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RIPLEY PARISH COUNCIL HEARING STATEMENT

GUILDFORD LOCAL PLAN EXAMINATION IN PUBLIC

1. This Hearing Statement is prepared and submitted in compliance with the Inspector Guidelines document number ID/2 Rev 2 paragraph 24 and provides the written statement of Ripley Parish Council (“RPC”) which the Parish Council seeks to rely on as the framework of its submissions.
2. The Hearing Statement is not intended to address all the Matters and Issues but particularly those affecting the Parish of Ripley and its community, and also the wider Green Belt and countryside protection issues.
3. The Hearing statement relies on and supports and supplements the Parish Council’s previous submissions and, in particular, the Report submitted in July 2016 in response to the Regulation 19 draft local plan.
4. Those submissions are not repeated here, save insofar as it is necessary to identify that the objection is maintained and to identify specific questions which remain unanswered.

Attendance at the EIP

5. For the avoidance of doubt RPC would like to confirm its wish to participate in the EIP on issues concerning their objections. This means that they would wish to attend to participate in the EIP where the following matters are considered:

- (1) The Plan’s overall approach to meeting need, having regard to the particular constraints of Guildford as a borough which comprises a high proportion of Green Belt and high landscape value countryside of national importance (AONB). In particular the Parish Council takes issue with the proposition that there is any policy support for the approach whereby the need for housing necessarily “trumps” countryside designations or

protection. We believe that this issue straddles **Issues 1 to 6 and Issue 9**. RPC wish to participate in the sessions where those issues are discussed

(2) Spatial Strategy, Green Belt and Countryside Protection. It is understood that this issue is to be discussed as **Issue 9** and RPC would wish to attend and participate in that session.

(3) RPC maintains its objections to the following policies in the Plan. In particular, the Parish Council objects to the following proposed allocations and policies in the Plan:

- Site allocation Policy A35 Land at Former Wisley Airfield
- Site allocation Policy A43 Land at Garlick's Arch
- Site Allocation Policy A43a Land for new north facing slip roads to/from A3 at Send Marsh/Burnt Common
- A58 Land adjacent to Burnt Common Warehouse, Send

These issues are to be covered in Issue 11. An outline of the Parish Council's case is set out below.

(4) RPC maintains its objection to Green Belt insetting; in particular:

- (a) Insetting of Ripley Village
- (b) General insetting of Green Belt settlements
- (c) Insetting of Garlick's Arch site A43 & A43a

6. The Parish Council also maintains its objection to the overall strategy for new housing development, which:

- (a) is based on an assessment of need which makes no objective allowance for the policy and landscape constraints of the District;
- (b) would cause significant harm; not only from the development of countryside for housing but also by reason of its effect on minor rural highway network and the associated social and environmental impacts; and
- (c) disproportionately directs new housing to villages and land in the Green Belt and rural areas.

7. The Council takes the view that the strategy contained in the Local Plan is fundamentally flawed in failing to attribute sufficient weight to the desirability of protecting the social and environmental benefits of rural life in Guildford Borough.

The Legal Framework for the Local Plan

8. Guildford LP is the draft Local Development Document previously submitted to the Secretary of State under Regulation 19 of the 2012 Regulations and as amended subsequently.
9. Section 20 of the 2004 Act, subsection (5) provides:

“(5) The purpose of an independent examination is to determine in respect of the development plan document -

- (a) whether it satisfies the requirements of sections 19 and 24 (1), regulations under section 17 (7) and any regulations under section 36 relating to the preparation of development plan documents;*
- (b) whether it is sound; and*
- (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation. “*

10. The meaning of the term “sound” is explained in the National Planning Policy Framework at paragraph 182.
11. RPC has concluded that, without major modification, the Plan cannot be considered “sound” within the meaning of Section 20 of the 2004 Act and paragraph 182 of the NPPF.

