

## Puttenham Neighbourhood Plan Examination Statement for the examiner

Daniel Nunn, Planning Officer – Planning Policy  
[Daniel.nunn@guildford.gov.uk](mailto:Daniel.nunn@guildford.gov.uk)

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### 1. The purpose of this document

- 1.1 The purpose of this document is to set out background information for the examination of the Puttenham Neighbourhood Plan and to provide a statement from Guildford Borough Council that sets out the Council's views on the document.

### 2. Legal requirements

- 2.1 The Council has reviewed Puttenham Parish Council's submission documents against the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation and is satisfied that the required documents have been submitted, and that the requirements of the Town and Country Planning Act 1990 (as amended) have been met.

#### *Strategic Environmental Assessment and Habitat Regulations Assessment*

- 2.2 The Council has determined that the Plan does not need an environmental report under the Strategic Environmental Assessment (SEA) regulations. The Plan has also been subject to Habitats Regulations Assessment (HRA) screening, including appropriate assessment. The Council has determined that the Plan will not lead to adverse effects upon the integrity of European habitats.
- 2.4 Puttenham Parish Council included a draft *Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (prepared by Guildford Borough Council in April 2019), which details the assessment upon which the above determinations were made. The Basic Conditions Statement, published as one of the submission documents for the Regulation 16 public consultation on the neighbourhood plan, held between 09 March 2020 and 27 April 2020 details these determinations.
- 2.5 The Council sent the draft SEA/HRA report to the three statutory consultation bodies under the SEA and Habitats Regulations<sup>1</sup> (Historic England, the Environment Agency and Natural England) for comment in February 2020. Their responses were included in an appendix in the final version of the report, which is available to download from:  
<https://www.guildford.gov.uk/article/16998/Puttenham>.

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<sup>1</sup> The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) and The Conservation of Habitats and Species Regulations 2017 ('the 'Habitats Regulations').

### **3. The basic conditions**

- 3.1 Neighbourhood plans must meet certain basic conditions, 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). The Council made detailed comments on the Regulation 14 version of the neighbourhood plan, which suggested various ways to improve the effectiveness of the plan's policies, as well as pointing out whether they 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>2</sup>. The Council welcomes the various amendments that the Puttenham Neighbourhood Plan has seen on the basis of the Regulation 14 consultation.
- 3.2 The basic conditions test is carried out by the inspector during the examination. This statement focuses solely on issues where the basic conditions test might not be met.
- 3.3 The Puttenham Neighbourhood Plan meets most of the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)<sup>3</sup>. However, the Council is concerned that some parts of the Plan conflict with the following conditions:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- 3.4 The reasons for this concern are set out in the section below.

### **4. Policy comments**

- 4.1 This section details the Council's comments on the policies of the Puttenham Neighbourhood Plan ('PNP') where there appears to be an issue with respect to their compliance with the basic conditions for neighbourhood plans.

#### *General comments on the Plan*

- 4.2 In accordance with basic condition a) as outlined above, the policies within the Plan should have regard to the advice contained in national guidance. In particular, the advice of the National Planning Policy Framework ('NPPF') at paragraph 16(f), which states that plans should:

*“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”.*

Throughout the PNP, various policy criteria essentially reproduce Local and National guidance in a number of areas. The examiner may wish to consider the relative merit of retaining or removing these policy criteria and suggest amendments as appropriate.

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

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*Policy P-T11 – Sustainable Transport*

- 4.3 The first sentence of this policy requires that “*new development shall maximise the use of sustainable forms of transport*”. The use of the phrase “*new development*” here is problematic. The current wording covers a range of scales, including householder developments such as a minor kitchen extension.
- 4.4 The requirement for all new development to maximise the use of sustainable forms of transport is considered impractical for the Local Planning Authority to implement. It would not be reasonable for decision-makers to seek a contribution toward the provision of sustainable forms of transport from these types of minor development. The enforcement of the current phrasing could lead to unnecessary refusals, delays in the planning process and costly appeals.
- 4.5 However, the subsequent sentence, at policy point (a), presents revised phrasing. It states that “*new development providing a net increase in residential dwellings shall contribute towards the provision of sustainable forms of transport*” (emphasis added). This phrasing is more appropriate. The examiner may wish to consider whether the adoption of this phrasing within the first sentence would make the policy more effective and improve clarity for both applicants and decision-makers. The first paragraph may therefore be revised as follows:

*“New development providing a net increase in residential dwellings should contribute towards the provision of sustainable forms of transport”.*

Alternatively, the examiner may wish to consider whether the first sentence could be deleted altogether, leaving the two policy criteria as they are.

