

**Guildford Borough Council**  
**Lovelace Neighbourhood Plan examination**  
**Statement for the examiner**

**Contents**

1. Background.....	2
2. General comments.....	4
3. Introductory sections.....	5
4. Policy LNPH1: Suitability of Development Sites .....	6
5. Policy LNPH2: Housing for All.....	8
6. Policy LNPH3: Housing Design and Density .....	11
7. Policy LNPEN1: Local Green Spaces (LGS) and Local Views .....	13
8. Policy LNPEN2: Biodiversity and Natural Habitats .....	15
9. Policy LNPEN3: Flooding.....	15
10. Policy LNPEN4: Light Pollution.....	16
11. Policy LNPEN5: Air Quality and Traffic.....	17
12. 7. Infrastructure Policies (section introduction) .....	20
13. Policy LNPI1: Infrastructure .....	20
14. Policy LNPI2: Public Transport and Sustainable Travel .....	22
15. Policy LNPI3: Cycling and walking.....	24
16. Policy LNPI4: Parking.....	25
17. Policy LNPI5: Community Facilities .....	26
18. Policy LNPI6: Healthcare and Education .....	26
19. Policy LNPBE1: Business and Employment .....	27
20. Policy LNPBE2: Agricultural and Horticultural Land Use.....	28

## 1. Background

### The purpose of this document

- 1.1 This document has been provided for two main purposes. Firstly, to set out background information for the examination of the Lovelace Neighbourhood Plan (the LNP). Secondly, to provide a statement from Guildford Borough Council (the Council) to set out the Council's views on the LNP.
- 1.2 The Council provided detailed comments on the Regulation 14 version of the Lovelace Neighbourhood Plan in order to suggest ways to improve the effectiveness of the LNP's policies, in addition to discussing whether the LNP would meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)<sup>1</sup>.
- 1.3 The examination will test whether the neighbourhood plan complies with the basic conditions and other legal requirements. This statement therefore focuses on those matters.

### Submission legal requirements

- 1.4 The Council has reviewed Ripley and Ockham Parish Councils' submission documents against the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation. The Council is satisfied that the documents specified in the regulation have been submitted.

### The Basic Conditions

- 1.5 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 2004):
  - (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).
- 1.6 Basic conditions (b) and (c) do not apply to neighbourhood plans so are not listed above.
- 1.7 This document will refer back to these basic conditions where appropriate.

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<sup>1</sup> [excluding 2b, c, 3 to 5 as required by 38C(5)]

## **The Development Plan**

1.8 The relevant sources of strategic development plan policy are:

- The Local Plan Strategy and Sites 2015-2034 (LPSS)
- The remaining strategic policies of the Local Plan 2003
- Policy NRM6 of the South East Plan

### LPSS

1.9 The Council adopted the LPSS in April 2019. Adoption of the plan was subject to statutory challenges by three parties. The High Court dismissed all challenges, but one appellant has sought leave to appeal on one of the grounds. The Court of Appeal is currently considering whether to grant the request.

1.10 The LPSS and the policies maps can be found here:

<https://www.guildford.gov.uk/newlocalplan/examination>

1.11 The Council would like to draw the examiner's attention to some of the strategic policies that are of most relevance to the Lovelace Neighbourhood and will be referred to in the Council's statement:

- Policy P2: Green Belt (page 50)
- Policy A35: Former Wisley airfield, Ockham (page 219)
- Policy A41: Land at Garlick's Arch, Send Marsh/Burnt Common and Ripley (page 223)
- Policy A42: Land for new north facing slip roads to/from A3 at Send Marsh/Burnt Common (page 237)

### Local Plan 2003

1.12 The LPSS did not replace all of the policies of the pre-existing Local Plan 2003. A schedule of replaced policies is listed in Appendix 8 of the LPSS and a version of the Local Plan 2003 with superseded policies struck through can be found here:

[https://www.guildford.gov.uk/newlocalplan/media/1068/localplan2003-2/pdf/local\\_plan\\_2003\\_\(2\).pdf](https://www.guildford.gov.uk/newlocalplan/media/1068/localplan2003-2/pdf/local_plan_2003_(2).pdf)

1.13 An assessment setting out which Local Plan 2003 policies should be considered strategic is available to view at:

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

1.14 An online version of the Local Plan 2003 proposals (policies) map can be accessed via: <http://www.guildford.gov.uk/planningmap>

### NRM6 and the TBHSPA

1.15 The South East Plan has been mostly withdrawn, but policy NRM6 has not and remains in place. NRM6 deals with protection of the Thames Basin Heaths Special Protection Area (TBHSPA) and can be seen in Appendix 2 of the TBHSPA Avoidance Strategy: <https://www.guildford.gov.uk/article/16927/Special-Protection-Area-SPA->

- 1.16 The strategy sets out an approach to protecting the TBHSPA from the effects of urbanisation and increased recreational pressure that results from new housing within the vicinity of the TBHSPA. Policy P5 of the LPSS delivers an approach consistent with NRM6 and the SPA strategy. The approach prohibits new housing within 400m of the TBHSPA and requires new residential developments within 5km of the TBHSPA to avoid increasing recreational pressure on the habitat by 1) providing or contributing to Suitable Alternative Natural Greenspace (SANG) and 2) funding Strategic Access Management and Monitoring (SAMM) measures on the TBHSPA. Further details on SANG and SAMM can be found in policy P5 and the SPA Strategy.
- 1.17 This is a significant issue in Lovelace as the neighbourhood area contains a TBHSPA site and is in the vicinity of several other TBHSPA sites. See the map at Appendix 1.

#### Lovelace Neighbourhood Area

- 1.18 The Lovelace Neighbourhood Area covers the parishes of Ripley, Ockham and Wisley, a rural area in the northeast of Guildford borough (see the map at Appendix 1). The Qualifying Bodies for the neighbourhood area are Ripley Parish Council and Ockham Parish Council. Wisley parish does not have a parish council at present.

#### Strategic Environmental Assessment and Habitats Regulations Assessment

- 1.19 The Council has determined that the LNP does not need an environmental report under the Strategic Environmental Assessment (SEA) regulations.
- 1.20 The LNP has been subject to a Habitats Regulations Assessment (HRA) screening and appropriate assessment and the Council has determined that the LNP will not lead to adverse effects upon the integrity of European habitats sites.
- 1.21 The SEA screening and HRA screening and appropriate assessment have been provided separately to this document.

## **2. General comments**

- 2.1 The LNP makes negative comments about the LPSS and some of the allocated strategic sites throughout the document. This is not appropriate for a Development Plan Document - all such negative references should be removed.
- 2.2 The LNP includes information that is out of date (for example, where it states that Lovelace is wholly covered by the Green Belt, or makes references to the 'emerging' local plan). This information is found throughout the LNP and should be amended to reflect the current planning context in Guildford Borough.
- 2.3 The Council **objects** to all statements in the LNP where it alleges that policies within the LPSS will result in harm to the TBHSPA.
- 2.4 Natural England and the TBHSPA affected Local Planning Authorities have agreed a strategic approach that protects the TBHSPA from new development. This approach is overseen by the Joint Strategic Partnership, a group of TBHSPA affected authorities, which is advised by Natural England. The LPSS is fully consistent with

the approach and has been examined for impacts on the TBHSPA both at the Local Plan examination and later in the high court where the LPSS HRA was challenged unsuccessfully. Therefore, there are no grounds to state that the LPSS will result in adverse effects upon the TBHSPA.