Housing Need Calculation

12. RPC object to the approach taken to the assessment and calculation of the housing requirement in the plan.
13. The justification for this is explained in the Sustainability Appraisal June 2016.
14. RPC takes issue with the approach taken to meeting housing need within the Borough as a whole and objects to adopting the whole of the OAN as the housing requirement in a Borough which is almost 90% Green Belt and which contains significant areas of AONB. The Parish Council is concerned that GBC appears to be taking up Woking Borough Council’s unmet need.
15. RPC note that Core Strategies in other constrained areas have been found to be “sound” despite a housing requirement significantly below AON. (see for example Brighton and Hove City Plan 2016).
16. The approach taken by the Council does not appear to have understood or applied followed the decision of the Court of Appeal and judgement of Lord Justice Keene in *City of St Albans v Hunston Properties plc* [2013] EWCA Civ 1610 at 78- 79.

17. Despite clear guidance from the Court of Appeal, the Council (and, with respect, the Inspector, judging by his questions of the Council) appears to have adopted the full OAN as the basis for the Plan.
18. National policy in the NPPF states the requirement “to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework”. Consistency with policies in the Framework means accordance with policies protecting Green Belt and the countryside; in particular valued landscapes. Case law has moved on in recent years (see in particular the Court of Appeal’s decision in *Turner v SSCLG* where the assessment of openness no acknowledges the role of visual impact.)
19. The approach taken in the Plan with the apparently overriding emphasis on providing new housing in the Green Belt has led to removal of protection of the Green Belt from places previously within the Green Belt, by inseting of land in and around settlements to exclude them from the Green Belt and by the allocation of land within the Green Belt in order to allocate it for housing.
20. This does not accord with either the NPPF or the approach taken to protecting Green Belt in the decision of the Supreme Court in *Suffolk Coastal v Hopkins Homes* [2017] UKSC37. There is no basis for any claim that housing need over-rides the protection of the Green Belt and AONB.
21. The alteration of Green Belt boundaries requires justification by “exceptional circumstances” and housing need is, as a matter of policy not usually taken to comprise such exceptional circumstances. NPPF 82 states: “*Once established, Green Belt boundaries should only be altered in exceptional circumstances...*” There is no “exceptional” need for housing to be developed in the Green Belt in Guildford Borough and certainly no case is made out to support over-supply.
22. Development of new housing in the Green Belt requires justification by demonstrating “very special circumstances” unless the development falls within one of the very limited exceptions in paragraph 89 of NPPF.
23. The balance between housing need and the exceptional circumstances required to justify Green Belt boundary alterations are not made out.
24. The policies of the Plan are therefore not “sound” in this important respect and both the requirement in Policy S2 and the Planned Delivery between 2018 and 2033 should be modified by significant reductions in the number of dwellings proposed in each case.

Distribution of Housing

25. A disproportionate part of the new housing provision is to be allocated to settlements and adjoining areas in the Green Belt, particularly in the Send/Lovelace Wards of the District.

Traffic and Transport

26. There continues to be no realistic proposal in the Plan for the provision of enhanced public transport, which could lead to significant modal shift. By the nature of the rural road network, the resulting substantial increase in road traffic would be likely to cause either (a) increased traffic on inappropriate rural roads; and/or (b) pressure to expand highway capacity with resulting urbanisation of the rural area and /or serious degradation of the environment and increased danger for road users and pedestrians and cyclists. In general infrastructure needs have been put on the back burner.
27. The impact of these large scale principally housing developments (especially A43 Garlick's Arch, and elsewhere on the roads around Ripley) are likely to lead to unacceptable levels of traffic that cannot be mitigated due to the nature of the country lanes around Ripley and the listed buildings within the conservation area of Ripley. They are also likely to add significantly to traffic on the already congested A3. Capacity problems with the A3 north of Guildford to M25 already at capacity in both directions in the peak hour means that the problem will be exacerbated by the substantial new housing proposed for the rural area north of Guildford.
28. RHS Wisley is currently undergoing massive construction to increase visitor numbers to 1.4m per annum (currently 800,000 p/a). The new access road to RHS Wisley, as part of the J10 reconstruction, is expected to engender 20% of RHS traffic to come through Ripley High Street.
29. Site A35 Wisley Airfield is also expected to be accessed from the same Ockham roundabout access to the A3, abutting the new J10.
30. Finally, it is widely reported that the owners of A35 are funding the slip roads at Burnt Common A43a in order to mitigate the traffic in the J10 area

Infrastructure

1. Infrastructure problems are not limited to highways. New homes need schools, health, and other services which are not available in the local area. If these facilities are provided in the rural area, the intensification of activity will contribute to urbanisation of the rural area.

