

Report to the Parliamentary Select Committee on the NPPF.

Guildford Greenbelt Group

6 May 2014

We are writing on behalf of Guildford Greenbelt Group, an umbrella group formed of parish councils, community organisations, residents' associations and campaigning groups, together with a number of individual members, across and adjacent to the borough of Guildford.

We have formed in response to the Guildford Local Plan process, which we feel is not meeting the principles of the Localism Act and which is not meeting its duty to consult with and listen to communities and the view of public representatives.

A number of problems have arisen with the process to date, and these are addressed roughly in the order to which they came to our attention, rather than in order of importance.

The Local Plan in Guildford is in its early stages. We have had some elements of the evidence base, and have seen a draft Issues and Options consultation, and we know that these materials will inform the Local Plan. However, the Plan itself has not yet been issued, even in draft, at the time of writing, and so this note is subject to revision and emendation as the Local Plan process proceeds.

1. Failure to pre-consult on the remit of the SHMA

The Strategic Housing Market Assessment was prepared in draft form and issued in January 2014. It was not prepared prior to the preparation of the Issues and Options consultation, which was therefore uninformed in relation to potential house numbers. It was not subject to a formal consultation process with community groups, as it should have been, and this matter was formally raised with councillors by means of a letter, and was never addressed. The letter is attached as an appendix, noting the failure to pre-consult with the community.

This January draft was the subject of a petition – see details:

<http://petitions.guildford.gov.uk/SHMAevidence/>

The subsequent general meeting can be viewed on a webcast.

2. Failure to address responses to the Issues and Options consultation, with responses unchanged

The Council received approximately 20500 responses to the issues and options consultation. Even the council has accepted that approximately half the responses asked for greater protection for the Green Belt; our own analysis indicates a much higher proportion wishing for greater Green Belt protection. However, the responses (prior to issue of the actual draft Local Plan) indicate that the responses are being ignored and that the pre-determined pro-development agenda is being followed without regard to the actual views of the

residents and stake holders within the community.

3. Poor consultation with the community in relation to the evidence base, despite a council motion approving full public consultation, with the inadequate Forum and then the Scrutiny Committee

In addition to the petition aforementioned, and the other responses to the Issues and Options consultation, the community has raised a number of petitions. These can be seen on the GBC website and viewed on webcasts – see <http://petitions.guildford.gov.uk/list/closed> for links.

Petitions have been necessary to gain the attention of the councillors, some of whom have indicated that they have been instructed by the council officers that they cannot discuss these matters. At one of these petition debates, the Councillors voted to involve the community fully in the scrutiny of the evidence base.

This involvement was then reduced to a public forum at which attendance was restricted and where the ability to make constructive comments was very limited, with the various consultants employed by the council defending the work that they had produced, rather than listening to the public scrutiny of this work. This included a repeated defence by the development consultants, Pegasus, who had conducted the Green Belt and Countryside Study, of the proposal that insetting of villages was acceptable if there were a tree belt some fields away, since a tree belt would give visual screening. Since Guildford is in the Surrey Hills AONB, and Surrey is the most wooded county in England, there are a number of tree belts. Pegasus confirmed that their remit was to find ways of “rolling back the Green Belt”. Similarly, the councillors in attendance seemed to feel that their responsibility was to defend a pre-determined plan, rather than to invite scrutiny of the errors of the evidence base.

At the subsequent Scrutiny Committee, despite the motion for full public involvement, there was no public involvement. There was the routine right to speak which is true of all council meetings, but no additional involvement of the public. This can be viewed on a webcast.

4. SHMA has been appraised, and many of the independent comments support the community's critique, but despite this the original SHMA text and summary conclusions are being promoted anyway

See note1 above. In addition, during the consultation process on the SHMA, a number of errors of calculation and logical flaws were drawn to the Council's attention.

These included using a demographic period that was inflated (5 years, distorted by exceptionally high student numbers, rather than 10 years, which produces lower demographic projections).

An independent report by Edge Analytics noted that these should be subject to a sensitivity analysis and that they could only give an “amber” approval to the report without such further work, but the work has not yet been done, although

the SHMA has supposedly been revised. The revision includes many of the errors and omissions, and logical flaws, of the original document.