- 2.5 The Joint Strategic Partnership approach is reflected in LPSS policy P5, South East Plan policy NRM6 and the Guildford TBHSPA Avoidance Strategy 2017 SPD. Both P5 and NRM6 are strategic policies and the LNP must be in general conformity with them in order to meet basic condition (e). Any statements that undermine the approach are therefore not in accordance with basic condition (e).
- 2.6 The LNP is a very long document and could be somewhat unwieldy to use in practice. It would be helpful if superfluous text could be removed or condensed to make the document easier for decision-makers, applicants and other end-users. In particular, there is a large amount of commentary that does not relate to any of the policies and there are a number of appendices that are not referred to in the main body of the document. These appendices could be better deployed as separate, background documents.

### **3. Introductory sections**

- 3.1 The Lovelace Profile map on page 4 should be reproduced in order to reflect current Green Belt boundaries. The Council can produce a suitable map.
- 3.2 Page 13, paragraph 2 – the text states “Lovelace is currently 100% Metropolitan Green Belt...”. This statement is no longer correct as the village of Ripley and several proposed development sites were removed from the Green Belt upon adoption of the LPSS. The text should be amended accordingly.
- 3.3 Several sections refer to the “CALP 2019” (“challenged adopted Local Plan”). The statutory challenges to the adopted LPSS have been dismissed and, whilst one of the claimants has appealed the decision on one of the grounds, it is inappropriate to refer to the LPSS as anything other than the adopted Local Plan and it must be accorded full weight as part of the Development Plan for the borough.
- 3.4 The text in Section 3.2, on page 18 of the LNP, reads as a critique of the Local Plan. This is inappropriate for a potential Development Plan Document and any critical text should be amended or removed.
- 3.5 The ‘Current and proposed future projects in Lovelace’ map on page 15 shows some proposals outside of the Lovelace boundary. Either the title of the map or the map should be amended to avoid confusion.
- 3.6 Section 3.3.4 reads as a critique of the strategic allocation of sites within the Local Plan and should be amended or removed. The final paragraph on page 18 should be removed as the references to surface-level car parks being excluded from the LPSS is both irrelevant and factually incorrect; some car parks have been included within the Land Availability Assessment that supports the Local Plan and have been allocated in the Local Plan themselves. In any event, it is not the LNPs role to

evaluate the site allocation strategy in the LPSS. Again, the reference to 'CALP 2019' should be amended.

- 3.7 The 'GBC Strategic Sites, Draft Local Plan 2016' map on page 19 is considerably out of date and should be replaced or removed; some of these sites were not carried forward and were not allocated within the adopted Local Plan: Strategy and Sites (2015 – 2034). The Council can provide a replacement map.
- 3.8 Paragraph 3.3.4.1 refers to the Former Wisley Airfield site as being wholly in 'Lovelace and the Metropolitan Green Belt', which is factually incorrect and should be amended. The Former Wisley Airfield site has been inset from the Green Belt as of the adoption of the Local Plan in April 2019.
- 3.9 Much of the text on pages 20 and 22 is negative toward the local plan or out-of-date and should be amended or removed as appropriate. In particular, the summary in section 3.3.4.5 is inaccurate and overly negative on a number of accounts and should be revised.
- 3.10 Reference to Send Prison being in the Land Availability Assessment on page 22 is incorrect and should be removed.
- 3.11 The first paragraph on page 26 states that "it is inevitable" that the TBHSPA would suffer adverse impacts from development in close proximity to the site. However, there is no basis for this statement as mitigation measures that avoid impacts on the TBHSPA are set out in the adopted regional strategic approach and strategic policies NRM6 and P5. The reference should be removed. Similarly, reference to increased recreational pressure on page 19 should be amended or removed as appropriate.

#### **4. Policy LNPH1: Suitability of Development Sites**

##### **Policy - First paragraph**

- 4.1 There is some tension in the opening sentence between "Development should be within the existing settlement boundaries or infill sites" and later "development will be supported where it is consistent with national policy". This is because the area around the existing settlement boundaries is largely Green Belt, and Green Belt policy allows development in circumstances other than limited infilling and within settlement boundaries. "Infilling" largely refers to Green Belt policy so may it be misleading to refer to infill sites within settlement boundaries, as some of the settlements are not longer covered by the Green Belt.
- 4.2 Additionally, the first sentence would prohibit the delivery of strategic and other sites allocated within the LPSS where it falls outside the settlement boundaries and therefore is not in general conformity with the strategic policies in the Local Plan. The Council therefore **objects** to the first sentence and suggests it should be removed.
- 4.3 The second sentence supports development where it "does not harm... the rural character of the Lovelace area". This is in conflict with the strategic allocation at the Former Wisley Airfield as it would be difficult to deliver the proposed scale of

development whilst retaining the rural character of the area. The Council therefore **objects** to the second sentence.

#### **LNP1 b**

- 4.4 The second part of criterion b requires development that does not harm the historic open setting and rural landscape. This may be in conflict with developments that are appropriately located on allocated sites such as the Former Wisley Airfield site. The Council **objects** to the second part of criterion b.

#### **LNP1 i**

- 4.5 Criterion I withholds support for major developments that are not within 500m of permanent public transport options or within easy walking distance of retail and social facilities. The majority of the land within Lovelace will be caught by this criterion. This is unreasonable for developments that are appropriately located outside of settlements (e.g. buildings that support agriculture, petrol stations, developments to support RHS Wisley etc.) and for developments that would include provision of new public transport facilities, such as the strategic Former Wisley Airfield development. The Council **objects** to criterion i.

#### **LNP1 j**

- 4.6 Criterion J withholds support for development unless “adequate additional infrastructure is provided prior to occupation to meet anticipated demand”. It is unreasonable to place a blanket requirement for infrastructure to be delivered prior to occupation; for example, schools on strategic sites should only be provided when there are enough potential students living within the vicinity of the school to use its classrooms. Likewise, GP surgeries should only be provided when the population is sufficient to sustain a GP practice. The Council **objects** to the wording and suggests this is changed to “adequate additional infrastructure is provided when first needed”.

#### **Supporting text**

- 4.7 The supporting text at the end of page 29 states “Any significant major development must necessarily include a SANG or SAMM as Lovelace has within its boundaries the designated TBHSPA and SSSI at Ockham and Wisley Commons.”. The text is incorrect for the following reasons:
- only new residential development must provide SANG and SAMM,
  - residential developments do not have to include a SANG as they can contribute funding for an existing SANG instead
  - all residential development must contribute to SANG and SAMM – not just major development – and it must contribute to SANG and SAMM (not ‘or’)
  - SANG and SAMM must be provided by any residential development within 5km of the SPA, not because Lovelace has SPA within its boundaries.

- 4.8 Therefore, the text is in conflict with the strategic approach and should be amended or removed. As this statement undermines the strategic TBHSPA approach and strategic policies P5 and NRM6, the Council must **Object** to this wording.
- 4.9 The supporting text at the top of page 30 states: “Residential development in close proximity of these environmentally designated area would inevitably have an adverse impact on these sensitive locations due to increased recreational use, despite the provision of a SANG or SAMM.” There is no basis given for this statement and it is not in conformity with the strategic approach to protection of the SPA from new residential development. The Council **Objects** to this wording and suggests it is removed.
- 4.10 The text continues: “Increased recreation use could include additional dog walkers, cyclists, and cats, which would impact on the integrity of the TBHSPA.” This confuses two sets of impacts – additional recreational use from new homes within 5km of the SPA and predation by cats from new homes within 400m of the SPA (this is latter impact is not a result of recreation use). This should be amended as appropriate.
- 4.11 Most of the remaining text on page 30 and 31 appears to be a critique of the spatial strategy in the LPSS. This is inappropriate to include in a Development Plan Document and should be removed. In any event, the text appears to be largely inconsequential for the policies in the LNP and could be removed in order to make the document easier to read and use.
- 4.12 However, the definition of infilling beneath the map on page 31 may form useful explanatory text for the policy where it refers to infilling and should be retained to provide clarification for the policy.

