

# Save Newlands Corner Campaign Group

[www.SaveNewlandsCorner.com](http://www.SaveNewlandsCorner.com)

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From: Save Newlands Corner Campaign Group  
c/o Ms Sally Blake,  
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Date: 22 January 2017

Dear Mr Davis

## **Commons Act 2006: Section 38**

### **Application to construct restricted works on common land at Albury Downs (known as Newlands Corner), Surrey - Application Reference COM / 3158795**

Thank you for your letter dated 17 January 2017. We really do appreciate the efforts of PINS to ensure that we have received this information.

We realise that PINS is not seeking feedback on the SCC applicant's statement, but its response is so disingenuous that it has to be challenged. We apologise in advance if we point out issues that are obvious to you.

There are two overarching things that we would like to say from the outset:

- The vast majority of SCC's argument is around money – not just for Newlands Corner but, through the money that it intends to generate at Newlands Corner, for the wider SCC Countryside Estate. Effectively, SCC is saying it intends to tax local residents (Guildford area residents being the main users of Newlands Corner by far) in order to pay for other parts of Surrey. However, money/charges/funding is not, as far as we can see, something that PINS should take into account in coming to a decision;
- SCC has completely failed to address the issue of the effect on the neighbourhood in its response. There have been nearly 1,400 representations to PINS about the application (we would guess that at least 99% have been against what SCC is proposing) and there are over 11,700 petitioners who do not want to see any material changes at Newlands Corner. We are sure that many of the representations were not just about the parking charge infrastructure, but about SCC's wider scheme. Indeed, SCC recognises in its response that it has a wider scheme and does not challenge the validity of the objections which cover the wider proposals.

We are also deeply concerned that SCC has undertaken or authorised construction work at Newlands Corner for which no application for commons consent has been made. This work involves the construction of a number of sizeable concrete bases seven foot long on the downland south of the car park. We trust that the Inspector will investigate this activity on the forthcoming site visit.

Attached are the Save Newlands Corner Campaign Group's comments on the SCC response to objections to application, together with three photographs as evidence.

Yours sincerely

**Sally Blake, Coordinator of the Save Newlands Corner Campaign Group**

## **Save Newlands Corner's comments on the SCC response to objections to application**

Save Newlands Corner regards Surrey County Council's (SCC) response as inadequate and misleading. We regret that it focusses not on Newlands Corner (NC) but on unsubstantiated budgetary considerations, although finance is not a legally recognised criterion for the Planning Inspectorate to consider.

As noted below, the response does not answer objections to SCC's application which were based on SCC's failure to observe established criteria, principles and practice relating to proposed work on common land, including:

- a) the criteria in the Commons Act 2006, to which the Planning Inspectorate must have regard in judging the application,
- b) the principles set out in Natural England's 'A Common Purpose',
- c) 'Best Practice in Stakeholder Participation' in Annex 1 to 'A Common Purpose',
- d) the requirements of the Planning Inspectorate's Common Land Guidance Sheet 1a, and
- e) 'Common Land Consents Policy, DEFRA, Nov 2015'.

