

Guildford Borough Council
Feedback on pre-consultation (pre-regulation 14) draft West Horsley
Neighbourhood Plan

10/04/2017

The purpose of this note

West Horsley Parish Council has produced a draft neighbourhood plan which it intends to take to a consultation to satisfy regulation 14 of the Neighbourhood Planning (General) regulations 2012 (as amended). Prior to this stage the parish council has asked the Guildford Borough Council (the Council) to review the draft plan. This document constitutes the Council's feedback on the draft plan.

Background information

The Basic Conditions

Neighbourhood Plans must meet the following [basic conditions](#) (paraphrased) as originally set out in paragraph 8(2) of schedule 4B to the town and country planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act):

- a. to have regard to national policies and advice contained in guidance issued by the Secretary of State.
- d. to contribute to the achievement of sustainable development.
- e. to be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. to not breach, and is otherwise compatible with, EU obligations.
- g. to meet prescribed conditions in relation to the Order (or plan) and comply with prescribed matters in connection with the proposal for the order (or neighbourhood plan).

Basic conditions b and c of the schedule do not apply to neighbourhood plans so are not listed above.

Relevant sources of policy and guidance referred to in basic condition a include the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). The government's view on what constitutes sustainable development (referenced to in basic condition b) is set out in the NPPF. The strategic policies referred to in basic condition e include some of the saved policies of the Council's Local Plan 2003 and saved policy NRM6 of the South East Plan. An assessment setting out which Local Plan 2003 policies should be considered strategic is available to view at <http://www.guildford.gov.uk/neighbourhoodplanninginformation>.

An online version of the 2003 Local Plan proposals (policies) map can be accessed via:

<http://www.guildford.gov.uk/planningmap>

General comments

Please ensure all maps have the relevant copyright and licence information on display (e.g. on, under or next to each map) to avoid copyright infringement. You should have received a licence number from OS when you signed the Public Sector Mapping Agreement. If not, you can get it by contacting them here:

<https://www.ordnancesurvey.co.uk/business-and-government/public-sector/mapping-agreements/public-sector-mapping-agreement.html>

Foreword

An Introduction from the Chairman of the WHNP Steering Group

Paragraph two states “*Following consultation with you, the residents and various statutory bodies...*”. The regulation 14 consultation will be open to anybody and should include anyone who has an interest in the area. As well as residents and statutory stakeholders, this could include businesses, people that otherwise work in the area, landowners and developers.

What's the relationship between our Neighbourhood Plan and the Guildford Borough Local Plan?

Paragraphs one and two state “*As you will know there are currently proposals within the Guildford Borough draft Local Plan (GLP) which if implemented in full would have a dramatic impact upon the size and appearance of our village and the experience of living here. We are not allowed by the statute to produce a plan that is in conflict with the strategic land use policies of our Local Authority...*”

Whilst this is correct (under basic condition e), the strategic policies that the neighbourhood plan must be in general conformity with those of the adopted local plan, not the emerging local plan. This may not be clear from the paragraphs, which reference the emerging local plan.

However, neighbourhood plans are required by the NPPF to be aligned with the strategic needs of the wider local area (paragraph 184) and the strategic needs are identified in the emerging Local Plan and evidence base. Basic condition a requires that neighbourhood plans have regard to this requirement.

Basic condition d requires neighbourhood plans to contribute to the achievement of sustainable development. Sustainable development is defined in the NPPF, and means (among other things) delivering growth and meeting economic, social and environmental needs.

Therefore, while the neighbourhood plan is required to be in general conformity with the strategic policies of the adopted local plan, it must be aligned with the strategic priorities of the emerging local plan and seek to deliver growth.

Paragraph 3 states *“The draft Local Plan has been objected to by many bodies, including our Parish Council which has submitted a detailed response challenging the whole thinking behind the proposals. We do not know what the final result will be and will probably have to wait until the latter part of 2017 at the earliest.”*

The Council will run a targeted consultation in June 2017 which will set out modifications to the plan, some of which are a result of the previous consultation. Following that, the Council expects to take the plan to an examination in December 2017, which may recommend further changes to the plan based on objections received during the consultations in June/July 2016 and June/July 2017.

