/3 Keith Bradley's summary
- WPI/2/1 Michael Davies' proof of evidence
- WPI/2/2 Michael Davies' appendices
- WPI/2/3 Michael Davies' summary
- WPI/2/4 Michael Davies' rebuttal
- WPI/2/5 Michael Davies' appendices to rebuttal
- WPI/3/1 Richard Massey's proof of evidence
- WPI/3/2 Richard Massey's appendices
- WPI/3/3 Richard Massey's summary
- WPI/3/4 Richard Massey's rebuttal
- WPI/3/5 Richard Massey's appendices to rebuttal
- WPI/4/1 Colin McKay's proof of evidence
- WPI/4/2 Colin McKay's appendices
- WPI/4/3 Colin McKay's summary
- WPI/4/4 Colin McKay's rebuttal
- WPI/4/5 Colin McKay's appendices to rebuttal
- WPI/5/1 Rebecca Brookbank's proof of evidence
- WPI/5/2 Rebecca Brookbank's appendices
- WPI/5/3 Rebecca Brookbank's summary
- WPI/5/4 Rebecca Brookbank's rebuttal
- WPI/5/5 Rebecca Brookbank's appendices to rebuttal
- WPI/6/1 Bethan Tuckett-Jones' proof of evidence
- WPI/6/2 Bethan Tuckett-Jones' appendices
- WPI/6/3 Bethan Tuckett-Jones' summary
- WPI/6/4 Bethan Tuckett-Jones' rebuttal
- WPI/6/5 Bethan Tuckett-Jones' appendices to rebuttal
- WPI/7/1 Charles Collins' proof of evidence
- WPI/7/2 Charles Collins' appendices

WPI/7/3 Charles Collins' summary
WPI/7/4 Charles Collins' rebuttal
WPI/7/5 Charles Collins' appendices to rebuttal

Guildford Borough Council

GBC/1/1 Paul Sherman's proof of evidence
GBC/1/2 Paul Sherman's appendices
GBC/1/3 Paul Sherman's summary
GBC/1/4 Paul Sherman's rebuttal statement

Wisley Action Group & Ockham Parish Council

WAG/1/1 Colin Kiely's proof of evidence
WAG/1/2 Colin Kiely's appendices
WAG/1/3 Colin Kiely's summary
WAG/2/1 Andrew Baker's proof of evidence
WAG/2/2 Andrew Baker's appendices
WAG/2/3 Andrew Baker's summary
WAG/3/1 Duncan Laxen's proof of evidence
WAG/3/2 Duncan Laxen's appendices
WAG/3/3 Duncan Laxen's summary
WAG/3/4 Duncan Laxen's supplementary proof of evidence
WAG/3/5 Duncan Laxen's appendices to supplementary proof of evidence

East and West Horsley Parish Councils

EWHPC/1/1 Roger Miles' proof of evidence
EWHPC/1/2 Roger Miles' appendices
EWHPC/1/3 Roger Miles' summary
EWHPC/2/1 Keith Robinson's proof of evidence
EWHPC/2/2 Keith Robinson's appendices
EWHPC/2/3 Keith Robinson's summary

Ripley Parish Council

RPC/1/1 Ripley Parish Council's proof of evidence
RPC/1/2 Ripley Parish Council's appendices
RPC/2/1 Colin Cross' proof of evidence
RPC/2/2 Colin Cross' appendices
RPC/3/1 Suzie Powell-Cullingford's proof of evidence
RPC/4/1 Casper Hancock's proof of evidence
RPC/5/1 Lianne Mealing's proof of evidence

Cobham Conservation & Heritage Trust

CCHT/1/1 David Bellchamber's proof of evidence
CCHT/1/2 David Bellchamber's summary

Mr GB & Mrs A Paton

Paton/1/1 Mr GB & Mrs A Paton's joint proof of evidence
Paton/1/2 Mr GB & Mrs A Paton's joint rebuttal
Paton/1/3 Evidence in chief of Mrs A Paton

Highways England

HE/1/1 Paul Harwood's proof of evidence
HE/1/2 Paul Harwood's appendices
HE/1/3 Paul Harwood's rebuttal (Appellant)
HE/1/4 Paul Harwood's rebuttal (Guildford BC)
HE/1/5 Paul Harwood's rebuttal (Paton)

Annex 1: Ruling on the acceptability of the late submission of plans and data by the Appellant.

