



Ash Neighbourhood Plan Examination

Guildford Borough Council Statement for the examiner

March 2026

1. The purpose of this document

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

2. Legal requirements

Neighbourhood Planning Regulations

- 2.1 The Council has reviewed Ash 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.

Strategic Environmental Assessment and Habitats Regulations Assessment

- 2.2 The Council screened the plan proposals at an early stage and determined that the Plan would need an environmental report under the Strategic Environmental Assessment (SEA) regulations. An environmental report was submitted alongside the neighbourhood plan and made available during the regulation 16 consultation. The Council advised the three statutory bodies of this fact.
- 2.3 The Council screened the plan proposals at an early stage and determined that the plan should be "screened in" for Habitats Regulations Assessment (HRA) based on the proposed scope of the plan and the presence of European protected sites within the neighbourhood area. The Qualifying Body submitted information relating to HRA alongside its proposed plan. On the basis of the submitted plan and HRA information, the Council determined that the submission version of the plan does not require a HRA "appropriate assessment".
- 2.4 The HRA and SEA determinations are available on the Council's website here: <https://www.guildford.gov.uk/article/27339/Neighbourhood-planning-in-Ash-more-information>.

3. Information to support the examination

Neighbourhood plan area

- 3.1 The Ash Neighbourhood Plan relates to the Ash Neighbourhood Area, which is the same as Ash Parish. The extent of the neighbourhood area can be seen in detail on the Council's web page for the Ash Neighbourhood Plan here:
<https://www.guildford.gov.uk/article/27109/Neighbourhood-planning-in-Ash>.

The Development Plan

- 3.2 The relevant sources of strategic development plan policy are:
- The Local Plan: Strategy and Sites 2015-2034 (LPSS, adopted 2019),
 - The Local Plan Development Management Policies 2023 (LPDMP),
 - Policy NRM6 of the South East Plan, and
 - Surrey waste and minerals plans.
- 3.3 The LPSS and LPDMP are available online here:
<https://www.guildford.gov.uk/guildfordlocalplan>.
- 3.4 An online Local Plan policies map and additional supporting planning information is available here: https://maps.guildford.gov.uk/atSoloMap_planning.html.
- 3.5 The South East Plan has been largely withdrawn, but policy NRM6 remains in place. NRM6 deals with protection of the Thames Basin Heaths Special Protection Area (TBHSPA) and can be seen in Appendix 2 of the TBHSPA Avoidance Strategy:
<https://www.guildford.gov.uk/article/25055/Thames-Basin-Heaths-special-protection-area-SPD>.

The requirements of NRM6 are incorporated into Policy P5 of the LPSS. The Council has produced the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which sets out the approach in detail: <https://www.guildford.gov.uk/article/25055/Thames-Basin-Heaths-special-protection-area-SPD>

- 3.6 The Surrey Waste and Minerals Plans are available here:
- <https://www.surreycc.gov.uk/land-planning-and-development/minerals-and-waste/minerals-core-strategy-development-plan>
 - <https://www.surreycc.gov.uk/land-planning-and-development/minerals-and-waste/waste-plan>

Other information

- 5.11 The evidence base for the Ash Neighbourhood Plan and details of the drafting process can be found at: <https://www.ashpcsurrey.gov.uk/anp/>.

4. The Council's comments on the plan

4.1 This section details the Council's comments on the policies of the Ash Neighbourhood Plan

4.2 The Council made detailed comments on the Regulation 14 version of the neighbourhood plan, which suggested ways to improve the effectiveness of the plan's policies, as well as highlighting potential conflicts with the basic conditions. The majority of these suggestions were incorporated into the submission version of the plan.

ASH4 Design Principles in Ash Green Village

4.3 The submission version of the policy has some new text regarding heritage assets and historic environment. Our conservation officers have identified some issues with the wording in the policy.

Clause B

4.4 In clause B the first paragraph requires development to "conserve and, where appropriate enhance" heritage, meaning conservation is mandatory but enhancement is an optional aspiration where it can be achieved without harm. However, the last paragraph requires development to either preserve or enhance, presenting these as two distinct and alternative outcomes. In effect one section of the policy frames enhancement as a conditional opportunity, while the other frames it as an equal counterpart to preservation. This is a subtle conflict within the policy.

4.5 The terms conserve and preserve carry distinct meanings in heritage policy and practice. Conserve refers to managing change in a way that sustains significance, allowing for sensitive alteration where justified, whereas preserve implies maintaining something in its existing state. Using these interchangeably risks confusion about the level of intervention a policy is requiring.

4.6 When it comes to heritage, the NPPF requires the identification of significance, assessment of harm, minimisation of harm, justification and the weighing of harm against the public benefits. This policy instead introduces a binary test where development "will only be supported where it can clearly be demonstrated that it would preserve or enhance" the historic and heritage qualities of Ash Green and is therefore in tension with national policy.