What role does the WHNP have?

Paragraph one states *“There will almost certainly be some development in our village. If we have no Neighbourhood Plan then it could be in any design the developers propose and could be built with no regard to what makes our village the place it is today.”*

Development proposals are judged against the Development Plan, including the Local Plan which sets out a range of policies that shape and guide development, including in the area of design, heritage and conservation. Planning applications may also be judged against the NPPF and other material considerations. Therefore, it is not correct to say that developers can build to any design with no regard to the existing village.

Paragraph three states *“When the Planning Officer considers the nature of any proposed development...”*. We suggest changing “Planning Officer” to “planning decision taker” which would include planning officers, planning committee members and planning inspectors, all of whom may judge planning applications.

1. Introduction and purpose

Map 1

We can provide a map showing only the neighbourhood area boundary if this is helpful.

1.4

Paragraph 1.4 states neighbourhood plans can only contain land use policies. This is not correct as neighbourhood plans often include non-land use policies, but must have at least one land use policy. Non-land use policies do not have an impact on planning applications and will not be assessed at the neighbourhood plan examination. These policies often set out community aspirations.

There is a distinction between a neighbourhood plan and a Neighbourhood Development Plan (NDP). The NDP is the part of the neighbourhood plan that deals with land use policies. Non-land use policies should be clearly marked and ideally contained within a different section of the neighbourhood plan.

1.6

There may be other stakeholders apart from local people and organisations; for example, local businesses and landowners.

1.7

It may be helpful to set out that the examiner may recommend modifications to the plan to make it meet the basic conditions before it is sent to referendum, rather than simply passing or failing the plan.

1.10

It isn't clear whether the additions to the plan referred to in this paragraph will be made prior to the regulation 14 consultation, or after it and prior to submission.

It is important that local people and other stakeholders are consulted on the materially important elements of the plan at the regulation 14 stage. While there can be changes to the plan after regulation 14 stage, if these significantly and materially affect the plan, it may trigger the need to return to regulation 14 stage. We suggest you discuss the type of additions that will be made with your consultant before the consultation starts.

2. Neighbourhood Area

2.2-2.3

It is unclear which areas are included to calculate the stated residential densities of 10 and six dwellings per ha (dph), but given that these are very low it seems likely they are calculated including farms, fields, roads and open space and therefore may not be useful in guiding new residential development. For reference, policy H10 of the existing Local Plan requires a minimum density of 30 dph.

There is no standardised methodology for calculating density, but a typical approach would be to calculate the size of an area excluding roads (possibly except very minor roads) and areas of public open space (except small amenity areas and landscaping) and dividing the area by the number of dwellings. Whichever methodology is used, it would be helpful if the approach taken is set out somewhere in the document to avoid confusion and challenge during planning decisions.

3. Planning Policy Context

3.1

The paragraph states "*The Parish lies within Guildford Borough Council, the local planning authority, in the County of Surrey.*" This should state that the parish lies within the borough of Guildford, and that Guildford Borough Council is the Local Authority and Local Planning Authority for the area.

3.3

The paragraph states "*GBC has planning policies that are helping to shape the strategy and policies of the WHNP, and the plan must be in general conformity with the strategic policies of the development plan as required by the 2012 Neighbourhood Planning Regulations.*".

The requirement to be in general conformity with the strategic policies of the development plan comes from the basic conditions. The basic conditions are contained within the Town and Country Planning Act 1990, as amended by the Localism Act 2011 (not the regulations, which mainly set out the process to be followed to produce and adopt a plan).

3.5

The paragraph states *“The emerging Local Plan – Guildford Borough Proposed Submission Local Plan: Strategy and Sites June 2016 – proposes to direct housing growth to the Parish which will increase the existing housing stock by 385 homes (or about 35%) and as a result place additional pressures on what is considered locally to be already overloaded infrastructure – whether transport, education or other community infrastructure – and to the detriment to local heritage and environmental quality.”*

The Council disagrees with this statement. The aim of planning is to ensure that development brings is accompanied by the required infrastructure, and is done in such a way that minimises detrimental impacts on heritage and the natural environment, among other things. As an example, the Local Plan identifies infrastructure needs and programmes the provision of new infrastructure at appropriate intervals, and identifies funding sources such as developer contributions and the Community Infrastructure Levy. Can this paragraph be positively worded by setting out that planning policies are needed to ensure that development is done sustainably, providing the required infrastructure and respecting heritage and the natural environment?