On the first day of the Inquiry, following opening submissions on behalf of the Appellant, GBC and the 7 Rule 6(6) parties, the advocate for WAG/OPC sought a ruling on the admissibility of a Transport Technical Note and appendices (ID4) submitted by the Appellant. This Technical Note set out a series of assessments concerning the proposed north-facing slip roads on the A3 at Burnt Common. They related to safety matters; to the proposed departure from TD22/06 (by not providing a 4th lane on the A3 between Burnt Common and Junction 10 with the M25); and an economic assessment.

WAG/ OPC objected to the submission of this Technical Note as the Burnt Common slips had only been introduced into the Appellant's proposals in the proofs of evidence and as there were air quality implications. WAG/ OPC were producing an air quality witnesses and the document would be prejudicial to the case put forward. The details of a further solution, unspecified off-site highway improvements, were not known. While planning permission was not being sought for the slip roads or off-site works, there were necessary to make the scheme acceptable in planning terms and form part of the s106 Agreement.

WAG/ OPC argued that it while there is a right for an Appellant to appeal a refused scheme, the appeal process is not the place to evolve a scheme. The latest changes to the scheme are not in the EIA and the SoS must be satisfied that there would be no adverse impact under the Habitats Regulations, including nitrogen deposition. The new access proposals would impact on the air quality evidence and it would not be possible for the WAG/ OPC witnesses to give evidence on these additional details at such short notice. The late evidence affected local highways issues

WAG/ OPC suggested that if the appeal were to proceed with the additional material this would be prejudicial to the case for the Rule 6(6) parties and there could be applications for costs. It was suggested that the best way forward would be for the appeal to consider the application as submitted; for the Appellant to withdraw the appeal; or for a fresh planning application to be submitted in due course.

The Appellant responded that this was not a fair account of the situation. What had changed was the nature of the off-site mitigation measures which had come about as a result of negotiations in respect of the s106 Agreement. Improvements to the A3 corridor had always been proposed; the planning application itself was completely unchanged. The key issue was whether there is sufficient information on which to judge the proposals.

WAG/ OPC had seen the proofs of evidence weeks ago but had not sought to submit rebuttal proofs. There had been no complaint from WAG/ OPC concerning the introduction of the Burnt Common slips until very recently. The proofs of evidence were the proper place for the evidence. HE had made it clear that this was coming forward. WAG/ OPC were not producing a highways witness and air quality only concerned a small element of the Technical Note. WAG/ OPC had not produced any modelling of their own. The data on transport was the same as in the proof of evidence; the only change was an update to the air quality analysis to match the transport data.

GBC supported the Appellant's position. Adjournment of the Inquiry would be prejudicial to all parties. Negotiations between the Appellant and HE were to continue. The Technical Note justifies a departure to the TD22/06 standard; the other changes were minimal. There was not a frightening amount of new material.

HE confirmed that there are ongoing discussions with the Appellant, but commented that the timeframe, if the negotiations were to conclude during the Inquiry, would be very challenging.

I adjourned the Inquiry early on the first day to enable the parties to get together to discuss the timetabling implications of continuing the Inquiry. The following day my ruling was that the Technical Note could be put forward as evidence at the Inquiry. The north-facing slip roads onto the A3 at Burnt Common are not a new idea; they are proposed in the eLP. Much of the new evidence relates to a justification for not widening the A3 to 4 lanes in each direction which does not impact on the appeal site although it clearly affects the acceptability of the works to the SRN for HE. The new air quality evidence was not unacceptably great; the only Rule 6(6) air quality witness had not carried out any of his own modelling so did not have to carry out any time consuming re-modelling work. I amended the running order of the Inquiry such that WAG/ OPC, who were due to commence giving evidence on the second day of the Inquiry, did not commence giving evidence until the second week to allow further time to assess the new evidence.

Annex 2: Ruling on the acceptability of a late statement on behalf of the Royal Horticultural Society, Wisley.

