

LAND AT THE FORMER WISLEY AIRFIELD, HATCH LANE, OCKHAM, GU23 6NU

CLOSING SUBMISSIONS ON BEHALF OF
EAST AND WEST HORSLEY PARISH COUNCILS

Introduction

1. These closing submissions should be read alongside the East and West Horsley Parish Councils' ("the Parish Councils") opening submissions and the evidence of Roger Miles and Keith Robinson.
2. As set out in opening, the Parish Councils' case has been focused on the traffic impacts (in particular, with regards to the local road network) (Inspector's main issue 4) and transport sustainability (main issue 5) through KR's evidence and on planning matters, through the evidence of RM, and in particular, he addressed the effect of the proposals on the openness of the Green Belt and on the purposes of including land within the Green Belt (main issue 1); the effect of the proposed development on the character and appearance of the area (main issue 8); and whether or not the Appellant has demonstrated very special circumstances (main issue 12).
3. Whilst no evidence has been produced by the Parish Councils in relation to the other main issues, main issue 3 (Thames Basin Heaths Special Protection Area), main issue 9 (heritage) and main issue 11 (social infrastructure) were considered by RM in the context of the overall sustainability of the development proposals.

4. Three short points are made by way of introduction:
- (i) First, these submissions attempt to grapple only with substance of issues as opposed to procedure or presentational issues. It felt like much of the XX of RM was directed to painting his opinion as an isolated one. Of course, that has no absolutely no bearing on the substantive question of whether or not his view was right or wrong. It is the latter on which these submissions attempt to focus.
 - (ii) Second, we have arrived at the end of the inquiry and there is no acceptable mitigation package. As a consequence, it is the Appellant's own position through its highways expert that on current evidence the scheme has to be refused. In short, the Appellant was and remains unprepared to pursue this appeal. The proper approach would have been to finalise a highways mitigation package acceptable to HE and to resubmit the application. In the event, the Appellant has pursued a speculative appeal and required the Parish Councils (as well as others) to attend the inquiry in the hope that the Appellant can find an acceptable solution during the period in which the appeal is before the Secretary of State.
 - (iii) Thirdly, for the reasons set out by Wisley Action Group in the correspondence immediately prior to the inquiry and submissions at the opening of the inquiry, planning permission cannot be granted unless there is an adequate assessment of the environmental effects of the scheme. In this case, HE still seek further information as set out in the HE SoCG. The list of information required includes: an environmental assessment of the impact of the proposed north facing slips at Burnt Common and an economic assessment of the impact of the proposed north facing slips at Burnt Common. The failure to assess the effects of the project as a whole is a material failure. Without an adequate assessment planning permission cannot be granted. This may be remedied but it remains at large at the end of the inquiry. Further, as CC confirmed, there has been no assessment of the proposed upgrade works to the Ripley STW. These works are either part of the project as a whole (they are secured by a Grampian condition) or, at the very least, a cumulative effect.

The Emerging Local Plan

5. The Government has been very clear that in its view planning and house building work best when it is locally led and where people have control in shaping and deciding on development in the places they live.
6. That is not to say that planning decisions are to be made by plebiscite – far from it – rather it goes to one of the core planning principles laid down in national policy: planning should be genuinely plan led. The clear local opposition that RM records (section 2 of his proof) is highly relevant in this regard.
7. The Emerging Local Plan is well progressed but there is a very high level of unresolved objection, particularly to the allocation of the Wisley Airfield. Further, there are significant questions over its conformity to the NPPF, including the appropriate overall level of housing need which is the only justification presented in the Emerging Local Plan for the scale and extent of Green Belt boundary revisions. Housing need remains to be tested for its soundness through examination. Likewise, the importance to be given to such matters, set against environmental considerations such as loss of Green Belt, also needs to be tested. As such, 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 within the Emerging Local Plan and yet this is the very heart of the Appellant’s case.
8. That is not CC’s position. In EIC he said that the eLP was “*very very significant to the appeal proposal*” and that it should be accorded significant weight. Part of his reasoning for that was that the adopted local plan is old. However, as he had to agree in XX, that is not one of the three criteria national policy lays down as determining the weight to be applied to emerging policy [NPPF, §216]. They are: (1) stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies; and (3) the degree of consistency of the emerging plan with the national policy.
9. As to (1) RM and CC are agreed the plan is at an advanced stage of preparation. As to (2) – which does expressly deal with extent – RM sets out the level of objection to

policy A35 [RM, §2.11: 1,429 separate comments on draft policy A35 with [RM, §2.14] 1,379 opposing]. There is plainly a high degree of outstanding objection. These objections to the proposed settlement at Wisley are plainly significant: they go ultimately to the balance between meeting housing OAN and protecting the environment. Plainly (2) points to less weight to be given to the eLP. CC simply did not grapple with this and focused instead, as set out above, on a factor not identified in national policy. As to (3), the eLP's consistency with national policy will be considered as part of the eLP process. In doing so the EiP Inspector will need to address housing needs and will have to grapple with the Neil McDonald report [CD.1.11 PDF 73]. As CC seemed to acknowledge in XX, his concerns are Guildford specific – to take two examples – (i) his concerns about the market signals uplift derive from GBC affordability ratios and (ii) he has specific concerns in relation to the student population and household formation amongst that group in Guildford specifically. Accordingly, the Waverly LP EiP and any findings to date simple do not grapple with McDonald's point.