Map: Proposed Submission Local Plan: Strategy and Sites 2016

This map provided is the emerging Local Plan’s “key diagram” which is a very simple summary of the Proposed Submission Local Plan: Strategy and Sites 2016. We suggest either replacing this image with the proposals map, or identifying the map as the key diagram and perhaps explaining what it’s purpose is.

4. Community Views on Planning Issues

4.4

The paragraph states *“In May 2014 a survey of local businesses employing 5+ people was undertaken, i.e. those perceived to be identifiably contributing to the local community.”* This sentence could be taken to imply that businesses of 5 or fewer people do not contribute to the local community. We suggest rephrasing, or explaining the methodology further (e.g. because surveying businesses of all sizes would have been impractical).

5. Vision, Objectives & Land Use Policies

5.1

This section includes the following objective:

- The continuation of the present Green Belt designation to preserve the special character of the Parish and the surrounding countryside.

Designating, reviewing or amending Green Belt boundaries can only be done through the Local Plan process. Including this objective in the neighbourhood plan may be misleading. The recent housing white paper suggested that neighbourhood plans may in the future be able to make minor amendments to Green Belt boundaries, but this proposal has not progressed further yet.

5.3

The paragraph states “*The purpose of these policies is to either encourage planning applications to be made for things the local community wants to see happen or to discourage applications for development that they do not want to happen.*” A further key role of these policies is to make development more sustainable by ensuring that it is delivered in the right way, as described at 5.6.

WH1 and WH2

The stated objectives of policies WH1 and WH2 are to ensure new development reflects the architectural styles of the Conservation Area and the village settlement, but none of the policies refer to style. This could mean the objective is unlikely to be met. Requirements regarding building forms, detailing and proportions would be a starting point.

WH1 Design Management in the West Horsley Conservation Area

The title and first sentence of Policy WH1 state that the policy deals with development proposals within the Conservation Area and its setting. The setting of a Conservation Area is generally considered to be the area adjacent to the Conservation Area. However, the policy also refers to The Street, Ripley Lane and Silkmore Lane, which cover an area up to 700 metres away. As a result, there is some scope for ambiguity over where some of the provisions of this policy (those that reference these roads) should be applied.

In the supporting text, it states that the policy should be read in conjunction with Character Area 5, which is the Conservation Area only. If this is the intention, it would be helpful for points i and ii to make it clear that they only apply in the parts of those streets adjacent to the Conservation area (notwithstanding that Silkmore Lane is somewhat removed from the conservation area).

If the policy is intended to be applied to the whole of these streets, we suggest renaming the policy and rewriting the first sentence, perhaps to state that the policy applies within Character Areas 4 and 5, and explaining this in the supporting text.

Regarding point i, every development will “*impact on the spacious nature of the area and the significant views across open farmland*”. As a result, this requirement could be considered too restrictive at examination. A better approach may be to focus on visual impact e.g. by requiring development to be designed to retain the open feel and significant views....

It can be unnecessarily restrictive to “*maintain the existing plot ratio and density*” and, depending on plot size and shape, potentially conflict with the second part of the policy, which will determine the visual impact and is therefore more important. Density may not reflect physical impact; as an example, it may not matter how deep a house is or how small the back garden is. It is likely that what will matter most is the impact on character and the function of the settlement. While density may be a useful guide, it may be more useful to refocus the policy so that it protects the building line and street scene rather than density.

Some of the policy wording is vague, which could lead to ambiguity in planning decisions. There are two separate lists of materials and the word ‘including’ is used twice, which could mean a very small proportion of one of these materials among a majority of inappropriate materials. We suggest rewriting this sentence for clarity.