The Appellant completed giving evidence in support of the appeal in the afternoon of Tuesday 17 October 2017. The following morning, at the commencement of the round table sessions on conditions and obligations, the representative of RHS Wisley sought to submit an additional document (ID108) which is described as the second written statement on behalf of the RHS in support of WAG and in response to the evidence of Colin McKay; matters raised concerning the RIS scheme; and the evidence of Michael Davies, all on behalf of the Appellant. The statement included comments on the Burnt Common slips, the RHS planning permission, the potential conflict between the appeal scheme and the RIS scheme and visual impacts. The attachments included extracts from the Transport Assessment for RHS Wisley (May 2016) and a plan showing a suggested area to be safeguarded to provide access to RHS Wisley.

At the start of the Inquiry the RHS had made a statement to the effect that the organisation largely supported the position of WAG/OPC and was happy for that party to comment on the appeal. RHS had expected the announcement in respect of the A3/ M25 to pre-date the Inquiry, but the announcement was still awaited. Highways matters raised at the Inquiry would affect the RHS and so it proposed to submit further comments.

These comments, however, did not arrive until very late, when all the evidence had been heard. As by this time the Appellant had completed giving evidence, I considered that it was unreasonable for the Inquiry to be expected to consider further new evidence. Consideration of this information, including traffic generation data, would have been time consuming and may have necessitated the Inquiry having to adjourn and resume at a much later date, when all the numerous parties were available. It would, in all probability, have involved recalling two witnesses. This would have been extremely prejudicial to the Appellant. I therefore ruled that the new evidence could not reasonably be accepted. In making that ruling, however, I accepted that the evidence in Section 3 of the statement could be put forward as this was pertinent to the session on conditions and obligations and tied in with two conditions suggested by HE.

Annex 3: List of issues agreed at the Pre-Inquiry Meeting

- The effect of the proposals on the openness of the Green Belt and on the purposes of including land in the Green Belt;
- Whether GBC can demonstrate a five-year housing land supply and the implications for this on local and national planning policy;
- The effect of the proposals on the TBHSPA;
- The effect of the proposed development on the safe and efficient operation of the strategic and local road networks;
- Whether the proposals would deliver the required transport sustainability measures necessary to enable sustainable travel choices;
- Whether the proposals would deliver an appropriate quantity and mix of affordable housing;
- Whether the loss of a safeguarded waste site is outweighed by other considerations;
- The effect of the proposed development on the character and the appearance of the area;
- The effect of the proposals on the setting of Yarne, a Grade II listed building, and other nearby heritage assets;
- Whether the proposals would give rise to an unacceptable air quality impact on local receptors (human and wildlife);
- Whether the proposals make adequate provision for community and other facilities including education, police, health and libraries; and
- Whether the other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development.

Annex 4: Suggested conditions.

1. Submission of reserved matters (layout, landscaping, appearance, scale)

Details of the appearance, accesses within the site, landscaping, layout and scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before each relevant development phase begins and the development shall be carried out as approved.

2. Implementation

The development hereby permitted shall be implemented not later than 3 years after the first reserved matters consent.

3. *Three-year planning permission*

The first reserved matters application shall be made within 3 years of the date of this permission. The last reserved matters application shall be made within 15 years of the date of this permission.

4. *Approved plans (Parameters) Approved access drawings*

The development shall be carried out in accordance with the following plans and associated documents:

Red Line Plan (1715/P/001/P1) - Site Survey (1715/P/010/P1) - Land Use Parameter Plan (1715/P/002/P2) - Movement Parameter Plan (1715/P/004/P2) - Building Height Parameter Plan (1715/P/005 P2) - Design Parameters (1715_SK_710 Rev B & 1715_SK_709) - Proposed Eastern Site Access Arrangements (0934-SK-025 J) - Proposed A3 / Ockham Interchange with modified site access (0934-SK-005-F) - Landscape Structure Parameter Plan 1715/P/003/P2).

5. *Submission of a Construction Management Plan including master phasing, location of Construction Access Route (CAR)/ construction compound and timing of construction.*

Before the development of the first sub-phase hereby permitted is commenced a Construction and Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority (LPA). To include details of: location of Construction Access Route (CAR), disposal and handling of contaminated waste, parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management); provision of boundary hoarding behind any visibility zones; before and after surveys of the surrounding residential roads and provide an undertaking to rectify any damage under section 59 of the Highways Act 1980; a scheme specifying arrangements for deliveries to and removals from the site, to include details of specification of types of vehicles and hours of operation; design of delivery areas; specification for lorry parking and turning spaces; the provision of facilities to ensure all reasonable efforts are made to keep the highway clean. Construction of the development shall not be carried out other than in accordance with the approved construction management plan. The plan shall be updated and submitted for approval by the LPA for each sub-phase.

