

West Clandon Neighbourhood Plan Examination Statement for the examiner

5 August 2021

1. The purpose of this document

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

2. Legal requirements

- 2.1 The Council has reviewed West Clandon 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 and appropriate assessment and the Council has determined that the Plan will not lead to adverse effects upon the integrity of European habitats.
- 2.4 West Clandon Parish Council included a draft *Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (prepared by Guildford Borough Council in October 2020), which sets out the above determinations, within its Basic Conditions Statement. The Basic Conditions Statement was published as one of the submission documents for the Regulation 16 public consultation on the neighbourhood plan, held between 12 May 2021 and 12 July 2021.
- 2.5 The Council sent the SEA and HRA report to the three statutory consultation bodies under the SEA and Habitats Regulations¹ (Historic England, the Environment Agency and Natural England) for comment. Their responses were included in an appendix in the final report, which is available to view at: <https://www.guildford.gov.uk/article/25328/Neighbourhood-planning-in-West-Clandon-more-information>

¹ *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 the basic conditions as 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 included suggesting 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)². The examiner will consider the basic conditions test at examination, so this statement focuses on this.
- 3.2 We believe that the West Clandon 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)³. However, we have concerns that it may 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.
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 3.3 The reasons for our concern are set out in the section below.

4. Policy comments

- 4.1 This section sets out the Council's comments on the policies of the West Clandon Neighbourhood Plan (Section 7 of the plan, pages 15-32) where there appears to be an issue with respect to compliance with the basic conditions for neighbourhood plans.
- 4.2 **Policy 1: Design within West Clandon Village (Settlement and Conservation Areas)**
- 4.3 Whilst the Council is pleased that Policy 1 has been redrafted to address the Council's concerns raised at the Regulation 14 stage, we note that new policy criteria xv, xvi, xvii, xviii, xix, xx have been added to the draft Neighbourhood Plan since the Regulation 14 consultation.
- 4.4 We have reservations about Policy 1 criteria (xiv). This wording states that:

² [excluding 2b, c, 3 to 5 as required by 38C(5)]

³ [excluding 2b, c, 3 to 5 as required by 38C(5)]

'The division or replacement of larger properties into smaller units or apartments will only supported where these are in line with the criteria specified for the relevant Character Area. See Character Assessment (Appendix 1) and Section 5, above;'

- 4.5 Some of the character area descriptions/characteristics state a 'minimum 4 bedrooms'. In effect, this policy will restrict smaller units in certain character areas. This is contrary to LPSS Policy H1 (1) which requires new residential development to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment.
- 4.6 Policy 1 new criteria (xvi) states that the Parish Council will not support new development in the Conservation Area unless exceptional circumstances are demonstrated. This is at odds with the NPPF, chapter 16, and what should be taken into account when determining applications that impact upon heritage assets. It is also incompatible with positively worded LPSS Policy D3: Historic Environment. As a highly prescriptive policy, this would not support the achievement of sustainable development as it would likely prevent the vast majority of development. We suggest that this criterion is deleted.
- 4.7 Policy 1 criteria (xvii) states that any new or replacement development must reference and reflect the prevailing housing densities. We are concerned that this conflicts with the NPPF paragraph 124 requirement to support development that makes efficient use of land subject to certain considerations, and paragraph 130 (c) which states that planning policies and decisions should ensure developments do not prevent or discourage appropriate innovation or change (such as increased densities). Particular density should result from context-responsive good design; it is the design, size, bulk, form and disposition of a building that has more of an impact on an area's prevailing character and setting and should be taken into account. This could be addressed by deleting the requirement for new or replacement dwellings to 'reflect' prevailing housing densities.
- 4.8 Policy 1 criteria (xviii) states that new or replacement development should be a maximum of two stories with large gardens based on existing plot sizes. The character of West Clandon is varied and there are properties set within smaller plots with subsequently smaller gardens. In our opinion this criterion is not justified and goes against judging a proposal on a case-by-case basis plus it seems overly restrictive and contrary to the NPPF and basic condition d, in relation to the efficient use of land.
- 4.9 **Policy 2: The Strategic Site at Gosden Hill Farm**
- 4.10 The principle of this policy is good and would align with transport strategy and sustainable development ideals. For clarity Policy 2 criteria (i) reference to 26(6) should be updated to A25(6). This LPSS policy requirement is about permeability for pedestrians and cyclists into and from the development. The land required for such a pedestrian/cycle link may not be in the control of the developer, Guildford Borough Council or Surrey County Council. To be compatible with the strategic policy and avoiding raising requirements that may not be deliverable, the wording could be amended to replace 'should be established and safeguarded' with 'would be supported.'

4.11 Policy 2 criteria 3 states that '*established planting and trees should be retained and incorporated within the development...*' The definition of what criteria deem the planting or tree in question as "established" is limited and could cause confusion to applicants and decision makers. Wording could be added to the effect that established planting and trees should be retained within the development wherever possible, enhanced by managed alteration and/or replacement as part of a new context-responsive landscape architecture design. This will, in part, reflect the guidance given in NPPF paragraph 131 which states 'that existing trees are retained wherever possible'.

