

Clarifying questions to Guildford Borough Council and Ripley Parish Council as Part of the Lovelace Neighbourhood Plan Examination.

Questions for GBC to answer

1. What was the actual date of submission?

The documents were initially submitted on 23/08/2019. A validation exercise was undertaken until 30/08/2019 which found that the submission did not include the SEA determination or environmental report required by regulation 15 (e) of the Neighbourhood Planning (General) Regulation 2012 (as amended).

The Council wrote to advise the LNP group to amend the submission. Amended documents were received on 24/09/2019 and the submission was deemed to meet regulatory requirements.

2. What was the date of the Council's statement to the examiner?

The Council's statement was finalised on 28/01/2020.

3. What is the current position with the Court of Appeal consideration regarding the challenge to the LPSS 2019 following the High Court decision?

An application was lodged seeking leave to appeal the recent High Court judgement which dismissed all three legal challenges. The Court of Appeal refused to grant leave to appeal on 25 February 2020 ref. C1/2020/0087.

4. Is it the intention to establish a Community Infrastructure Levy and if so when might this be established?

The Council intends to introduce a Community Infrastructure Levy. However, this is still at a relatively early stage of preparation. There are currently no published timescales for adoption.

Questions for Ripley PC or Neighbourhood Plan Steering Committee to answer

5. How were members of the Wisley Parish Community actively involved in the preparation of the LNP?

During the period of the Lovelace Neighbourhood Plan preparation most of the inhabitants of Wisley were RHS employees, with approximately twelve private houses. The RHS has also engaged heavily in the Lovelace Neighbourhood Plan so as to promote the significance of the Garden, and also the village to create a better society in Wisley, Ockham and Ripley. Michael Jenkins, Geoff McCorrie and David Alexander of RHS have been involved throughout. It should also be noted that residents were offered the chance to comment on the Lovelace designation via public consultation in 2015.

Cameron Brown, a private individual, was elected as a Wisley representative at the public meeting in 2015, as was Colin Crosbie, who represented the RHS (replaced by Michael Jenkins after Mr Crosbie moved away). Cameron was LNPG Secretary until 2019. There is a reasonable email trail showing that over the years we consulted most local residents, all RHS employees, Carlton Investments (owners of the Courtyard), the business located at The Courtyard, including the

National Trust, the church etc.

6. What was the intention at policy LNP EN3 – Flooding at subsection a) – should this refer to ‘surface water management plan’?

Yes. Please amend.

7. What is the intention of policy LNP I6? It is currently unclear. It reads that major development requiring healthcare and education facilities will be supported without any control on delivery thus making the situation outlined in the supporting text regarding inadequate provision worse. If the intention is to require major development to provide the services or to support those that do - this is not what the policy says. Please explain.

This is a difficult question to answer. GBC advised that there is no planning definition other than “major” to cover what would otherwise be classed as “small, medium, or large” developments. Providing controls is understood to be beyond our remit, i.e. decided by Local Authority planners, Clinical Commissioning Groups, and developers. We do not know at what point such controls should be implemented, or what say the NP has over them.

The intention of the Policy is for significant major development to provide services onsite where they are ill serviced by public transport, as sites A35 and A41 are, particularly the former. Could we suggest the Policy be amended to read:

Significant major developments should provide onsite healthcare and education facilities where:

a. They would otherwise significantly increase car usage through the villages

b. They do not provide bus services to schools and external healthcare facilities from locations where public transport is poor

and:

c. These facilities are provided prior to occupation

d. They do not have an adverse impact on the TBHSPA

8. What is meant by ‘ecological assessment’ in policy LNP EN5 ?

This should be amended to read ‘Ecological Impact Assessment (EclA)’, i.e. the production of a standalone Ecological Impact Statement to assess the potential ecological impacts from development on flora and fauna.

Originally shown as an Environmental Impact Assessment (EIA) in drafts the LNP, it was amended following GBC comments in ‘Representations on draft Lovelace Plan (regulation 14 consultation)’, 15 November 2018, points 11.9, 11.10 and 11.11. GBC advised the type of development that tend to require EIA are large projects such as nuclear power stations, major road schemes and wastewater treatment plants and that Neighbourhood Plans must not contain EIA development, so should not address EIA development.

9. Is there a section of Appendix D1 uploaded to the GBC website missing that provides evidence as to the Local Green Spaces. The supporting text to the policy suggests there is. If there is not and you wish to retain the Local Green Spaces in the plan I would ask that you provide an amended appendix that as a minimum sets out a tabulation showing how each site is justified in terms of the criteria set out in paragraph 100 of the NPPF 2019 and a map showing the exact extent of each LGS. The scale of the map currently included in the plan itself is too small to define the sites accurately. I will require this supplementary evidence before I complete the examination report if the proposed LGS are to be retained.

Our sincere apologies, this appears to have been unintentionally omitted and the complete Appendix D1 is now attached.

Subsequent to the initial 9 clarifying questions two further questions were posed on 5 March 2020. The questions and subsequent answers are as follows:

10 – In the introduction to the plan in the penultimate paragraph on page 2 – last sentence – last clause - I do not know what is intended by the words ‘... including sections referred to by the policies in the boxes’.

The text should read “decision makers should take into account any references to other Policies”

11 - Section 3.1 paragraph 2 the text seems to suggest that 11% of Lovelace is covered by the nature conservation designations but then later in the same paragraph states the designations cover almost all of Lovelace. Which is correct?”

GBC Response

It’s clear from the mapping (supplied) that it’s not correct to state that almost all of Lovelace is covered by the designations.

It is not clear where the 11% figure is derived from. It was possibly produced by GBC but it is unlikely it applies to that specific group of designations as it looks like together they cover more than 11%. GBC suggest amending the wording to refer to something like “The above designations cover a significant proportion of Lovelace”.

RPC Response

This should be rephrased “The 11% figure refers to the TBHSPA, SSSI, SNCIs, LNRs and Ancient Woodlands, whilst the ‘above designations’ also includes the designated Green Belt. Despite the removal of areas from the Green Belt in the GBC LP, Lovelace remains a predominantly rural area.”

NB: With regard to the Examiner’s question 1, when we formally submitted the Plan on 23/08/2019 we understood the SEA determination had already been carried out by GBC and that nothing further was required.

Can the TRL and GBC air quality type of sensors, location and height be compared to confirm an apples to apples comparison?

Can it be noted that the Examiner's February 18th site was during the half term, traffic is considerably lighter during school holidays.

The LNP committee disbanded after handing the LNP to the Parish Councils for review, collation, printing, dispatch etc. Resources were not available to update after adoption of the GBC LP.

Peter Biggers Independent Examiner 19 February 2020