## **5. Policy LNPH2: Housing for All**

### **Policy text**

- 5.1 The first sentence supports development proposals that meet the identified needs in terms of housing mix of the Lovelace community. While the objective of the LNP to ensure development meets local needs is generally supported, in this instance it is not reasonable to apply the policy to all developments. This is because the Lovelace Neighbourhood Area contains a strategic development site (the Former Wisley Airfield) and part of another large site (Garlick’s Arch). These sites have been allocated in order to meet the borough’s needs rather than the specific needs of Lovelace. If the LNP policy were applied to these sites, it would result in a large overprovision of development that meets the specific needs of Lovelace and potentially an under-provision of development to meet strategic needs where these differ from the needs of Lovelace. This would not align with strategic policies in the Local Plan and therefore would not meet basic condition (e). The policy should contain a caveat that it will not apply to LPSS allocated sites.
- 5.2 Criteria d and e are consistent with the Local Plan and the Council has no objection to these.



## **LNP2 a and b**

- 5.3 Criterion a states that **all** sites of 5 or more should include affordable housing. It is not clear whether this has to be onsite, but if that is the case it is not consistent with the LPSS policy H2 which states that at least 40% of homes sites providing 11 or more homes (gross), or where dwellings would have a combined gross internal floorspace of more than 1,000 sqm, will be affordable housing. This reflects national policy which regards the on-site provision of affordable homes on sites of 6 to 10 units to be non-viable. However, based on criterion b the intention appears to allow for off-site provision for sites of 6 to 10 dwellings. The wording of criterion a could make this clearer.
- 5.4 Criterion b is in somewhat consistent with H2 and is supported, but should also be revised to reflect the wording of H2. Under policy H2, for developments of between 6 and 10 dwellings inclusive (gross) only (internal floorspace does not apply in these instances), a financial contribution in lieu of on-site provision of affordable housing will be sought which is of broadly equivalent value relative to on-site provision.
- 5.5 The criterion also limits the use of the financial contributions to “the provision of new affordable homes by GBC in the Lovelace Ward” (emphasis added). However, this wording could be overly prescriptive and limiting in situations where an opportunity to spend the money within the Ward is not available. The text could provide more flexibility while including the aim of focusing provision within Lovelace through amendment along the following lines: “...the provision of new affordable homes by GBC. These should be provided within the Lovelace Ward where possible”.

## **LNP2 c**

- 5.6 LPSS policy H1 requires housing mix to match the needs identified in the West Surrey Strategic Housing Market Assessment. For affordable housing the following mix is required:
- One bedroom – 40%
  - Two bedroom – 30%
  - Three bedroom – 25%
  - Four bedroom – 5%
- 5.7 Policy LNP2 requires the following mix for affordable housing:
- One bedroom – 25% maximum
  - Two bedroom – 25% minimum
  - Three bedroom – 25% minimum
- 5.8 As a result, policy LNP2 would significantly reduce the provision of one-bedroom affordable homes in the borough and could increase the provision of three and/or four-bedroom affordable homes considerably. The reasoning given for this is “the Lovelace housing survey and ONS figures do not show the need for a high level of one-bedroom homes, an urban rather than rural need. An oversupply of one-

bedroom dwellings would further increase traffic problems” (LNP page 35 paragraph 3).

- 5.9 The Council supports the use of housing mix policies in neighbourhood plans that ensure that local needs are met. However, no evidence is provided to show that increasing the supply of one-bedroom dwellings would increase traffic problems. Indeed, it seems likely that one-bedroom homes would have a lower impact on traffic than larger dwelling sizes because they would have fewer occupants and likely fewer drivers.
- 5.10 There is a continuing pressing need for one-bedroom homes demonstrated through the borough’s housing register; at the latest figures (September 2019) 55% of applicants were seeking one-bedroom units. This is an important consideration given that a very significant portion of new affordable homes are likely to be provided by the large strategic sites such as the Former Wisley Airfield. If too few one-bedroom homes were provided on these sites, the future needs of borough residents may not be met and the Council may not be able to meet its statutory housing obligations.
- 5.11 While it is appropriate that neighbourhood plans should alter the housing mix to more accurately reflect local needs and circumstances, where this is supported by appropriate evidence, in the case of Lovelace the Neighbourhood Area includes several LPSS site allocations, including a strategic site, that have been brought forward in order to meet the housing needs of the wider borough. It is not appropriate that the Lovelace mix should apply to these sites as the large number of homes on these sites would result in a supply of homes at the LNP housing mix that far exceeds the needs of the neighbourhood area, while reducing the ability of the LPSS to meet strategic borough needs for one-bedroom dwellings.
- 5.12 As a result of the above, the LNP is not aligned with the strategic needs of the wider local area, as required by the NPPF, and is not consistent with the strategy in the emerging Local Plan. The Council therefore **objects** to criterion c. This may be remedied by amending the plan so that the housing mix only applies to sites that are not allocated in the LPSS.

### **Supporting text**

- 5.13 Paragraph 5 on page 35 states: “Any major developments should provide for outdoor recreational use, usually by the provision of a SANG or SAMM, but should not create increased adverse pressure on nearby environmentally designated sites.” This statement is incorrect and misleading – only residential development, and all residential development (not just major), must provide SANG and SAMM, and both must be provided, not one or the other. Additionally, SANG is distinct from typical open space provision and is not the form of open space that is “usually” provided. It is fundamental that where SANG is provided it is in addition to the usual provision of recreation and amenity open space, and not as a substitute, as they fulfil a different roles.

- 5.14 The paragraph continues: “Any development located within easy access to the TBHSPA/SSSI at Ockham and Wisley Commons would inevitably encourage increased recreational use from dog walkers, cyclists, and ramblers, for example.” This does not accord with the strategic TBHSPA approach which establishes that impacts can be avoided through the use of SANG and SAMM. The text should be deleted as it does not conform with strategic policy. The Council **objects** to this section as it misrepresents and undermines the strategic approach to protecting the SPA.

## **6. Policy LNPH3: Housing Design and Density**

### **LNPH3 a**

- 6.1 This should refer to the adopted, rather than emerging, Local Plan 2019 Policy D1.

### **LNPH3 b**

- 6.2 The criterion requires that development within Lovelace’s Conservation Areas only follow the ‘Lovelace Design Standard’. However, the Design Standard provided at Appendix C5 does not appear to be limited to the Conservation Areas. This lack of clarity could lead to delays in planning decisions and appeals. The Council would like the text in either the policy or the Design Standard to be amended so that it is clear where the guidance should apply.

### **LNPH3 c**

- 6.3 The prohibition on extensions that deliver greater than a 50% increase in size is problematic. It may be at odds with the NPPF, which seeks to make effective use of land. While NPPF Green Belt policy does restrict extensions in the green belt to those that would “not result in disproportionate additions” and replacement buildings that are not “materially larger” (paragraph 145), and that there is precedent for appropriately evidenced planning policy to set a percentage increase on these, restricting the extent to which applicants can extend their home outside of Green Belt areas is not considered reasonable.
- 6.4 In addition, the threshold appears arbitrary and in Green Belt areas would not differentiate between “materially larger” and “disproportionate additions”; the limit for the former is likely to be much smaller than the limit for the latter. As a result, the criteria has not had regard to Green Belt policy and if applied rigidly could result in appeals on that basis.
- 6.5 It is not clear why the threshold applies to small and medium sized properties, but not large sized properties. This appears to be designed to limit owners of smaller properties extending but not the owners of larger properties, which does not seem fair.
- 6.6 The Council’s view is that the point at which an extension to a house, or a site could be considered to be overdevelopment, can vary considerably depending on the

context and the Council's view is that overdevelopment is best managed through a design-led policy. This approach has been taken in the LPSS.