6. *Detailed sub phasing within master phase strategy / Non Prejudice to RIS*

Prior to the submission of the first reserved matters application following consultation with Highways England, a master and sub-phasing plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of four Master Phases, sub-phases and SANG phases including the intended numbers of market and affordable dwellings for each sub-phase of development together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, structural landscaping, community facilities and access for pedestrians, cyclists, buses and people in vehicles. The master and sub-phasing plan shall have regard to and shall not prejudice the Roads Investment Strategy Scheme for the Improvement of the M25 Junction 10. The development shall be carried out in accordance with the approved master and sub-phasing plan. Any variations to the master and sub-phasing plan shall be submitted to the LPA for approval in writing. Any variations made before 1st January 2023 shall be prepared in consultation with Highways England.

7. Construction Detailing of the Tump

As part of the reserved matters application for any SANG sub-phase of the development which incorporates the tump and associated landform features (shown as Strategic Earth Mounds on the Landscape Structure Parameter Plan 1715/P/003/P2), full details of the proposed construction detailing for those features shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

8. Site Waste Management Plan

Prior to the commencement of each sub-phase a Site Waste Management Plan shall be submitted to and approved by the Local Planning Authority. The sub phase shall be developed in accordance with the approved site waste management plan.

9. Suitable Alternative Natural Greenspace (SANG) sub-phasing strategy

Prior to the commencement of the development of SANG, a SANG sub-phasing strategy shall be submitted to and approved in writing by the Local Planning Authority. The sub-phasing strategy shall outline the proposed sequencing of the delivery of SANG, the delivery of the SANG car park and access road to it and approach to the structural landscaping. The SANG sub-phasing strategy shall apply to the land indicated as being within SANG phases 1 to 4 by Map 11 of the Information for HRA dated November 2015 which is Appendix 8.14 of the Environmental Statement. The development shall thereafter be carried out in accordance with the sub-phasing strategy unless otherwise agreed in writing with the LPA.

10. SANG Construction and Environmental Management Plan

Prior to the commencement of the first sub-phase of SANG, a SANG Construction and Environmental Management Plan (SCEMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of the proposed timing, access, routing, compound and any storage associated with the delivery of the proposed SANG. Construction of the development shall not be carried out other than in accordance with the approved SCEMP. The plan shall be updated and submitted for approval by the LPA for each SANG sub-phase.

11. SANG Implementation Strategy and Landscape Ecological Management Plan

As part of the reserved matters application for the SANG a SANG Implementation Strategy shall be submitted to the Local Planning Authority for approval in writing. The SANG shall be implemented in accordance with the approved Strategy. Prior to the commencement of the relevant SANG sub-phase, a SANG Landscape Ecological Management Plan (SLEMP) shall be submitted to and approved by the LPA. The SLEMP shall be in general accordance with the approved SANG Implementation Strategy and the SANG – Outline Habitat Creation and Management Plan P 14/67-3D dated November 2015 and the Letter of Explanation, Revisions to SANG Design dated February 2016.

12. SANG Car Parking

Prior to the first occupation of any of the dwellings hereby permitted, car parking to serve visitors to the SANG shall be delivered in accordance with the SANG – Outline Habitat Creation and Management Plan P 14/67-3D dated November 2015, and provision for car parking shall thereafter be retained. Any subsequent amendments to the location of the SANG car parking shall be submitted to and agreed in writing by the Local Planning Authority.

13. Master Phase Design Framework

Prior to the submission of the first reserved matters application for each Master Phase containing housing or infrastructure, a Master Phase Design Framework for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Master Phase Design Framework shall include:

- General principles for determining the design, form, heights and architectural features of buildings
- General principles of the hierarchy for roads and public spaces
- General principles for the design of the public realm including street furniture and lighting
- General principles for the laying out of the green infrastructure, including structural planting and open spaces.

Subsequent reserved matters applications shall have regard to the principles established by the approved Master Phase Design Framework.

