



# **West Horsley Neighbourhood Plan 2016-2033**

**A report to Guildford Borough Council**

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Independent Examiner**

**30 May 2018**

## Executive Summary

I was appointed by Guildford Borough Council on 13 March 2018 with the agreement of West Horsley Parish Council, to carry out the independent examination of the West Horsley Neighbourhood Plan 2016-2033.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 17 April 2018.

West Horsley is a rural parish between Guildford and Leatherhead, with a current population of around 2800. It is in an attractive and accessible location, and is at the present time “washed over” by the Green Belt. That situation may change as a result of proposals in the new Local Plan being prepared by Guildford Borough Council: as the appropriate qualifying body for the preparation of the Plan, the Parish Council have (to quote the introductory remarks of the Chairman of the Steering Group) “chosen to align” the Plan with the emerging Local Plan, in effect accepting that a significant degree of change is likely within the Parish over the next few years.

With this in mind, the Plan’s vision is *“to achieve the incremental and well-planned sustainable development of West Horsley, which respects the rural nature of the Parish, its architectural heritage, its special character and its environmental assets, and which offers housing and community facilities that meet the needs of all generations”*. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the Parish Council carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (the most significant of which being the need to clarify the approach of the Plan to the Green Belt / village inset boundaries), I have concluded that the West Horsley Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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## Introduction

1. This report sets out the findings of my examination of the West Horsley Neighbourhood Plan 2016-2033 (the WHNP), submitted to Guildford Borough Council (GBC) by the West Horsley Parish Council in October 2017. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that (subject to certain modifications) the Plan should proceed to referendum. If this results in a positive outcome, the WHNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the WHNP area.
5. I am independent of the Town Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

## Procedural matters

6. I am required to recommend that the West Horsley Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents (references are to the Neighbourhood Planning (General) Regulations 2012 (as amended)):
  - the submitted WHNP
  - the WHNP Basic Conditions Statement (Regulation 15)
  - the WHNP Consultation Statement, (Regulation 14)
  - the WHNP Strategic Environmental Assessment Screening Report
  - the representations made to the WHNP under Regulation 16
  - selected policies of the adopted development plan for the Borough of Guildford
  - selected documents from the published “evidence base” for the WHNP

- relevant paragraphs of the National Planning Policy Framework (March 2012)
  - relevant paragraphs of the national Planning Policy Guidance (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 17 April 2018, when I looked at the overall character and appearance of the village (together with its wider context) and at some of those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.
  9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the WHNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

### **A brief picture of West Horsley**

10. As the Neighbourhood Plan explains at paragraph 2.1, West Horsley is a rural parish situated between Guildford and Leatherhead, and within commuting distance of London (trains from Horsley Station run at a roughly 10-minute frequency during the peak, with many services reaching Waterloo in around three-quarters of an hour). The Plan records the current population of the village as being about 2800, there being roughly 1100 homes.
11. The parish is around 7.5km from north to south and 2.5km east to west, being bisected by both the railway and the A246 (Epsom Road) . As I was able to see from my visit, most of the built-up area of the village is spread along, and back from, the main north-south axis formed by The Street and East Lane / Long Reach, with both of these enclosed by open, generally flat farmland. Ribbon development lines Shere Road, to the south of the A246, as it rises into the generally wooded areas which, together with more open pasture land, form the southern part of the parish (and what is clearly an important recreational resource for local people, with a good network of footpaths and bridleways). There is a conservation area based around the Village Orchard, at the junction of The Street and Ripley Lane, which contains (according to the Plan's introduction) eight of the village's 42 listed buildings. We are told that at least seven of West Horsley's old houses date from before 1500.
12. To the casual visitor, the village does not have an obvious centre or focus. There are a couple of shops, a car showroom and a large school close to the Epsom Road / The Street junction; other than this, there is a scattering of commercial and community uses (including two pubs) along The Street. For all practical purposes, the village centre actually lies in the adjoining (and larger) parish of East Horsley, around the railway station, where there are two shopping parades which contain, for example, the post office. Perhaps unusually, even the parish church and war memorial are located outside the built-up area on an open stretch of the A246. The Plan notes that the village has five schools; and it was clear to me by looking at the Parish Council's notice-board (on East Lane) that residents enjoy access to a wide range of leisure and social activities.
13. Densities of development throughout the parish are low; and for the present, the whole of the Neighbourhood Plan area is "washed over" by the Metropolitan Green Belt – something which may well change as a result of a review of the Guildford Borough Local Plan: I make further reference to this later in my report.

## The basic conditions

14. I am not required to come to a view about the ‘soundness’ of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the plan, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance. I deal with each of these conditions below in the context of the WHNP’s policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
  - contribute to the achievement of sustainable development (Condition d);
  - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
  - not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site, either alone or in combination with other plans or projects; and
  - comply with any other prescribed matters.
15. The Basic Conditions Statement (BCS) prepared in connection with the WHNP under Regulation 15 is dated October 2017 and sets out the background to the Plan, explaining that the policies it contains all relate to the development and use of land within the designated Neighbourhood Area, but that it also includes (quite properly) some non-statutory proposals in order to be of the widest benefit to users of the document. The BCS explains that the decision to prepare a neighbourhood plan followed a local housing needs assessment and was also taken in the light of GBC’s proposals to “inset” West Horsley village within the Green Belt and to allocate three sites within the village (and one on its immediate edge) for housing. Following advice from GBC, the Parish Council moved from an initial idea of producing a village design statement to a more comprehensive exercise encompassing not just housing need and design, but community assets, infrastructure and business economy, and environment and landscape. All these are appropriate matters to be addressed in a neighbourhood plan.
16. It is clear that close contact has been maintained between the Parish Council (and the Plan’s Steering Group) and the Borough Council, both before and after the preparation of the Pre-Submission version of the WHNP, upon which consultation began in May 2017. This encompassed the need for close examination of the evidence base for the various policies, and a comprehensive understanding of the relationship between the Plan and the existing and emerging local plans for Guildford. The BCS makes it clear that the Plan deliberately avoids duplication of “saved” policies of the adopted Local Plan, concentrating on the need to refine or update them as appropriate.
17. Addressing Condition (a) in general terms, the BCS sets out how the WHNP has sought to respond to matters set out in the National Planning Policy Framework (NPPF), also taking into account the more detailed references in Planning Practice Guidance (PPG). The NPPF highlights the particular need for communities such as West Horsley to plan positively for future development in the context of its essentially rural character (most of which would remain in the Green Belt even under the terms of the replacement Local Plan), and bearing in mind its particular designated landscape and heritage assets.
18. Table A then takes each of the WHNP policies and comments on their relationship with specific paragraphs of the NPPF; Table B goes through the same exercise in relation to the need for the

Plan to contribute to the achievement of sustainable development [(Condition d)]; and table C completes the process by explaining the relationship between each policy and the strategic policies of the development plan [(Condition e)]. These tables are a clear and helpful way of understanding the Parish Council's approach to satisfying the basic conditions. There is also a brief reference to the Plan's compatibility with EU legislation.