2. The full consequences of this approach are likely to include:
 - Erosion of the Green Belt, harm to the landscape and historic character of some of the most attractive historic villages
 - Large numbers of houses in places poorly serviced by public transport and local services, employment and retail facilities; resulting in
 - Substantial increases in car borne commuting; resulting in
 - Increased pressure on the existing unsuitable highway network, particularly the smaller unsuitable rural roads which will serve new or expanded settlements in the countryside north of Guildford, including Ripley, Send and Clandon, Ockham and East/West Horsleys
 - Inappropriate highway works to increase junction capacities or to provide improved visibility splays; resulting in
 - Loss of rural character and
 - The creation of larger isolated communities with few services and harm to community cohesion.
3. RPC is very well aware of (and supports) the need to provide new affordable housing to serve existing and growing rural communities; however, this should not be a disproportionate number in relation to the existing community. Ripley Parish consists of around 880 properties and Garlick's Arch (400 homes) would represent an instant increase of 50% in one location. Affordable housing should be spread throughout the parish over a period of time.
4. The creation of isolated new or extended settlements of principally market housing as the basis for generating supply of affordable housing is misconceived and it is noted that, in any case, it does not remotely amount to sufficient affordable housing to meet local need. Guildford Borough has some of the highest costs of housing in the country, so that 80% of market value still remains unaffordable to many workers in the area. There is nothing to show that the level of new housing proposed will significantly impact on the shortage of affordable housing or improve affordability for housing generally.
5. Affordable housing in rural areas should be provided in or close to the settlements that it is going to serve, rather than as ad hoc adjuncts to larger new market housing developments. Such new development has historically been absorbed largely in or on the edge of rural settlements. Extensive and substantial new market housing areas in unsustainable locations causes

irreversible harm to rural character, congestion and danger on rural road network and damage to social cohesion.

6. RPC considers that new housing, both market and affordable should be achieved close to and within major urban areas, principally in Guildford itself where high density housing can be provided on previously developed land close to services, shops and employment. Such an approach would be consistent with the principles of sustainable development in the NPPF. The current distribution strategy proposals are directly contrary to the principles of sustainable development in the NPPF. We believe around 80% of proposed development is allocated to the eastern parishes in the Borough. (A25, A35, A37, A38, A39, A40, A42, A43)

Conclusions

7. Accordingly, RPC objects to the scale and distribution of housing proposed in Table 1 of the Plan “Proposed Delivery between 2018 and 2033”. The proposed delivery plan does not constitute sustainable development, would result in loss of rural character, harm to heritage assets, urbanisation, increased traffic and intensification of use and social isolation and harm to community cohesion.
8. RPC considers that the proposed Planned Delivery is so misconceived and so fundamental to the Plan that it is hard to see how it could be modified without large tracts of the Plan being re-written. Without substantial modification and rewriting, the Plan is not sound within the meaning of section 20 and paragraph 181 of the NPPF. RPC recommends that the Plan should be withdrawn or at least substantially modified by reducing significantly and re-distributing new housing currently proposed for the rural area in Table 1 Planned Delivery and by making consequent main modifications to the Plan.

Green Belt and Countryside Protection

Insetting of Green Belt

9. The approach adopted by the GBC in the Local plan is to exclude land in and surrounding rural settlements from the protection of Green Belt designation by “insetting” of land some of which continues to serve the Green Belt purposes and contributes to the openness of the Green Belt.

