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Inspector G J Fort  
c/o Charlotte Glancy  
Programme Officer  
Banks Solutions

Our ref: 2402

**15 June 2022**

Dear Inspector Fort,

**Response to Matters, Issues and Questions in respect of the Examination in Public of Waverley Borough Council's Local Plan Part 2; Site: Land at Manor Lodge, Lower Moushill, Milford**

This representation has been produced by Bell Cornwell on behalf of **Martin Grant Homes** in response to the Planning Inspector's *Matters, Issues and Questions* (MIQs) (ref: ID-04) in respect of the scheduled examination into Waverley Borough Council's submission of Local Plan Part 2 (LPP2).

A number of written representations have previously been made on behalf of Martin Grant Homes by another planning consultant in respect of the adopted Local Plan Part 1 (LPP1), together with the Preferred Options (Regulation 18), Pre-Submission (Regulation 19) and Pre-submission Addendum (Regulation 19) consultations to the emerging Local Plan Part 2, and which all remain valid. These representations pertain specifically to the site identified in the Land Availability Assessment as **Land at Manor Lodge, Lower Moushill, Milford** (LAA ref. 449) and also considered within the Council's LPP2 evidence under reference DS29.

We wish to take the opportunity to further expand on those earlier comments by responding to the Inspector's relevant MIQs in respect of the following identified Matters, and which are specific to Milford.

- Matter 3: Green Belt
- Matter 6: Housing requirements and general supply matters
- Matter 8: Housing allocations – Milford and Witley



The responses provided are guided by Paragraphs 31 and 35 of the Framework which set out how local plans should be prepared and examined. Of Importance in this regard, is the requirement for policies to be underpinned by relevant and up-to-date evidence (Paragraph 31); and, as part of the examination process, local plans should be assessed whether they have been prepared in accordance with the legal and procedural requirements and whether they are sound (Paragraph 35).

It is posited that the Submission Local Plan Part 2 fails to accord with the criteria of Paragraph 31 insofar as the evidence base upon which the council's emerging policies have been prepared are not up to date. Further, the approach taken by the Council in pursuing allocations for development within Milford run contrary to their own strategic objectives set out in LPP1. In this respect, it is asserted that the Submission Local Plan Part 2 is not **Justified, Effective** or **Consistent with National Policy**.



### **The Site: Land at Manor Lodge, Lower Moushill, Milford**

Details of the site have been provided within the previous representation made by others. However, to place the following comments in context, we wish to provide the Inspector with a brief site summary.

The site at Land at Manor Lodge, outlined in red in Figure 1 below, is fully contiguous with the existing built-up area of Milford. Lower Moushill Lane together with those existing residential dwellings that front this Lane, form the site's southern boundary. The eastern boundary is formed by Old Portsmouth Road and the existing residential property at Four Ways. Old Elstead Road forms the north-eastern site boundary and extends north-west and serves the post-war residential development along Amberley Road, while equestrian paddocks extend immediately to the north-west of the land at Lower Moushill Lane, beyond which is located the A3 London to Portsmouth Road.

The site falls within the designated Green Belt which extends across the Parish. The site is also within the designated Surrey Hills Area of Outstanding natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

The site has been promoted for approximately 30 dwellings and identified in the Council's Land Availability Assessment (LAA) as 'suitable' for development. Further, the site falls within the broad areas indicated for removal from the Green Belt, under LPP1 Policy RE2 and Plan 5.



*Figure 1 Site Location*



### **Matter 3: Green Belt**

**Issue (i) Are the exceptional circumstances necessary to make alterations to Green Belt boundaries fully evidenced and justified, and is LPP2 consistent with the relevant strategic policies for the Borough in this respect?**

**Questions:**

- 1. Are the exceptional circumstances necessary to make alterations to Green Belt boundaries in respect of the sites listed below (and any other alterations set out in the Plan) fully evidenced and justified, and is LPP2 consistent with the relevant strategic policies for the Borough in this respect?**
  - a. DS12: Land at Highcroft, Milford**
  - b. DS13: Land at Wheeler Street Nurseries, Witley**
  - c. DS14: Land at Secretts, Hurst Farm, Milford**
  - d. Other proposed alterations to the boundaries of the Green Belt**
- 2. Do the Green Belt boundary alterations made as a result of Policy DS14: Land at Secretts, constitute “detailed amendments”/ “detailed adjustments” for the purposes of the Framework and Policy RE2 of LPP1?**
- 5. Are the Green Belt boundary alterations which the LPP2 seeks to make clearly expressed in the Plan and are the spatial implications of these adequately captured on related proposed changes to the Policy Map; and would boundaries be defined clearly using physical features that are readily recognisable and likely to be permanent?**

**Response:**

At the Examination in Public (EiP) held in 2017 in respect of LPP1 it was concluded that LPP1 was sound, subject to a number of modifications, including the release of identified areas of Green Belt land which no longer met the tests for Green Belt protection, as identified by an asterisk within LPP1 Policy RE2 and associated Plan 5.