19. Any comments or recommendations I have to make about specific issues arising from these exercises appear under the relevant WHNP policy heading. I would, however, draw attention to the fact that Basic Condition (e) requires neighbourhood plans to be "in general conformity with the strategic policies of the development plan for the area", which clearly means the *adopted* development plan rather than one which might be in preparation. However, I bear in mind the advice at paragraph 013 of the PPG, which says: "Neighbourhood plans are not tested against the policies in an emerging Local Plan, although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested." This has led the Parish Council to anticipate and plan for some of the proposals of the replacement Local Plan, which has not yet been tested at examination. Of particular significance in this respect is the intention to "inset" within the Green Belt the main built-up area of the village, rather than have it "washed over" (as now).
20. As far as I am aware, there have been no objections to the pragmatic approach to this matter taken by the Parish Council; nevertheless, given the terms of the statutory requirements governing my examination of the Plan, it is important that I satisfy myself primarily that there is no difficulty with the *existing* strategic policies for the area. These have helpfully been codified by GBC in an (undated) document entitled "Local Plan 2003 Strategic Policies Assessment", prepared as guidance to groups undertaking work on neighbourhood plans. WHNP paragraph 3.4 sets out 18 of these policies which the Steering Group consider have most relevance for West Horsley, and it is to these which I will refer as necessary in my assessment of the Plan's "general conformity" under Condition (e).

### **Other statutory requirements**

21. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
  - that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the Plan period must be stated (which in the case of West Horsley is confirmed as covering the period 2016 to 2033); and
  - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
22. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or enhancing the character or appearance" of any conservation area.
23. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of

Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority's responsibility to engage with the statutory consultees.

24. A screening exercise was carried out by consultants on behalf of GBC, and their report, dated March 2017, accompanies the documents submitted for examination. The report sets down the legislative background to both Strategic Environmental Assessments and Habitats Regulations Assessments, together with the relevant methodological requirements. The consultants say that "the HRA and SEA Screening assessment has identified that the WHNP will not have an adverse impact on the integrity of any European designated sites or important environmental receptors.... [and] includes several policies which aim to protect, maintain and enhance environmental features such as local green spaces, designated sites and mature trees; it is therefore considered that this Neighbourhood Plan could benefit the local environment".
25. As a consequence, the Parish Council have concluded that the Plan does not require an SEA. None of the responses received from the relevant statutory consultees questions that assessment, and I have no reason for taking a different view. Similar conclusions are reached in relation to the Habitats Regulations.
26. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

### **National policy**

27. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence<sup>1</sup>.

### **The existing Development Plan for the area**

28. The current development plan for the area consists of the saved policies of the Guildford Borough Local Plan (adopted in 2003, with some later amendments, plus, at the time of writing, two other neighbourhood plans), and South East Plan policy NRM6<sup>2</sup>. The Submission Local Plan - Strategy and Sites (2017) is intended to replace the 2003 Plan: it sets out the borough's vision and approach to development up to 2034 and was submitted to the Secretary of State for examination in December 2017.

### **The consultation exercise (Regulation 14)**

29. This regulation requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area", and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

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<sup>1</sup> at paragraph 041. ID: 41-041-20140306

<sup>2</sup> properly the Regional Spatial Strategy for the South East. This was largely revoked in March 2013, but policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, was "saved" at the same time.

30. The Consultation Statement is dated October 2017. It is an extremely comprehensive record of the work carried out by the Steering Group in involving the local community (as well as the relevant statutory bodies) in the production of the Plan, focusing in particular on how this process has shaped the Plan through its various stages. I am more than satisfied, having read the Statement, that the requirements of Regulation 14 have been fully met by the Steering Group's activities.

### **Representations received (Regulation 16)**

31. 12 representations were made in response to the submitted Plan. These are summarised in a document prepared by GBC headed "Neighbourhood Plan Comments" and dated 13 March 2018. Each of the representations received is allocated a reference number from WHNP/2 to WHNP/13 (there is no WHNP/1), and I use these in the observations and recommendations which follow. In addition, the Borough Council itself has provided a statement which they have asked me to take into account as part of my examination. The responses can be divided as follows:

- those received from Guildford Borough Council;
- those received from other statutory or public bodies (4);
- those received from other identified sources (3); and
- those from members of the public whose identity has not been made public (5) .

32. I will comment briefly on each of these before dealing with the specific policies in the Plan.

### ***Guildford Borough Council***

33. GBC have maintained close contact with the Steering Group during the preparation of the WHNP and provided detailed comments at the Regulation 14 stage. As a result, the Borough Council have concluded that the Plan generally meets the basic conditions, but with certain reservations. These relate to Policy WH2, some elements of which are thought to be over-prescriptive, might result in an inefficient use of land, an inhibition on the ability to deliver the mix of homes required in the area and a degree of unsustainability. I respond to these concerns below.

### ***Responses from statutory or other public bodies***

34. *Natural England [WHNP/9]* say that they "have no specific comment to make", although they draw attention to an extensive number of issues and best practice points, one of which is prefaced by the recommendation that it is considered when the Plan is reviewed. The others appear to relate to what they recommend should be included in *local* plans. Given that NE raise no specific concerns about any of the WHNP's policies as currently drafted, I have concluded that it is not necessary for me to make any recommendations based on their representations.

35. *The Environment Agency [WHNP/12]* have no detailed comments.

36. *Surrey County Council [WHNP/8]* reiterate objections they expressed earlier in the plan process about Policy WH11, which identifies certain areas of land as Local Green Spaces. I will deal with this matter when I come to the policy itself.