- 4.6 Despite the amended wording, the policy may however remain ineffective. Section 106 agreements are typically not undertaken for developments of fewer than 10 units, as the cost/burden often outweighs the benefit of doing so. The Examiner may wish to include the threshold of 10 net dwellings within the policy to make this policy more effective. Alternatively, the policy criterion could helpfully require that “*opportunities to support the provision of sustainable forms of transport should be maximised*” in order to address all net increases.

*Policy P-NE1 – Natural Environment*

- 4.7 The policy refers to the Puttenham Settlement Boundary as being defined within Figure 3. However, Policy P-GP1 (alongside other policies, such as P-HP1) states that the Puttenham Settlement Boundary is ‘*defined in the Guildford Borough Local Plan (or any replacement)*’, which may cause inconsistency or confusion when reading the Plan should a new Local Plan be adopted with an alternative boundary.
- 4.8 This appears to be an oversight, as Policy P-GP1 was changed following comments from the Council at the Regulation 14 consultation, which requested clarification of the approach taken with regard to the Puttenham Neighbourhood Plan. The examiner may wish to consider the potential inconsistency, which may be resolved by removing the reference to Figure 3 within Policy P-NE1.

*Policy P-NE3 – Trees and Hedgerows*

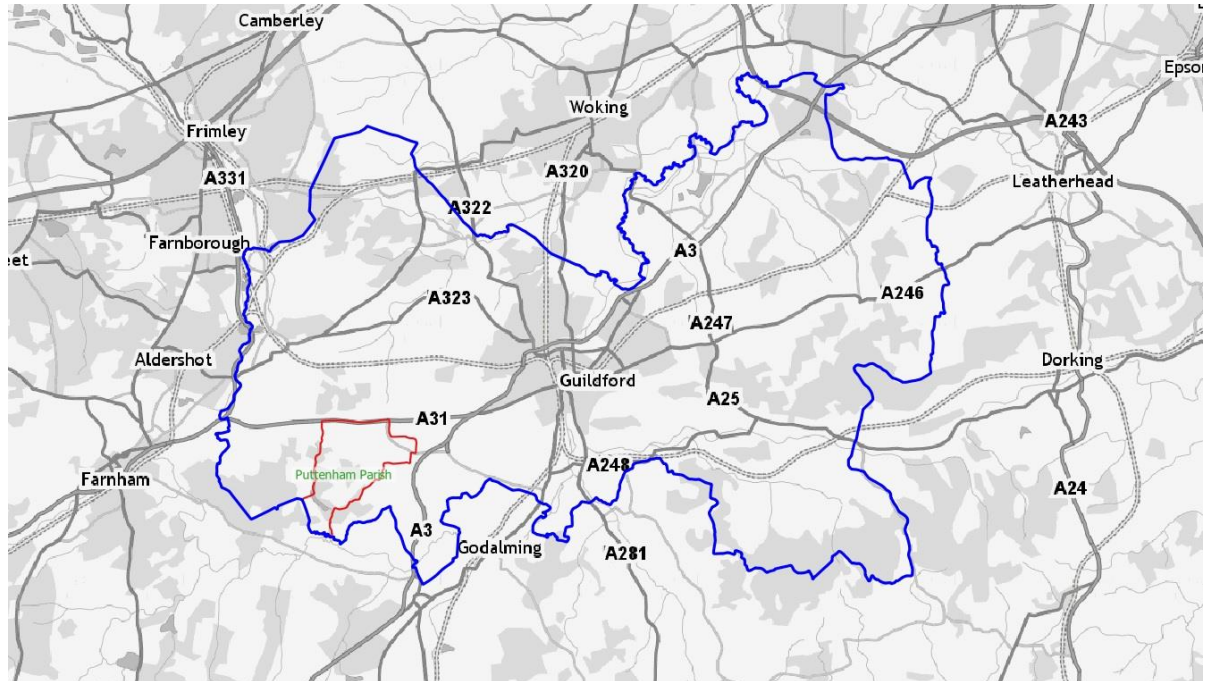
4.9 The Council is concerned with the effectiveness of this policy and its implementation. As currently worded, the policy may lead to the Council refusing permissions unnecessarily, prompting significant delays in the planning process and costing money at appeal. The concerns with this policy are as follows;