10. Given the inextricable links between a strategic housing release such as Wisley Airfield and the questions of the Emerging Local Plan's overall strategy, the housing requirement and the ability to balance that requirement and the environmental constraints within the Borough, a decision in this case will predetermine decisions about the scale, location or phasing of new development that are central to the Emerging Local Plan. Local people do not accept the proposals at Wisley. It is important that they are tested in the local plan process.
11. In reality there is little between CC and RM on prematurity As CC said in EiC "*the reality is that the GB case is a prematurity point by another name.*" CC agreed in XX that having regard to national policy, all criteria were met for a refusal on prematurity – it would be substantial; it is of the scale to determine the location of growth and in this area strike the balance between provision of housing and the protection of the environment in a certain way; and the plan is at the requisite stage of preparation.
12. The division between CC and RM was simply that CC did not see the proposals as undermining the plan process. In coming to that conclusion he leaned on the Perrybrook DL [CD.10.2]. Reliance on that decision is not sound. The circumstances

were materially different. The site had a long history of consideration for housing which history led to all parties including three local planning authorities to support the development at a call in inquiry [DL, §19]. The relevant emerging plan had been submitted for examination and there had been preliminary findings. Those preliminary findings included that there were exceptional circumstances for the release of the appeal site from the GB and that its allocation was sound. The same does not apply here and a statement that the Appellant's intention was to support the eLP does not change the criteria by which prematurity is to be assessed.

Green Belt

13. All parties are agreed that what is proposed is inappropriate development in the Green Belt. The Appellant is required, therefore, to demonstrate very special circumstances. Determining whether there are very special circumstances is not a simple balancing exercise as CC appeared to suggest in his written evidence and, surprisingly, continued to suggest in XX. He is simply wrong. The VSC balance is the Appellant's case. That the Appellant's planning witness has not properly understood the task, undermines the Appellant's entire case at appeal.
14. The correct analysis is as follows: GB policy presumes against inappropriate development. Very special circumstances – the mechanism through which the presumption against inappropriate development may be overcome – will not exist unless the harm to the GB by reason of inappropriateness, and any other harm, is *clearly* outweighed by other considerations. It is a high hurdle. Contrary to CC's understanding, policy deliberately tilts the balance against permitting development. That is why the tilted balance under paragraph 14 is dis-applied where GB policy is engaged.

Harm to the GB

15. In carrying out that balancing exercise the NPPF, §88 clearly states that substantial weight should be given to any GB harm. Again CC's approach is flawed. He does not do this. Whilst he may repeat what policy requires (as he was asked to confirm in Re-X), his conclusion is plain on the page: he concludes [CC, p.10, §26] that the harm to the

GB is moderate to significant. Such an approach fails to properly apply the NPPF. This further undermines CC's balancing exercise.

16. As RM sets out, the Parish Councils' case is that the Proposed Development will cause harm to the GB, first, as a consequence of inappropriateness (policy harm).
17. Secondly, it will harm the openness of the Green Belt with dense development spreading over an area of about 60 hectares with its impact being felt over a much wider area as a consequence of the curtailment and closure of existing views and their replacement with a highly urban vista. In XX CC accepted the findings of the IVC Inspector in relation to the Appellant's claim in that case that the concrete hard-standing on site compromises the openness of the Green Belt significantly. The Inspector said: *"It does not. It may have a stark appearance, but the land could not be more open; apart from some weeds growing through the joints in the concrete, the land is bare."* As a result CC accepted – as plainly he had to – that the impact on openness is significant.
18. Of course openness is one of the essential characteristics of the GB. In this context the Appellant has referred to the fact that the site is well visually contained. First, this is not accepted. There are views to the site from the AONB from as far as 7.5kms away. That is not visual containment. Secondly, this is a large site that perforated by existing rights of way. Even were the site to be visually contained, the loss of openness would be experience by users of the PROWS over the entire site area. In any event, CC accepts the impact on openness – even on the Appellant's conclusion that the site is well contained visually – is significant.
19. Thirdly, it will cause harm to the purposes of the Green Belt, undermining the safeguarding of the countryside from encroachment, adding to the unrestricted sprawl of large built-up areas, contributing to the merger and coalescence of neighbouring settlements and undermining urban regeneration. RM's case is, therefore, that there is harm to 4 of the 5 purposes.
20. This is another area where CC's balancing exercise is flawed. First, he concludes that the fact that there is harm to only one of the GB purposes (the third (encroachment))

reduces the weight to be applied to the harm to the GB. In doing so, he is using a finding of harm to the GB purposes to reduce the overall level of harm he applies to the GB. Such an approach is plainly flawed.

21. Secondly, he approaches his VSC balance on the basis that he has found only one of the purposes of the GB to be harmed. But, bizarrely, that does not reflect his substantive evidence. He confirmed in XX that he accepts the appeal site contributes to the fifth purpose (assisting in urban regeneration). As a result it is CC's evidence that the appeal site meets 2 of the 5 purposes, not 1. And yet that is not how he conducted the balancing exercise.
22. Thirdly, he (and others) were wrong to discount the first and second GB purposes (sprawl and merging). As CC agreed in XX, the preservation of the GB is of national importance. The GB has a strategic role. It is a core planning principle {NPPF, §17, 5th bullet] to protect the GB around our main urban areas and the fundamental aim of the GB is to prevent urban sprawl by keeping land permanently open [NPPF, §79]. Preventing urban sprawl is therefore the fundamental to the GB's strategic role. The purposes are designed to further the strategic role. He further agreed that all of the first three GB purposes all contribute to the fundamental aim of keeping land permanently open and preventing.
23. As CC accepted in XX all land within the GB contributes to its fundamental purpose. In this area, the GB boundaries were established expressly having regard to the GB's role in restricting the sprawl of London. All of the land in the belt of some 19 to 24kms included in the GB was considered necessary for that purpose. The GBCS, [Vol.1, §5.6] explicitly states that the purpose of the GB in GBC will continue to remain as it has since initial designation [RM, §6.2.26]. CC's suggestion that the GB boundaries are 'outdated' [CC, p/e, §10.5 on] wholly fails to recognise this. Further, it fails to recognise what he agreed in XX (when taken to NPPF, §83) – GB boundaries are intended to be permanent and only changed through a LP process.
24. The Court of Appeal in Turner, as quoted at RM, §6.2.27, that the prevention of sprawl has an important visual quality: a wider relief from urban influence. Plainly, the appeal

proposals would shatter such relief in an area already under pressure in this regard from its proximity to the SRN.