Local Plan Part 1 established the Council’s over-arching strategic objectives and vision for future development in the Borough over the plan period 2013-2032, whilst Local Plan Part 2 should contain development management policies, site allocations and land designations in conformity with the strategy identified in LPP1. The proposed housing sites for Milford and Witley, defined by LPP2 policies, are a significant step-change and departure from LPP1, with specific reference to proposed site allocation DS14, contrary to the expectations envisaged through the Local Plan Part 1.

As noted in earlier representations made by others on behalf of Martin Grant Homes, the Courts have concluded that whilst a Plan is one of law, it is necessary that it be viewed objectively and in their rightful context, such that the creation of development plan policy by a local planning authority is not an end in itself, but a means to the end of coherent and reasonably predictable decision-making, in the public interest (LJ Lindblom paragraph 22 in Gladman Developments Ltd v Canterbury City Council [2019]).



The changes proposed to Green Belt and site allocations, in particular the significant proposed allocation at Land at Secretts (ref: DS14), in our view, far exceeds what any lay person could reasonably predict and additional exceeds what Framework, Paragraph 140 envisages as a ‘detailed amendments’ (emphasis added):

*“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendment to those boundaries may be made through nonstrategic policies, including neighbourhood plans”*

As noted earlier in this section, local plan policies must be viewed objectively and in their proper context, such as having regard to the objectives within the supporting text and plans. In the context of Milford, the supporting text within LPP1 Policy RE2 (paragraphs 13.24 – 13.26) and Plan 5 is clear (emphasis added):

*“The Review recommended the removal of an area of land to the northwest of Milford around Lower Moushill Lane and north of Manor Fields, Amberley Road and the A3. The other area recommended for removal forms part of Milford Golf Course, to the rear of Church Road and Busdens Way and east of Station Lane”.*

*“The Council supports changes to the settlement boundaries and the removal of some land from the Green Belt within these broad areas, as indicated on Plan 5. However, in order to meet anticipated needs within these villages, it is not considered that the whole of **the areas shown broadly** within the Green Belt Review shall be removed from the Green Belt. It is intended, therefore that the precise boundaries for change **in these areas**, along with any other minor adjustments to the settlement boundary, be undertaken in Local Plan Part 2 [...]”.*

As has been presented previously, this supporting text guides members of the public and other interested parties, as to the objectives of the Council’s strategy for delivering new development within the identified land (asterisk land) on Plan 5. This approach was supported by the Planning Inspector at EiP into LPP1.

The Green Belt Review 2014 (which formed the background for the Topic Paper 2016) clearly indicated that there were areas across the Borough which no longer contributed toward the functional reasons for



Green Belt designation, and therefore could be considered for release. This evidence base to the adopted LPP1 is paramount to understanding the Council's strategy, and for which the LPP1 was considered to be sound.

The 2014 Review further states that *"Various parcels offer potential for development without significant harm to the Green Belt. Possible examples include land within Segment C1, C3 and C15 which in all cases are characterised by local enclosure by well-managed hedgerows and strong woodland edges associated with blocks of woodland and means that development could be accommodated with limited visual impact"*.

The Council now seeks to adopt an alternative approach by removing Land at Secretts from Green Belt designation and allocate for development of 177 new dwellings and new local centre, rather than pursuing land identified in LPP1, including Land at Manor Lodge.

Land at Secretts sits within Segment C17 within the 2014 Green Belt review, as playing a **significant contribution** to the overall purposes of the Green Belt; safeguarding from encroachment and helping to contain Godalming; together with checking sprawl and helping to contain development associated with the A3100.

The Council's LPP2 *Green Belt Topic Paper (November 2020)* (ref: LPP2/CD2/07) and *Green Belt Site Appraisals: Milford, Witley and Wormley (August 2020)* (ref: LPP2/CD2/21) do not in our view provide the necessary justification to depart from the objectives of LPP1. Indeed, it is argued that the contribution which has been attributed to site DS14 within document LPP2/CD2/21 is disingenuous, on the one hand noting the site makes a 'significant contribution' to the purpose of preserving the setting and special character of historic towns, yet only attributing a lower and less harmful score. Further, this document, unlike the 2014 Green Belt Review, does not take into account the need to consider the wider continuous Green Belt i.e. that which extends into Guildford Borough, and which is strategically related to Parcel F19 of the *Guildford Green Belt Review*.