4.12 **Policy 3: Developments in Other Areas of the Parish**

4.13 Concerns are raised over Policy 3 criteria (xi) that division of or replacement of larger properties into smaller units or apartments will only be supported where they are in line with the development criteria specified in the Character Assessment. Some of the character area descriptions/characteristics state a 'minimum 4 bedrooms'. In effect, this policy will restrict smaller units in certain character areas. This will conflict with the LPSS Policy H1 (1) which requires new residential development to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment.

Policy 4: Green Gap, Valued Landscape and Views

4.14 In the Council's view, the requirement to conserve and where possible enhance the open landscape and not reduce the physical gap between West Clandon and surrounding settlements in criterion (i) of the policy would unduly restrict and preclude development within this area and as such conflict with basic condition a) having regard to national policies and advice.

4.15 The identified 'Green Gap' is designated Green Belt land. The 'Green Gap' is therefore already subject to national Green Belt policy and LPSS Policy P2: Green Belt which protects against inappropriate development. Paragraph 149 of the National Planning Policy Framework (NPPF) indicates that certain types of development are exceptions to Green Belt policy, for example an agricultural or forestry building, outdoor sport facilities or limited affordable housing for local community needs. 'Very special circumstances' (as required by Policy 4 criterion ii) do not need to be present for such exceptions to Green Belt policy; This policy criterion is more restrictive than national policy and should be deleted. The listed opportunities in criterion (ii) also do not tally with those identified in NPPF para 149.

4.16 The Council has reservations about criterion v) 'Proposals for development in West Clandon should give special consideration to and assess the impact on protected views. Development proposals that would cause an unacceptable impact on these views will not be supported.' Whilst the council do not object to this policy in principle, we have concerns that it could prevent delivery of the strategic site at Gosden Hill. Some of the identified views (views 1,2,5 & 7) look towards site allocation A25 at Gosden Hill and clarification is needed over what comprises an 'unacceptable impact'. The policy should not be used to block sympathetic context-responsive design. As it stands, the policy wording may not be in general conformity with strategic policy A25 contained in the Guildford development plan and if it does unduly restrict development it would not support the achievement of sustainable development.

4.17 **Policy 6: Biodiversity and Environment**

4.18 The Council is pleased that the submission version of the plan incorporates the amendments regarding biodiversity that we suggested at the regulation 14 stage. We have been developing a biodiversity policy in the period between the regulation 14 consultation and this regulation 16 consultation. As a result we are able to propose some additional amendments that we think will improve the effectiveness of the policy and its ability to deliver sustainable development.

4.19 The policy calls for “Nesting boxes integrated into walls”. This would be more thorough if it referred to nesting and roosting to cater for bats as well as birds and could also refer to bee bricks (which are used by a range of insects as well as solitary bees). Additionally, we suggest adding “of new development in appropriate locations” after “walls” in order to avoid installation in positions where the target species are unlikely to use them (e.g. too high or low, on the wrong elevation or too close to disturbances like windows or vents). The Council intends to set out guidance for its own emerging policy on integrated nesting/roosting boxes that will cover appropriate placement. Permeable fencing for wildlife is very positive but could be extended to “Fences, walls and other barriers...”.

4.20 **Policy 8: Car Parking**

4.21 This policy states that adequate off-street parking appropriate to the needs of the household should be provided. This may be difficult to assess at the time of a planning application as the needs of new households will not be known until they occupy the new development. It could be overcome by referring to ‘characteristics of the development’ as opposed to ‘the needs of the household’ or by adding ‘based on expected occupancy rates as per census data’ after ‘needs of the household’.

