

Compton PC Local Plan Sub-Committee report - July 10, 2019

Section 113 challenge update

The High Court Judge has granted permission to allow Compton PC's challenge of Guildford's Local Plan to proceed to the High Court. This is very good news. The Court's decision immediately strengthens the case for Blackwell Farm to be removed as a site allocation from the Local Plan, and we recommend that the PC writes to Guildford Borough Council to encourage it to do so.

The Judge has also granted permission for two other challenges by Ockham PC and by Guildford resident Jules Cranwell. The three actions will not be consolidated, but will be heard together, with evidence and argument presented by each of the claimants being considered in relation to all three. Richard Harwood OBE (representing Ockham) is a top planning QC, which means that Compton will have the benefit of three QCs fighting its corner (two of whom are very senior). It also means that we have overcome the first hurdle, without too much difficulty and without any additional costs being incurred (eg for an oral hearing).

The Judge has also agreed that, in the event that the PC's claim is unsuccessful, its costs will be capped at £10k under the Aarhus Convention. It has also ordered that the Council's costs are limited to £60k (or £20k per claimant). This means that should our challenge be successful then we will recoup £20K of our costs from GBC against the money we have outlaid.

Legal representatives of Blackwell Park Limited (a subsidiary of the University of Surrey), Wisley Property Investments Limited and Martin Grant Homes (Gosden Hill developer) have asked to join the proceedings as interested parties, and this has been agreed. The claimants will not be asked to recover the costs incurred by the interested parties.

Section 113 costs update

- Kristina Kenworthy (who is the solicitor acting on Compton's behalf from Richard Buxton Solicitors) is no longer able to offer her services pro-bono. Instead Compton will be charged a discounted total of £6,500 in solicitors fees (this is much lower than the £12,600 which Richard Buxton Solicitors at one point proposed). The Local Plan Sub-Committee is reasonably confident that this sum will be recovered through donations from other PCs and residents groups and through web-based fundraising. Save Hogs Back is hoping to launch a CrowdJustice appeal on Monday July 15th.
- Confirmed contributions have so far been offered/received from:
 - Worplesdon Parish Council – £4,500
 - Save Hogs Back – £1,000 (minimum)

- CPRE – £650 (minimum)
- Normandy PC – £500 (Nb. It has been difficult to enlist Normandy's support because of fears that if Blackwell Farm does not go ahead, then Normandy is next in line for development.)

Puttenham PC has stated that it supports Compton's cause and would like to be kept in the loop, but it cannot contribute funds. This is very disappointing as Compton's initial request for funding at the PC meeting in April had almost unanimous support of Puttenham's residents.

Feedback from Puttenham's Chairman on this decision, made at the PC's last meeting, suggests that the decision not to contribute funds may have been influenced by Cllr Tony Rooth. He had stated that there might well be a Judicial Review from GBC and that GBC's legal team had suggested that giving public money to Compton's challenge might be illegal. This is rather puzzling as the deadline for submitting a legal challenge was June 6 so the Council cannot be considering a JR at this stage. We will ask our clerk, Joanna Cadman to check whether any contributions from other Parish Councils are indeed illegal before we write back to Puttenham asking it to reconsider its position.

We are still awaiting confirmation of contributions from Wanborough, Artington, and Seale and Sands PCs, all of which will be meeting this month to vote on this issue.

CPRE indicated that it would be prepared to donate further funds (up to a total of £5,000) once permission to proceed had been granted by the Court.