

Pyrford Neighbourhood Forum

Pyrford Neighbourhood Development Plan

A Report to Woking Borough Council of the Independent
Examination of the Pyrford Neighbourhood Development Plan

Independent Examiner Christopher Edward Collison

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Overall Finding

This is the report of the Independent Examination of the Pyrford Neighbourhood Development Plan. The Plan period ends in 2027. The Neighbourhood Plan includes thirteen policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Pyrford Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Pyrford Neighbourhood Forum (the Neighbourhood Forum), a qualifying body formally designated by Woking Borough Council (the Borough Council) on 13 February 2014. I have examined the Constitution of the Pyrford Neighbourhood Forum as amended on 4 October 2013 and confirm the Forum is able to lead the preparation of a neighbourhood plan.² The Consultation Statement shows that in July 2015 there were 711 members of the Pyrford Neighbourhood Forum.
4. Work on the production of the plan has been progressed by a core group of approximately 20 volunteer members of the local community through a Neighbourhood Plan Committee and Topic Workgroups. The submission draft of the Neighbourhood Plan has been prepared by the Editorial Team of the Pyrford Neighbourhood Forum. The submission draft along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Neighbourhood Forum for submission of the plan and accompanying documents to the Borough Council. Woking Borough Council has submitted the Neighbourhood Plan to me on 18 July 2016 for independent examination.

¹ Paragraph 183 National Planning Policy Framework (2012)

² Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.³ The report makes recommendations to the Borough Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The Borough Council will decide what action to take in response to the recommendations in this report.
6. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the Borough Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by the Borough Council with the consent of the Neighbourhood Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Neighbourhood Forum and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements
9. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Guidance states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
 - the making of the neighbourhood plan contributes to the achievement of sustainable development,
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.

14. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

15. The Neighbourhood Plan relates to the area that was designated by the Borough Council as a neighbourhood area on 13 February 2014. The plan area is described in paragraph 4.1 of the Submission Version of the Neighbourhood Plan dated 28 February 2016. A map of the plan area is included as Map 1 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.

16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A(3)); and in the 2012 Regulations (made under sections 38A(7) and 38B(4)).

¹¹ Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B(2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A(2) Planning and Compulsory Purchase Act 2004 See recommended modification regarding Policy 11

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version clearly shows the plan period to be 2016 – 2027.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
21. Apart from consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

Documents

22. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

¹⁵ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Pyrford Neighbourhood Plan 2016-2027 Submission Version 28 February 2016
- Pyrford Neighbourhood Plan Basic Conditions Statement 17 March 2016
- Pyrford Neighbourhood Plan 2015 (I have taken this to be 2016) -2027 Consultation Statement February 2016
- Map of Pyrford Neighbourhood Forum Area
- Pyrford Neighbourhood Plan Strategic Environmental Assessment, Habitat Regulations Assessment and Environmental Impact Assessment Screening Report 11 January 2016
- Pyrford Community Landscape Character Assessment in the Plan Evidence Base available on the Pyrford Neighbourhood Forum website
- Representations received during the Regulation 16 publicity period
- Woking Core Strategy Adopted October 2012 (known locally as Woking 2027)
- Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

Consultation

23. The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members and other consultees and how these have been addressed in the submission plan. I highlight here a number of key

components of consultation undertaken in order to illustrate the approach adopted.

24. Mechanisms used to consult and inform residents of the Plan area have included newsletters, social media, and a dedicated website where documents and news items have been posted. Local newspapers, the Parish magazine, the local residents' association magazine, and local radio have also been utilised to publicise events and provide information on progress in plan preparation. The setting up of stalls at key village events has been an important feature of the consultation efforts.
25. Views of community members have been obtained through issue of questionnaires at several stages of plan preparation; coffee mornings; drop-in sessions; and public meetings. Local organisations and businesses have also been engaged with.
26. Pre-submission consultation in accordance with Regulation 14 including necessary statutory requirements took place between 12 May and 22 June 2015. A Planning Policy survey delivered to all households prior to the consultation period ensured good publicity. Copies of the Plan document were made available at nine different locations. Response was possible through a website, by email, or by hard copy return. A total of 555 residents responded with over 85% agreeing with all policies and 190 people submitting comments. Comments received have been recorded and are set out in Appendix 9 of the Consultation Statement. Response to observations submitted in respect of the April 2015, May 2015, and January 2016 iterations of the Plan document are set out in an extensive Table in Appendix 6 of the Consultation Statement where the development of infrastructure; built environment; open spaces; and social and community policies are dealt with. Appendices 6.2 to 6.5 of the Consultation Statement comprehensively fulfil the requirement to describe how issues and concerns have been considered and, where relevant, addressed in the Neighbourhood Plan.
27. The Submission Plan has been the subject of a Regulation 16 publicity period between 4 April and 31 May 2016. One representation was received after the publicity period closed and I have not taken that representation into consideration. A total of 119 representations were properly submitted during the publicity period, all of which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.
28. One representation opposes the Plan on the basis it represents an unnecessary layer in the Planning system and another opposes the Plan

on the basis Pyrford should remain a quiet small village. Another representation states schools, doctors and local schools do not have capacity for growth.