14. Detailed Masterplan and design framework incorporating public realm, architecture, boundary treatment, landscape and public art

Prior to the submission of the first reserved matters application for each sub-phase of the development, a document setting out the Sub-Phase Design Framework for that sub-phase shall be submitted to and approved in writing by the Local Planning Authority. No sub-phase of the development shall be commenced unless the Design Framework for that sub-phase has been approved in writing by the LPA. The Design Framework for each phase shall include the following matters relevant to that sub-phase:

- The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- The principles of the hierarchy for roads and public spaces including for each sub-phase the proposed approach to cycle and car parking and roads to be adopted;
- The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- The principles for the design and location of any LEAPs/ LAPs/ NEAPs ensuring adequate provision site-wide;
- The principles for the design and layout of street furniture and level of external illumination;
- The principles for the laying out of the green infrastructure including the access, location and general arrangements of any multi use games area within the phase, sports pitches, the children's play areas and community gardens, foraging or allotments;
- The principles to ensure that there is appropriate access to buildings and public spaces for the disabled and physically impaired; and
- For the relevant phase principles for the laying out of structural planting within 20m of the site boundary with the Grade II listed building Yarne.

The development shall be carried out in accordance with the approved Sub-Phase Design Framework for each sub-phase of the development.

15. Design Masterplan and framework (site-wide), incorporating a Design Framework– having regard to the Design & Access Statement and Neighbourhood 4 – Restriction on Design Parameters (with the Reserved Matters for each phase/ alternative Design Code by Reserved Matter)

The development hereby permitted shall accord with the Restriction on Design Parameters indicated by Plan Reference 1715_SK_710 Rev B.

16. Restriction on building heights, scale and massing in areas marked on Neighbourhood 4 Design Guide Parameters – Drawing No. 1745/SK/709 to protect the setting of the Grade II Listed Building Yarne and the character of Ockham Lane

Notwithstanding the details shown on Parameter Plan (1715_SK_710 Rev):

(a) The development hereby permitted shall accord with the Restriction on Design Parameters indicated by Plan Reference 1715_SK_710 Rev B and Plan Reference 1715_SK_709.

(b) The relevant reserved matters applications made pursuant to condition 1 shall ensure that no elevation of any building shall be within 20m of the site boundary with the Grade II Listed Building Yarne.

17. Village Centre Implementation Plan and Design Framework

Before the occupation of 400 dwellings, or as part of any reserved matters application seeking approval for retail A1-A5 or offices B1(a) commercial employment, a Village Centre Implementation Plan will be submitted to the Local Planning Authority for approval in writing. This shall include the composition of the Village Centre and associated car parking spaces, and proposed timing of the delivery, provision of serviced land and/or property to enable the provision of retail, leisure and employment uses, any relevant LAPs, LEAPs or NEAPs, and the provision of accommodation space for Community Police Support Officers. This shall also make provision for an ambulance parking space, teleworking facility and electric car charging points. The relevant sub-phase incorporating the Village Centre shall not be commenced unless the Village Centre Implementation Plan has been approved in writing by the LPA. No more than 1,000 dwellings shall be occupied until all of the measures described in the Village Centre Implementation Plan have been delivered.

18. Lighting strategy, by sub phase

Prior to the commencement of each sub-phase of the development, a strategy containing details of the proposed lighting for all primary and secondary route highways, cycleways and footpaths for that sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy prior to the relevant highways, cycleways and footpaths being brought into use and shall thereafter be retained.

19. Public realm / public art (site wide)

Prior to the submission of any reserved matters application for residential or commercial development a Public Art and Public Realm Strategy detailing the approach to public art and public realm across the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the commissioning budget for the measures described in it and measures for applying the Strategy to the sub-phases of the development. The public realm and art measures implemented by sub-phase shall be in general accordance with approved Public Art and Public Realm Strategy.

20. Public realm / public art implementation plan (by phase/ Reserved Matters parcel)

The first reserved matters application for each sub-phase of the development which includes any residential or commercial floorspace shall include a strategy containing details of the proposed public art and public realm measures for that sub-phase. The Strategy shall be submitted to the Local Planning Authority for approval in writing. The strategy shall be in accordance with the approved site-wide Public Art and Public Realm Strategy. Each sub-phase of the development shall be carried out in accordance with the approved strategy for that sub-phase.