25. CC's conclusions on purposes were based on the GBCS. This is based upon a binary approach to defining whether a parcel meets a specific GB purpose. As CC agreed in XX, no consideration is given in the GBCS to the relative importance of the five GB purposes either borough wide or in relation to specific sites. The GBCS simply gives a 1 or a 0 against each purpose of Green Belt for a specific parcel of land. It does not consider how effective a plot of land might be relative to another within each category. In reality the contribution of any site towards an individual purpose lies on a continuum but in a binary analysis, a line must be drawn such that two sites that sit just to each side of that line (i.e. there is little difference between them as to their contribution to the purpose in question) will be scored 0 and 1. Thus minimal difference on the ground is translated into maximal differential weighting. CC placed a lot of weight on this fairly crude analysis. He agreed in XX that it was an important factor in his conclusions on the weight to be given to GB harm and that, more particularly, it was one of the bases on which he concluded that the harm to GB is moderate to significant [CC, p.10, §26]. He agreed that if the Inspector and Secretary of State were to prefer RM's wider interpretation of the GB purposes and/or share his concerns as to the methodology and outcomes of the GBCS that would inevitably undermine his conclusions on the weight to be given to GB harm. The Parish Council's commend RM's analysis on this issue.

Other harms

26. There are various other harms: adverse impacts on the character and appearance of the area, traffic impacts, impacts on the natural environment, impacts on heritage assets and loss of best and most versatile agricultural land. These are addressed below as topics in their own right.

Character and appearance

27. The Parish Council's case on character and appearance is set out in RM's proof pages 38-53. These submissions adopt and endorse rather than repeat that evidence. The

Parish Council's further adopt and rely upon GBC's case on character and appearance albeit that the Parish Councils' concerns are wider.

28. By way of summary, the Appeal 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 up organically over hundreds of years, often around historic cores, with the pattern of growth reflecting movement routes to and through the villages. As RM puts it, growth has occurred within the landscape and has not been imposed on it. The area retains its rural feel and this is valued by local residents. It is expressly this rural landscape that the Guildford Landscape Character Assessment seeks to preserve.
29. The proposed development would impose itself on this landscape (including in views from the Surrey Hills AONB) without regard to the existing settlement part and the character of the area. Indeed it is the Appellant's case that the settlement is of sufficient scale as to be able to create its own character. As KB acknowledged the creation of a new settlement almost by definition cannot respect the rural nature of the landscape and village settlements within it. That may well be true but it is not an assessment of the impact of the proposals on the baseline character and appearance of the area.
30. Furthermore, this is a scheme where the design has been driven to an unusual degree by landownership and environmental constraints. This approach – albeit that the Appellant has had little choice – is inappropriate to the planning of a new settlement within a rural location. The result is a dense linear form of development accentuated by its location on a ridgeline and by the hard divide proposed between the developed and undeveloped area.
31. The high degree of urbanisation that is proposed has the potential to give rise to a number of urbanising influences that will further exacerbate the change of character. These include an increase in traffic on local roads and within surrounding villages (see below), most of which are designated Conservation areas, a general increase in human activity, ambient noise levels and lighting levels as well as disturbance to

wildlife and greater pressure on local services. The effect will be to diminish the rural character of the locality.

32. The Parish Councils submit, therefore, that the Proposed Development fails to respect both the existing settlement pattern of the area and the nature and form of existing villages. There can be no doubt about this and the Parish Councils do not understand the Appellant to say otherwise.
33. It is highly urban in character and does not take any of its design lead from the pattern of local villages. The proposals represent development on an unprecedented scale in the local area. The design pays no regard to the recommended measures for the built environment for in the Ockham and Clandon Wooded Rolling Clayland LCT (set out at RM, p.44-45, §6.3.34). These measures were drawn up even whilst recognising Wisley Airfield as a potential force for change in the LCT [CD.13.48, p.81-82]).
34. Having regard to those measures, the new settlement: would not conserve the surviving areas of open farmland; would not be sympathetic to the wider pattern of settlement morphology; will lead to the urbanisation of rural roads; and does not respect the area's rural context through form, scale and materials (for example, 5 storey buildings are simply alien to the area).
35. The Appellant's reliance on landscape benefits is wholly misplaced. The suggestion is that the provision of characteristic features that contribute towards the character of the area, including woodlands, orchards, meadows, hedgerows, ponds and ditches leads to landscape benefits. It is a suggestion that is wholly at odds with MD's acceptance in XX that on site there will be a major adverse change. Moreover, it is wholly at odds with any sensible assessment of what is proposed. These features are mitigating the effect of imposing an urban area in the countryside. It is a bizarre form of technical accounting that emboldens the Appellant to be able to suggest that there are benefits to the landscape where the proposal is to change country to town. Short shrift should be given to the suggestion.
36. Policy G1(12) of the Local Plan 2003 requires that development safeguard and enhance the characteristics of the landscape of the locality. Policy G5 further requires

that development respect the scale, height and proportions of the surrounding environment and protect the openness of views. The Proposed Development is plainly contrary to both policies.