#### **LNPH3 d and i**

- 6.7 LPSS Policy D1(5) states that the size, function and proposed density on strategic allocations means that it may not be desirable to reflect locally distinct patterns and that these sites should create their own identity. It should be made clear that criteria d and i do not apply to the strategic site at the Former Wisley Airfield.

#### **LNPH3 e**

- 6.8 Criterion e limits new development to no more than three storeys. The requirement will apply across the whole of the LNP area, including strategic sites and could therefore have the effect of limiting the height of new buildings on strategic sites. This is at odds with the NPPF, which encourages development to achieve higher densities (paragraph 123).
- 6.9 The requirement is also not in general conformity with the strategic priorities local plan as it could prevent the strategic sites from delivering the numbers of homes and employment units necessary to meet the identified needs in the local plan.
- 6.10 The blanket limit on storeys is highly prescriptive and the Council is concerned that the such a restriction may be unreasonable. For example, it is possible that well-designed proposals that include a basement or loft-conversion 'half-storey' could be designed to respect the character of the area whilst accommodating more than three-storey dwellings. If the policy is applied rigidly it could result in problems and delays during the planning application process and the unnecessary refusal of otherwise acceptable schemes. Such refusals would likely be followed by appeals that create work and costs for the Council and would result in the policy becoming unenforceable.
- 6.11 Strategic sites are of such scale that they have the opportunity to create their own character through a built form that could include taller buildings than the policy allows. Therefore, it is not reasonable to place such constraints on them on the basis of surrounding character.
- 6.12 As a result of the above, the Council **objects** to LNPH3 e. The Council therefore suggests that the wording is removed. Alternatively, it could be or amended so that it ensures that development does not materially harm the character of surrounding settlements where they exist in terms of height without setting a blanket restriction on the number of storeys. If any such restriction is retained, it should not apply to strategic sites.

#### **LNPH3 j**

- 6.13 Criterion j states: "Residential developments within the Ripley and Wisley settlement areas should have a minimum density of 20 per hectare and a maximum density of 40 per hectare. Developments in Ockham should reflect the current 4 per hectare

density of the area.” This is a very prescriptive policy that applies blanket maximum and minimum densities in certain areas. The proposed density guideline for Ockham is incredibly low.

- 6.14 This does not have regard to the NPPF at paragraph 123, which states that the use of minimum (not maximum) density standards should be considered. The NPPF and PPG generally support higher densities and the policy must have regard to this in order to meet basic condition (a). The policy could undermine the delivery of the strategic site at Former Wisley Airfield and is therefore not in general conformity with LPSS strategic policy and fails to meet basic condition (e).
- 6.15 The Council must **object** to criterion j as the current wording could prevent Local Plan sites from meeting the development needs of the borough by reducing the capacity of those sites. If a density policy is retained, it should not apply to strategic sites as it would hinder placemaking on these sites and could result in less sustainable patterns of development.

#### **Supporting text**

- 6.16 The final paragraph on page 37 states “...The provision of a SANG or SAMM cannot guarantee that recreational pressure on the TBHSPA would be limited. A significant number of new residents located within easy walking distance would, realistically, ramble, walk dogs, or cycle on Wisley and Ockham Commons, leading inevitably to an adverse environmental impact on the TBHSPA.” There is no basis for this statement, and it does not comply with the strategic approach to protecting the TBHSPA for the reasons set out previously. The Council **objects** to this text.

### **7. Policy LNPEN1: Local Green Spaces (LGS) and Local Views**

#### **Introductory text**

- 7.1 The first line at the top of page 41 states “Lovelace is currently 100% Green Belt”. This is now out of date and should be amended.

#### **Policy Paragraphs 1 and 2**

- 7.2 The second sentence of the policy is not clear. It is assumed that the sentence should refer to “Local Green Spaces” (the topic of the policy) and therefore it could be redrafted along the lines of “*Proposals for development within Local Green Spaces will be treated in a manner consistent with Green Belt policy*”. However, this sentence may not be necessary as it simply restates national policy. Unless additional policy is provided, the policy could simply designate land as Local Green Space.
- 7.3 The policy does not say which sites within the neighbourhood area are designated as Local Green Spaces. For clarity, the policy text should refer to the map and list that can be seen later in the supporting text and/or list the names of the spaces within the policy.

- 7.4 The map does not provide adequate resolution to clearly show the boundaries of the proposed Local Green Spaces. Appendix D1 is titled “Local Green Spaces and Views” but it does not appear to include any maps or photos of the proposed Local Green Spaces. Paragraph 3 on page 44 states “A description and ownership of the LGSs is shown in Appendix D1” but this does not appear to be the case. Closeup maps showing the detailed boundary of each Local Green Space must be provided somewhere in order for the plan to be clear as a minimum. It is suggested that these should be provided in Appendix D1.
- 7.5 Paragraph 2 states “Any SANG should be provided in accordance with Policy NRM6 (South East Plan, 2009) and the Thames Basin Heaths SPA Avoidance Strategy (GBC,2017)”. This does not seem to relate to Local Green Spaces or views and repeats adopted policy so is not necessary.

#### **LNPEN1 c**

- 7.6 Criteria c prohibits developments that link together individual settlement areas or hamlets. This could detrimentally affect delivery of the strategic Former Wisley Airfield development, which has hamlets around its perimeter. As a result, the Council must **object** to criteria c and e and suggests they are removed.
- 7.7 The above notwithstanding, it is not evident how Criterion c relates to Local Green Spaces and views as it sounds more like a strategic gap policy.

#### **LNPEN1 e**

- 7.8 The policy protects views but does not say which views should be protected. The protected views should be listed in the policy or in the supporting text. Appendix D1 includes pictures and descriptions of some views, but this is not sufficient for decision makers or applicants - a map needs to be provided showing where the protected views are. Several of the photos in Appendix D1 do not appear to show views at all (e.g. views 9 and 10) and several views appear to be of fairly ordinary fields and of no great distance. No commentary is provided to explain why these particular views are special. The examiner is requested to consider whether these views lack proportionate and robust evidence and should be deleted.
- 7.9 The lack of a map showing where the views are and consequently where protection will fall means the Council has been unable to judge whether the policy is in conformity with strategic policies. However, one of the photos appears to show a view across the Former Wisley Airfield strategic development site. Protecting this view is not in general conformity with the strategic policy for the site, and therefore does not meet basic condition (e). The Council must therefore **object** to this policy.

## 8. Policy LNPEN2: Biodiversity and Natural Habitats

### Policy text

- 8.1 Paragraph 1 states “Developers must demonstrate measurable net gains to wildlife and biodiversity through habitat creation and enhancement of the landscape.” The principle of the policy is supported as it accords with strategic policy ID4. However, there is a lack of clarity in the wording as landscape enhancement is a primarily visual matter and may not necessarily provide biodiversity benefits. The sentence could instead read “...through habitat creation and enhancement”.
- 8.2 Paragraph 1 later states “Developments which increase significant recreational use of the European designated Thames Basin Heath Special Protection Area (TBHSPA) and Sites of Scientific Interest (SSSI) are not supported.” The council supports this as it accords with strategic policy that relates to the TBHSPA, but the sentence should not refer to SSSIs. The conservation interests on the TBHSPA are known to suffer from recreational pressure but the same cannot be said of all SSSIs. Additionally, it is common for SSSIs to be nature reserves, which are mostly public spaces provided for their recreational value as well as their nature conservation value. Nature reserves promote nature conservation and provide education measures that help to raise the status of conservation. Therefore, it cannot be assumed that all SSSIs suffer due to recreation and to do so could be detrimental to conservation. The reference to SSSIs should be removed.
- 8.3 Criteria b and f repeat the first paragraph and could be removed.
- 8.4 Criterion i has the same effect as criterion c and can be removed.