The proposed allocation of 177 new dwellings and local centre at Land at Secretts, adjacent to the aforementioned Parcel F19, would not in our view be defined clearly by physical features that are readily recognisable and likely to be permanent, thereby leading to a substantial erosion of the openness of the Green Belt and gap between historic settlements.



Overall, therefore, the approach adopted by the Council in respect of Green Belt policy is considered to be unsound and would fail to adhere to the strategy and objectives clearly set out within LPP1.



## Matter 6: Housing requirements and general supply matters

Issue (ii): Does the LPP2 set out a positively prepared and justified strategy for meeting housing requirements established in LPP1?

### Questions:

- 1. Is LPP2 based on a clear understanding of the land available in the Borough informed through the preparation of a strategic housing land availability assessment?***
- 2. Do the site allocations included in the Plan provide an appropriate strategy for meeting housing requirements set out in LPP1 taking into account reasonable alternatives; and has a robust and justified approach to site selection been carried out based on proportionate evidence?***
- 4. In its response to my preliminary letter the Council set out its views on whether the Plan contained strategic policies and how this relates to site allocations made by LPP2. Other participants are invited to reflect on the contents of the Council's response in framing any responses they might have as to whether the inclusion of individual allocations with the capacity to deliver 100 dwellings or more, which for the purposes of LPP1 are defined as "strategic sites", is consistent with the scope of the LPP2?***

Issue (iii) Are other aspects relating to housing supply in Milford and Witley justified?

### Questions:

- 3. LPP1's housing targets are expressed as minimum figures – with this in mind is LPP2's approach to allocations positively prepared, and should the Plan be seeking to allocate sites over and above adopted requirements to provide a degree of headroom?***
- 5. Wealden Heaths SPAs: In the absence of strategic mitigation packages in relation to the Wealden Heaths SPAs, is it clear that sites incapable of providing on-site or bespoke SANGs would be deliverable in the plan period?***

### Response:

The Council has, as set out within Table 2 in their Response to the Inspector's Preliminary Matters, concluded that the residual number of dwellings to be allocated in Milford and Witley across the remainder of the plan period (to 2032) is 191 dwellings set against the backdrop of the LPP1 requirement for 480 dwellings, with 204 new dwellings proposed within LPP2 (i.e. exceeding the minimum number of new homes by 13). Further, of these proposed housing numbers, the Council is suggesting that 177 dwellings, as proposed at Land at Secretts (approximately 86% of proposed allocation) can only be delivered across the latter period of the Plan. This places a significant uncertainty on the deliverability of sites in meeting the local housing requirement, when alternative more preferable sites, such as Land at Manor Lodge, could be delivered in the short term.

The Council has continually failed to acknowledge that the requirement for 480 new dwellings is a minimum and have instead sought to apply this residual number as a cap to development, as evidenced by the proposed site allocations and ambiguous policies. We are of the view that the numbers proposed on the proposed allocations have not yet been rigorously tested and are likely to be diminished



significantly to take account of the requirement for on-site biodiversity net gain and other similar environmental enhancements. In this respect, whilst the Council indicated that the number of dwellings proposed within Milford exceeds the minimum requirement in LPP1, it is highly probable that this exceedance will evaporate once fully detailed assessments of each site has been undertaken.

Additionally, it is considered that the proposed allocation at Land at Secretts not only is inconsistent with Green Belt objectives within the LPP1 but is equally contrary to the supporting text, as set out at paragraph 6.24 of LPP1 advising that for the purpose of allocating strategic sites, these are defined as sites capable of delivering 100 dwellings or more. In this respect, the proposed delivery of 177 units and local centre should be considered as a strategic site, and which would substantially affect the openness of the Green Belt.

The minimum threshold for housing development was a critical comment made by the Inspector (Mr Jonathan Bore) at the Examination in Public (EIP) into the LPP1 noting that the housing requirement was not a ceiling to development, and that the Council in pursuing LPP2 should identify sites based on a re-evaluation of all sites within the Land Availability Assessment (LAA).

The Council has undertaken a number of Call for Sites as part of various LAAs published since the adoption of LPP1. However, whilst this exercise may have been undertaken, it is asserted that the subsequent assessment of sites and consideration of housing allocations within LPP2 has been inconsistent and illogical, as evidenced by the significant step change in policy proposed by the Council when compared to the strategy set out in LPP1.

It is contended that the Council has disregarded sites which have previously been considered as suitable for development through earlier LAAs, such as Land at Manor Lodge. Further, and as already noted, this site is identified in LPP1 as falling within a broad area for release from Green Belt. This site should be allocated for development in order to provide the council with appropriate headroom should other sites programmed for the latter part of the plan period be delayed, or not proceed.