AONB

37. The Appeal site is outside but visible from the AONB and from (well used) PROWs within it. MD confirmed in XX what the DAS tells us [CD.2.16, p.70, §4.3.2]: in designing the development, the Appellant recognised that views to and from AONB were important and sought to reflect this in the design. One of the stated aims was to avoid a continuous block of development when seen in elevated views from the south.

38. These design ambitions, laudable as they were, were not realised. The Proposed development runs West – East for some 2.4kms approximately parallel to northern boundary of the AONB. The ridgeline running down the spine of the proposals; the line of 4 storey 5 bed houses along the entire the northern edge of the development; and the fact that *“The highest 3-5 storey buildings and the densest area of the development are proposed along the Ridgeway Avenue [i.e. on the ridgeline]”* [KB, p.50, §4.2.7.1] ensure that the densest, tallest parts of the proposed settlement are in the areas most exposed to the AONB. RM’s annotation of the MD’s Rebuttal Appendix 1, Tab 4 [ID.26] demonstrates that the gaps between each village will not in fact prevent the effect of a continuous line of development from views in the AONB. Moreover, there is no strategic green space, GI, formal open space or strategic planting proposed along much of the southern boundary and as the ES identifies [see MD, p.28], this boundary is weak.

The Appellant’s assessment

39. The following points should be noted about the Appellant’s assessment of the AONB viewpoints. First, re: sensitivity, it is not possible to be in the highest category receptor unless the route is designated [see CD.14.1, App.11.1, Table 5]. This is not the approach advocated by GLVIA3, §6.33 which places footpath users in highest category. This is because the receptor is not the footpath but the user such that the

designation of the route as a national way is not on point when considering the sensitivity of the receptor. The reality is that there is no group of walkers more sensitive than those going to enjoy the AONB. Users of PROWS within an area designated at the national scale for its beauty are plainly highly sensitive. It should be noted, as MD accepted in XX, that the Appellant did not even properly apply its own methodology: the Fox Way National Trail is designated nationally and a very high sensitivity should have been applied but was not [see CD.14.1, App.11.6, RVP 17].

40. Secondly, as MD agreed in XX, if the magnitude of change is negligible then it does not matter what the sensitivity is under the Appellant's methodology, i.e. a very small effect on the highest sensitivity receptor is the same as on the lowest sensitivity receptor. This infects all the assessment of AONB viewpoints [see CD.14.1, App.11.4].
41. Thirdly, negligible means "*No perceived change in view where the development would be scarcely appreciated and on balance, would have little effect on the scene*" [CD.14.1, App.11.1, Table 5 Visual Magnitude Criteria]. A glance at PM 3 (RVP 15) (Pubic Byway 540) [CD.14.1, App.11.11] or PM 5 (RVP 17) (Fox Way National Trail) [CD.14.1, App.11.11] reveals that description is far from apt. The appeal site forms a reasonable extent in the mid ground of each of these views. The proposed development is broadside (which side is 2.4kms long) to the view. The view is distinctly rural. It is plainly performing its planning role as literally as a green belt around London. The introduction of large-scale urban area into this area will have a material effect – certainly one that can be perceived. The Inspector will come to his own views but a better judgement would be moderate ("Moderate changes in views where the development may form a visible and recognizable new element within the scene and may be readily noticed by the observer and would be experienced on an occasional basis") [CD.14.1, App.11.1, Table 5 Visual Magnitude Criteria]. Combine moderate with high sensitivity and the resulting significance is major [CD.14.1, App.11.1, Table 6 Significance Matrix] (and if the magnitude was judged minor, the resultant significance would be moderate).
42. Any debate about the Parish Council photographs from the AONB and there compliance with professional guideline is besides the point. RM explained clearly the purpose for which they were submitted and acknowledged their limitations. He

confirmed that the views he expressed in his evidence were based on his observations on site and the materials produced by the Appellant. The submissions above are based entirely on the Appellant's own materials.

43. Finally, the conclusions of the IVC Inspector have little bearing on the assessment of this scheme on impacts from the AONB. That proposal was 160m long. Even assuming that was broadside to the AONB the subtended angle of view would be orders of magnitude smaller than that of the 2.4kms wide appeal scheme (which would be 22.6 degrees of arc). The difference in scale renders the IVC conclusions next to irrelevant.

Conclusions on AONB

44. On a fair analysis the impact on views from the AONB is not imperceptible – which is the claim the Appellant is making by categorising the impact as negligible. Rather the impact is material and at the very least of moderate significance.
45. As MD agreed where a development affects the AONB from outside section 85 of CROW 200 applies. Further, NPPF, §115 is engaged (*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”*). Paragraph 115 is not limited to development in the AONB. The courts have accepted that paragraph 115 can cover views out from the AONB (though not from outside of the AONB back) (see **Stroud DC v SSCLG and Gladman** [2015] EWHC 488 (Admin) Ouseley J at [26] [CD.11.18]).
46. Views out of the site to the AONB (whilst not engaging NPPF, §115) are nonetheless a material consideration (agreed by MD in XX) and the Appellant accepts that there will be major adverse affects on the users of the footpaths on the appeal site itself and one of the attractions of some sections of these is the views of the AONB.