29. One representation supports, and four representations oppose, plans to develop fields along Upshot Lane, and the Environment Agency also makes reference to that area, however, this is not a proposal of the Neighbourhood Plan. Other representations suggest no significant numbers of dwellings should be allowed, with some referring to Green Belt and infrastructure issues. The Neighbourhood Plan does not address the question of total numbers of houses to be developed nor does the plan address Green Belt matters.
30. Further representations suggest other additional matters should be addressed including: road widening and other facilities to provide for and encourage cyclists; road surface maintenance; road planning to slow vehicle speeds; vehicle weight restrictions; public transport access to the Lovelace Estate; improved pedestrian crossing facilities near Pyrford Common; public transport increases generally; measures to address congestion; advance notification of road works; parking around schools; flats above shops; climate change mitigation; encouragement of renewable energy; air quality monitoring and improvement. Other representations express general concern about infrastructure not being able to accommodate new developments. It is not within my role to recommend additional areas of policy.
31. Elmbridge Borough Council, Runnymede Borough Council and the Environment Agency confirmed no comments. Historic England note the Neighbourhood Plan safeguards those elements which contribute to the significance of heritage assets. Natural England advise that reference is made within the Neighbourhood Plan to screening out of likely significant effects on the Thames Basin Heaths Special Protection Area. Later in my report I refer to the Habitats Regulations Assessment screening determination. It is not necessary for the Neighbourhood Plan document itself to refer to the Thames Basin Heaths Special Protection Area. More than 90 representations express support for the Neighbourhood Plan and others confirm general support for specific policies. Where appropriate I refer to representations that include specific points regarding individual policies of the Neighbourhood Plan when considering the policy in question later in my report.
32. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation

statement means a document which –

- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) Explains how they were consulted;
- c) Summarises the main issues and concerns raised by the persons consulted; and
- d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁸

33. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis I am satisfied the requirements have been met.

The Neighbourhood Plan taken as a whole

34. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

35. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

to have neutral or positive impacts on groups with protected characteristics.

36. The objective of EU Directive 2001/42²⁰ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²

37. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Neighbourhood Forum to submit to the Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. The plan documents include a Strategic Environmental Assessment Screening Report dated 11 January 2016. This report presents a Screening outcome as *“Having reviewed the criteria, the Council has concluded that the preliminary draft PNP (December 2015) is not likely to have significant effect and accordingly will not require a Strategic Environmental Assessment.”* Section 4 of the Screening Report includes a determination and statement of reasons for the determination. In forming the determination, the Borough Council consulted the three statutory consultation bodies. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

38. The report issued by the Borough Council on 11 January 2016 also included a Habitats Regulations Assessment Screening Assessment. The statutory consultation requirement was satisfied and the assessment undertaken included in-combination effects²³. The Screening Outcome is that the assessment concludes that *“no likely significant effects will occur with regards to the European sites within and around Woking Borough, due to the implementation of the Draft PNP. As such the PNP does not require a full HRA to be undertaken.”* Section 4 of the Screening Report includes a determination and statement of reasons for the determination. I have earlier in my report referred to Natural England advice that reference

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

²³ In combination with other plans or projects

is made in the Plan to the screening out of likely significant effects on the Thames Basin Heaths SPA and concluded such reference is not a requirement. I have noted the Habitats Regulations Assessment has considered the Thames Basin Heaths SPA. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. I am satisfied that the requirements in respect of Habitat Regulations Assessment have been met.

39. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

40. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force)

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

41. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of

soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

42. Lord Goldsmith has provided guidance²⁵ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
43. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework²⁶. A statement is made as to how the Neighbourhood Plan supports or otherwise positively relates to each of the key planning principles of the Framework.
44. The Neighbourhood Plan states a vision. This vision relates to matters appropriate to a Neighbourhood Development Plan, is written clearly, and adopts a positive approach of seeking to enhance the distinctive and special rural and residential character of the area and seeking to provide a safe, pleasant and sustainable environment for the community. The vision does not constrain and indeed supports the objectives of the Framework, and in particular has regard to the Framework aims of conserving and enhancing the historic environment; of conserving and enhancing the natural environment; and of requiring good design.
45. The Neighbourhood Plan presents five strategic aims and objectives in respect of which topic working groups determined a detailed set of objectives from which policies and projects have been developed. The Borough Council has suggested some adjustment to the strategic aims and objectives which in large part I agree would more precisely reflect the nature of a Neighbourhood Development Plan and accordingly have recommended a modification. The Borough Council has also recommended Section 6.4 is deleted. The purpose of Section 6.4 and its relationship with the policies of the Neighbourhood Plan is unclear. I recommend a modification so that this Section is deleted so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. Subject to the recommended modifications the

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ the Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

²⁶ Including specific statements in respect of paragraphs 16, 183, 184, and 185 of the Framework

Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.

Recommended modification 1:

- **in Section 3.2 delete the fourth and fifth strategic aims and objectives and insert “to promote locally specific policies to be taken into account by decision makers in determining planning applications and appeals.”**
- **delete Section 6.4**

46. I note Appendix 1 to the Neighbourhood Plan includes seven community projects that were proposed by local people. The project proposals do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area. The approach adopted avoids those non-development and land use matters, raised as important by the local community, being lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement of projects is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied the approach adopted is both satisfactory and appropriate.

47. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

48. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through

both plan making and decision-taking.²⁷ The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”.

49. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

50. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a Table that seeks to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan.

51. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by seeking to establish appropriate development principles so that new development safeguards aspects of the built and natural environment that are highly valued by residents of the area. In particular, I consider the Neighbourhood Plan contributes to the achievement of sustainable development in that it seeks to:

- Avoid harm to highway safety;
- Support provision of high speed telecommunications;
- Maintain a high quality environment;
- Enhance distinctive local built character;
- Promote off-street parking provision;
- Respect landscape character;
- Designate four Local Green Spaces;

²⁷ Paragraph 14 National Planning Policy Framework 2012

- Protect and conserve rights of way;
- Protect and enhance biodiversity;
- Protect trees and woodland and encourage additional trees;
- Guard against loss of community facilities and encourage new provision;
- Achieve appropriate recreational space;
- Encourage enhancement of healthcare and wellbeing.

52. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

53. The Framework states that the ambition of the neighbourhood should “*support the strategic development needs set out in Local Plans*”.²⁸ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.²⁹

54. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*” The Borough Council has informed me that the Development

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

Plan applying in the Pyrford Neighbourhood area and relevant to the Neighbourhood Plan comprises³⁰:

- Woking Core Strategy Adopted October 2012 (known locally as Woking 2027)
- Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy)

The Core Strategy is a Local Plan which conforms with the Framework providing strategic planning policy up to 2027. As the Local Plan 1999 Saved Policies predates the Framework, the Framework takes precedence where there is a conflict.

55. Development Management Policies have been submitted for examination in February 2016 and a Site Allocations document is currently being prepared. The requirement is that the Neighbourhood Plan should be in general conformity with the strategic policies of the Development Plan. The emerging Development Management Policies and Site Allocations documents are not part of the Development Plan and this requirement does not apply in respect of them. Emerging planning policy is *subject to change as plan preparation work proceeds*.³¹ *The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.* In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

56. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.”*”³² The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

³⁰The Surrey Waste Plan adopted May 2008, Surrey Minerals Plan adopted July 2011, Surrey Aggregates Recycling Joint Development Plan for the Minerals and Waste Plan 2013, and saved policy NRM6 of the South East Plan are not considered relevant in the context of the Neighbourhood Plan

³¹ The Borough Council has work underway to prepare a future Development Management Policies Development Plan Document and a future Site Allocations Development Plan Document

³² *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

57. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”*

58. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.³³ The Neighbourhood Plan cannot therefore prejudice the emerging Development Management Policies and Site Allocations documents in this respect.³⁴ My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

59. Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³³ Section 38(5) Planning and Compulsory Purchase Act 2004

³⁴ See paragraph 103 of the Judgement in *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC 1470 (Admin)

The Neighbourhood Plan policies

60. The Neighbourhood Plan includes 13 policies:

- Policy VI 1 Road safety
- Policy VI 2 Communications
- Policy BE 1 Maintaining the character of the village
- Policy BE 2 Parking provision
- Policy BE 3 Spatial character
- Policy OS 1 Community character
- Policy OS 2 Local Green Space
- Policy OS 3 Access
- Policy OS 4 Biodiversity
- Policy OS 5 Trees
- Policy SCS 1 Community facilities
- Policy SCS 2 Recreation space
- Policy SCS 3 Healthcare and wellbeing

61. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*

62. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

63. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

64. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*³⁵

65. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

Policy VI 1 Road safety

66. This policy seeks to ensure that proposals that will result in significant increase in traffic movements must demonstrate no harm to highway safety arising from the development.