21. Provision of serviced land and/or property for B1 uses

Prior to the submission of reserved matters for each sub-phase of the development which includes any employment or commercial floorspace (Use Classes B1, B2 and B8) a Commercial Proposition document shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the location and provision of serviced land, including a timetable for delivery, and/or property to enable the delivery of B1, B2 and B8 uses in areas outside of the Village Centre in the employment area shown on the approved parameter plans. No more than 1,500 dwellings shall be occupied before the employment and commercial floorspace hereby approved has been completed.

22. Detailed tree survey, Arboricultural Method Statement

Prior to the commencement of each sub-phase of the development, an Arboricultural Method Statement (AMS), tree survey and tree protection plan (based on plan and AIA statement ref: 13228-BT2 A) for that sub-phase shall be submitted to and approved in writing by the LPA. Each sub-phase of the development shall be implemented in accordance with the approved AMS, tree survey and tree protection plan.

23. Landscape detailing and management by phase

As part of the reserved matters application for each sub-phase of the non-SANG development a Landscape Management Plan (LMP) for non-SANG areas within that sub-phase shall be submitted to the Local Planning Authority for approval in writing. The LMP shall include details of the maintenance provisions for the structural landscaping. The sub-phase shall be developed in accordance with the approved LMP.

24. Replace planting within 5 years, post implementation of phase

Any tree or vegetation planting (with the exception of structural planting identified by the Master Phase Design Framework) which has died, become damaged or diseased within 5 years of the implementation of the approved landscaping details, by sub-phase, shall be removed and replaced with a tree or plant of the same size and species as that which is to be removed.

25. Sports Pavilion / Multi Use Games Area (MUGA)

As part of the reserved matters application for any sub-phase of the development which includes the provision of serviced land for a Sports Pavilion or Multi Use Games Area (MUGA) details of these facilities shall be submitted to the Local Planning Authority for approval in writing. The relevant sub-phases which should include a MUGA are those which include:

- The primary or All Through school including sports pitches; or
- The sports pavilion / sports pitches

26. Detailed energy and sustainability strategy (site-wide)

As part of the reserved matters application for the first sub-phase containing housing or commercial or community buildings a site wide Energy and Sustainability Strategy shall be submitted to the LPA for its written approval. The Strategy shall outline the intended sustainable design and construction practice, notably the efficient use of materials, energy and water, and details of waste minimisation and renewable energy generation. All subsequent sub-phases shall be delivered in accordance with the approved site-wide Strategy unless otherwise agreed with the LPA.

27. Countryside & Rights of Way Section 16 Designation

No dwelling shall be occupied unless the land edged red on the EPR plan entitled "Potential area of Section 16 CRoW designation" dated January 2017 has been designated pursuant to section 16 of the Countryside and Rights of Way Act 2000 as confirmed in writing to the Local Planning Authority, or such alternative measures as have been approved in writing by the LPA have been implemented.

28. PROW strategy, including any relevant stopping up and diversions

As part of the reserved matters application for each sub-phase containing an existing public right of way, a Public Rights of Way Strategy detailing any proposed alterations of any public right of way and/or proposed improvements to any existing public right of way within that sub-phase shall be submitted to the Local Planning Authority for approval in writing. The public rights of way for each sub-phase shall be treated in accordance with the approved Public Rights of Way Strategy for that sub-phase.

29. Site Access / Roads/ Pathways

The site accesses, roads and pathways for each sub-phase of the development shall be constructed in accordance with the approved plans at reserved matters, based on the Movement Parameter Plan (1715/P/004/P2), including interim arrangements for bus services and the construction of a Pegasus crossing on the Ridgeway Avenue (main spine road) with Bridleway 544 (Hyde Lane).

30. Travel Plan Framework and Travel Plan

Prior to the commencement of the first sub-phase of the development, a Travel Plan Framework shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters application for each subsequent sub-phase of the development shall include a Travel Plan for that sub-phase, in accordance with the aims and objectives of the National Planning Policy Framework. The approved Travel Plan for each sub-phase of the development shall be implemented prior to first occupation of any dwelling in that sub-phase and shall thereafter be complied with.

31. On-site Public Transport Infrastructure

Prior to the occupation of each sub-phase of the development, a scheme for the provision of the relevant on-site sustainable public transport infrastructure for that sub-phase shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved scheme.