37. *Effingham Parish Council [WHNP/6]* make a number of observations about some of the supporting material to the policies (though not the policies themselves), especially in relation to capacity and admissions issues in respect of local schools. They also express disappointment that they were not consulted at the Regulation 14 stage. These are not matters about which it is necessary for me to

make any comment. I do, however, have some sympathy with criticism of a number of the map bases used in the WHNP, and will return to the point later.

### ***Responses from other identified sources***

38. *Thakeham Homes Ltd [WHNP/13]* are house-builders who are currently engaged in a number of developments in the Guildford area. They have an interest in land at Manor Farm, West Horsley which is the subject of a specific allocation (reference 15) in the emerging Local Plan<sup>3</sup>. The company support the intention to align the WHNP with the new Local Plan, but consider that some of the detailed development management polices proposed are unjustified and do not “conform” to national policy and guidance. These relate specifically to Policies WHNP3, WHNP4 and WHNP13 and I come back to the issues below.
39. *Wisley Property Investments Ltd [WHNP/7]* are the appellants in a recent planning appeal in relation to a proposed new settlement at the former Wisley Airfield. From a web-search I carried out on 8 April 2018, I noted that a decision on this has not been issued by this date; however, Policy A35 of the emerging Local Plan is a proposal for a mixed-use development on the site, including approximately 2000 homes. WPI support the WHNP and do not ask for any changes to be made to it, but they do make certain comments on the evidence base which underpins it.
40. The former airfield lies to the north of the Neighbourhood Area, and so outside the scope of the WHNP. Nevertheless, WPI consider that the Neighbourhood Plan should attach considerable weight to draft Local Plan Policy A35 and should take into account what they believe would be the benefits to West Horsley of the proposed new settlement. They also note that East Horsley has its own neighbourhood plan (which a web-search informs me is shortly to be put to a referendum), and that similar considerations would apply there. Examples given of the anticipated benefits include improved access to Horsley Station (just within East Horsley), new open space, education and employment opportunities, together with local highway, bus service and cycle improvements. WPI conclude that many of the local aspirations which the WHNP highlights would be met by the Wisley Airfield scheme. As a detailed comment, they question any assumption that the existing Horsley Medical Centre would need to be expanded or relocated to deal with anticipated increased demand.
41. WPI’s overall conclusion is that the WHNP shows insufficient recognition of the benefits of the airfield project, and that a better appreciation of the beneficial nexus might have implications for the wider approach to Community Infrastructure Levy funding. I am, however, satisfied that for me to make any recommendations in this respect would go beyond my limited brief. There is nothing in what I have read which suggests any failure of the Plan to meet the Basic Conditions.
42. *Surrey Wildlife Trust [WHNP/3]* made comments also on behalf of the Surrey Nature Partnership. They express support for a number of polices in the Plan, adding a number of minor suggested improvements in wording. I deal with these below.

### ***Responses from members of the public***

43. The remaining representations are from unidentified residents, although each is given a unique reference in the relevant document. Four people offer general support for the Plan. Of these, WHNP/10 contains reservations about Policy WH5 (Rural exception housing), and WHNP/4 includes observations about the scope of the Local Green Spaces policy (W11) and drainage issues

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<sup>3</sup> WHNP Plan D reference A38

(WH13). I will comment in due course on those representations which are directly relevant to the matter in hand.

44. There is one other representation (reference WHNP/2): this challenges the basis for the inclusion of a building known as Champney Cottage as a Local Heritage Asset (Policy WH8) and asks for it to be deleted from the list of those structures to be given some protection. It is not within my brief to comment on the arguments for or against inclusion of this particular property; however, I note that paragraph 5.48 refers to a document dated October 2017 entitled “Significant but unlisted houses in West Horsley”, which is one of a suite of documents forming part of the “evidence base” for the Neighbourhood Plan. The building in question appears there (as do all the others in Policy WH8), together with comment about its age and character.
45. The commentary in the evidence base document is very brief. A fuller explanation of the significance of the buildings on the list would have provided closer alignment with PPG advice at paragraph 041 (“A policy in a neighbourhood plan should..... be concise, precise and supported by appropriate evidence”). This conclusion does not, however, provide me with any justification for taking what would be seen as an arbitrary and ill-informed decision about the subject building’s architectural or historic value.

### General observations about the Plan

46. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
  - the WHNP Steering Group have spent considerable time and energy, in full consultation with the local community at large (and with the assistance of specialist planning consultants), in identifying the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the “localism” agenda;
  - the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
  - the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
  - I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
  - my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.
47. The Plan document begins with a message from the Chairman of the Steering Group which anticipates the “dramatic impact” on the size and appearance of the village expected as a result of the proposals in the emerging Local Plan. It is clear that there remains considerable local unhappiness at what is described as the “threat” posed by the extent of new development (which paragraph 3.5 of the WHNP records as amounting to 295 new homes over the Local Plan period, or an increase of around 25% over the existing stock). Nevertheless, the Chairman’s message emphasises that it is important that the Plan adopt a positive approach to development, reflecting the general tenor of national policy, at the same time concentrating on the scope it has for influencing detailed implications of growth “on the ground”. This position, it seems to me, is one which should be supported in principle, if that is the local wish. I do, however, think it important

(given the formal context for my role as examiner) to reiterate the formal position, which is that Basic Condition e) relates to the strategic policies of the *adopted* Local Plan.