Transport

47. Transport sustainability is central to the Appellant's claim that what is proposed is a sustainable settlement. It is a new town in the countryside. Without permanent and

viable connections it cannot be sustainable. The inherent weakness in the sustainable credentials of this site is betrayed by the Appellant's limited ambitions for the scheme.

48. What is proposed is an urban area and yet what the Appellant strives for is a development where car use is at 60%. The inherent weakness of the site is such that CC felt the need to embellish its credentials persistently referring to 9 railway stations within 5 miles. However, those miles are as the crow flies and more importantly perhaps the Appellant itself recognises that it is only two of those stations which are "well related" to the appeal site [CC, §3.48].

Sustainability

Buses

49. The provision of a permanent viable suite of bus services is an integral part of the claim that the site can be made sustainable. CC states explicitly that the provision of bus services (including services to the railway stations) is key to the sustainability of the proposed settlement [CC, §3.21, 1st and 7th bullets]. He relies upon them as part of his VSC case [CC, §20.43 on].
50. The obligation in the section 106 agreement is for the owner not to occupy more than 75 dwellings until the Bus Services have commenced [ID.95, Sch. 3, §5.1]. The Bus Services are defined in the section 106 agreement as Mon – Sat 06:00 to 23:00 Guildford (2 times per hour); Effingham Junction and/ or Horsley Station (5 times per hour); and Cobham (2 times per hour) [ID.95, Clause 1.1]. The Appellant/ developer will be under a continuing obligation to provide or procure the Bus Services until the Bus Services Takeover Date. This is the point at which the Appellant/ developer gives notice that the WACT Endowment Scheme is sufficiently endowed to enable WACT to provide the Bus Services in substitution for the owner [ID.95, Clause 1.1]. At that point the Appellant/ developer is released from any obligation in relation to the buses. It is assumed the WACT will run them in perpetuity.
51. However, an assumption is all it is. First, the WACT will be provided with assets judged to be sufficient to yield about £280,000 per annum (in fact it will be provided with one

pot of assets sufficient to generate £465,000 which is to cover the maintenance of the SANG as well as the provision of Bus Services. It does not appear from the WACT documentation that it is proposed to ring fence money for either the Bus Services or the SANG). Those monies will be contingent on assets performing as expected. It is understood that the proposal is to transfer a number of properties to WACT. Of course, rent can go down as well as up. It is simply not guaranteed that there will be sufficient funds to provide the Bus Services in perpetuity. Neither is it clear what will take priority if the assets under perform – Bus Services or the SANG?

52. The Appellant's hope is that the £280,000 will be used not for resilience funding but for an enhancement of the services (albeit it in the latest version of the WACT business plan the enhanced services column of the table of Bus Services on p.15 has been dropped). If funding is not enough to support enhanced service the service will be reduced to SCC Base Service (the Bus Services as defined in the section 106 agreement). There is no provision for an increase of funding where funding does not achieve SCC Base Service Level. Such that whilst the Appellant/ developer would be under an on going duty to provide the Bus Services before the Bus Services Takeover Date that simply does not apply after that date and the Bus Services are not protected from falling below the defined service level. This is why it is and can only be the *objective* rather than obligation of the WACT to provide SCC Base Level Service in perpetuity. If funding insufficient – no mechanism to correct it. Whilst Council has step in rights (see Draft Implementation Agreement, §§12.15-12.18), none of the sanctions (notice; remedial action plan; removal of directors) will have effect of providing further funds. Accordingly, the Inspector and the Secretary of State needs to have a high degree of confidence that the funding offered is sufficient to support the SCC Base Service Level.
53. That is difficult where there is no real understanding of the assets offered but the Parish Councils' recognise that some protection is afforded by a proposed audit of the WACT Endowment Scheme. The real concern lies with the viability calculations. Of course, patronage is key to these calculations and it is worth noting in this regard that whilst the Appellant has mentioned frequently "connecting other villages" none of the proposed routes really do so. The Guildford Service runs through Ripley but not the main part of Send and then onto the A3. This is a route already served. The Cobham

service only really serves Cobham and nothing in between. Again this is a service that already links Effingham to Cobham. The station loop links villages where connections already exist. Moreover, the attraction of this loop must be questioned. If you were to live at the eastern end of Wisley (closest to Effingham Junction) rather than head to the train station directly you would be taken west down the whole length of the development (6 bus stops) and then to Horsley before arriving at your destination. All this whilst it would be cheaper to park at the station on a monthly parking ticket (or materially cheaper after 10:30). Why would you choose the more expensive, longer and less convenient way of beginning your commute?

54. As CM agreed in XX, he assumed a highly optimistic – indeed an impossible – housing trajectory but even if it is right that the numbers just move down the page there are further problems with his calculation:

(i) CM assumes an additional 2% patronage from Send and Ripley. His calculations are based on half the population of Send Parish. Send Parish is a relatively large dispersed area. The great majority of the Parish and indeed the greater part of the densely populated areas within it are too far from the bus stops on the Portsmouth Road to make the buses a likely option for those residents. CM accepted that this part of the calculation was simply a broad estimate and did not involve an analysis of the number of properties within 400m of the bus stops. Furthermore, buses already go through Ripley to Guildford & Cobham. RPC's evidence was that both are heavily subsidised by SCC (as follows: Stagecoach 715: Kingston-Wisley Gardens (A3)-Ripley-Guildford: £219,000 per annum; and Arriva 462/463: Guildford-Ripley-Send-Woking: £190,000). It is inherently unlikely that the extra provision will triple the existing mode share (which is 1% in the Lovelace Ward) [CD.2.21, p.64, §7.2.14].