### Supporting text

- 8.5 Paragraph 6 on page 47 states: “The proposed development at FWA/TFM is of particular concern as direct impacts, both temporary (e.g. construction) and permanent (e.g. increased visitor pressure, and cats) could be significant if located in close proximity to the TBHSPA. Ockham and Wisley commons are within easy walking distance of the airfield and will undoubtedly attract additional dog walkers, cyclists, rambles, and cats from the development even if a SANG is located nearby.” This is not in compliance with the strategic approach to protecting the SPA for the reasons set out previously and should be removed. As it undermines the adopted strategic approach, the Council **objects** to its inclusion.

## 9. Policy LNPEN3: Flooding

- 9.1 The policy requires a Flood Risk Assessment for all major developments. However, the NPPF (paragraph 164, footnote 50) and PPG (Flood risk assessment for planning applications) already set out the circumstances where a flood risk assessment is necessary, and make it clear that assessments are not needed for developments in areas outside flood zones 2 and 3 unless the development site is a) more than 1 ha; b) could be affected by sources of flooding other than rivers and sea; or c) within an

area identified by the Environment Agency as having critical drainage problems (of which currently there are none in Guildford Borough). Major developments, particularly residential developments, can often be on sites smaller than 1 ha and may therefore not require a site-specific flood risk assessment under national planning policy, provided that they do not have significant risk of flooding from non-river sources e.g. surface water/sewers<sup>2</sup>. The policy contradicts the NPPF and PPG and should be revised or removed as appropriate.

- 9.2 The policy also requires a 'site water management plan' for major developments. It is unclear as to what this means as neither the policy nor reasoned justification provide an explanation. Further clarification is needed to assist developers as well as for the Council and/or examiner to ascertain whether this is a reasonable requirement in line with national and local planning policies.
- 9.3 Policy P4 of the Local Plan – Strategy and Sites (2019) requires all development proposals to include information demonstrating adequate land drainage and that the proposed development will not result in increased surface water runoff. For major developments the Council's validation requirements for planning applications require submission of a Surface Water Drainage Strategy, as well as provision for SuDS. If LNPEN3 is referring to a plan for the management of surface water then it could be a reasonable requirement, albeit a duplication of Policy P4 and the Council's validation requirements. This requirement should be clarified or removed as appropriate.

## **10. Policy LNPEN4: Light Pollution**

### **Policy**

- 10.1 The policy states "Artificial lighting on developments must take account of the ecological impact on the rural countryside in Lovelace and employ mitigation measures to limit visible light in intrinsically dark areas of countryside". The principle of the policy is supported but the approach can be improved to make the policy more effective.
- 10.2 Artificial lighting and rooflights can generally be installed through permitted development, which planning policy cannot govern. This policy would be more effective if it instead focused on the design of new development (a planning policy matter) to prevent light spillage and on developments of types that are required to provide lighting strategies.
- 10.3 Street lighting and many forms of public lighting are a county matter so do not need planning permission and may be "excluded development" for neighbourhood plans. They should be removed from the policy, but could be included as an aspirational policy in the appropriate section.

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<sup>2</sup> For residential developments the NPPF defines major development as 10 or more homes or sites of 0.5 ha or more; whilst for non-residential development it is sites of 1 ha or more or where the development provides 1,000 m<sup>2</sup> or more of additional floorspace.



## 11. Policy LNPEN5: Air Quality and Traffic

### Policy paragraph 2

- 11.1 Paragraph 2 states “Developments which significantly increase traffic movements in Lovelace where the air quality is already above European and UK legal limits or would have an adverse impact on the European designated sites by way of pollution, reduced air quality or increased nitrogen levels, will not be supported.” Whilst the principle is positive, the use of air quality data in the supporting text and the conclusions drawn are problematic (see ‘supporting text’ section below). The policy and the conclusions, taken together, could detrimentally affect delivery of LPSS sites. The Council has the power to designate Air Quality Management Areas, and this should be the main mechanism for protecting communities blighted by poor air quality.

### Policy paragraph 3

- 11.2 Paragraph 3 requires major development to meet a number of requirements “where appropriate”. The requirements set out in the paragraph and following list are wide ranging and would require extensive work. This is problematic because “major developments” covers all residential schemes of 10 units or greater and all commercial schemes of 1,000 sqm or above. As a result, for smaller scale major developments, the requirements of the policy would be unreasonably burdensome. However, the requirements in criteria a-f may be somewhat reasonable for residential schemes of 100 units or above.
- 11.3 In any event, the Council would prefer commercial developments to be handled on a case-by-case basis regardless of size as the specific use that is proposed is more likely to govern traffic movements than simply the floor area.
- 11.4 The paragraph is problematic as it calls for “measurable mitigation” to avoid increased traffic movements from all major developments. The policy does include the caveat “where appropriate”, but it is not clear when this would or wouldn’t be appropriate so the policy is unclear.
- 11.5 Either the paragraph should be amended to set out the residential threshold and approach to commercial developments detailed above, or “where appropriate” should be defined in the supporting text with the same information. Given the lack of clarity and the potential impacts in terms of delays and appeals, the Council must **object** to this paragraph.

### LNPEN5 b

- 11.6 The requirement for “traffic to be directed away from the TBHSPA” is problematic as both the A3 and the M25 pass through the TBHSPA. It would not be appropriate for the LNP to encourage traffic away from major routes and onto the local road network and, additionally, this would be in direct conflict with the LNP where it seeks to address traffic and air quality issues within settlements and specifically with criterion

F iii which encourages construction traffic away from local roads and onto major routes.

- 11.7 The LPSS has been assessed for impacts on the TBHSPA (see comments on the supporting text below) through HRA and it has been established that air quality through the TBHSPA will improve and not degrade, despite the delivery of LPSS sites. This evidence has been tested at examination and in the high court through statutory challenge (the HRA was one of the grounds of challenge), so there is no basis upon which to challenge the LPSS HRA.

#### **LNPEN5 c and d**

- 11.8 It is not clear what a “wholly independent” means in relation to Ecological Assessment and Air Quality Assessment. This text should be deleted as the lack of clarity is likely to lead to delays during the planning process.

#### **Supporting text**

- 11.9 The use of the air quality data in the supporting text is problematic. The supporting text states “The air quality results evidenced air pollution in areas in both Ripley and Ockham to be at least 10% higher than the maximum levels laid down by the EU Ambient Air Quality Directive (Ripley and Ockham Air Quality Reports – Appendices D3 and D4).” The evidence referred to is two air quality reports produced by TRL for the Lovelace group, one for Ripley and one for Ockham. However, the text does not correlate with the findings of the reports.
- 11.10 For NO<sub>x</sub> emissions, the TRL report for Ripley states the following: “The average NO<sub>2</sub> concentration for the four month monitoring period is 43.6 µg/m<sup>3</sup>. This is above the annual mean objective limit of 40 µg/m<sup>3</sup> set out in the AQS. These results should be treated with caution as data only cover a four-month period and may not exceed the annual mean objective if a longer monitoring period was undertaken.” This shows that for Ripley there may be an exceedance of nearing (not “at least”) 10 per cent, but that annual data is needed before this can be confirmed.
- 11.11 The Council has been carrying out air quality monitoring for Nitrogen Dioxide in Ripley High Street and Newark Lane. The monitoring over the last full calendar year does not show exceedance of the AQS when data is annualised. The data for the current calendar year so far are similar. The results can be seen on the following link: <https://www.guildford.gov.uk/article/19807/Air-quality-monitoring>.
- 11.12 The TRL report also states, and the LNP reiterates “If the new local development at Wisley airport does go ahead it is predicted that there will be an increase in up to 4000 vehicles in the area. A proportion of these vehicles are likely to travel through Ripley. The resultant increase in traffic through Ripley is likely to worsen the air quality in Ripley.” This is contrary to the LPSS evidence base.
- 11.13 The LPSS includes new north facing slip roads to/from the A3 at the A247 Clandon Road (Burnt Common) interchange (site Policy A42), and delivery of these is a requirement within site Policy A35 Former Wisley airfield (paragraph 4 of the policy).