10. The approach appears to have taken place as a significant general shift in policy, rather than on the basis of an assessment, in each case, of the extent to which the land in question still serves GB functions.
11. The “exceptional circumstances” required to justify amendment of GB boundaries are not identified.
12. The exclusion of these areas is not in accordance with the guidance in the NPPF.
Unless this policy is modified the Plan cannot be “sound” and the criteria in Section 20 of the 2004 Act are not met.
13. RPC objects to the proposed insetting of rural villages so as to exclude them from the Green Belt protection.
14. There are no exceptional circumstances which justify such an approach and it does not follow or accord with the guidance in the NPPF set out above.
15. RPC remain particularly concerned at the following insetting:
 - (1) the insetting of Ripley Village;
 - (2) the insetting of Send Marsh/ Burnt Common.
16. There is no change of circumstances or exceptional circumstances which justify the insetting.
17. While RPC objects to the general approach to insetting in principle, it also objects to alignment of the boundary of the insetting, which has been drawn too widely and without proper or any regard to the character of the land to be excluded from the Green Belt or the extent to which it continues to fulfil Green Belt purposes.
18. RPC takes the view that the insetting of Ripley Village has been far too widely drawn.
19. The NPPF para 86 states:

“If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.”
20. Whilst acknowledging that much of the Village of Ripley is in a widely drawn conservation area RPC consider that the open character of the village does make an important contribution to the openness of the Green Belt which justifies retention of its existing Green Belt status.

21. Accordingly, RPC objects to the inseting of Ripley from the Green Belt, both in principle and in detail. The Plan is not “sound” in this respect and RPC recommends that the Plan should be modified to retain the village entirely in the Green Belt. If this objection is rejected, and the village is to be inset, the boundary should be drawn more tightly into the existing village-built envelope

Send Marsh and Burnt Common.

22. RPC objects to the inseting of Send and Burnt Common in general, but particularly objects to the extension of the settlement to exclude the Garlick’s Arch site from the Green Belt and to allocate the land for built development. In the case of Site A43 and Site A43a, Send Marsh/Burnt Common, the inseting of the Garlick’s Arch allocation appears to have no justification.
23. The site continues to serve a number of the Green Belt purposes and is an important green buffer to the A3 and of ecological and landscape importance.
24. There is nothing stated in the reasoned justification in the Plan to indicate that any exceptional circumstances exist to justify the allocation and the inseting of the Green Belt boundary.
25. It does not appear to have been identified by the process of criteria-based assessment of site through which other sites were identified for allocation and there is no explanation for the substitution of the original A43 allocation “land around Burnt Common Warehouse” which was much more appropriate, given its largely previously developed character.

Loss of Rural Economy

26. RPC considers that Oldlands Field Yard which forms part of the Garlick’s Arch site (A43) is an excellent example of successful rural economy sites, which houses many very well established and successful businesses housed at these two locations which will be lost.
27. RPC is concerned at the absence of policy protection in the Plan for existing well established local light industry and employment uses to higher value residential development. This is particularly significant in rural areas, where the relationship between small scale industry operated by local people is a long-term process which, once lost may take very long periods to recover. Many such industries and employment uses are often forced to re-locate to the urban area where they may not be viable. The local connection, once lost is often irreplaceable.

Individual Allocations: Issue 11

28. RPC **objects** to several of the development allocations in the PSLP and they are considered individually below.

Policy A43 “Garlick’s Arch”

29. Within the Green Belt, allocated for approximately 400 homes (C3), including some self-build and custom house building plots, and 6 Travelling Showpeople plots (sui generis). The site comprises open rural countryside of both landscape and ecological importance providing a green buffer between the heavily trafficked A3 and the settlement of Burnt Common.
30. It is in an unsustainable location, poorly served by public transport, with little or no access to services and community facilities and with a noise environment dominated by traffic noise from the A3. No exceptional circumstances have been identified to justify this Green Belt allocation.
31. There has been no assessment of ecological impacts either in terms of species or habitats. The site is well known for the presence of wildlife including protected species, raptors, bats and larger wild mammals.
32. The site fully satisfies retention within the Green Belt and serves a number of Green Belt functions and makes an important contribution to local openness.
33. The site is fundamentally unsuitable for housing development. It would be a poor residential environment. The compromised nature of the site, by constraints such as the presence of high volumes of traffic in close proximity and the large high voltage pylons.
34. Areas of ancient woodland on and adjoining the site mean that development would either result in substantial harm to both species and habitat.
35. The use of this site would not make best use of land. Is there a masterplan to show how the scale of development envisaged would be accommodated?
36. Previous development, with much more limited housing development has been refused because of the adverse effect on the Green Belt and the rural character of the site.

