

Thank you for providing a copy of the Council's post-hearing note on BNG. On behalf of our client, Martin Grant Homes, we have the following comments.

The proposed 20% BNG requirement

The Council's BNG Capacity note (ED-GBC-LPDMP-010) reinforces concerns raised on behalf of our client, Martin Grant Homes, during the hearing and in our written submissions. Our further comments in response to the note are set out below.

Paragraph 2.1, second bullet point, states that Gosden Hill Farm (owned and promoted by Martin Grant Homes) and Blackwell Farm are promoting SANGs which may not be able to accommodate "significant gains". It goes on to state that the Council apply a "conservative assumption" that the sites will achieve no net loss on site and 20% gain through offsite measures. This position is repeated at paragraphs 5.5 and 5.6 of the note.

As we advised at the hearing session for Matter 3, a BNG assessment has not yet been undertaken for Gosden Hill, North East Guildford. In the absence of any evidence to demonstrate that the site can deliver 20% or more BNG, contrary to the Council's own evidence, it is considered that applying a 20% BNG requirement to this site is unsound, in that it is not justified and contrary to national policy.

To resolve this soundness issue, the policy could be modified to provide for a variable approach (an approach considered by the Inspector in ID04), with those sites identified in the Council's note which are not expected to achieve more than 10% BNG on-site, being distinguished from other sites. For the avoidance of doubt, like all developments, this would represent a minimum to be exceeded if possible.

The Council's approach to off-site BNG credits

Section 7 of the Council's note provides further information on the Council's proposed Habitat Bank at Tytings Farm.

As we commented at the hearing, the Council's proposed approach for providing BNG credits off-site ("compensation") has been produced at a late stage of this Examination (the evidence provided with the Council's hearing statement). It has not been subject to consultation and there is no evidence available to confirm whether Natural England and/or Surrey Wildlife Trust have commented. In any event, the approach set out including how credits will be allocated by the Council and whether costs are 'fixed' is uncertain. For example, what if the Council later (post-adoption) determines that the costs have been underestimated and should increase? Will credits still be available to developers if applications for allocated sites dependent upon credits are refused (even against officer recommendations)?

We remain of the view that the Council's strategy is not yet sufficiently far advanced to conclude that it represents a justified and effective mechanism to support the proposed 20% BNG requirement in Policy P6. In our view, this aspirational policy requires further work and could be taken forward by the Council through the review of the Local Plan Strategy and Sites scheduled in 2024.

Alternatively, should the Inspector conclude that a variable approach to the policy is a sound approach, as stated in paragraph 5.6 of the Council's note, around 50% of the alleged BNG credits available at Tytings Farm would be available to other sites, thereby reducing the significant shortfall in credits calculated by the Council (see paragraph 7.1 of the note).

We trust that the above comments are of assistance to the Inspector in assessing the soundness of the plan. Please let me know if you or the Inspector have any queries relating to the above.

Kind regards
Michael Knott
Planning Director Barton Willmore
2 December 2022