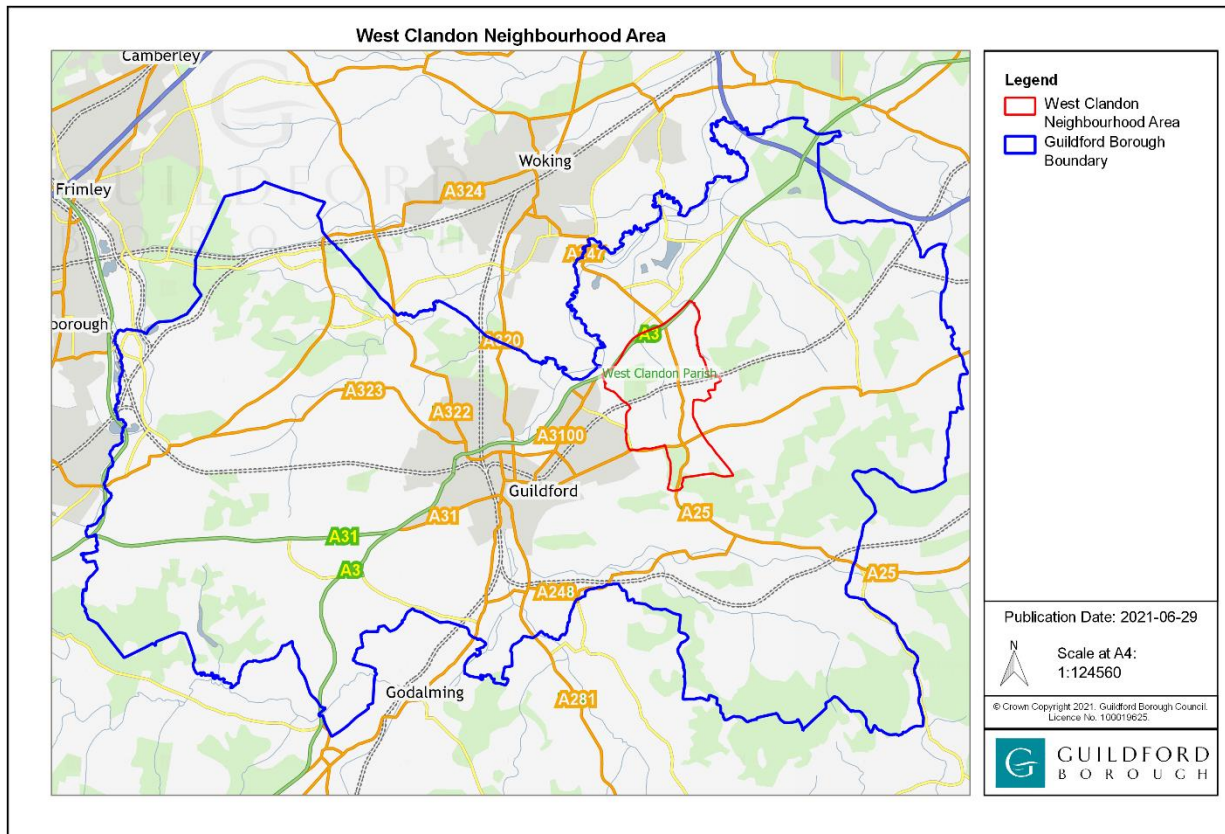
4.22 For information, the Council is presently drafting new parking standards as part of the Development Management Policies DPD, with further information contained within a Parking Supplementary Planning Document to replace the Vehicle Parking Standards SPD (which was adopted in September 2006). There are differences in the parking standards between Surrey County Councils Vehicular and Cycle Parking Guidance (January 2018) and Guildford Borough Councils emerging Parking SPD. The Neighbourhood Plan states that regard should be had to the standards in both the GBC Parking SPD and the SCC guidance. However, given that there are differences between the parking standards in these two documents relating to parking standards, cycle provision and electric charging provision it may complicate matters for the LPA decision maker when determining applications. It may be advisable for the examiner, through the examination process, to come to a view with West Clandon Parish Council on which standards will apply in the neighbourhood plan area.

5. **Information to support the examination**

Location of the plan area

5.1 The West Clandon Neighbourhood Plan relates to the West Clandon Neighbourhood Area, which covers the parish of West Clandon. West Clandon is a parish in the east of Guildford

borough (see map below; parish and neighbourhood area boundary in yellow).



Description of the plan area

- 5.3 The Parish of West Clandon lies in the Green Belt in a predominantly rural setting to the North East of the Borough of Guildford. The south of the Parish lies within the Surrey Hills Area of Outstanding Natural Beauty. The core of the village is a linear settlement along 'The Street' (A247), linking the South with the A3 and other major routes towards London and the M25. Clandon Station offers direct train services to both London and Guildford. Bus services however are infrequent. West Clandon has a population of around 1,363 and approximately 500 households. There are no shops, doctors' surgeries or a post office. Local amenities and services include a primary school, a village hall, the Church, two recreation grounds and two public houses.
- 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 Guildford borough Local Plan: Strategy and Sites 2015 - 2034 (LPSS);
- The remaining strategic saved policies of the Guildford Borough Local Plan 2003; and
- Policy NRM6 of the South East Plan

Adopted (current) Local Plan

- 5.6 The Council adopted the Guildford borough Local Plan: Strategy and Sites 2015 - 2034 (LPSS) in April 2019. 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/examination>

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/media/33243/Local-Plan-2003-2-Update-30-04-2020/pdf/local_plan_2003_2.pdf?m=637553784529800000

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/media/24946/Thames-Basin-Heaths-SPA-Avoidance-Strategy-SPD-2017/pdf/Thames_Basin_Heaths_SPA_Avoidance_Strategy_SPD_2017.pdf?m=636361397477270000

Further information

- 5.11 The evidence base for the West Clandon Neighbourhood Plan can be found at: <https://westclandonplan.org.uk/information-trail>

Appendix 1 Map of West Clandon Parish/Neighbourhood Area