4.7 Terms such as historic and heritage qualities are not defined in the NPPF or the 1990 Act; the correct and established term is significance. 'Historic character' is also not a defined term in legislation or national policy and, in the absence of a clear definition or supporting character appraisal, this wording is open to subjective interpretation and risks inconsistent application.

4.8 Although the policy wording does acknowledge that harm may sometimes be unavoidable and must therefore be justified in accordance with national policy, this sits uneasily alongside the statement that development will only be supported if it preserves or enhances. The two statements are contradictory and overlook the fact that, under the NPPF,

proposals that result in harm to heritage significance can still be supported where that harm is clearly and convincingly justified and, for designated heritage assets, is outweighed by public benefits. As drafted, the policy risks excluding development that would otherwise comply with the NPPF's harm-based, balanced-judgement approach.

4.9 There is a lack of distinction between designated and non-designated heritage assets (NDHA). The NPPF treats these differently, however this draft policy applies the same test to both through the use of the term 'heritage assets' which:

- imposes requirements beyond national policy, and
- risks over-protecting NDHA's

4.10 The following wording is suggested to address the issues above:

Developments within Ash Green are expected to conserve, and where appropriate, enhance, the significance of its heritage assets and their setting. Proposals must be informed by a proportionate, site-specific heritage assessment that:

- *identifies all designated and non-designated heritage assets affected*
- *assesses their significance, including their contribution to the landscape and rural character of Ash Green*
- *evaluates the impact of the proposal on that significance and on setting*
- *demonstrates how harm has been avoided or, where unavoidable, minimised*

Any residual harm must be clearly and convincingly justified in accordance with national policy. For designated heritage assets, harm will be weighed against the public benefits of the proposal; for non-designated heritage assets, a balanced judgement will be applied.

Views to and from the Ash Manor complex should be safeguarded where they contribute to the significance of the listed buildings, with any important views identified, evidenced and assessed in the supporting material.

4.11 The suggested wording does not reference Ash Manor in the first paragraph as it contains a general approach that applies to all heritage assets. The final paragraph focuses on views and significance and aims to deliver the outcomes sought by the original policy in a way that aligns with conservation planning practice.

Clause E

4.12 Clause E mentions taking into account the impact of traffic and noise in Ash Green. The Regulatory Services team suggests that this is expanded to include air quality. Further, it is suggested that these considerations should apply to all the areas of the Ash neighbourhood area.

ASH5 District and Local Centres and Dispersed Local Shops

- 4.13 Ash Library has been included within the boundary of the proposed new local centre at Ash Street/Star Lane, even though it is not a main town centre use. Whilst its inclusion within the local centre boundary is unlikely to have any repercussions, it would be more appropriate not to include it. As community facilities, libraries are any case already protected against loss by Policy ID7 of the Local Plan: Development Management Policies.

Clause A

- 4.14 The new Clause A and paragraph 3.38 indicate that the areas proposed to be designated on the Policies Map as 'dispersed local shops', alongside the proposed new local centre, are sequentially preferable locations for new main town centre uses, and that such uses would be considered favourably within or adjacent to any of these areas. Whilst the dispersed shops identified may be valued local shopping and service facilities, the proposed policy and supporting paragraph wording are not strictly in accordance with national policy, as, firstly, dispersed local shops are not local centres and the sequential test for main town centre uses in paragraph 91 of the NPPF directs such uses to town centres (including district and local centres) ahead of out of centre locations.
- 4.15 We consider the best way to remove this policy conflict would be to replace the reference in Clause A to 'in each identified location' with 'in the identified district and local centres'. This would avoid the suggestion that a single isolated shop unit outside of a designated centre could be treated as a sequentially favourable location for a new retail or other main town centre use (which may also include main town centre uses that do not sell essential local goods or provide an essential local service).
- 4.16 Secondly, paragraph 3.38 expands the scope of the sequential test in the NPPF to steer proposed new retail and other main town centre uses to sites within *or adjacent to* district and local centres. We assume that this is because areas adjacent to these centres could be considered 'edge of centre' for a proposed main town centre use. However the NPPF does not define an 'edge of centre' for district or local centres for retail purposes – its glossary defines edge of centre as '*For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary.*' Guildford's Primary Shopping Area relates only to Guildford town centre.
- 4.17 Paragraph 3.38 should therefore be reworded to avoid this conflict with national policy regarding the location of proposed new retail uses that may be applied for in future; alternatively, it may make more sense to delete it entirely, as the NPPF already includes a sequential test for main town centre uses and the reference in this paragraph to dispersed local shops is misleading, as mentioned above.

Clause C

- 4.18 During the regulation 14 consultation, the Council made the following comments about clause D, which is now clause C: “It is not clear whether all of points 1-3 of clause D apply or if an application would be considered suitable in principle if it only complied with one of these points. The use of ‘and’ or ‘or’ at the end of each point, or stating that any or all apply in the first sentence, would help to clarify this.” “And” and “or” have been added at the end of the items of the list so it now reads ‘i and ii or iii’. However, this could still be clearer as it could be interpreted in the following ways:
- i plus either ii or iii
 - either i plus ii, or just iii alone.