32. Implement required site access, parking

Prior to the occupation of each dwelling hereby permitted, the vehicular accesses, driveways, parking and turning areas serving that dwelling shall be constructed in accordance with the approved plans.

33. Site Specific Highways Adoption and Works Programme

As part of a wider adoption and works programme prior to the 400th occupation the developer shall enter into a highways agreement with Surrey County Council to provide for works to upgrade the existing highway in accordance with the On-site Highways Works Plan (Plan Reference: DLA.1772.L002.02). Details of the highways agreement shall be agreed in writing with the Local Planning Authority.

34. Old Lane Access

Prior to any residential properties being accessed by private car from Old Lane the works to restrict southbound traffic on Old Lane as described in 0934/SK/017 Rev Q shall be completed.

35. Traffic Management Measure to A3 to reduce / control speed

No more than 200 dwellings in the development hereby permitted shall be occupied until a Traffic Management Measure relating to speed restrictions and/or construction works to the A3 between Ockham Interchange and M25 Junction 10 (or suitable alternative to be agreed in writing) has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management Measure shall be prepared in consultation with Highways England.

36. M25 Junction 10 improvement works or RIS

No more than 500 dwellings in the development hereby permitted shall be occupied until either the works in accordance with plan reference. 0934/SK/017 Rev Q have been completed or M25 Junction 10 improvements materially in accordance with either Option 9 or Option 14 of the Roads Investment Strategy Scheme for the Improvement of the M25 Junction 10 (5th December 2016) or an alternative option containing materially equivalent mitigation effects have been implemented by Highways England.

37. Master drainage strategy (site wide)

Prior to the submission of the first reserved matters application, a Master Surface Water Drainage Strategy (in accordance with the NPPF Flood Risk Assessment including Drainage Strategy dated November 2014 (WSP) submitted as part of the Environmental Statement) covering the whole site shall be submitted to the Local Planning Authority for approval in writing. All subsequent sub-phases shall be delivered and maintained in accordance with the approved Master Surface Water Drainage Strategy.

38. Ground Water Protection Strategy

Prior to the commencement of the first sub-phase of the development, a Ground Water Protection Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved strategy.

39. By phase drainage and SuDs strategy

As part of the reserved matters application for each sub-phase of the development, a proposed Surface Water Drainage and SuDs Strategy for that sub-phase shall be submitted to the Local Planning Authority for approval in writing. The Strategy shall outline details of ongoing maintenance and shall accord with the Master Surface Water Drainage Strategy. The sub-phase shall be delivered in accordance with the approved Surface Water Drainage & SuDs Strategy for that sub-phase.

40. Waste Water Drainage

Prior to the commencement of the development (excluding SANG implementation), full details of a drainage scheme for the provision of Waste Water Drainage, including any off-site drainage and treatment infrastructure and funding methods, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be prepared in consultation with Thames Water and shall include details of phasing of the occupation of the development and outline the implementation measures required for each sub-phase of the development.

41. Drainage Verification Plan

Prior to the commencement of the sub-phase of the development that includes the construction of the new bridge over Stratford Brook, a Drainage Verification Plan including details of the 8m buffer zone to the Stratford Brook shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Plan.

42. Contamination land report (site-wide)

Unless otherwise agreed in writing by the Local Planning Authority, no development within each sub-phase shall commence (other than that required to be carried out as part of an approved scheme of remediation) until steps (I) to (III) below have been complied with where required.

(I) Site Characterisation

An Investigation and Risk Assessment, to support the assessment provided with the planning application (Geo-Environmental Risk Assessment (2013) & Phase 2 Geo-Environmental Desk Study (2006)) must be completed in accordance with a scheme to be agreed in writing with the LPA to assess the nature and extent of any on-site contamination, whether or not it originates on the site. The Investigation and Risk Assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the LPA and must include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and archeological sites and
- c) an appraisal of remedial options, and proposal of the preferred option(s)

The site characterisation must include a detailed quantitative risk assessment and must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(II) Submission of Remediation Scheme

A detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(III) Implementation of Approved Remediation Scheme

The approved Remediation Scheme works must be carried out in accordance with the approved details prior to the commencement of development, other than development required to carry out the remediation, unless otherwise agreed in writing by the LPA. The LPA shall be given two weeks written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved remediation scheme, a Verification Report that demonstrates the effectiveness of the remediation carried out must be produced, and shall be submitted to and agreed in writing by the LPA. This shall also include a Long Term Monitoring and Maintenance Plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Report, and for the reporting of this to the LPA.