(ii) Education: CM accepted in XX that he was overestimating school revenue by a sixth given that CC's evidence is that there will be a spare capacity on site of 254 pupils and not 300 as he had used [CC, p.204/205, §20.78]

(iii) Mode share split: CM tells us that the modal split in urban Guildford is 4.7% [CM, §9.17, final bullet]. The existing mode share in Lacelace Ward is 1% [CD.2.21, p.64, §7.2.14]. More generally around appeal site it is around the 1% level (see top right corner of graphic on CM, p.84). There is no basis to assume urban Guildford rates in the proposed development. One is a relatively small settlement where bus users will be catching the bus from one settlement to another. The Guildford rates are for intra rather than inter urban travel. This level of patronage is unrealistic and further assumes that the services will be attractive where there must be real doubt about that for train commuters (which account for 4.8% of the 5.9% [CM, §9.10 – 2nd Table]).

(iv) Employment: again this metric (7%) is optimistic. The (non-office) employment zone is adjacent to SRN and as CM confirmed parking will be provided.

55. If these assumptions prove too optimistic – as the Parish Councils submit they are – the result will be to reduce any enhanced service in the first place and then, more realistically, to reduce the base service level. After the Bus Services Takeover Date there will be no way back.

Proposed bus turnaround facility at East Horsley Station Parade

56. The Parish Councils do not support this proposal. It is not necessary on the basis of the Bus Services currently envisaged. Station Parade would be part of a loop, there would be no need for any bus to turn round. Nor would there be a need for a waiting facility. Moreover, the facilities for the bus would have consequences in terms of number of parking spaces (loss of 2 (option 1) and 7 (option 2) [see CM, App.AA]). Buses would potentially obstruct cars and are proposed to sit across the pedestrian crossing. Whilst the Appellant said it had the support of local traders, as CM confirmed, it has not asked the public what it thinks.

Cycling

57. There are two proposals made in relation to cycling. First, the provision of the route to Byfleet [ID.95, Sch.3, §4.7] and, secondly, a contribution of £2m [ID.95, Sch.3, §4.8]. There is no requirement for that money to be spent on any specific cycle facilities.

Indeed, the money could be spent on footpaths and not cycling facilities. Furthermore, there is no geographic limit save Guildford Borough such that the money does not need to be spent in the environs of the appeal site. It is not possible therefore to claim at this stage that money as somehow augmenting the sustainability of the appeal site. The reality is that – Byfleet aside – there are no cycling proposals to support this scheme. It is a major omission. It is extraordinary at first blush as to why no link is proposed to Effingham Junction which the Appellant relies on as a major plank of its sustainability case. Then on analysis (KR's s.7) it becomes obvious why – there is not enough room to do it. CM accepted in XX KR's analysis in s.7 of his proof as to the width of Old Lane, the speeds along it, the application of the guidance on cycling infrastructure.

58. As a result, the Appellant is left saying in effect – it is ok because some cyclists will be bold enough to use the route. The route to Cobham is another that CM accepts is not a route for all cyclists. What happened to safe and suitable accessibility for all [NPPF, §32].

The Byfleet route

59. Paragraph 4.7 of Sch.3 to the 106 is flawed if it is intended to provide the route to Byfleet. It promises the Highway Works in the Wisley Airfield Cycleway Route Provision. However, that document does not contain any Highway Works as defined in the section 106 Agreement. As a consequence all that is actually promised is the works in the drawing number 0934-SK-055 Rev A which are works to a single junction along the route to Byfleet. In short it is not a route at all.
60. Even assuming the route is provided, its' attractiveness is questionable. As CM agreed, shoppers wont use it, nor will commuters who will prefer Effingham Junction/ Horsley Station and there is no recreational draw at the end of the route. CM's simple speed distance calculation underestimates the time it will take and ignores the fact that cyclists will have to dismount and walk at least twice on this route.
61. Moreover, the route requires an arduous (with bike) crossing of the A3 and an unpleasant crossing underneath the M25. Some parts of the route are unmade and cross areas prone to flooding. Further, there is legal doubt about whether or not the

whole route can be provided – an inquiry into the status of the right of way on Muddy Lane is due to be held and moreover

The Ripley Route

62. The route to Ripley is also flawed. As KR explained, the current provision is below standard but the real problem is that the provision disappears at the bridge where there happens to be a blind bend. Again, there are no specific proposals to address this problem. Further, the complexity of crossing the Ockham Junction must also act as a deterrent.

Conclusion

63. There is no real cycling provision offered. In reality this is a reflection of the difficulties of providing cycling facilities on the existing narrow roads. It is interesting to note that the modal split for cycling in neighbouring ward is 6%. That the Appellant's ambitions for their development is a mode share for cycling of 3% speaks eloquently of the suitability of the location for cyclists [See CM, App.I, p.55 and TAA, CD.3.14, p.9].

Trains

64. It is not necessary to say much by way of closing on train capacity. As KR sets out [KR, §§8.18-8.30] planned capacity improvements will be fully utilised at current growth rates within 12 years without accounting for Wisley. The Appellant's response is that it is a good thing that train capacity is increasing and that the numbers indicate that the Wisley development will only up part of the additional capacity. However, that simply does not address KR's point: the additional capacity will be taken at current growth rates by late 2020s before completion of development.
65. As to station parking: the parties are agreed. There is limited capacity. This will plainly inconvenience not only those living at Wisley but existing residents in the area.