The Local Plan transport assessment, included in the Strategic Highway Assessment Report (Surrey CC, June 2016), forecast lower traffic flows on the B2215 through Ripley in scenario 3, which includes growth at the former Wisley airfield as well as the new slip roads at Burnt Common, than in scenario 1, the 'do minimum' scenario that includes neither the Local Plan growth nor the new slip roads. See paragraphs 4.7.9 and 4.7.13:

[https://www.guildford.gov.uk/newlocalplan/media/21342/Strategic-Highway-Assessment-Report-June-2016/pdf/Strategic\\_Highway\\_Assessment\\_Report\\_\(June\\_2016\).pdf](https://www.guildford.gov.uk/newlocalplan/media/21342/Strategic-Highway-Assessment-Report-June-2016/pdf/Strategic_Highway_Assessment_Report_(June_2016).pdf)

- 11.14 As a result, traffic flows through Ripley are expected to decrease as a result of the LPSS. The TRL report does not appear to have taken the impact of the new A3 junctions into account.
- 11.15 For particulates, the supporting text of the LNP states: "The Ripley PM10 levels were exceeded twice...". Whereas the Ripley TRL report states "The average PM10 concentration for the four-month period is 18.1µg/m<sup>3</sup>, this is below the annual mean objective limit of 40µg/m<sup>3</sup>." Additionally, the report states: "The PM2.5 concentration during the monitoring period has an average of 7.6µg/m<sup>3</sup>. There are no set objective limits for England only that work should be done to reduce concentrations/ emissions of fine particulate matter. However, the objective limit that has been set for Scotland is 10µg/m<sup>3</sup>, which the average concentrations at Ripley are below." The report therefore conflicts with the statements in the LNP as it clearly states that particulate levels are below objective limits.
- 11.16 The TRL report for Ockham states "The average NO<sub>2</sub> concentration for the three-month monitoring period is 39.3 µg/m<sup>3</sup>. This is just below the annual mean objective limit of 40 µg/m<sup>3</sup> set out in the AQS... The data show that in this monitoring period there have been no exceedances of the hourly NO<sub>2</sub> objective of 200 µg/m<sup>3</sup> set out in the AQS [Air Quality Standards]."
- 11.17 The TRL report for Ockham also considers impacts of nitrogen upon the TBH SPA and states "When comparing the data against the critical levels set for the protection of ecosystems the concentrations have been exceeded at the continuous monitor and were calculated as 74.3µg/m<sup>3</sup> and although this concentration is much higher than the objective, it must be treated with caution as it is calculated based on only three months monitoring data. When comparing the 24-hour means values with the objective critical levels it was found that there were 49 exceedances of the 75µg/m<sup>3</sup> object limit in the three-month monitoring period."
- 11.18 The issue of impacts on the TBHSPA from increased traffic has been addressed through the HRA, which found that NO<sub>x</sub> emissions will fall despite delivery of sites in the LPSS. It is not appropriate for the LNP to reopen this debate.
- 11.19 The supporting text goes on to discuss the background evidence for the LPSS in detail and alleges that it does not conform with the NPPF (bottom of page 63). The LPSS has been found sound through examination, and this conclusion has involved

consideration by the examiner as to whether it conforms to the NPPF. The LPSS is supported by an HRA that has been tested at examination and through statutory challenge and is not considered to be deficient. It is inappropriate for the LNP to question the LPSS and the LPSS evidence base and the Council therefore **objects** to this text. All discussion of the LPSS evidence base should be deleted from the LNP.

- 11.20 The examiner is asked to consider the air quality evidence that has been presented and to consider whether the statements regarding air quality are accurate and whether they should be amended or removed.

## **12. 7. Infrastructure Policies (section introduction)**

### **Water and sewage**

- 12.1 Text on page 66 states “Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application” and “The Developer has funded an impact study of the foul network which has confirmed that there is not sufficient capacity to accept this development... We have concerns regarding sewage treatment capacity at Ripley STW to accept proposed flows from this development..... It should be noted that in the event of an upgrade to our assets being required, up to three years lead in time will be necessary and will be subject to funding approval.”
- 12.2 This matter was raised during the LPSS examination. The LPSS includes requirements to ensure the provision of infrastructure necessary to support development when first needed. A requirement was included at LPSS site allocation policy A35: Former Wisley Airfield point (15) to ensure that sufficient capacity is available within Ripley STW to accept wastewater from this development within its permitted limits – this was supported by Thames Water. The text should be amended to either acknowledge these points or be removed entirely.

### **Public Transport, Cycling and Walking**

- 12.3 This section is very negative about walking and cycling, which is not appropriate for a Development Plan Document. The NPPF requires plans to encourage and provide for walking and cycling.
- 12.4 The section appears to be a critique of LPSS site allocations. It should be removed from the LNP.

## **13. Policy LNPI1: Infrastructure**

### **Policy text**

- 13.1 Paragraph one states: “Major development requiring new or changed infrastructure should demonstrate how it takes account adjoining or co-joining infrastructure requirements and developments in the area during the life of this plan.” This sentence

is very unclear and unlikely to achieve its intended results. It is suggested that this line could be amended along the following lines: "Major development that is granted permission in the basis of improvements to infrastructure should demonstrate how it has taken account of infrastructure requirements and developments across the wider area".

#### **LNPI1 a and b**

- 13.2 Criteria a requires provision of infrastructure prior to occupation. This is not possible for many types of infrastructure; for example, schools and GP surgeries should not be provided before the population has reached the threshold to trigger the need for additional services as this could result in costs for the education or health authority while the building sits idle. This should instead require infrastructure to be delivered when first needed.
- 13.3 Criteria a conflicts with criteria b, which states that infrastructure improvements should be delivered at each stage of the development, tied to population growth, which is a much more reasonable approach. Alongside this, the LPSS includes requirements to ensure the provision of infrastructure necessary to support development when first needed so criteria a can be deleted.

#### **LNPI1 d**

- 13.4 Requiring any development that requires new or improved infrastructure to provide a joined up "public transport network" is unreasonable and could likely only be achieved by seeking contributions to a community bus service run by a body such as the parish council or Surrey County Council. However, no evidence is provided that such a service is proposed. Note: the LPSS policy 'A35 Former Wisley Airfield' requires a "significant bus network" to be provided but the very large scale of this specific development makes this viable. Criteria d as written applies to all developments that are linked to infrastructure improvements and would cover development at a range of scales, the majority of which will not be able to provide a public transport network. The Council therefore **objects** to this requirement as it will not be possible to implement in the majority of instances. The policy should instead be aimed at scales of development that are capable of delivering its provisions.

#### **LNPI1 h**

- 13.5 Criteria h requires piped gas to be provided to new dwellings where possible. As part of the proposed low-carbon Future Homes standard, the government intends to ban gas central heating in new homes by 2025 and for new homes to instead use low carbon sources of heat, such as heat pumps and district heat systems. Criteria h has probably been included for good sustainability reasons - to prevent the use of stored oil for heating (a carbon intensive fuel source) for off-grid housing, but could have the opposite effect as it prohibits the move to low carbon energy. In particular, policy D2 of the LPSS requires large strategic development to fully explore heat distribution networks as the primary source of energy, which would accord with Future Homes,

and a requirement to provide piped gas would conflict with this strategic policy. Developers and gas companies are unlikely to invest in expanding the gas grid from the present extent given that gas will soon be in lower demand as a heating source. As a result, the Council thinks criteria h is unreasonable and **objects** to its inclusion.