43. Unexpected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development within that relevant sub-phase shall be carried out, unless otherwise agreed in writing by the Local Planning Authority, until the developer has submitted to and received written approval from the LPA for an amendment to the Remediation Scheme detailing how any unsuspected contamination is to be dealt with.

44. Programme of works - Archaeology, including site investigation

As part of the first reserved matters application, an Archaeological Report - Written Scheme of Investigation (in accordance with the Heritage Desk Based Assessment, October 2013 (Cotswold Archaeology) submitted as part of the Environmental Statement) covering the whole site shall be submitted to the Local Planning Authority for approval in writing. No development shall take place within a sub-phase until a programme of archaeological work for that sub-phase has been implemented in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the LPA.

45. Ecological Mitigation Strategy Report (site-wide)

Prior to the submission of the first reserved matters application an Ecological Mitigation & Biodiversity Strategy Report covering the whole site (in accordance with the Ecology Report and Appraisal July 2014 (RPS) and Ecological Phasing Mitigation Plan (EPR) November 2015 included within the Environmental Statement) shall be submitted to and approved by the LPA. The first reserved matters application for each sub-phase submitted thereafter shall include the results of biodiversity surveys carried out for that sub-phase, and a plan for biodiversity mitigation and enhancement in accordance with the objectives of the approved Ecological Mitigation & Biodiversity Strategy. The plan for biodiversity mitigation and enhancement shall be submitted to the LPA for approval in writing. The development shall thereafter be undertaken in accordance with the approved biodiversity mitigation and enhancement measures.

46. Noise report

As part of the reserved matters application for each sub-phase or SANG sub-phase located all or in-part within 300m of the edge of highway of the A3 and within 50m of the edge of the highway on Ockham Lane and Old Lane, a Noise Survey and Mitigation Report shall be submitted to the Local Planning Authority (in accordance with Chapter 12 of the Environmental Statement) for approval in writing. Any mitigation measures for each sub-phase approved by the LPA pursuant to this condition shall be delivered

prior to the occupation of any dwellings within that sub-phase. Any mitigation measures which are outside a private dwelling shall be maintained thereafter.

47. Detailed utilities connection strategy, including gas, electricity sub-stations and high-speed broadband connections

As part of the reserved matters application for each sub-phase of the development, a Detailed Utilities Strategy for that sub-phase which shall have regard to the whole site shall be submitted to the Local Planning Authority to be approved in writing. The Detailed Utilities Strategy shall outline the required utilities infrastructure and guide the location of gas and electricity facilities for that sub-phase. Any communication and broadband connections for each sub-phase approved in writing by the Local Planning Authority pursuant to this condition shall be provided to serve the dwellings of the sub-phase prior to the occupation of any dwellings within that sub-phase.

48. The Beacon (DVOR/ DME)

Until such time as its relocation/ decommissioning, no development shall take place within a 500m radius of the NATS DVOR/DME installation, as shown on the DVOR/ DME Beacon Safeguarding Plan (1715/SK/064/A), unless there has been consultation with NATS and the written consent of the Local Planning Authority has been provided.

49. The Beacon (DVOR/ DME)

Until such time as its relocation/ decommissioning, the development shall not exceed the height limits defined in by the DVOR/DME Beacon Safeguarding Plan (1715/SK/064/A) and the Local Planning Authority and NATS shall be notified before any development takes place that will be within 1m of the height limits imposed.

50. Employment & Skills Strategy

Prior to the commencement of the development, a site-wide Employment & Skills Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall outline how the construction process will maximise the opportunity to employ local persons (defined as people who reside in the Borough or adjacent Local Authority area). The Employment & Skills Strategy shall be updated at the time of the commencement of each sub-phase for submission to the LPA for approval in writing, with the purpose of providing a Strategy for that relevant phase. The development shall be implemented in accordance with the approved Strategy.

51. Soils

As part of the Construction Management Plan (CEMP) an appropriately experienced soil specialist shall advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. A Report on soil management shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of each sub-phase of the development (including SANG sub phases). Regard shall be had to the detailed Defra guidance with respect to the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks). The development shall be implemented in accordance with the approved Report.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.