48. The Plan then continues with a helpful summary of the statutory context for neighbourhood planning; the overall purpose of the WHNP, especially its relationship to the Local Plan and its role in the determination of individual planning applications; the Basic Conditions which the Plan must meet; and the importance of the consultation process, especially at Regulation 14 stage. There follows a detailed description of the Neighbourhood Area, in physical and social and economic terms, and a summary of the planning policy context at national and local levels, with particularly relevant paragraphs of the NPPF and strategic policies of the adopted Local Plan being highlighted.
49. Section 4 summarises the local community's views on the planning issues which the Neighbourhood Plan should address, including in particular those relating to housing needs and the interests of local businesses. It records that over 200 people attended an open day in January 2017 to participate in an informal discussion on the Plan's draft policies (all of which being supported by a considerable amount of material available online). Nearly 95% of the responses to surveys then carried out expressed support for the Plan's proposed policies. Importantly, paragraphs 4.8 to 4.10 record the continuing opposition to the principle of any significant growth in the village, but make clear the very limited role which neighbourhood plans can have in dealing with strategic planning issues of that kind. The full details of the response to the Pre-Submission version of the WHNP are contained in the Consultation Statement.
50. Section 5 notes that the intention of the Plan is to provide a framework to guide development within West Horsley up to 2033, based on the vision *"to achieve the incremental and well-planned sustainable development of West Horsley, which respects the rural nature of the Parish, its architectural heritage, its special character and its environmental assets, and which offers housing and community facilities that meet the needs of all generations"*. This seems to me a clear and succinct statement of what the Plan seeks to achieve, and a coherent context for its detailed policies. It also provides strong evidence that the requirement of Basic Condition d) is intended to be met.
51. This is followed by a list of eight key objectives designed to deliver the vision for the Parish: these encompass the desire to protect or enhance its particular character; the provision of new homes to meet local needs; securing the long-term future of community assets, including education facilities; support for local businesses; and the promotion of improvements in the local transport network. Paragraph 5.4 records the fact that the Plan deliberately avoids repeating existing national or local planning policies. Reference is also made to nine distinct "Character Areas" which have been identified locally, and which are set out in Appendix C. These have particular relevance for Policies WH1, WH2 and WH3, since each of these requires development proposals in the locations concerned to have full regard to the West Horsley Character Appraisals Report 2017, the document which forms the evidence base for these assessments.
52. Section 5 continues with the Plan's policies. There is clear distinction here between the policies themselves (included within green "boxes") and the contextual material which supports and explains them, and this greatly aids understanding. Section 6, headed "Implementation", deals with the mechanisms by which it is intended that the Plan's aspirations are to be achieved: these are properly separated from the development management policies. The rest of the document consists of appendices setting out the evidence base; a glossary of abbreviations; the nine land-use character areas; descriptions of the 13 proposed Local Green Spaces (Policy WH11); and maps showing the location of environmental assets (or "constraints"), locally-significant views and ancient or protected woodlands.

53. Overall, I find the document to be well set out and user-friendly. I do, however, have some reservations about the maps, especially those where it is important that the detailed information they contain is clear if the relevant policy needs to be implemented with a degree of certainty.
54. Firstly, there is a question about the referencing system: most are entitled “plan” (Plans A-F), but there are also “maps” (Maps 1, 1B, 6, 7 and 8, with Map 12 being the same as Plan A). The policies map has no reference; and there are two figures bearing the reference “Plan N” and “Plan S”. I think it likely that this mixture of indexing and terminologies derives from the different sources of the information. ***I recommend that, for ease of reference, a unified system be adopted (for example, “Figure 1” etc). It would also be beneficial if the Plan separated those figures which directly relate to the interpretation and application of specific policies – for example Local Green Space – from those which essentially contain background information – for example that showing areas of light pollution.***
55. ***I recommend that particular attention be given to the scope for improving the legibility of the Policies Map (page 55 of the Plan). This map might also usefully be relocated to the beginning of Section 5 of the Plan, to make reference to it easier. The clarity of Map 7 (Local Significant Views and Gaps) should also be addressed.***

## The policies

56. I will now turn to an examination of the policies themselves in the light, where relevant, of representations received. Where I make reference to “Local Plan policies”, these are to policies in the *adopted* Plan, unless otherwise stated.

### Policy WH1: West Horsley Conservation Area

57. This policy supports development within the Conservation Area (or in places where its setting might be impacted), so long as regard is had to the Character Appraisal Report (Area 5), the key characteristics of which are summarised in paragraph 5.9 of the Plan, with the extent of the Conservation Area being shown on Plan B and broadly outlined on Map 1B in the Appendix. Policy WH1 sets out five design principles which should also be observed, adding detail to Local Plan policy HE7.
58. I am satisfied that the policy meets the Basic Conditions. However, the inclusion of a separate reference to Policy NRM6 of the South East Plan (which deals with the Thames Basin Heaths Special Protection Area)<sup>4</sup> would benefit from some explanation, and in any event would be better located as supporting material (given the statement about unnecessary duplication in paragraph 5.4 of the WHNP, to which I have previously alluded). This also applies to Policies WH2 and WH3, where the same reference appears.
59. ***I therefore recommend that the references to the implications of development within the 5km Zone of Influence of the Thames Basin Heaths SPA in Policies WH1, WH2 and WH3 be deleted, with paragraph 5.4 being expanded to include an explanation of the continued relevance of the South East Plan Policy NRM6, which might include a reproduction of the policy itself.***

<sup>4</sup> The South East Plan (also known as the Regional Spatial Strategy for the South East) was revoked in 2013, but two policies, including NRM6, were “saved”, and so have continued force.

