

Rt Hon James Brokenshire MP  
Secretary of State for Housing, Communities and Local Government  
House of Commons  
London SW1A 0AA

24<sup>th</sup> April 2019

Dear Secretary of State

**Guildford Local Plan – Holding Direction application to whole plan area**

This is a follow up note, highlighting that a Holding Direction should apply to the whole Borough including the town centre. It supplements our supporting letter for the Wisley Action Group and Ockham Parish council request for a Holding Direction – our letter dated 22-4-2019.

Residents of Guildford Borough are concerned that the planning system is seen to be fair.

Recent examples have not increased confidence, notably the Station Development (Solum) in the Town Centre, which not only sets a new precedent for height and mass of buildings, but also blocks the ability to plan for resilience at the station by adding a new terminus platform on the East side. The Council Leader Paul Spooner, is on record as having, expressed concern at the poor planning process and outcome to your colleague Kit Malthouse - Minister of State for Housing.

The Local Plan appears to be potentially producing an even more contentious result for the borough; particularly as it appears to be being rushed through in the Purdah period before the Local Election.

Having consulted two planning QCs it has strengthened our conviction that the plan should be called in for 5 main reasons:

1. it allocates land for 37% more housing than it concludes is required - it is legally and factually impossible for there to be the necessary *exceptional circumstances* to justify the release of green belt land to (dramatically) *over-* provide housing land. The Council (and the Inspector) have failed to ask themselves the correct question in the light of up to date information – they have simply pointed to the advantages of over-provision rather than considered whether there is an exceptional *need* to over-provide;

The Inspector proceeds on the basis that the potential supply under the Plan is 14,602 compared to a housing requirement of 10,678. The Plan thus allocates land for nearly 4000 more homes than required – a 37% over-provision. This is an **unprecedented** over-allocation in any LPA area never mind one so heavily constrained by GB land. The normal provision for non-delivery is 5% of five years' supply (25% of one year's Need) - in some cases where there has been historic major under – delivery this increases to 20% (1 year's Need) - but we are not aware of any overprovision anywhere on this scale.

It is unfeasible that the so called unexpected contingencies relied on by the Inspector (84) add up to anywhere near this level of overprovision so as to justify it and, contrary to (85) there is no warrant in policy or the facts for huge over-allocation to “future proof” the Plan.

This approach is a recipe for green belt first. It will encourage developers to focus on the cheaper greenfield/greenbelt sites rather than the more difficult urban sites – it is the antithesis of GB protection policy which requires exactly the opposite approach.

2. the Plan substantially understates urban potential – and is inconsistent with the Council’s own up to date analysis of urban potential. The Inspector’s conclusions at [81] and [82] are now, by virtue of the passage of time, wrong - the capacity has been further investigated and sites have been identified by the Council which can be relied upon; if urban potential is taken into account (as piecemeal windfall development) the over-provision is yet much greater – up to 60-70%.

The urban potential in the current local plan was “fixed” by the Council by the time of the Sustainability Scoping Report of 2013. Since then the Council has undertaken two major pieces of work: Town Centre Vision (2014) and Town Centre Master Plan 2015; followed by a more detailed Town Centre Regeneration Strategy in 2016, a current revision of which dates from 2017.

That work shows that around 3,000 homes can be developed in the town centre and immediate area, potentially saving at least one strategic site. In the meantime, the Council has had a Major Projects team for about three years, focused on regeneration schemes for areas such as Bedford Wharf (not even mentioned in the Local Plan) – including buying in the long lease of the cinema site on the river frontage – and the Council has been jointly promoting the North Street site (A6) which remains allocated for up to 41,000 sqm of retail even though we all know that is the least likely viable development, and the Council is already considering an increase from 400 homes within the plan to 750 homes in current discussions with the developer There appears to be a straight disconnect between the up to date work of the Council and the Plan.

3. The nominated Strategic Sites all require a substantial update to the A3 to unlock their potential. There are, as yet, no committed plans for an upgrade. As a major strategic route, the A3 affects other communities e.g. Access from Hampshire to the Thames Basin. Any upgrade will need to handle traffic from the Strategic Sites including access to the Town Centre AND Strategic Traffic flows. If a small proportion of the sums involved in a major highways scheme was applied to the Town Centre Infrastructure it would unlock the potential of many sites and also aid pollution, Congestion and Safety in the Town Centre.

4. the Council has always made the joint arguments that (a) the sites are not available and ready for development (but CPO had not been considered as a tool to increase certainty); and (b) the Inspector was so fixated on housing that every other consideration was of lesser importance, and also the direction the Council took was that there would be more housing in the town centre, and that would be windfall. Sadly, with windfall on a scale of circa 3,000 units, and a failure to provide GP and Education facilities, this treatment of the town centre MUST fall foul off the Equality Act 2010 because it does not serve the eldest or youngest parts of society equally with other sections of the population.
5. the strategic environmental assessment is flawed – because it does not consider *reasonable alternatives* to the green belt releases. It treats the (very low) historic urban capacity as a given which cannot be increased – when the Council’s own work shows the contrary. The Council cannot evade its legal obligation to consider the obvious alternative to green belt releases by sticking to an out of date mantra that there is no further capacity in Guildford. Given the choice is effectively green belt or urban here, the alternative of securing more delivery in urban areas is necessarily a “reasonable alternative” which has been, but cannot lawfully, be ducked – see the analysis in *R (Friends of the Earth) v. Welsh Ministers* [2015] EWHC 776 (Admin) @ [88]. The Council can hardly say that increased urban capacity is not a reasonable alternative when it has itself commissioned studies into it and demonstrated that there is such capacity. Capacity does not have to be comprised of additional sites; it could be the increased height of proposed developments. We believe there is scope for both increased intensity AND additional sites. Furthermore, the proposed adoption plan refers to GBC’s potential use of CPO if required. Lack of availability NEED NOT be a barrier to bringing forward options in the town centre and urban area.

Councillors have been presented with a binary decision either adopt or reject the plan. We believe this a rather crude decision on such an important issue.

We are not recommending the plan be rejected, as much time and energy has been spent on the process so far.

We believe a short period of reflection, which a Holding Direction would enable, is required to examine the Overprovision as it has driven the plan to irrationally and unjustifiably violate basic principles of protecting much valued Greenbelt Land and following a policy of Brownfield first.

Yours Sincerely



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Chair – Guildford Vision Group



C.C.

Anne Milton MP – Guildford

Sir Paul Beresford MP - Mole Valley

Mary-Claire Travers - Chair Ockham Parish Council

Helen Jefferies - Wisley Action Group