ASH6 Employment Locations

Clause A

- 4.19 The revised wording of Clause A of Policy ASH6 no longer supports extension of the boundaries of the proposed Strategic or Locally Significant Employment Location, which we had earlier commented was at odds with the rest of the approach in this policy. However, there is still a potential conflict with it supporting intensification of Class E(g) and B2 uses on the new Locally Significant Employment Location (Land at Ash Station). LPSS Policy E2 paragraphs (3) and (7) direct new employment floorspace to strategic employment sites in preference over other sites including the Locally Significant Employment Sites designated by Policy E3. However, the use of ‘will be supported’ in point A rather than wording that ‘directs’ these uses to these sites does not suggest a sequential test is being applied, so this may not be problematic.
- 4.20 There is also an issue of lack of clarity between clause A which supports intensification of Class E(g) and B2 uses on Land at Ash Station and LPSS Policy E2 paragraph (6) which restricts the expansion of existing offices outside the town centre and strategic employment sites ‘to 25% of the existing office and R&D floorspace of the planning application site boundary’. The Land at Ash Station Locally Important Employment Location falls outside of the boundaries of the town centre and strategic employment sites and so is already affected by this existing policy restriction. Clause A should be caveated with a reference to it.
- 4.21 In addition, Clause A should be reworded so that its support for Class E(g) and B2 uses is ‘*provided they will not cause significant harm to the amenity of **existing** adjoining residential areas*’. This is to avoid any perceived conflict with the agent of change principle in paragraph 200 of the NPPF.
- 4.22 Paragraph 3.44 of the supporting text under Policy ASH6 states that LPSS Policy E3 does not support ‘*repurposing to provide a wider range of unit sizes including additional opportunities to provide incubation/smaller spaces for start-up businesses*’. However, Policy ASH6 and paragraph 3.44 do not explicitly support this type of proposal either, and only include intensification or changes of use which retain existing employment floorspace, with

applicants now expected to provide justification for replacement buildings within employment sites. This point was highlighted in our Regulation 14 response since it appears as though it may be an omission. Our comment has not been addressed other than by the provision of examples of intensification in paragraph 3.22, which do not include replacing existing buildings with smaller units.

Clause C

- 4.23 The new Clause C is not clear whether it relates to the proposed Locally Significant Employment Location (Land at Ash Station), or to the existing strategic employment site (North and South of Lysons Avenue), or both. This is contrary to clauses A and B as both stipulate which they refer to.

ASH8 Energy Efficiency

Clause B

- 4.24 Clause B states “New and replacement dwellings proposed to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year will not be subject to the provisions of Clause C” (the provisions are post construction testing and post occupancy evaluation). However, clause C only applies to replacement buildings, so the quoted text in clause B is ineffective with regard to new dwellings even though it refers to them. This will create confusion during planning applications.
- 4.25 Clause B continues: “Where schemes that maximise their potential to meet this standard by proposing the use of modern methods of construction and the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.” It is not clear whether this text is intended to apply to all schemes or just new and replacement dwellings because of the issue set out in 4.24.
- 4.26 It is requested that the examiner ask about the intention of this policy with the qualifying body and consider a remedy.

Clause C

- 4.27 The clause requires a post occupancy evaluation report and reasonable corrective action for poor energy performance by the applicant. However, unless the scheme is a custom/self-build, if the house has been occupied then it is likely that the applicant is no longer involved with the property, and the owner (likely the occupier or a landlord) would be the one to discharge the condition. Therefore, this clause should not identify the applicant as the person required to submit the report and undertake corrective actions. Presumably the owner should be aware if the condition, but this would likely depend on the buyer’s solicitor advising the buyer correctly.

- 4.28 Where the report has not been provided within the specified time frame, a non-material amendment would be required to extend the deadline as otherwise the condition would be impossible to discharge.

ASH10 Existing and New Community Assets

- 4.29 Clause A (ii) should add at the end: "...provided the location of the site is in accordance with the sequential test outlined in the NPPF for main town centre uses (where applicable)".

ASH14 Active Travel

- 4.30 The Regulatory Services team notes that active travel supports sustainable transport which indirectly helps to prevent further air pollution from vehicles. The supporting text could identify this benefit.

Design Code

- 4.31 During the regulation 14 consultation, the Council raised the following issue: "Figure 39 on page 49 is a picture of a street but is strongly centred on a single house. There is a negative caption beneath criticising the design. Please consider removing the picture or replacing it with a generic picture, or possibly a picture showing the wider development, as the resident of the house shown may not appreciate having their home criticised." This amendment was not made so the examiner is asked to consider whether it is appropriate to retain the picture.

END