- 13.6 The criterion should be deleted, or could be amended instead to prohibit the use of stored oil for heating to achieve the assumed aim.
- 13.7 Alternatively (and ideally), the policy could be more closely aligned with sustainable development principles and the NPPF by promoting the use of low carbon heating and energy systems. The Future Homes approach envisages that the market and supply chain for heat pumps and other low carbon heating technologies will expand rapidly in the next few years in the run up to the gas heating ban in 2025, and heat pumps are already in use in UK developments. The Council therefore suggest that the clause should be rewritten along the following lines: “where new buildings are not connected to the gas grid, they are heated from low carbon sources. Stored oil heating systems will not be acceptable.”

#### **Reasoned justification**

- 13.8 The text states “The Junction 10 improvements could lead to habitat fragmentation if not appropriately designed and adverse effects mitigated for and the effects of those improvements should be taken into account with any new developments which could also have adverse impacts on the TBHSPA.” The Junction 10 improvements are a national infrastructure project and therefore excluded development for neighbourhood plans. It is suggested this text is deleted.

### **14. Policy LNPI2: Public Transport and Sustainable Travel**

#### **Policy first paragraph**

- 14.1 The policy states that major developments “should all offer sustainable transport choices, e.g. electric buses, car sharing etc”. This is not reasonable for all major developments and is therefore unenforceable. As an example, major developments of 10 homes cannot provide bus services and car sharing schemes. The Council therefore **objects** to this clause.
- 14.2 The clause may be acceptable if it applies only to very large developments, but where these developments are anticipated, LPSS policy already covers sustainable transport adequately.
- 14.3 The policy also states that “major developments” should “provide or contribute financially” to public transport throughout the lifetime of the LNP. This is unreasonable as only very large-scale developments are able to provide new public transport services. Smaller major developments can only contribute to public transport where schemes such as community bus services or car clubs are available. The supporting text does not set out that this is the case. Unless these services are

available or emerging locally, the Council cannot realistically collect financial contributions towards them.

- 14.4 It is noted that the requirement is caveated with “where appropriate”, which provides flexibility, but it seems unlikely that the clause could be implemented in the majority situations. The examiner is therefore asked to consider whether this policy is effective.
- 14.5 It should be noted that policy ‘A35 Former Wisley Airfield’ already requires provision of a bus network for that very large-scale development. It is extremely unlikely that any other schemes of a similar size will come forward in Lovelace and therefore the scope for developer provision of further bus services is very limited.

#### **LNPI2 c**

- 14.6 This criterion replicates LNPH1, which the Council objects to for the reasons outlined previously. The Council similarly **objects** to this Criterion.

#### **LNPI2 d**

- 14.7 This criterion requires that any major site providing a bus service to local facilities and railway stations will include a regular bus service to Woking station. Realistically, the only development that this applies to will be the strategic site at the Former Wisley Airfield. The LPSS establishes an extensive range of requirements within the allocation policy for this site; Policy A35: Former Wisley Airfield, Ockham, which includes:

“(5) A significant bus network to serve the site and which will also serve Effingham Junction railway station and/or Horsley railway station, Guildford and Cobham. This will be provided and secured in perpetuity to ensure that residents and visitors have a sustainable transport option for access to the site.”

- 14.8 The requirements in the strategic plan (including the destinations served by the bus service) reflect the signed Section 106 agreement between Surrey County Council (the Local Highways Authority) and the developer during a previous planning application for the Former Wisley Airfield site. Adding additional destinations to the requirement for an ‘in-perpetuity’ bus service to Woking has not been subject to viability testing and therefore may have viability implications that undermine the deliverability of the strategic site or delivery of the strategic plan’s other objectives. As such, the Council must **object** to the inclusion of this requirement as it could undermine the delivery of the LPSS.
- 14.9 However, the Council does not object to the principle of neighbourhood plans drawing on local knowledge to identify the most appropriate locations for the bus service. The supporting text presents a justification and the examiner may wish to consider whether the requirement could, instead of being deleted, be moved to the aspirational policies section, or alternatively amended to read along the following lines:

“Development at the Former Wisley Airfield site is encouraged to include a regular bus service to Woking station, particularly at rush hour, provided and secured in perpetuity as part of the bus network required in Local Plan: Strategy and Sites Allocation Policy A35”.

- 14.10 This means that the need for a bus service to Woking will still be set out in the plan and can be considered during the planning application for the site.

## **15. Policy LNPI3: Cycling and walking**

- 15.1 This policy has been amended significantly since the regulation 14 version of the LNP. The regulation 14 version was very positive - it prioritised sustainable modes of transport over car use and was more closely aligned with policy ID3, which seeks to maximise the use of sustainable transport. The Council would prefer the policy to be reverted to its Regulation 14 state as it is likely to be more effective, but the reference to protecting the TBHSPA should be retained in order to conform with the findings of the LNP HRA (it tested whether the policy would lead to impacts upon the TBHSPA by making it more accessible).
- 15.2 The policy states “Major developments will provide safe and convenient walking and cycling links to nearby facilities.” This is not possible as developments can usually only deliver links within the boundary of the development site and not outside of it. Instead, the policy could state “Major developments will include safe and convenient walking and cycling routes that link up to existing routes wherever possible”.

### **LNPI3 b**

- 15.3 The Council’s advice of 15 November 2018 proposed wording for the policy along the following lines: “S106 agreements to secure provision of, or contributions towards, appropriate improvements to cycling and walking routes within the development site and to link the development to existing cycle routes and footpaths”. This would be more effective than the current wording which is based around CIL, as the introduction of CIL is a lengthy process and, in any event, there is limited scope for planning policy to address CIL spending.
- 15.4 Once adopted, the Council will collect CIL from developments and a portion of CIL will be passed to parish councils to spend. Parish councils and the Council will then decide what to spend the money on within statutory parameters. Planning policy does not affect decisions on spending and applicants for planning permission cannot control CIL spending, so the effect of any planning policies will be very limited. If a reference to CIL spending is retained it should be moved to the aspirational policies section. S106 spending is a matter of planning policy so if the policy is amended to refer to S106 it can remain in the main body of the LNP.



## 16. Policy LNPI4: Parking

### Policy first paragraph

- 16.1 The first sentence of the policy appears to be commentary and does not provide instructions for decision makers or applicants. This line should be removed to the supporting text.
- 16.2 The second sentence states “All developments must ensure that parking facilities are directed away from the TBHSPA to avoid adverse impacts including pollution, noise and other disturbances.”. This is supported as the intention is to prevent increased access to the TBHSPA and this is necessary in order to comply with the LNP HRA. However, it could be clearer if revised to read “All developments that provide parking facilities must ensure that they do not increase access to the TBHSPA in order to avoid adverse impacts from increased recreational pressure”.