## Preamble to policies WH2 and WH3

60. These two policies are designed to set out the approach to the management of development within the defined village settlement (WH2) and those areas which lie outside it (WH3). The WHNP points out that the land intended to be covered by policy WH2 would no longer be within the Green Belt if the submitted version of the replacement Local Plan is adopted. To quote from paragraph 5.12: “.....the important character of West Horsley can instead be protected using development management policies. Policy WH2 and WH3 are intended to manage design quality in the village with or without inseting....”.
61. However, it is important to recognise that Green Belt policies are not directly concerned with design quality; instead, they have a strategic purpose, and given that the stated approach of the Plan is to “align” its policies with the draft Local Plan, I consider it important that the WHNP is clear about the continuing implications of Green Belt designation for the village (notwithstanding the laudable desire to avoid including policies which are to be found elsewhere). As things stand, there are some confusing references in the Plan which make this difficult – in particular:
- policy WH2 deals with the approach to development within “the village settlement”, which is then defined as being the land covered by Character Areas 4 and 8 on the Policies Map (these are not, in fact, shown on the Policies Map but on Map 1B, where they are coloured yellow and blue respectively, and include the conservation area);
  - the two areas subject of policy WH2 are additionally shown on the Policies Map (in pink), but these differ in detail from the extent of Areas 4 and 8. Neither is described as proposed “insets” (see next point);
  - the boundaries are also different from those shown on Plan D: this is an extract from the Proposed Submission Local Plan, and shows the Green Belt boundary as it is intended to be (and thus showing what would become the “insets” for planning purposes). To add to the uncertainty, these are not the same in detail as the two inset boundaries shown on a plan I received from GBC after I sought some clarification on this issue.
62. As I have indicated previously, there is no requirement for the WHNP to be assessed against the strategic policies of the *draft* Local Plan; however, since the Parish Council have elected to accept key elements of it in the work that they have done, and I have thought it right in all the circumstances to respect that decision, there is a need either for a consistent approach so far as the Green Belt/inset issue is concerned or for an explanation as to why there is any variation. This is particularly important given the fact that there would be a problem with testing conformity with the *adopted* Local Plan on this point (which would normally be the case with a neighbourhood plan examination), since that document shows the whole WHNP area as being “washed over” by the Green Belt, and thus subject to LP policy RE3 (which relates to the approach to development within such areas).
63. WHNP paragraph 5.33 nevertheless states that policy WH3 is in general conformity with Local Plan Policy RE3. There is no equivalent observation in relation to policy WH2, but logically the same assertion would have to be made. Given my analysis above, this is a misleading assertion if put in such bald terms. In addition, paragraph 4.10 properly recognises the limited role for a neighbourhood plan in determining Green Belt boundaries, adding that these are strategic matters that can only be addressed by the Borough Council – yet, as things stand, the boundaries shown in the WHNP conform with neither the adopted Local Plan nor the current version of the draft replacement.

64. ***I recommend that at an appropriate point in the supporting material to policies WH2 and WH3, a clear and explicit statement be made as to the way the Plan deals with the question of Green Belt/settlement insets. If the intention is, as is stated elsewhere, to achieve alignment with the Submission Local Plan, the Policies Map should be re-drawn accordingly. If, on the other hand, the WHNP is proposing to depart from the inset boundaries as shown on the Submission Local Plan, the supporting material should draw attention to the detailed differences and contain an explanation.***
65. I should emphasise that my recommendation on this point is made solely in the interests of clarity, and follows the advice in the PPG (to which I have previously drawn attention) that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence. While this is not, in a formal sense, a requirement of the Basic Conditions, in practical terms it is a matter of considerable importance.

## Policy WH2: Design management within the village settlement

66. Plan D shows three locations which are specifically allocated for housing in the draft Local Plan. Two of these sites lie to the north of the railway (A38 and A40); and it is also worth noting that the nearby site A39, close to Horsley Station, is within the Parish of East Horsley, but if built on would consolidate the urban area which straddles the boundaries between the two settlements. The third site (A37) lies just north of the Epsom Road (A246).
67. The Plan would provide the detailed criteria governing the approach to development in relation to these three sites (should the allocations be confirmed), as well as the existing land lying within the inset areas. In addition to the general requirement that development proposals should have regard to the Character Appraisal<sup>5</sup> Report, 11 principles are set out which provide further guidance. In summary, these seek to ensure that development:
- satisfactorily handles the transition between the rural and urban edges and is generally sympathetic to its context;
  - protects important open views;
  - seeks to control the number of floors of dwellings - criterion v): *see comment below*
  - includes low or green boundary treatments;
  - meets certain density requirements - criterion vii): *see comment below*
  - does not cause the loss of healthy trees;
  - reflects local design character (especially, where appropriate, “Arts and Crafts” features);
  - includes local green spaces where appropriate; and
  - ensures that parking arrangements are not visually intrusive.
68. The Basic Conditions Statement asserts that this policy is consistent with many of the provisions of Local Plan policy G5. This is headed “Design Code” and contains 10 sub-policies dealing with various matters which the Borough Council will seek to ensure are properly addressed in development proposals. The majority of the design criteria set out in WH2 do not suggest any material conflict with LP Policy G5; however, I agree with the comments of the Borough Council that criteria v) and vii) pose difficulties in that respect.

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<sup>5</sup> the preamble to the policy refers to the WH Character Area Report, which I take to be a typographical error

69. Criterion v) states that “dwellings will essentially comprise single or two-storey buildings.....and the redevelopment of single-storey dwellings into larger two or more storey homes will be resisted”. GBC’s criticisms of this requirement, which I share, are that it is too prescriptive; could result in the inefficient use of land (and thereby not be helpful in terms of attempts to achieve more sustainable patterns of development); and would be unlikely to assist in the supply of the mix of homes which has been identified locally.
70. In my view, this element of Policy WH2 goes beyond what is appropriate for a neighbourhood plan to deal with, by straying into strategic territory which it is for the Local Plan to explore (this being national policy, as set out at NPPF paragraph 47). In any event, since the intention of Policies WH2 and WH3 is (according to paragraph 5.12) to protect the character of the village, this objective is adequately addressed in the Plan without the need for this degree of prescription. In coming to this view, I also bear in mind the Government’s view of design matters at NPPF paragraphs 59 and 60.
71. Criterion vii) states: “The current density of housing within the village does not generally exceed 10-15 dwellings per hectare and new scheme densities will be required to demonstrate the protection of local character and context while making efficient use of land, and with an appropriate distance between dwellings to avoid overly cramped development”. This does not, in so many words, seek to impose restrictions on the density of new housing developments, but it is difficult to escape the inference that schemes which have a density beyond the 10-15 dwellings per hectare range might be considered inappropriate. This again runs the risk of being too prescriptive – in addition, the result is a lack of clarity given the parallel objective of making efficient use of land (which usually means increasing densities).
72. I take a similar view about this point as with criterion v) – that the objective to protect the character of the area is adequately covered without the addition of what would potentially be a confusing requirement for applicants and decision-makers alike. ***I therefore recommend that criteria v) and vii) are both deleted.***
73. ***I also recommend that, in order to improve understanding of this part of the Plan, specific reference is made within paragraph 3.5 to draft Local Plan allocations A37, A38 and A40, and that their locations are described geographically in order to link better with elements iii) and iv) of Policy WH2.***
74. There is a need for more clarity about the relationship between Map 7 and Policy WH2, which also applies to WH3. While there is reference in the policy to the need to “retain the open feel and significant views” in the areas west of The Street, on Silkmore Lane and Ripley Lane, there is no other or general reference to the need to protect gaps or views. At the end of the policy there is an unattached asterisk which advises reference to Map 7: this identifies three different types of land: “locally significant views”, locally significant gaps” and “general green areas”, some 23 locations in total. The map itself does not carry any reference to Policies WH2 or WH3. In addition, while it would appear that the various locations identified in Map 7 are largely a reflection of material in a related document forming part of the evidence base, the information appears not to be identical. ***I recommend that greater clarity is introduced into these elements of the Plan and its supporting evidence base in order to reduce any uncertainty for development management.***