Non-sustainable location

37. The site does not represent sustainable development for several reasons.
38. Firstly, the environmental impacts (see above) are unacceptable.
39. Secondly the site does not provide a sustainable location. Poor access to public transport would mean high dependency on the private motor car for residents’ access to schools, shops, medical facilities, doctors’ surgeries, and

all the requirements of day to day living. The size of the site at 400 units would not be capable of sustaining facilities on-site and there are no cycle routes or segregated cycling or walking areas. No sustainable transport assessment has informed the allocation.

40. The proposed use of the site would also be likely to generate additional traffic and use by car for those employed at the site. Is there any evidence of demand for 7000 sqm of new B class uses on this site or is the proposal just speculative?
41. Has any separate environmental impact assessment has been carried out in respect of the development of the site?
42. Have the impacts on ecology of the development of the site been assessed?
43. Significant parts of the site are Ancient Woodland and protected by Tree Preservation Orders. Has the impact on these features been assessed?
44. Note: The site is within 400m of the Thames Basin Heath SPA

Flood risk

45. Large parts of the central part of the site are high risk (Zones 2&3) and flood annually. No proper flood risk assessment was made prior to its allocation. Neither the extent, frequency and potential for mitigation or its effect on the developable area have not been considered.

Loss of agricultural land

46. The land is assessed as Grade 2 agricultural land. The agricultural use of the land will be lost if the site is developed for 400 units and 7000sq m of industrial. Loss of the best or most versatile land to development should be avoided.

Deliverability

47. Deliverability is essential to soundness. RPC reserves the right to challenge the claimed deliverability of the site. The site allocation A43a is dependent on funding from FWA development, which will not be forthcoming if site A35 is refused. During FWA Inquiry (Sep 2017), Highways England expressed doubts over the viability, financially and logistically, of A43a.; in particular the viability of development on this site, given the range of significant constraints.

Conclusions

48. The allocation of Garlick's Arch is fundamentally unacceptable in a number of respects and would not constitute sustainable development, contrary to the NPPF. T

49. This aspect of the SPLP is plainly not sound. RPC objects to this allocation and recommends a modification to the Plan in that the allocation should be deleted in its entirety.

Policy A43a Land for new north facing slip roads to/from A3 at Send

Marsh/Burnt Common

50. The provision of land for slip roads to the A3 in allocation A43a intrinsically linked to inappropriate large-scale housing development elsewhere in the Send/Ripley area; in particular, the sites at A25 Gosden Hill Farm and Site A35 at former Wisley Airfield currently served by the inadequate rural network and including 400 units proposed on the Garlick's Arch site. The slip roads are (supposedly) to be funded by the Former Wisley Airfield development, but there is no guarantee of planning approval for the site allocation.
51. Are the slip roads in the Highways Programme? Infrastructure should be in place before development commences.

Conclusions

52. RPC objects to this allocation and recommends that the Plan should be modified so that the site should be excluded from the allocations and from development and its current Green Belt status should be retained.

OVERALL CONCLUSIONS

53. RPC considers that Guildford Local Plan does not represent sustainable development, is not sound within the meaning of section 20 and paragraph 182 of NPPF and fails to address the key issues for Guildford in a sound and sustainable way.
54. The Plan will not deliver sustainable development in accordance with the policies of the Framework. Rather it will lead to serious degradation of the rural environment, erosion and piecemeal development of vital Green Belt land, cause harm to heritage assets, the intensification of use and urbanisation and access to new development principally by motor car, leading to congestion or upgrading of rural roads at the expense of rural character.
55. The effect on existing and future residential communities will be diminution in social cohesion, reduced quality of life and substantial harm to the amenity.
56. The overall housing land requirement in Policy S2 and the Proposed Delivery of housing in Table 1 of the Plan, as well as individual allocations in the Plan considered above, are not founded on a robust and credible evidence base.

57. RPC objects to the above proposals in the PSLP in principle and on the basis of the above comments and recommendations and asks that the Plan should be modified accordingly or withdrawn.

RIPLEY PARISH COUNCIL

10 May 2018

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