- The definition of what criteria deem the tree or hedge in question “significant” is limited and could cause confusion to applicants and decision makers. The policy could helpfully refer to those trees or hedgerows with statutory protection (i.e. hedges designated as Ancient Hedgerows and trees protected by a Tree Protection Order and/or within a Conservation Area), for clarity. If it is intended to extend beyond these designations, then further information/criteria will be needed for planning decision makers in order to be able to identify “significant” trees and hedgerows, otherwise the policy will not be clear and will be ineffective.
- Where trees or hedgerows do not have statutory protection, it is not clear who would monitor removal of them in the 12 month period before an application is made. The supporting text could help to explain this, otherwise the provision may be ineffective.
- It seems likely that it will be difficult to conclude that a non-statutorily protected tree that has already been removed was “significant” as these trees either will not have been assessed, or will have been assessed but not found worthy of protection. As non-statutorily protected trees and hedgerows can be removed without permission, leaving no evidence of their significance, this element of the policy is not effective.
- Where a statutorily protected tree is removed, this will have been permitted and already have been justified (unless it was done illegally, in which case enforcement action may be taken). It does not therefore seem reasonable to require replacement if replacement was not already a condition of the permitted works.

## 5. Information to support the examination

### *Location of the plan area*

- 5.1 The Puttenham Neighbourhood Plan relates to the Puttenham Neighbourhood Area, which covers the parish of Puttenham. Puttenham is a parish in the western part of Guildford borough (see map below; parish and neighbourhood area boundary in yellow).



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### *Description of the plan area*

- 5.2 The Puttenham Neighbourhood Plan will influence planning decisions within the designated Puttenham Neighbourhood Area (the neighbourhood area), which has the same boundary as Puttenham Parish.
- 5.3 Puttenham is a rural parish set in the Surrey Hills Area of Outstanding Natural Beauty. Puttenham village is the parish's main settlement which is located approximately 5km to the west of Guildford, to the east of Farnham and to the north of Godalming. The village is set below the southern slopes of the Hog's Back which is an important feature in the landscape and forms a distinctive backdrop to the village. From Puttenham Common, south of the village, the Wealden landscape stretches into the distance with extensive oak, pine and birch woodland on the lower greensand. The meandering River Wey forms the southern boundary of the parish.
- 5.4 For a detailed map of the neighbourhood area and its relationship to surrounding parishes, see **Appendix 1**.

## **The Development Plan**

- 5.5 With regard to basic condition (e), which requires neighbourhood plans “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)”, the relevant sources of strategic development plan policy are:
- The Local Plan: Strategy and Sites 2015-2034 (LPSS);
  - The remaining strategic saved policies of the Local Plan 2003; and
  - Policy NRM6 of the South East Plan.

### *Adopted (current) Local Plan*

- 5.6 The Council adopted the LPSS in April 2019. Adoption of the plan was subject to legal challenge by three parties. On 4 December 2019, Sir Duncan Ouseley, sitting as a High Court judge, dismissed all three challenges. Subsequent to this, one of the claimants sought permission to appeal the High Court judgement. On 25 February, Rt. Hon. Lord Justice Lewison refused permission to appeal.
- 5.7 The LPSS and Policies Maps, the High Court judgement and copies of examination documents are all available online in electronic format at:  
<https://www.guildford.gov.uk/localplan/2015-2034>.