### Policy WH3: Design management within rural areas

75. This policy supports development outside the settlement boundaries, so long as a number of principles are met, including the need to have full regard to the appropriate Character Area Appraisals. I accept the conclusion at paragraph 5.33 that this approach is in line with the broad policy set out in paragraph 58 of the NPPF, as well as many of the elements of Local Plan Policy G5.
76. Thakeham Homes object to the inclusion of point v) of the policy, which requires full regard to be had to the principle that “building materials include the significant use of red brick and clay hung elevations and plain clay terracotta roof tiles”. The objectors see this as being too prescriptive, and I can see how the wording might be interpreted as having that effect. ***I recommend that principle v) be amended to read: “Where appropriate to its context, building materials should include the significant use.....”.***
77. Thakeham also object to the inclusion in the policy of the reference to South East Plan Policy NRM6, a matter which I have dealt with.

### Policy WH4: Housing mix

78. Policy WH4 supports new housing within the settlement boundary, so long as it has had “full regard to the need to deliver the following house types” – these relate to open market one, two and three-bedroom homes “suited to accommodation by younger families and older households”, and “at least 40% affordable housing as defined nationally”. In addition, proposals for fully serviced plots for individual or community-led schemes will be supported; and “where planning permission is required, proposals to extend or improve an existing two or three bedroom home that will result in additional bedrooms will be resisted”.
79. According to paragraph 5.35, these provisions are informed by the West Surrey Strategic Market Assessment 2015, which concluded that about half of all Guildford households over the plan period will not be able to afford to buy or rent a home on the open market which meets their needs without a subsidy. An update in 2017 is said to have found that the need for smaller affordable homes is continuing to rise. A Housing Needs Survey for West Horsley in 2014 suggested that 29 households needed help to access more affordable housing.
80. The objective of Policy WH4 is clearly supported by paragraph 50 of the NPPF (although this deals with the policy approach to be taken by local planning authorities). The Basic Conditions Statement points out that the existing Plan is “silent” on the issue of housing mix, since Policy H10 of the Plan had expired. I am satisfied that, in principle, Policy WH4 meets the Basic Conditions. Thakeham Homes suggests that it requires greater flexibility so it can adapt to change over the Plan period in order to accord fully with the intentions of Policy H1 of the emerging Local Plan; however, neighbourhood plans are required to be in general conformity with the strategic policies of the *adopted* development plan for the area, and ***I recommend that no change is made to WH4 on that account.***
81. Paragraph 5.37 acknowledges that there may be circumstances where abnormal costs would render a scheme unviable, in which case further options may be available. This seems to me to be a significant issue which ought more appropriately to take the form of a policy, rather than something to which reference is made in the supporting text. ***I therefore recommend that this provision be added to the body of Policy WH4.***

## Policy WH5: Rural exception housing

82. In order to allow appropriate small-scale affordable housing development outside the settlement boundary, Policy WH5 sets out a list of criteria. These include a requirement (to summarise them) that:
- the scheme involves no more than the minimum number of open market dwellings needed to deliver the affordable element, as evidenced by a viability appraisal;
  - the open market element should in any event not exceed 30% of the total, and comprise only smaller dwellings suited to local needs;
  - the affordable element should relate to the needs of people with a local connection (defined in some detail in the policy); and
  - a planning obligation would secure the continuing availability of the dwellings in these terms.
83. Paragraph 5.40 says that the policy is designed to apply to small-scale schemes adjoining the settlement boundary within the Green Belt and that “small-scale” is defined as 10 dwellings or fewer. The following paragraph states, in addition, that the sites in question should not exceed 0.4ha. ***I recommend that it be made clear within this supporting text that both these requirements carry forward the provisions of Local Plan Policy H12<sup>6</sup>. I also recommend that the first principle of Policy WH5 is modified so that it begins: “Where open market housing is proposed, the scheme provides.....”*** (this is because, as it reads at present, it could be taken to presuppose that some open market dwellings will always be needed to subsidise the affordable element).
84. Paragraph 5.42 states that an applicant may be said to have “a local connection” if one of four criteria are met. These do not align with the three criteria a), b) and c) set out under element v) of the policy itself: ***this creates uncertainty and I recommend that the apparent discrepancy be resolved.***
85. One representation (WHNP/10) has reservations about the policy on the grounds (a) that it would give preferential treatment to individuals by birth, and (b) that it would restrict the ability of someone to sell their home other than to a person with a local connection. While I understand these points, the basic approach to the provision of affordable housing in areas such as those defined by Policy WH5 is a common one nationally, and clearly reflects the NPPF at paragraphs 50 and 54, as well as the local development plan. Subject to my detailed recommendations, I consider that it satisfies the basic conditions.

## Policy WH6: Community facilities

86. This policy seeks to prevent the unnecessary loss of community facilities in the village (with 15 examples listed) by requiring evidence that the use is no longer viable or that it can be suitably relocated. In addition, extension or partial redevelopment of such assets would be supported subject to design and local amenity considerations.
87. I am satisfied that Policy WH6 meets the basic conditions, given the terms of NPPF paragraph 70 and Local Plan Policy CF2 (which it closely resembles). However, since the Plan’s general approach is to avoid repeating Local Plan policies, it would be helpful if the supporting text pointed out

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<sup>6</sup> not Policy H13, as noted in paragraph 5.41

where any significant provisions of Policy WH6 (other than the identification of named sites) differ from the wording of LP Policy CF2, **and I recommend accordingly.**

### **Policy WH7: Education provision**

88. Policy WH7 would support any application by the Raleigh School to relocate from its present site In Northcote Crescent, subject to the consideration of six criteria. I have some reservations about a policy which identifies a specific school, as opposed to one which would apply to educational establishments more generally; however, these do not impinge on the basic conditions since it is broadly supported by national and local policies to sustain community facilities and I have concluded that no recommendations for changing the policy are needed.