Traffic Modelling

Policy

66. As CM agreed in XX, NPPF, §32 requires a transport assessment for a project of this nature. That means an assessment that is judged to be adequate. Transport modelling is a fundamental part of any assessment. If the model is unreliable, it would follow that the assessment could not be relied on and that would, in itself would amount to a policy failure and, further, there would be no proper basis by which to judge whether or not impacts severe.
67. Whilst SCC as Highways Authority do not object to the scheme, the email from SCC (Mike Green) to WAG during the course of the inquiry demonstrates that SCC has not signed off all aspects of the model.

The model

68. SINTRAM – the basis for the model – was originally conceived for the strategic network, not for local roads. Additional links were added to SINTRAM where required in the vicinity of the site (e.g. Ockham Lane). KR points out that the links descriptions in the model include speed limits. Faster roads are modelled as more attractive. Old Lane speed limit is 40 mph and this is used in the model. As KR points out [KR, §5.17], the 85thile speed on Old Lane is equivalent to 50 mph. The model therefore makes Old Lane less attractive than drivers find it in real life and so must tend to underestimate the flows along this local road.
69. A review of the Local Validation Report tends to support this view. The GEH values on the local roads on the periphery of the appeal site tend to be amber (some red/ some green) (see CD.3.14, TAA, App.E, p.23, §5.4.7 and fig.5.4: Horsley Road (15.4) (red); Forest Road (7.4) (amber); Ockham Lane, Old Lane (6.5) (amber); and Ockham Road N (two lengths) (8.7) (7.4) (amber)).
70. As CM agreed GEH measures +/- variance only and does not consider whether or not the variance shows a consistent pattern: e.g. would not show if the modelled flows were consistently below actual.
71. CM, App.L, p.93, Table 4.3 and p.94, Table 4.5 both show Old Lane failing the GEH test and in both cases the model underestimating actual flows. Similarly, the Ockham

Lane/ Old Lane and Effingham Junction junctions (both close to the appeal site_ perform badly [CM, App.L, p.95-96, Tables 4.6 and 4.7].

72. There are many instances of underestimates as compared observed:
- (i) CM, App.L, p.112: Compares observed v. modelled for Ockham Lane/Old Lane junction and reveals 30% under estimate in A.M. and more than 40% in the P.M. peak.
 - (ii) CM, App.L, p.116: Similarly the Ockham Rd/Forest Rd peaks are about 15% under estimated.
 - (iii) CM, App.L, p.119: At the Effingham Junction staggered cross roads the A.M. and P.M. short falls are 27% and 9%.
73. These together indicate a significant underestimate of flows in the vicinity of the site particularly along Old Lane.
74. Furthermore, as KR explained in evidence, by reference to CM, App.O, Figs. 1 to 4 – A.M. and P.M. Flows in Scenarios A and C3, the model does not appear to take into account flows to and from the Howard of Effingham School nor Horsley railway station and neither does it appear to expect anyone from the development to travel to Effingham Junction railway station by car.
75. This may well be the product of taking a SRN model and using it on local roads but it does not provide a robust basis for the assessment of impacts on those roads. CM often said that the model was coarser at its edges. That may be so but Effingham Junction is not the edge of this development: it is a key part of its claim for sustainability.

Severe impacts

76. KR identified two severe impacts as follows:

Flows along Ockham Lane

77. According to CM, [CM, App. M to Q], peak traffic flows along Ockham Lane will rise from 134 vph to 276 vph (i.e. doubling) in the morning and from 84 vph to 241 vph (i.e. tripling) in the afternoon. As all day traffic is approximately ten times peak hour traffic this infers a rise from 1090 vpd to 2590 vpd. KR concludes that this is clearly a severe impact on a lane which Guilford propose should be a 'green lane' [CM, App. G (GBC Cycle Strategy) p.26] (see also [CM, App. 1 (Travel Plan), p.49, §3.8.9 and Table 3.4] where Ockham Lane is a recommended cycle route). Thus there is a severe impact on its validity as part of a cycleway network. This is all based on CM's estimation of traffic flows. As KR explained, the WSP model is based on peak period rather than peak hour. As KR explained in chief by way of example the Effingham Junction count [CM R, App.KK] shows that the difference between peak period and peak was in the order of 20%. In the vicinity of the appeal site the model appears to under estimate future traffic flows by approximately 20% plus the missing commuter flow (to Effingham Junction)

Cycle Safety in Vicinity of the Site

78. Due to distances to the nearest settlements there will be few pedestrians off-site. Without the development non-leisure cycle trips will be minimal, there being no 'destination' (Cycle trips between Ripley and Cobham are likely to be few, other trips are outside the area, e.g. Ripley to the Horsleys, Byfleet etc.)
79. WSP predicted traffic increases [CM, App.s M, N, O, P & Q] are 150% on Ockham Lane and 20% on Ockham Road North. To this must be added, as set out above, a similar level of under estimate together with the missing commuters to the stations and the school run. Half of all NMU accidents in the vicinity of the site (Forest Road, Old Lane, Ockham Road North, Guilehill Lane and Ockham Lane) occurred on a Sunday [KR App. 8 and §6.7]. KR calculates that introducing similar or higher levels of cycling to every day of the week will result in a four-fold increase in cycle accidents (5 per Sunday times 7 days plus increased traffic levels and less experienced cyclists on the roads).
80. Accordingly, even putting aside Burnt Common Slips and the SRN there will be severe impacts on the LRN which provide a further basis for refusal.

Ecology and heritage assets

81. The Parish Councils have not adduced evidence in these areas but support those that have and note by way of closing that Dr Massey himself accepted less than substantial harm to heritage assets that must be weighed in the balance and, further, the extent of that harm appeared to be greater than CC assessed in his planning balance in his written evidence.