### *Local Plan 2003*

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

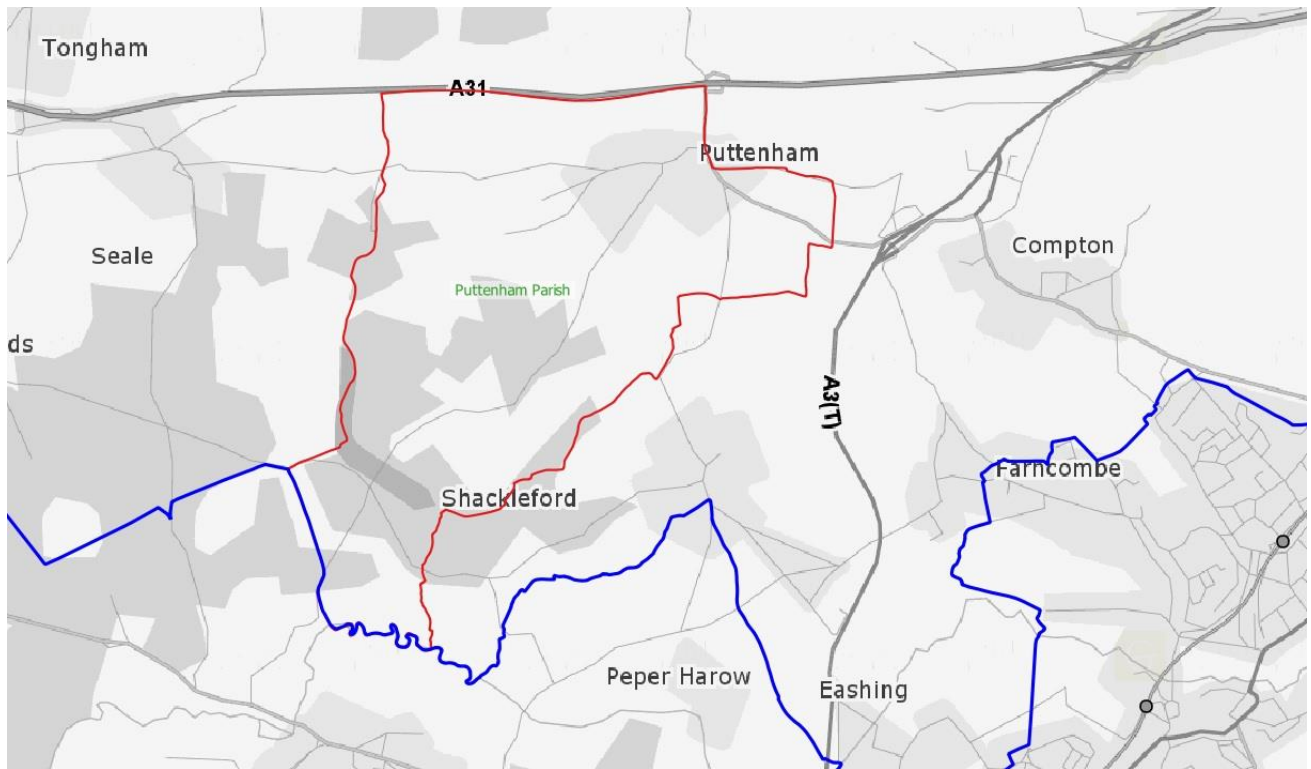
### *Policy NRM6 and the TBHSPA*

- 5.10 The South East Plan has been largely withdrawn, but policy NRM6 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>.

## **Further information**

- 5.11 The evidence base for the Puttenham Neighbourhood Plan can be found at:  
<https://puttenham-pc.gov.uk/information/neighbourhood-plan/>.

**Appendix 1** Map of Puttenham Parish/Puttenham Neighbourhood Area



(Puttenham parish is outlined in red. Guildford borough boundary is outlined in blue).

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