### **Policy WH8: Local buildings of historic interest**

89. This policy provides more detail than Local Plan HE6 by identifying a total of 18 buildings in West Horsley which are deemed to constitute Local Heritage Assets because of their architectural or historic interest. LP Policy HE6 says that development proposals must simply “have regard to” their effect on the architectural or historic interest of the building or its setting; WH8 goes further by saying that development which causes harm in those terms will not be supported unless public benefits outweigh that harm. Non-designated or local heritage assets are defined in Planning Practice Guidance<sup>7</sup> as “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets”.
90. As Historic England point out in their guidance on the issue<sup>8</sup>, locally-important assets are only capable of being offered “some level of protection”, rather than benefiting from an additional strand of control: being on a local list, such as those set out in the evidence base document “Significant but Unlisted Buildings in West Horsley, October 2017” which informs Policy WH8, is restricted to meaning that their conservation as a heritage asset is a material consideration in determining the outcome of planning applications (NPPF paragraph 135), to be dealt with on a case-by-case basis.
91. In practice, this is what would happen if a scheme fell to be assessed against the NP policy as opposed to the LP policy, and I therefore see no reason to make any recommendation about the policy itself or how it is expressed.

### **Policy WH9: West Horsley Place**

92. This estate is managed by a trust. Its focus is a Grade 1 mediaeval manor house in need of restoration, and policy WH9 straightforwardly supports the trust’s efforts to create a tourist destination and cultural centre, subject to suitable safeguards. It is in line with NPPF paragraph 28 (Supporting a prosperous rural economy) and Local Plan policies RE9 and CF1. I noted from my visit that work is already under way on the site.

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<sup>7</sup> paragraph 039

<sup>8</sup> Heritage Protection Guide 2018

## Policy WH10: Employment

93. Proposals for new Class B1 business uses and flexible start-up units in the countryside are supported by this policy, subject to a number of safeguards. Support is also given to schemes which would improve the effectiveness and appearance of existing employment sites, or to redevelop them. The loss of existing employment floor-space will be resisted unless it would result in an increase in jobs, or if the use is no longer viable. These objectives are strongly supported by NPPF paragraph 28 and are consistent with Local Plan Policies E2 and E3, and so WH10 satisfies the basic conditions.
94. As a detailed point, I question the apparent restricted application of the policy to those development proposals which are “part of farm diversification”. It seems to me at least possible that some schemes might come forward which deserve broad policy support but which do not meet that criterion. ***I recommend that the inclusion of this phrase be reconsidered in the light of my comment.***

## Policy WH11: Local green spaces

95. 13 parcels of land around the village are listed in this policy, and identified on the policies map and in Appendix 10, as Local Green Spaces. Paragraph 5.57 of the Plan points out that the list takes forward work carried out as part of the evidence base (see “Local Green Spaces Justification Chart”), reproduced in Appendix D to the Plan, and that this demonstrates how regard has been had to the three criteria for such designations as set out at NPPF paragraph 77, namely:
- *where the green space is in reasonably close proximity to the community it serves;*
  - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - *where the green area concerned is local in character and is not an extensive tract of land.*
96. Seven of the sites are within the Green Belt (and are currently intended to remain so within the new Local Plan), so already enjoy a level of protection. Policy WH11 largely replicates the existing situation, but adds to it by requiring that should very special circumstances be demonstrated (the test for considering development within the Green Belt which would normally be considered inappropriate), an alternative green-space should be provided nearby. Further detailed criteria are included.
97. The remaining six sites are all described as “small verges” that border The Street and East Lane, the main road which runs north-south through the village (by inference, and from my reading of Appendix F, these do not lie within the Green Belt). The inclusion of these areas is not supported by Surrey County Council “as they are considered to be unsuitable for any development other than highway improvements”. While SCC do not have any proposals for such works at present, they say that they cannot rule out a need for them some time in the future. They consider that proposals for local green space on County Council owned verges to be inappropriate (which I take to be an objection in principle). SCC also believe it unreasonable that they should be obliged to fund the cost of replacement open space as well as the cost of the highway works themselves.
98. The County Council’s concerns do not directly relate to the scope of the basic conditions or any other of the statutory requirements governing the making of a neighbourhood plan. I would,

however, observe that only highways improvement works which would have significant adverse effects on the environment would require planning permission in the first place; consequently, Policy WH11 would not automatically be a material consideration for the County Council to contend with in every case. Even on those occasions when the policy is engaged, it would be balanced by the requirement for regard to be had to all other material considerations, including the benefits highlighted by SCC in terms of increased highway safety or reduced traffic congestion. I note in any event that the policy effectively exempts proposals which are “essential for utilities development”. For these reasons, ***I recommend that no changes be made to Policy WH11.***

## Policy WH12: Green and blue infrastructure network

99. The intention behind this policy is to ensure that relevant development proposals protect and enhance the green and blue infrastructure network of the village, “green infrastructure” being defined in the Glossary attached to the NPPF, and “blue infrastructure” being the network of drainage ditches and ponds. The policy says that overall it covers “a variety of open spaces, woodlands, water bodies, assets of biodiversity value, footpaths, bridleways and cycleways”, and paragraph 5.62 explains that it gives effect to Policy ID4 of the emerging Local Plan, the Basic Conditions Statement noting that the adopted Local Plan is silent on the matter. I am satisfied that the policy takes forward the strategic approach advocated in NPPF paragraph 113.
100. However, given the development management significance of the policy, I consider it important to improve the clarity of the information. Readers are referred to the policies map to see the location of the various assets. This is a particularly difficult map to interpret because of the absence of geographical reference points; and the problems are exacerbated to some extent by the mis-match between the description in the policy of what the network comprises and the key on the policies map: the former includes open spaces, woodlands and assets of biodiversity value (which are not shown on the map).
101. It might be that some of the information is to be found on other maps (such as no.8: woodland areas and trees); or it might also be that more specific reference could be made to the various documents which make up the evidence base. I do not feel able to make very specific suggestions on this point, but ***in order to improve the clarity and utility of this part of the Plan in relation to the consideration of planning applications, I recommend that a general re-appraisal be made of the wording and cross-referencing of Policy WH12 with the various maps and the supporting material in the evidence base.***
102. A further specific point is that paragraph 5.67 refers to the importance of wildlife corridors given that West Horsley is in a Biodiversity Opportunity Area. It then lists seven locations, which may or may not be those identified on the policies map – and may or may not be subsumed within the more generic description of “assets of biodiversity value” referred to in Policy WH12. ***Again, I recommend that steps are taken to introduce greater clarity of the development management implications of these references.***
103. Surrey Wildlife Trust’s proposed minor changes of wording do not need any recommendation from me: I would have no reason for concern if the Steering Group wishes to adopt them.

