

REPRESENTATION BY NEWDIGATE PARISH COUNCIL

FUTURE MOLE VALLEY (LOCAL PLAN 2020 – 2037)

Introduction

Newdigate Parish Council (NPC) members have studied the Local Plan in conjunction with local residents. We have concluded that the proposed changes to our village boundaries, together with the Policies DS 58 & 59, fail to meet the Government's criteria of legal compliance and soundness required under Regulation 19. The assessments, which underpin these conclusions are set out below, together with our suggestions as to how best the planning requirements of the village might be taken forward.

Village Boundary

Policy EN 3 6.23 specifies that "*limited infill development*" is only permitted for sites inside the village boundary. This has the effect that the drawing of that boundary creates a major determining factor when sites for the Local Plan are being considered.

When in 2018, as an early part of Future Mole Valley, MVDC produced a modified Newdigate village boundary which looked to have been created without any apparent logic or even common sense – it could just as easily have been drawn by a child and certainly not by anyone who knew or understood Newdigate! It included a 1990s development, "Mulberry Place", and "Woodpecker Lane" which is a 1960s development, as a satellite area about a three quarter mile walk from the village centre. However, it failed to include the Village Hall and neighbouring properties just 120 metres from the centre! The re-drawing of the boundary had been carried out with zero consultation with the village. At a village meeting on 24th September 2018, it was pointed out to the MVDC representative, Guy Davis, that the village needed an open dialogue with MVDC on this important matter, but we were told that the new boundary was not negotiable. No reason was given why this should be so.

NPC therefore contends that the imposition without negotiation of this bizarre boundary map fails the **Legal Compliance** criterion of the **Duty to Co-operate** set out in the **Planning and Compulsory Purchase Act 2004**.

Set out below are brief reasons why Policies DS 58 & 59, on a number of grounds, **fail to satisfy the required principles of soundness and legal compliance**.

Access

Both development policies (58 & 59) are shown without any viable access to the public highway – Rusper Road. They are in essence landlocked sites and for that reason alone, cannot be and should not have been included in the Local Plan. In the case of 58, the narrow tarmacked drive from Rusper Road to the Six Bells car park is too narrow for access by emergency vehicles, especially as the drive is often used for parking by pub customers. Moreover, the approach to Rusper Road has poor sightlines and has been deemed unsafe for a residential development by SCC Highways Officers. In the case of 59, any access into Rusper Road would appear to require the demolition of

the No. 2 side of “The Chimes” which is half of a pair of semi-detached houses erected by an important village figure nearly a century ago. The space between No.2 “The Chimes” and its site boundary is too narrow as should have been observed by MVDC Planning Officers when, presumably, they visited the site. In any event, No. 2 “The Chimes” is situated directly opposite to the busy entrance to the Newdigate Surgery car park.

For both policies DS 58 & 59, the lack of appropriate access to the sites means that they were **not positively prepared under the principles of soundness.**

Infill

The definition of infill, set out in MVDC Policy EN3 Para 6.25, states that, inter alia, development will be allowed on sites which are *“considered to be very well related to the village and capable of development without undermining the purposes of the Green Belt”*. At the village meeting in Sept. 2018, with Guy Davis, it was made crystal clear by NPC and village residents that there was great concern in the village about the Six Bells field development (DS 58) proposals. It is not well balanced with regard to the village with the site abutting several listed properties and close to our 12th century church. **As a consequence it undermines the purposes of the Green Belt.**

In the case of DS 59, EN3 6.26 states that *“the introduction of sporadic backland development is unlikely to relate well to the existing pattern of development, so would not be regarded as limited infilling in accordance with Policy EN3”*.

NPC considers that this policy specifically rules out DS 59 from the Local Plan as it is a textbook example of a backland (back garden) development. Consequently, NPC considers that both DS 58 & 59 fall into the category of **not justified under the principles of soundness.**

Location

DS 58 is located in a small field behind the Six Bells pub. On its eastern boundary it abuts the Newdigate Village Conservation Area and four Grade 2 listed properties (The Six Bells pub is ancient, but unlisted). Also, the 12th century parish church of St. Peter is only 100 metres away. DS 59 is partly located in the Newdigate Conservation Area and close to a Grade 2 listed property. Both DS 58 & 59 are within the Green Belt.

NPC does not believe that these commercial developments should have been included in the Local Plan when a nearby site with the potential for development under a Community Land Trust (or similar) arrangement would be a better solution for the needs of the village. Therefore, we consider that DS 58 & 59 are **not consistent with National Policy for protecting the countryside, thereby failing the principle of soundness.**

Late Arrival

When development sites were requested by MVDC in 2017/2018, DS 58 was the sole development included by MVDC in Newdigate and we had assumed that the door was closed to any further development proposals. We were therefore shocked and surprised when DS 59 was included in the Draft Local Plan. Absolutely no information or consultations had been undertaken by MVDC with the NPC meaning that the residents of Newdigate had no inkling that a late proposal had been allowed. We are very suspicious and would really appreciate learning about how and why this

addition was permitted. Furthermore, the village boundary appears has been “stretched” in order to accommodate this development. Again, zero consultation took place, making this action fail the **legal compliance criterion of the duty to co-operate, as set out in the PCP Act 2004**. We also argue that DS 59 is **not justified under the principles of soundness**.

Alternative Site

With the permission of the owner, NPC has located a piece of land for potential development under a Community Land Trust arrangement (or similar). The site is located in Kingsland which is historically the earliest part of the village. It is immediately to the west of Winfield Grove which was formerly a local authority development dating from 1946 and compulsorily purchased as part of the same parcel of land. It is to the east of the ancient properties of Kingsland. The whole field is about four acres in area, but it is not intended to develop the whole of it. It is situated just 250 metres from the centre of the village and even closer to the Community Centre, Village Hall and Community Sports and Recreation Field with facilities such as the Bowls Club, Cricket Club, etc. The outline proposal is for a range of properties to be developed to meet the identified need of the village for genuinely affordable homes for young families and for elderly residents wishing to downsize, but also very much wanting to remain in Newdigate with families and friends. Affordability could be enhanced by allowing some self-build homes.

This enlightened community vision has been summarily rejected MVDC on the grounds that the development is “*too large and not infill*”. We are unable to understand the meaning of “too large” as no numbers have yet been proposed (although significant numbers of “windfall” developments have been permitted elsewhere in Newdigate parish). The “infill” rejection relates to the fact that the site is on the wrong side of the western edge of the arbitrary village boundary as defined/imposed by Guy Davis who would brook no arguments against his personal vision.

Conclusions

NPC are disappointed by the complete lack of communication or discussion during the preparation of the Local Plan which has, in our view, threatened the democratic process. The arbitrary imposition of a revised village boundary line and the unheralded addition of DS 59 at a late stage, provide a worrying demonstration of this.

Furthermore, the extreme fragility of Policies DS 58 & 59 in respect of the Government’s requirements for soundness and legal compliance, as argued above, casts serious doubts as to whether MVDC would be wise to submit these two policies to the scrutiny of the Inspector.

NPC would welcome a positive engagement with MVDC on the question of the village boundary and our proposed alternative site.

3rd November 2021