### LNPI4 c

- 16.3 The clause states: “Proposals to increase the number of bedrooms in a property must include a commensurate increase in the number of off-street car parking Spaces.” The Council is of the view that this is unenforceable for the following reasons.
- Internal remodelling and many extensions can be completed under permitted development and therefore cannot be governed by planning policy.
  - People can apply for planning permission for extensions for new rooms that are later converted to bedrooms (the application does not need to specify the use of the room) so it is difficult for decision makers to know whether new parking spaces are required for a particular development. This could be remedied if the plan includes detail setting out when an extension will be considered to constitute a bedroom.
  - Some extensions that provide new bedrooms will not result in an increase in car ownership; an extension to provide a bedroom for a new baby, for example.
  - Some properties will not be able to provide new parking spaces and in these circumstances the policy would prevent them from being extended. This is likely to be considered unreasonable at appeal.
- 16.4 As a result of the above, the Council must **object** to this criterion.
- 16.5 If the policy were enforced, new parking spaces would likely be created at the expense of gardens and other green space in most situations. This would result in the loss of green space and consequent effects on biodiversity and character and is not a sustainable outcome.

### LNPI4 e

- 16.6 Criterion e sets visitor parking standards on development sites between 2 – 5 dwellings and 6+ dwellings. The criterion is highly prescriptive and may not be appropriate in a large number of cases, resulting in applications being unnecessarily refused. For example, where development proposals provide sufficient space for a

number of cars per dwelling this would usually be adequate to cover visitors. On the strategic Wisley Airfield development, the provision would be 400 visitor parking spaces, a significant land take.

- 16.7 Visitor spaces are likely to be provided at the expense of gardens and other green spaces on-site, with consequent effects on biodiversity and character. If the parking spaces are surplus to requirements, the loss will have served no purpose.
- 16.8 Therefore, the Council **objects** to this criterion. The examiner may wish to consider whether this criterion could be made acceptable by increasing the flexibility of the wording, or whether it is simply more prudent to remove the criterion. The policy may work better if it requires “adequate levels of visitor parking” and the supporting text sets out the standards as guidance that forms a starting point.

## **17. Policy LNPI5: Community Facilities**

### **LNPI5 c**

- 17.1 Criterion c states “The Lovelace parish councils will determine which community facilities should benefit from CIL funding.” This cannot be a planning policy as neither applicants for planning permission nor decision makers can determine how CIL funds are spent. Under the CIL regime, 25% of CIL would be passed to the relevant parish council, which will determine how the money will be spent within statutory parameters. The Council will spend the remainder on infrastructure to support development in the borough. The spending process takes place outside the planning system.
- 17.2 This could be moved to the aspirational policies section.

## **18. Policy LNPI6: Healthcare and Education**

### **LNPI6 a and b**

- 18.1 The intent of this policy is somewhat unclear but from the supporting text it seems the intention is to ensure new education and healthcare facilities are delivered. The policy presently appears to support major development that requires healthcare and education facilities. This would probably be more accurate if it supported major developments that deliver healthcare and education facilities rather than those that require them (but potentially don’t deliver them).
- 18.2 It is not clear whether the criteria in the policy are intended to apply to major developments or the new healthcare and education facilities they may deliver.
- 18.3 Criterion a appears to require that access to new healthcare and education facilities does not increase car use through the local villages. This is somewhat at odds with the supporting text, which sets out a local need for both schools and GP surgeries – a large proportion of local residents would likely need to access these facilities by driving to them on the local road network through their villages. Given that schools and health facilities cannot dictate how people access them, and neither can the

developers of major developments, the result of such a prescriptive policy would likely be to prevent the delivery of education and healthcare facilities which is not in accordance with the remainder of the policy or LPSS strategic policy on infrastructure. However, this criteria would likely be unenforceable and should be deleted on that basis.

- 18.4 Criterion b requires that a bus service is provided to reduce car use within the villages. It is assumed that the intention is to require that the development of education and health facilities is accompanied by a bus service in order to prevent additional traffic to and from these facilities. Although large, strategic sites are capable of delivering bus services, it would not be reasonable to expect either smaller major developments or new education and health facilities to do so (school buses are sometimes provided but these may be commercially run, whether with or without subsidy, and this needs to be planned strategically). As such, the criterion as currently worded is undeliverable.
- 18.5 Given the above, the Council contends that the policy is currently undeliverable and **objects** to criteria a and b.
- 18.6 LPSS Policy A35: Former Wisley Airfield includes the requirement to provide and secure a bus service for that development. Some of the aims of this policy could be realised if the plan includes the requirement that the proposed bus network provides stops that service new and existing education and health facilities where possible.

#### **LNPI6 c**

- 18.7 As previously mentioned, it is not always possible or desirable to require infrastructure prior to occupation as sometimes the infrastructure is not needed until specific population thresholds are met. Therefore, the Council must **object** to criteria c and suggests “prior to occupation” is changed to “when first needed”.

#### **LNPI6 d**

- 18.8 Criterion d has been included for HRA reasons and, while it restates adopted strategic policy, it is suggested that it should remain given that the policy supports major developments in certain circumstances.

### **19. Policy LNPBE1: Business and Employment**

#### **LNPBE1 a**

- 19.1 Commercial developments are potentially acceptable within 400m of the TBHSPA, as long as there are no impacts because of increased access or urbanisation. Therefore, the Council thinks it is important that this criterion is retained.

#### **LNPBE1 e and f**

- 19.2 The policy places requirements for all new employment uses, or proposed expansions of existing employment uses, to make provision for fast broadband

(criterion e) and for “shared office facilities, or a business centre, with hot-desking, shared office space, and meeting rooms for hire” (criterion f).

- 19.3 The Council does not think it is reasonable to apply these requirements to all “proposals to create or expand employment opportunities” as in many situations these requirements may be unenforceable, unduly onerous, or result in the unnecessary refusal of applications resulting in appeals. For example, it is unlikely to be possible for a small development of employment space, or an extension to a shop, to provide any of the requirements of criterion f.
- 19.4 The provision of broadband is also highly dependent upon the availability of broadband infrastructure in the local area, and it would not be reasonable to refuse permission for employment developments on the basis of the lack of broadband infrastructure. The Council therefore **objects** to the inclusion of criteria e and f on the basis of the above.
- 19.5 The examiner may wish to consider whether criteria e and f could be moved to the aspirational policy section at the end of section 8.2 on page 91. Improved high speed broadband throughout Lovelace Ward is already in this aspirational list so there may be no need to repeat this. Alternatively, the policy could be re-drafted to encourage the inclusion of these elements rather than require them, or potentially to support developments that provide shared office facilities or a business centre.

## **20. Policy LNPBE2: Agricultural and Horticultural Land Use**

### **LNPBE2 b**

- 20.1 The policy supports agricultural or horticultural proposals where they provide employment, and in doing so withholds support for those that don't. The requirement for agricultural or horticultural proposals (including change of use) to provide employment may not be reasonable as, in many situations, the expansion of existing premises may relate to an expansion of existing services but not necessarily the direct expansion of the employed staff. Additionally, the provision of short-term, seasonal, or temporary staff would be difficult to track and ultimately unenforceable. This is particularly important given that the LNP would govern developments at RHS Wisley.
- 20.2 This criterion is therefore unlikely to be effective, or would lead to unnecessary refusals, costs and delays in the planning process, and should be removed. The Council must **object** to this criterion and request that it is deleted.

### **LNPBE2 c**

- 20.3 Agricultural development can frequently lead to additional traffic movements, particularly during harvest periods. The requirement for new developments to avoid significant additional traffic movements would therefore prevent the expansion of arable agriculture, which would not be reasonable in a rural area. Additionally, RHS

Wisley may need to expand and this may attract more visitors. The Council therefore **objects** to this criterion.

**LNPBE2 e**

- 20.4 Criterion e has been included for HRA purposes. Agricultural and horticultural developments are potentially acceptable within 400m of the TBHSPA, as long as there are no impacts because of increased access, urbanisation or species dispersal etc. Therefore, the Council would prefer that this criterion is retained.

Tracey Coleman



Director of Strategic Services

Appendix 1: Lovelace Neighbourhood Area and Thames Basin Heaths SPA