The word 'unnecessary' in the final sentence may not be needed as it can be hard to determine what would justify the loss of a tree. Is cutting a tree necessary if it would otherwise preclude the particular development, or any development at all? To improve clarity, the word "unnecessary" could be removed, or the acceptable reasons for tree cutting could be set out in the supporting text.

Please note, the Council's conservation team has not looked at this policy in detail and may provide additional comments during the regulation 14 consultation.

WH2 Design Management in the Village Settlement

Point i: the phrase "an attractive rural edge" is somewhat ambiguous and subjective. It is also unclear whether the "existing countryside views" are from dwellings or the roads and to which extent this would prevent any development.

Point ii: single storey dwellings (bungalows) are not an efficient use of land or sustainable form of development and should be avoided. Turning single storey buildings into two storey buildings should be encouraged, not resisted.

Point iii is a complex and possibly confusing sentence. Can it be written more clearly, potentially as two sentences?

Point iv: the density of 10-15 dw/ha is unsustainable and does not optimise the potential of the site to accommodate development, as required by NPPF par.58. The low density proposed is unnecessary to achieve the objective of protecting local character, especially with the desire for small homes.

Point vii: stronger policy wording is required to achieve the objective. Consider 'should be included' or 'are expected' instead of 'will be encouraged'.

Point viii: the policy wording is ambiguous. Perhaps require minimising or avoiding parking in front gardens or require them to be largely green. With these low densities, there should be sufficient space next to buildings, so parking in front should not be necessary.

Please see the final section of this document, Strategic Environmental Assessment and Habitats Regulations Assessment which suggests a further amendment to the policy to ensure it complies with European obligations.

WH3 Design Management within Rural Areas

Point iv contains potentially weak policy wording. The word 'including' can mean a very small proportion of these materials among a majority of inappropriate materials.

Point v: it is not clear that turning smaller buildings into larger buildings should be resisted (see WH4 below) as it could allow families with growing needs for space to stay in their own homes and community, especially when many cannot afford to buy larger homes. On large plots single dwellings are less likely to negatively affect the landscape.

WH4 Housing Mix

Point ii of the policy refers to starter homes as a form of affordable housing. This may be premature as the government's proposal for starter homes have not yet been incorporated

into national policy and the Council would not want 'starter homes' to be obligatory in any development. It is not yet clear whether these will necessarily form part of the S106 provision in Guildford. The policy instead could refer to "affordable housing as defined nationally" or similar to allow for changes in national policy.

The supporting text at 5.32 refers to a "cascade mechanism". It is suggested that an alternative phrase could be used here as this term has other meanings with regard to rural exception allocations. An alternative sentence could be:

"Where this is robustly demonstrated an alternative mix of affordable housing may be considered, as set out by GBC, to assist with scheme delivery."

Given the emphasis on young families, young adults looking to set up their first home, older households looking to downsize and affordability, it is suggested that there should be an emphasis on one-bedroom market homes, as opposed to only two and three bed homes. Bungalows are not generally an efficient use of land or sustainable form of development and requiring them may be contrary to paragraph 58 of the NPPF which requires neighbourhood plan policies to optimise the potential of a site to accommodate development, and therefore may not meet basic condition a. If there is a sustainability reason for the requirement for bungalows, this needs to be explained for the benefit of the examiner.

It is not clear that turning smaller buildings into larger buildings should be resisted as this may contribute to relieving the housing crisis in a sustainable manner. Creating additional rooms could lead to sub-division into apartments, house sharing or taking on lodgers, all of which are good ways to create affordable housing for young people (and even ground floor apartments for the elderly), with very limited impact on the surroundings and far less than building new homes for each.

Additionally, given the requirements for a large proportion of new 3-bed market homes, resisting turning a 1 or 2-bed home into a 3-bed home may not be justifiable.

The examiner may wish to see robust evidence supporting this requirement if it is retained.

WH5 Rural Exception Housing

It is suggested that point I should change to "*The scheme comprises no more than the minimum number of open market dwellings necessary...*". Otherwise it reads as if every scheme should have some open market housing.

An additional sentence could be added to policy WH5, or perhaps elsewhere as it goes beyond Rural Exception housing as follows:

"Where community groups have been established, their proposals (whether on rural exception sites or within the settlement boundary) due weight will be given to their proposals providing they meet national and local criteria for community led housing."