Loss of BMV

82. The Appellant accepts some harm from the 'net' loss of BMV of approximately 19ha. The notion of a net loss is misplaced. As CC accepts some 44ha of BMV will no longer be used for agriculture. The value of the soils of that part of the BMV under the SANG as opposed to the built development is still lost. Its productivity has no prospect of being revived where the legal agreement aims to ensure the SANG is held and managed in perpetuity. CC referred to the ability to use the land in a national crisis in his oral evidence – putting aside how that would be achieved – that is plainly not a sound basis on which to reduce harm attributed to the de facto loss of any agricultural use for that land in perpetuity which is what the Appellant is proposing. This is another example of a clear flaw in CC's balancing exercise.

Very special circumstances

83. The proper approach to the VSC balancing exercise is set out above.

Harms

84. In summary, as identified already in these submissions, the harms are as follows:

- (i) The proposal's inappropriateness (policy harm);
- (ii) Loss of openness;
- (iii) Harm to the purposes of the Green Belt; and

- (iv) Harm to other important assets including: the character of the local area; the form and pattern of settlements; internationally important nature conservation assets; nationally important heritage assets; best and most versatile agricultural land; and important views from the Surrey Hills Area of Outstanding Natural Beauty.

Benefits

- 85. Of course there are benefits to the scheme which the Parish Councils acknowledge. Despite the enumeration of 14 factors [CC, p.191] that the Appellant puts forward as contributing to VSCs – these factors derive in large part from the delivery of housing (and are often generic to the delivery of housing) as well as the accompanying mitigation package. There is no small degree of benefit inflation in the Appellant’s approach to the balancing exercise. This is in two forms – first, the list is riddled with double counting and second CC’s balancing inflates the weight to be accorded to the benefits as compared to the ES assessment which he confirmed in XX remains valid or unchanged.
- 86. As to double counting: supporting the plan, consistency with the evidence base (1), the judgment that there is no alternative to the proposed development (2) and one and the same as housing need (6) and (7). (3) and (4) follow from the delivery of housing. As to the underlying housing benefit, first, as set out above, the extent of the housing need is yet to be tested as part of the local plan process and, secondly, national policy is clear that *“Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.”* (NPPG ID 03-034-20141006).
- 87. (5), (8), (10), (11), (13) and (14) are all necessary mitigation to produce a sustainable settlement (12). The Appellant has not properly considered in its balancing exercise the extent to which these factors are mitigation – although CC acknowledged that they are benefits only to the extent that they go beyond what is required by means of mitigation.

88. As to weight: JMQC sought in XX of RM to suggest that the development had moved on since the assessment in the ES (2015) such that less weight to be applied to the conclusions on benefits as what needs to be assessed is the current package as contained in the latest draft ES. In doing so, he mentioned specifically that the Appellant was now proposing a two-form entry primary school and a four-form entry secondary school, implying (but not stating explicitly) that at the time of the ES it was different. It is clear from the ES that that was the proposition assessed [see CD.14.1, Chpt.4, p.38-40, Tables 4.2–4.5], as confirmed by CC in XX.
89. In the Parish Councils submission there is no proper basis on which the Appellant can now divorce itself from the assessment in the ES.
90. Job creation and delivery of economic growth; increased consumer spending and retail provision; improvements to education, including direct provision of a primary school and secondary school; improvements to health and community provision including sports provision; creation of new publicly accessible green spaces; and improvement to local policing are all assessed in the ES as either minor or negligible (see [CD.14.1, Chpt.13]).
91. Minor impacts are defined as effects that *“may be raised as local issues but are unlikely to be of importance in the decision making process. Nevertheless, they are of relevance in the detailed design of the project”*. Negligible as: *“Effects which are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error”* [CD.14.1, p.22, Table 2.3].
92. It is very difficult to see how such benefits – as assessed by the Appellant – can materially contribute to VSC. The only response by the Appellant to being taken to this assessment was to suggest there was further and more recent information in relation to job creation and the economy. That may be so but as CC confirmed the ES remains relevant and unchanged.
93. And so the Appellant relies on unproven housing need in advance of the Emerging Local Plan process to discharge a test which is a high one and, moreover, where

national planning policy explicitly states that unmet housing need is unlikely to amount to VSCs.

94. It is clear, the Parish Councils say, that the benefits claimed by the Appellant do not clearly outweigh the significant harm that will be caused to the Green Belt and to which very substantial weight should be given such that very special circumstances do not exist and the Proposed Development is contrary to national policy and to Policy RE2 of the Local Plan 2003. These policies are the key policies to the determination of this appeal.
95. The Appellant's conclusions cannot be relied upon: (a) they are contingent: they assume the resolution of the Burnt Common Slips – as matters stand the Inspector cannot report on that basis; (b) the harms are under estimated (downgrading of GB harm against national policy advise); unrealistic assumption of landscape and visual benefits; assumption if no AONB harm; no harm to local traffic; net approach to loss of BMV; under estimate of heritage harm in CC's written evidence; (c) the long list of factors pleaded in the context of VSC amounts to no more than housing need (and the Govt's position is that is unlikely to amount to VSC) and steps necessary to make the development sustainable – a necessity of any development; and (d) the weight applied to the benefits is not that assessed in the ES, it is inflated.

Conclusion

96. For these reasons, the Horsleys Parish Councils respectfully ask the Inspector to recommend and the Secretary of State to dismiss this appeal.

MARK WESTMORELAND SMITH

19 October 2017

**Francis Taylor Building,
Inner Temple,
London, EC4Y 7BY.**