5. Pre consultation with developers, before the "master vision" has been considered, means that there will be pressure to build on green fields before the opportunity for brownfield have been properly assessed.

In response to public pressure, Allies & Morrison have been commissioned to prepare a master vision for urban Guildford. This was subject to consultation with urban groups, but not any of the other users of Guildford, in particular not with the rural residents of the Borough. Since urban development, compared to building on greenfield sites, is critical to the future of those rural voters, this is a major failing. However, despite this failure, the consultants have identified major scope for urban regeneration at a major site in the town centre, currently occupied by low grade commercial units but capable of upgrading to a major residential area which would be sustainable, economically viable and which will represent major urban regeneration for one of the poorer areas within the town.

This master vision is still subject to comment by the Council and has not yet been issued. Notwithstanding this, and despite its extreme relevance for the borough as a whole, the draft Local Plan is due to be issued for councillors' review shortly (possibly today).

In response to public criticism, a brownfield study was commissioned from Scott Brownrigg. However, this was of its nature cursory, since the period from appointment to inclusion of their report within the SHLAA was approximately 2-3 weeks. As expected, they confirmed that brownfield land was inadequate – but since the revised SHLAA showed certain land allocations removed compared to the previous SHLAA, and did not include any of the potential regeneration zone identified in discussions with Allies & Morrison, this would seem sketchy at best, and effectively an exercise in tokenism (like most of the consultation process).

Over the last few years, in the period since 2010, detailed consultations have taken place with potential developers of greenfield sites throughout the borough. Since there is no Local Plan yet in place, and since the brownfield land appraisal was at best cursory (taking ~ two weeks, and confirming that the Council assessment was that it was inadequate was valid) this would seem inappropriate. Those developers have been actively incentivised to contemplate development by the actions of the Council. This is in direct contradiction to the mandate on which that council was elected. It has skewed the decision making process in order to encourage the potential development of greenfield sites rather than brownfield, despite the fact that the brownfield land is available (Previously developed land database showed 97 hectares not including the regeneration zone; 89% of the borough is Green Belt; 39% is AONB).

6 Failure to consider the requirement for a sustainability appraisal

As noted in the recent Solihull case, a sustainability appraisal is a key element of

the process of preparing a Local Plan. None has yet been prepared, and none has been subject to public consultation. This is a failure of the process.

There is a settlement hierarchy, but this is not a proper sustainability exercise and is riddled with errors. Furthermore, to support the contention that this is an exercise to support “rolling back the Green Belt”, villages with no schools have been listed as having 2 (because children are bussed to those schools) or having both a post office and a shop (where the post office and the shop are the same) – but the Guildford urban area is shown as having 1 doctor, 1 dentist, 1 place of worship, 1 petrol filling station and 1 supermarket). Presumably there is a distance cut-off that applies – in which case it should also apply to the rural area. This starts to look very much like intentional distortion and manipulation of data.

7. Land supply statistics have been distorted in order to indicate that there is not a 5 year supply although there is in fact more than 5 year's supply of housing

It is acknowledged that there is existing planning permission in place for 1298 homes.

Some of these (177) have been excluded because the developer now wishes to redevelop on a commercial rather than residential basis. A large number of these are now being assumed to arise in years 6-16 rather than in years 1-5. This is manipulation of data; it is unlikely that most of these developers will wait for this length of time, and it is socially undesirable. It is within the remit of this committee to consider legislation to enforce rapid utilisation of existing planning permissions.

Although the plan is being backdated to 2011, and so the annual housing requirement also being backdated to that date, no account has been taken of housing completions from 2011 to date. EITHER the housing numbers start at 2011 – in which case we include houses built 2011-14 in the total of “planning permissions” because they were permissions in 2011- OR they start in 2014 – in which case the number of houses to be built on that annual requirement is lower (16 years x annual requirement, not 20 years x annual requirement). You can't have it both ways.

In addition to the 1298 existing permissions, there are approximately 3000 existing permissions for student dwellings. Nick Boles has indicated that these should be taken into account but this has not been done.

