



POWCampaign Ltd
Unit A11, Fair Oaks Airport
Chobham
Surrey
GU24 8HU

PRESS RELEASE

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From Protect Our Waverley campaign

HIGH COURT CHALLENGE ON WAVERLEY'S LOCAL PLAN AND DEVELOPMENT OF DUNSFOLD AERODROME

On 9th and 10th October a hearing was held in the High Court in London to answer the case made against the housing requirement set in Waverley's Local Plan Part 1 to cover Woking's unmet need and the case against the Secretary of State's decision to grant planning permission for the development of Dunsfold Aerodrome. The Deputy Judge, Nathalie Lieven QC, issued her judgement today, rejecting both challenges.

POW Chairman Bob Lees says "We are obviously very disappointed in the outcome of the challenges which both CPRE and POW believed to be very strong. CPRE and POW are considering whether or not to seek leave to appeal from the Court of Appeal."

This judgement comes against the background of two important changes. First, Woking Borough Council has declared that it has no unmet need. Second, Guildford Borough Council has requested that the housing allocation in its Plan be reviewed in the light of Woking's announcement and the new demographic numbers recently released by the Office for National Statistics that imply a much reduced need for new housing. These factors, taken together with the Deputy Judge's apparent misunderstanding of the details of the case and misinterpretation of planning law, mean that there is a realistic prospect of the Court of Appeal differing with the Deputy Judge on the key issue raised – the level of understanding of neighbouring housing needs that a local plan inspector and a local planning authority must have before it sets a local plan requirement based upon those needs. The clarification of this issue has implications not just for Waverley and Guildford, but across the country.

Bob Lees went on to say “Guildford is standing up to the Inspector on behalf of its residents: why hasn’t Waverley done the same? Waverley leadership is hiding behind their erroneous belief that the whole of the Local Plan Part 1 would be destroyed and is supporting a single developer. Instead this was a golden opportunity, sadly missed, to significantly reduce the housing numbers for the whole of the Borough. Unfortunately it appears that the majority of Waverley Councillors have forgotten where their loyalty should lie; namely with the residents and voters of Waverley Borough.”

Notes for Editors

1. In August 2016, Waverley Borough Council (WBC) published its draft Local Plan Part 1, which included the proposal to build 2,600 homes on Dunsfold Aerodrome. An Examination in Public was held between 27th June and 6th July 2017 by Government Planning Inspector Jonathan Bore. During this hearing, Mr Bore raised the number of homes to be built from 519 to 590 a year, including 83 to meet Woking's "unmet need". WBC failed to challenge this increase. Mr Bore published his report, including the higher housing target, on 1st February 2018. WBC accepted it and adopted the Local Plan Part 1 on 20th February 2018. On 29th March 2018 POW and the Council for the Protection of Rural England (CPRE) both lodged 'Section 113' challenges against Waverley's Local Plan Part 1 on the basis of the need for housing. (The Secretary of State for Housing, Communities and Local Government and Dunsfold Airport Limited are interested parties.) POW has campaigned throughout for a properly sustainable Local Plan for Waverley and this challenge is specifically against the housing target and allocations, and not the whole Plan. POW's appeal was on two grounds:

- That the calculated housing need had to be met despite the constraints faced in Waverley with its Areas of Outstanding Natural Beauty.
- That Waverley should take half of Woking's unmet need, amounting to 83 dwellings a year.

The first was rejected in the High Court in July, but the second claim was allowed.

2. The application by Dunsfold Airport Limited to build 1,800 houses on Dunsfold Aerodrome was approved by WBC in December 2016. However, in March 2017, following local pressure, the application was called in by the then Secretary of State for him to determine because of his concerns about the location and its sustainability (under section 77 of the Town and Country Planning Act 1990). As a result, and befitting a major and controversial development affecting thousands of people, a full Public Inquiry was held by Government Planning Inspector Philip Major from 18th July to 3rd August 2017. On 29th March 2018, the Secretary of State for Housing, Communities and Local Government – then Sajid Javid – granted permission for the 1,800 homes to be built on Dunsfold Aerodrome, despite the fact that this site had been declared to be unsustainable by his predecessor in 2009. On 2nd May 2018, POW lodged a 'Section 288' challenge in the High Court against the Secretary of State of Housing, Communities and Local Government (with WBC and Dunsfold Airport Limited as interested parties). The appeal challenges the Secretary of State's decision on several legal grounds to grant planning permission to build 1,800 houses on Dunsfold Aerodrome. Three grounds were put forward of which one was accepted in the High Court in July, namely that the decision was largely based on a Plan that was itself unlawful.

Protect Our Waverley Campaign

Protect Our Waverley Campaign is a group formed to campaign against the development of Dunsfold Park New Town on the Dunsfold Airfield and other unsustainable planning applications throughout the Borough of Waverley. The campaign is managed by POW Campaign Ltd. For information about POW Campaign please see the campaign's website

www.powcampaign.org

and its companion website

www.dunsfoldvillage.co.uk

2. For more information please contact:

Bob Lees, Chairman of the Campaign 07860 406093 bob@powcampaign.org