### Policy WH13: Sustainable urban drainage

104. Policy WH13 seeks to address the recurring problems of flooding that the village has experienced over the years. In addition to efforts by the Parish Council to lobby for improvements to the various drainage systems, the opportunity is taken to add refinements to Local Plan Policy G1, and to give effect to NPPF paragraph 103. The policy (to summarise it) supports development which includes an appropriate sustainable drainage scheme (SUDS), proportionate to the development's scale. This would cover surface water run-off, foul sewage and waste water discharge.
105. Thakeham Homes object to the policy on the grounds that it "prescribes" the design of SUDS, thus going further than the more general reference to the matter in the NPPF. I accept that the policy requires schemes to include one or more of four specified techniques for dealing with the issue; however, I have noted that the Environment Agency's guide for developers on the topic<sup>9</sup> lists the range of approaches that are available, and it is clear to me that these cover broadly the same ground as the list in Policy WH13. I do not consider the policy to be over-prescriptive and consequently ***I recommend that no change be made to the policy on this ground.***

### Policy WH14: Biodiversity

106. This policy states that any development which would harm the key designated environmental and landscape assets of the area will be strongly resisted. In addition, schemes are required to ensure the protection and enhancement of local biodiversity assets. A detailed provision requires planning schemes to involve native species. The policy concludes by stating: "All development must result in a biodiversity gain for the Parish".
107. The general tenor of Policy WH14 finds clear support in the NPPF at paragraphs 115, 117 and 118, as well as from Policies NE1-NE4 of the Local Plan. I do, however, have a reservation about the all-embracing requirement for development proposals to make positive contributions to the natural environment (as opposed to simply protecting existing assets). It is reasonable to assume that some small-scale schemes (including, for example, changes of use) would not realistically be in a position to do this. If a policy requirement is too prescriptive, it runs the risk of losing credibility in practice. ***I therefore recommend that the second paragraph of the policy be revised to read: "Development proposals must ensure the protection of local biodiversity assets and UK Biodiversity Action Plan Priority Habitats. In addition, wherever practicable, proposals should contribute to, increase and enhance the natural environment by providing additional habitat resources for wildlife and green spaces for the community".*** In addition, and for the same reason, ***I recommend that the last sentence of the policy be modified to read "Wherever possible, development proposals must result in a biodiversity gain for the Parish".***
108. Surrey Wildlife Trust's minor proposed changes of wording to the policy would add little of significance to my recommended revisions.

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<sup>9</sup> source: from a web-search. The document is undated and I am not therefore certain that it is current.

## Policy WH15: Dark skies

109. The final policy of the Plan requires the design of development proposals to minimise light pollution, citing guidelines for rural areas published by the Institute of Lighting Engineers. The Plan includes evidence about light pollution produced by CPRE in 2016, and explains (paragraph 5.81) that West Horsley is the first parish to use the related mapping exercise to identify their “dark sky” position. One of the aims of Policy WH15 is to protect the night-time views of the Surrey Hills AONB, the conservation area and other heritage assets.
110. The policy has clear support from the NPPF at paragraph 125 and Local Plan Policy G1(8). My only observation relates to the first few words, which read: “All development proposals and significant planning applications should be designed to minimise...”. This is confusing since it is unclear whether the policy is designed to relate to all development or only to “significant” schemes (which are not defined). Since LP Policy G1(8) does not differentiate in terms of the scale of the development involved, as currently phrased WH15 may be taken to have a more limited effect. ***I recommend that the wording be aligned more closely with LP G1(8) by the deletion of the phrase “and significant planning applications.”***

### Conclusions on the basic conditions

111. I am satisfied that the West Horsley Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

### Formal recommendation

112. I have concluded that, provided that the recommendations set out above are followed, the West Horsley Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

*David Kaiserman*

David Kaiserman BA DipTP MRTPI  
Independent Examiner

30 May 2018

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
54 55	general	<ul style="list-style-type: none"> <li>clarify references to figures</li> <li>improve clarity of certain maps</li> </ul>
59	WH1, WH2, WH3	<ul style="list-style-type: none"> <li>delete reference to Thames Basin Heaths SPA, but expand para. 5.4 in substitution</li> </ul>
64	WH2 & WH3	<ul style="list-style-type: none"> <li>clarify relationship with the Submission Local Plan in relation to Green Belt/insets</li> </ul>
72 73 74	WH2	<ul style="list-style-type: none"> <li>delete criteria v) and vii)</li> <li>add to para 3.5 and improve link with elements iii) and iv)</li> <li>clarify relationship with map 7 (also applies to WH3)</li> </ul>
76	WH3	<ul style="list-style-type: none"> <li>minor change to wording of element v)</li> </ul>
81	WH4	<ul style="list-style-type: none"> <li>re-locate reference to viability from para 5.37 to the policy</li> </ul>
83 84	WH5	<ul style="list-style-type: none"> <li>explain link to adopted Local Plan policy H12</li> <li>minor change of wording to element i)</li> <li>resolve discrepancy between policy and para 5.42</li> </ul>
87	WH6	<ul style="list-style-type: none"> <li>supporting text to point out any significant differences with Local Plan policy CF2</li> </ul>
94	WH10	<ul style="list-style-type: none"> <li>reconsider reference to farm diversification</li> </ul>
101 & 102	WH12	<ul style="list-style-type: none"> <li>clarify relationship of the policy to maps and supporting material</li> </ul>
107	WH14	<ul style="list-style-type: none"> <li>revised wording to second para to reduce prescriptiveness</li> <li>revised wording to last sentence to reduce prescriptiveness</li> </ul>
110	WH15	<ul style="list-style-type: none"> <li>align more closely with LP policy G1(8)</li> </ul>