If student housing and existing permissions, together with vacant homes (996 subject to a freedom of information request), and historic windfalls (see note re the period 2011-14) are taken into account, then there is no shortfall. In fact, the flawed SHMA consultants have noted that there is no shortfall- but the Council's Head of Planning has repeated the comment that there is in order to justify higher housing numbers.

8. Duty to cooperate in practice is unworkable

The council cooperated on the SW Surrey combined SHMA with Woking and Waverley. Woking prepared its local plan and it is now approved, with a housing target of 292.

Waverley revised its SHMA, was subject to an inspectors' review, and has a housing number of 472 subject to inspectors' revision.

Guildford, which has a higher proportion of AONB and Green Belt land than either neighbouring borough, and which is mid way in size compared to the other two boroughs, is contemplating a housing target in the region of 650 based on flawed demographics. This is because of the time lag since Guildford has not yet prepared its local plan.

It is not equitable that Guildford should be forced to take a higher number, on the basis of a higher proportion of some notional local regional target, because Woking managed to get its plan done more quickly.

As noted in the St Albans v. Hunston case (para 31),

There seemed to be some suggestion by Hunston in the course of argument that a local planning authority, which did not produce a local plan as rapidly as it should, would only have itself to blame if the objectively-assessed housing need figures produced a shortfall and led to permission being granted on protected land, such as Green Belt, when that would not have happened if there had been a new-style local plan in existence. That is not a proper approach. **Planning decisions are ones to be arrived at in the public interest, balancing all the relevant factors and are not to be used as some form of sanction on local councils. It is the community which may suffer from a bad decision, not just the local council or its officers.**

The failure of the Council to prepare a Local Plan cannot – or should not- be used as leverage. Our Council may be incompetent, but that should not be a reason to develop Green Belt which is not in the wider public interest.

9. CIL

There has been no consultation on the setting of a draft CIL, as required by the guidelines. Without this consultation, it is impossible to set a CIL. However, the council officers have predetermined that the CIL for brownfield will be lower, and therefore it is economically undesirable (as far as the council is concerned) to build on brownfield rather than greenfield. This is not a decision for them, it is a decision for the community, who are responsible for the council taxes paid to this council

10. Conflict of interest arises with LEPs/commercial interests and this is undemocratic and allows for potential corruption in the political process

Our Local Plan and our Corporate Plan are substantially influenced by the strategic views of our regional LEP (Local Enterprise Partnership). The LEPs are a shadowy group – part replacement for the previous development agencies, or maybe the regional planning authorities (ie like SEEDA or SEERA), holding the purse strings for government infrastructure contributions (but not very much). Our LEP is the Enterprise M3 LEP covering all of Surrey and Hampshire – Basingstoke to Gatwick. There is no democratic accountability at all.

The board of this quango includes council members, representatives of the University of Surrey, and local company representatives. It has enormous influence. We have come to know that Surrey University is very involved in planning - advised on the SHMA, sits on the LEP board and was the author of the Guildford Economic Strategy 2009- and of course is now proposing to develop 3000 homes. And it's clear why Crest Nicholson would want to be involved (a house builder, who has permission to build a large number of houses in Cranleigh - <http://www.crestnicholson.com>) or Wilky Group (property investment - see <http://www.wilky.co.uk>) Crest Nicholson is on the main LEP board and both Crest Nicholson and Wilky Group representatives sit on the Land and Property Committee, together with other developers and builders, and are involved in influencing local and national strategic policy decisions. (See <http://www.enterprisem3.org.uk/uploads/fde2a979807eae56a8386707b1d74264148f7d84.pdf>)

These are commercial companies answerable only to their shareholders, but they are helping to determine national policy without reference to the electorate. The target strategy of the LEP (stated) is to “seek support for housebuilding” and “to influence planning and economic policy at both the strategic level and through the local delivery process”. No self-interest there, then. Minutes in January 2014 propose that “a relaxation on the use of Green Belt land could be included in the Government asks”. See <http://www.enterprisem3.org.uk/uploads/66968558ead226d6fd47e47c685d44649b330811.pdf>

Is this committee prepared to allow commercial companies to distort the planning process of this country, in order to support the narrow commercial interests of shareholders in those commercial companies, irrespective of any wider national interest?