This is to reflect emerging national policy on community housing and the fact that we have been allocated funding to assist community groups in bringing forward housing.

At paragraph 5.35. the following sentence could be added: "*It should be noted that in the case of land which would not normally be given permission for housing but is brought forward for local needs affordable housing, landowners cannot expect to realise the full*

market rate for their land. GBC indicates that the value of rural exception land should not exceed 10 times agricultural value.”

WH6 Community Facilities

Paragraph 5.36 states that the policy is in line with “*GBC Local Plan Policy INF1 and with 2003 Local Plan Policy CF1.*” It is assumed that “GBC Local Plan” refers to the emerging local plan. However, the emerging local plan doesn’t include a policy INF1.

WH7 Educational Provision

No comments at this stage. You are strongly encouraged to consult with Surrey County Council on this policy.

WH8 Local Buildings of Historic Interest

The policy identifies buildings as Local Heritage Assets. The supporting text states that this provides protection for these buildings, but the policy does not make mention of protection. It is recommended that the policy should set out what this designation means for planning applications, otherwise it may not be effective.

WH9 West Horsley Place

It is suggested that the first line of the policy could be worded as follows:

“The objectives and plans of the Mary Roxburghe Trust are supported where they enable the restoration of West Horsley Place and the expansion of the facilities on the site to meet new and changing needs as both a tourist destination and cultural centre.”

This will ensure that only the objectives and plans that support the desired outcome (restoration and expansion) are supported.

Policies do not need to start with “the neighbourhood plan will support...” etc. Instead, the policy should set out the requirements that applications for planning permission should address.

WH10 Employment

As above, it is suggested to reword the policy as follows to omit the words “*The neighbourhood plan will...*”, potentially using wording along the following lines:

“Proposals for the development of new B1 business uses and flexible start-up accommodation in the countryside as part of farm diversification will be supported provided they adhere to other policies of the development plan, and:...”

Policy WH11: Local Green Spaces

The following two proposed local green spaces are owned by the Council:

- Recreation area at Nightingale Crescent

- Recreation area at Farleys Close

The above proposals were discussed at the Property Review Group (21 March 2017). The group concluded that the Council would support the designation of the recreation area at Nightingale Crescent as a Local Green Space. However, the Council objects to with the proposal for recreation area at Farleys Close to become a Local Green Space.

For all proposed Local Green Spaces, it is suggested that the policy wording should be careful not to exclude essential works that could benefit the management of the spaces, or provide wider community benefits (for example, improvements to sporting facilities at the sports clubs and tennis courts). We understand that the parish council is currently in discussion with Surrey County Council regarding land in its ownership to discuss whether caveats should be included to allow for highway improvements and support this approach.

WH12 Green and Blue Infrastructure

The Council supports the provision of a policy covering Green and Blue Infrastructure but it could benefit from being tied more closely to the key objective at paragraph 5.1 *“To promote better transport links within, and to and from, West Horsley, including encouraging more families and children to be able to walk and/or cycle to and from school, rather than being reliant on motor transport.”* The document also states that the majority of people cycle for recreation rather than transport, which could be a matter addressed by this policy.

Green Infrastructure Network

The plan identifies a Green Infrastructure network which will be shown on the policies map (not currently available). We assume that the Green Infrastructure, Blue Infrastructure and Wildlife Corridor maps on pages 62-64 show the data that will be provided on the policies map.

It is not clear what the “Green Infrastructure” map represents. It appears to show a line rather than an area of land so suggests a network of paths. It would be helpful if this is explained for clarity.

It is noted that the plan proposes to designate a number of wildlife corridors, one of which (WC07) runs through emerging local plan site A38, proposed to provide approximately 135 homes. The emerging local plan identifies green corridors as an opportunity for the site. However the corridor identified on the WHNP map appears to cover a significant portion of the site and could therefore constrain housing delivery.

Wildlife corridors generally provide linkages between areas of habitat. As West Horsley is a village, it could be considered that wildlife may be able to easily move around the village and that wildlife corridors through the settlement may not be necessary, especially where they are close to the edge of the settlement as in the case of WC07. Additionally, all the corridors are a standard width regardless of the type of habitat they cover, and there is no explanation for the lack of variation or for the width chosen.