It is disappointing that the Council has not proactively pursued a strategic mitigation package in relation to the Wealden Heaths SPA, rather they have been reliant on developer led on-site SANGs. It is our view that this approach does not seek to deliver the most appropriate development in the most sustainable locations, rather it relies on the delivery a strategic allocation, such as Land at Secretts, in spite of harm to the purposes of Green Belt and erosion of settlement boundaries.



Notwithstanding the lack of a strategic joined-up approach to the delivery of a comprehensive mitigation package, other sites such as Land at Manor Lodge can come forward, as incremental development and controlled by clear defensible boundaries, with contributions toward off-site SANG. It is noted that other sites have been permitted on the periphery of Milford (within Guildford Borough ref: 21/P/02674) for the specific delivery of SANG. Indeed, it is noted that in their consultation response, Waverley Borough Council has raised no objection to this SANG and have intimated in their response to Guildford that they would welcome the opportunity to liaise with GBC on a suitable legal agreement.



## **Matter 8 Housing Allocations – Milford and Witley**

**Issue (i) Does the LPP2 set out a positively prepared and justified strategy for meeting the housing requirements for Milford and Witley established in LPP1?**

### **Questions:**

***With reference to the ‘Council’s response to LPP2 Inspector’s Preliminary Matters’ are the site allocations listed below deliverable/developable over the plan period, is their inclusion in LPP2 justified, and would they effectively guide development on the site in a clear and unambiguous way (with any further site specific questions included in the list)***

- ***DS12: Land at Highcroft***
- ***DS13: Land at Wheeler Street Nurseries***
- ***DS14: Land at Secretts***
  - a. ***Is the requirement for a separate development plan document for the site justified, and how might it affect the anticipated delivery phasing for the site?***

### **Response:**

As noted earlier in this representation, it is our view that the proposed allocation of Land at Secretts is strategic in nature, having regard to the scale of development proposed. Further, the site is scheduled for the latter end of the plan period and would be reliant on a phased delivery programme. Further, the detail of the development is envisaged to be set out within a Development Plan Document. Cumulatively therefore, we are of the view that there are a number of key and substantial temporal hurdles which are likely to lead to a delay in the delivery of this site (certainly, in our view, it is unlikely that the site will be delivered in full within the plan period).

It is maintained, as set out at Matter 3, that the inclusion of DS14, as a proposed allocation in LPP2 is inconsistent with the strategic objectives of LPP1, with particular reference to LPP1 Policy RE2 and Plan 5. It is asserted that this site should not be relied upon to deliver the number of units proposed in favour of other sites, already identified as suitable, and which can be realistically and demonstrably be delivered in the short-term.

It is therefore requested that the Inspector include Land at Manor Lodge (DS29) as a site allocation within the Local Plan Part 2, which would be consistent with the strategy of LPP1; or in the alternative, recommend further modifications to the policies which would allow for this site to come forward should other proposed allocations fail to come forward, or be delayed, therefore providing headroom within the housing delivery framework.



These representations clearly indicate that aspects of the Submission Local Plan Part 2 fail the tests of soundness set out in Paragraph 35 of the Framework.

In this regard, it is considered the plan fails on the following grounds:

- **Positively prepared:** The council has not proactively and positively considered suitable alternative sites for housing given the significant housing need experienced in the Borough. The areas of non-strategic housing allocations do not conform to the Council's strategy, as set out at LPP1 Policy SP2 and RE2.
- **Justified:** The site at Land at Manor Lodge should be included as part of the overall strategy, having already been identified within a broad area acceptable for expansion of Milford. The Council has not provided clear and cogent reasons for departing from the Council's strategic objectives.
- **Effective:** There are concerns regarding the deliverability of some of the proposed allocations, notably DS14 together with the use of minimum housing numbers as an artificial cap to delivering sustainable development over the plan period.
- **Consistent with national policy:** The Submission Local Plan Part 2 does not in our view deliver sustainable development, failing to adequately balance economic and social aspects against landscape impact. It is our view that the non-strategic allocations are not consistent with the spatial strategy set out in LPP1 and does not seek to direct development to the most sustainable locations.

We respectfully urge the Inspector to consider the inclusion of the site at **Land at Manor Lodge, Lower Moushill, Milford** within the Waverley Local Plan Part 2 as suitable housing in light of the significant housing need in the Borough and in accordance with the Council's own strategic objectives. Furthermore, such an allocation would ensure sufficient flexibility thus ensuring Local Plan Part 2 is 'effective' over the entire plan period.

We would finally like to inform the Inspector that we wish to attend and partake in the Examination in Public.