### **Interests of the neighbourhood (Commons Act 2006 (c.26) Sec 39 (1) (b)); Principles in 'A Common Purpose'**

- The response fails to acknowledge the extent of neighbourhood opposition to the application, including ten Parish Councils and six sizeable community associations. (Principle 2 in 'A Common Purpose' - 'All interests on common land are legitimate and deserve recognition').
- Sentence 1 of paragraph 5 ("SCC is very aware that car parking charges are not popular and there has been a campaign to encourage the public to object to the current application on the basis that they are part of wider plans for the site") disparages both the democratic process and the ability of local citizens and their neighbourhood representative bodies to independently assess and express their own interests. (Principle 2 as above).
- The response fails to explain why the neighbourhood was not adequately informed and consulted in accordance with Principle 3 in 'A Common Purpose' ('Decisions affecting the future of commons should be determined through an inclusive decision-making process.') and with Annex 1 on Best Practice on Stakeholder Participation.
- The proposed charges are not "a reliable and fair way of generating an income". Level of usage cannot be forecast, and it is unusual for charges to increase take-up.
- The response makes clear that parking charges were never intended to cover only the reasonable costs of maintaining NC, but to contribute to the overall SCC budget. Since most users of NC are from the local area, this would place an unfair burden, in effect a tax, on local people to benefit the entire county, which SCC does not justify.
- SCC acknowledges that charges might restrict access for people and families of limited means but offers no assurance of a solution (loss of existing and future use, Common Land Consents Policy), only a vague promise of monitoring.
- The response fails to acknowledge that people with dementia and their carers do not qualify for Blue Badges and may thus be excluded by parking charges (loss of existing and future use, Common Land Consents Policy).
- SCC acknowledges that parking charges are likely to cause local displacement parking, to the detriment of local people and businesses, but again offers no assurance of a solution (Sec 39 1 b), only a further vague promise of monitoring.
- There are major road safety implications for increased traffic at a known hill top danger spot (especially with vehicles entering and leaving Newlands Corner over double white lines). SCC gives no adequate explanation of how these will be solved by a revised speed limit, a warning exclamation mark sign and other minor measures.

## **Public interest: nature conservation and the landscape (Commons Act 2006 (c.26) Sec 39)**

SCC's response fails to address objections about:

- impact on unspoiled countryside in an Area of Outstanding Natural Beauty (AONB) from parking machines and signage, including signs which would mask the iconic view – s.39(1)(c) and (2)(b)
- light pollution in an otherwise dark area of an AONB, with implications for NC and for upward views from the Tillingbourne valley. It is irrelevant whether the light source is cables or solar panels - s.39(1)(c) and (2)(b)
- personal safety, if people have to leave their vehicles in hours of darkness to get a parking permit. This could in effect limit their access to the site (Common Land Consents Policy, paragraph 4.4, loss of existing and future use,).
- the impact on wildlife of light pollution and unaccustomed movements of people after dark round parking machines backing on to woodland – s.39(1)(c) and (2)(a)
- intrusion from CCTV installed outside the immediate area of the visitor centre. The response is worryingly ambiguous about future intentions with regard to CCTV – s.39(1)(c) and (2)(b).

In addition,

- SCC's statement "No work is planned in the view or on the open downland" – is untrue. Since the response was submitted, concrete plinths have been constructed across the downland slope to accommodate new seats. These detract from the natural scene and iconic view. See before and after photos attached. (s39(1)(c) and (2)(b) )
- SCC fails to specify how parking machines and signage would 'maintain and improve Newlands Corner' (Common Land Consents Policy, paragraph 5.7).

## **Other relevant issues**

### **Friends of Newlands Corner**

The response does not address objections that SCC failed to investigate alternative management options (Common Land Consents Policy, paragraph 4.3).

Contrary to the response, SCC has consistently declined to discuss a Friends of Newlands Corner as an alternative management/funding solution to maintain Newlands Corner. A proposal was put to SCC for a Friends of Newlands Corner charitable trust to fund reasonable ongoing management costs of Newlands Corner, without parking charges or woodland play structures. SCC refused to consider this model. It would only co-operate with a Friends group if:

- a) Friends would guarantee to provide SCC with ongoing funding equivalent to parking charges at currently proposed levels, or
- b) Friends would provide funds and volunteer labour in support of parking charges and play structures.

Friends has declined both of these options as they are contrary to the Friends objective of avoiding parking charges and artificial play structures and it is unreasonable to expect a Friends of Newlands Corner charity to fund the rest of the SCC Countryside Estate.

## **Financial aspects**

SCC has failed to respond to objections about financial issues raised in its application:

- Although Surrey County Council itself agreed expenditure of £400,000 of rate payers' money on Newlands Corner on 27 October 2015, the response states that it has still, in January 2017, not completed its Business Plan. This is incompetence.

- The response also fails to address objections to excessive management and overhead costs under the current contract between SCC and Surrey Wildlife Trust, which have resulted in budget shortfalls and inadequate services and facilities.

**Save Newlands Corner Campaign Group**  
**22 January 2017**