Given that this designation could constrain housing delivery on a local plan site, it is important that robust and proportionate evidence is produced to support the designation. The supporting text references evidence base document 10 which supports the Green Infrastructure policies, but we have not been able to find this document.

Should the designation constrain delivery of housing without adequate justification, the Council will likely object to this policy. The examiner may also consider that the plan is not aligned with the strategic needs of the wider local area as required by paragraph 184 of the NPPF, which would not be in accordance with basic condition a.

The Council requests to see the evidence base that underpins this work in order to decide whether it must object to the policy.

Paragraph 5.56 could provide information on the species using specific wildlife corridors so as to inform enhancement, management and avoidance of harm. It is assumed that this information is included in the evidence base (document 10) but may perhaps also be of use in this section; e.g. this could inform hedgerow management, lighting or verge cutting. Identifying key species may also lend weight to this policy and make it more robust, especially if these tie into the strategic approach to biodiversity in Surrey set out by the Surrey Nature Partnership (summarised in policy I4 of the emerging Local Plan).

WH13 Sustainable Urban Drainage

The policy requires developers to consider whether the development will overwhelm the waste water infrastructure. In order to inform the emerging local plan, the Council has commissioned a Water Quality Assessment that looks at the impact of development proposals on waste water infrastructure capacity. Additional studies may therefore become superfluous.

The study is likely to be published prior to summer 2017.

WH14 Biodiversity

The Council supports the inclusion of a policy on biodiversity.

The policy WH14 could mention that certain habitats are irreplaceable – Ancient Semi-Natural Woodland and the words ‘must seek to avoid’ could be more strongly worded to make it clear that development must avoid harm to sites benefitting from protective designations such as the SPA, SSSI etc.

The policy lists a variety of tree species for landscaping conditions ‘according to circumstances’. The first on the list is Ash – for which it is no longer possible to purchase or plant nursery grown trees due to ash die back. The third on the list is oak which is now a questionable planting choice given the management cost and health implications of oak processionary moth. It is therefore unlikely that there will be any circumstances when ash or oak would be suitable.

Policy WH14 appears to be a little thin on information given the biodiversity assets in this ward and in comparison with, for instance, the following policy WH15 Dark Skies. Providing this information may help to address the lack of justification for the wildlife corridors designated by policy WH12.

West Horsley contains two proposed SANGs; Ben’s Wood and Long Reach. While Long Reach was rejected at planning committee, the landowner still intends to pursue the proposal and may get permission through appeal. These two sites represent significant opportunities for biodiversity improvements, benefitting as they would from protection from

development, ring fenced funding and a requirement to maintain them as attractive semi-natural spaces. It is suggested the policy could reference these opportunities.

It would be useful to specify a preference for street trees, as these will also provide the most benefits in terms of visual amenity for residents.

WH15 Dark Skies

No comments at this stage.

Strategic Environmental Assessment and Habitats Regulations Assessment

Basic condition f requires neighbourhood plans to be compatible with European obligations. Two significant obligations are those imposed by the Strategic Environmental Assessment (SEA) Directive and the Conservation of Habitats and Species Regulations 2010, which requires Habitats Regulations Assessment (HRA).

The Council has commissioned an early screening of the draft plan to establish whether it is likely that a full SEA and HRA will be required.

The screening report concludes no significant environmental effects and no need to undertake an SEA. Despite having no sites allocated for development, some of the policies do support development and the screening report therefore takes a precautionary principle approach and undertakes quite a detailed assessment, specifically for policies WH2 and WH5.

Our consultant suggests the wording for policy WH2 to be strengthened slightly. Adding another caveat to the list stating that "for any development of 10 or more dwellings, within the 5km Zone of Influence of the Thames Basin Heaths SPA, the development will only proceed once appropriate SANG has been provided and approved", or similar would help to ensure that larger developments of 10 or more houses do not proceed without complying with the adopted Thames Basin Heath Special Protection Area Avoidance Strategy.