67. A representation states this policy is not consistent with the Framework and that the policy should only prevent development where impacts arising from increased vehicular movements are severe. The reference to severe impacts in the Framework is contained within a bullet point referring to cost effective improvements within the highway network. When paragraph 32 of the Framework is read as a whole it would seem that the sentence including reference to severe impacts should be separate from the bullet point in which it is positioned. Whatever the intention in that respect it is clear that Plans and decisions should take account of whether safe and suitable access to sites can be achieved for all people. I recommend a modification of the Policy to reflect this.

68. The Framework states *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment”*. Use of the term “significant increase” in the Policy introduces a degree of ambiguity and I therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

³⁵ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

69. Highway safety is a legitimate concern particularly in an area such as Pyrford where 'rat runs' are an issue. Part (b) of the policy however should be transferred to supporting text as it relates to proposals on land outside the plan area and is concerned with an administrative procedure rather than being concerned with the development and use of land.
70. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).
71. The Policy has regard to the components of the Framework concerned with promoting sustainable transport and promoting healthy communities, Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 2:

In Policy VI 1

- **delete part (a) and insert "Proposals that will result in significant amounts of vehicular movements must demonstrate that the proposal will not severely adversely affect highway safety."**
- **delete part (b) which should be transferred to supporting text**

Policy VI 2 Communications

72. This policy seeks to establish support for provision of high speed telecommunications within all developments. A representation states new masts are not needed to make considerable mobile coverage. The policy does not propose new masts. Two representations specifically support the policy but consider the policy should include more detail. It is not within my role to recommend additional areas of policy. The Borough Council suggest the policy could be improved by reference to the Framework and the emerging Development Management DPD. Cross reference of this nature is not necessary to meet the Basic Conditions.
73. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in

the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

74. The Policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. There is some degree of overlap with Policy BE 2 but that is not a reason to conclude the policy does not meet the basic conditions. This Policy meets the basic conditions.

Policy BE 1 Maintaining the character of the village

75. This policy seeks to establish principles for new development in order to maintain the character of the area.

76. A representation states support for the policy but expresses concern it may be restrictive to existing homeowners. A further representation refers to the new infant/junior school as a “*monstrosity of building*”. Neither of these representations would require a modification of the policy to meet the Basic Conditions.

77. The Borough Council has suggested the policy should “*seek to*” maintain residential privacy and the character of the area. I agree that absolute maintenance of privacy may not be practicable, nor acceptable in the context of the presumption in favour of a sustainable development. It would be inappropriate to refuse planning permission for development of a new dwelling on the basis it afforded, for example, a glimpse of the front garden of an existing residential property.

78. The Borough Council has also suggested the maintenance of existing grass verges, front boundary hedges, and tree screens may not always be practicable. Certainly retention of such features may not always be consistent with the presumption in favour of sustainable development. I have recommended a modification in this respect. The Borough Council has also stated the term “Arcadian” is not defined in the Neighbourhood Plan and suggested the sentence containing the term should in any case be deleted as installation of solar panels is adequately dealt with through Part 14 Permitted Development mechanisms³⁶.

³⁶ The Town and Country Planning (General Permitted Development) (England) Order 2015+

79. The term “*unique*” is not adequately explained or justified whereas the use of the description “important” would provide a basis for decision making. I therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
80. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).
81. The Policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 3:

In Policy BE1 c)

- **delete “maintain” and insert “seek to maintain reasonable”**
- **after “screens” insert “where practicable”**
- **replace “unique” with “important”**
- **delete the sentence commencing “If solar”**

Policy BE 2 Parking provision

82. This policy seeks to establish that development proposals should include on-plot provision to avoid on-street parking.
83. A representation states all new houses should have off-street parking for 3-4 cars. It is not within my role to recommend additional policy components. In a representation the Borough Council refer to the Framework, and to Objective 10 and Policy CS18 of the Core Strategy, and advise the policy should be significantly reconsidered and evidenced or deleted altogether.

84. The policy seeks to ensure development proposals are designed to accommodate parking requirements within their plot. This will assist the creation of a safe and accessible environment. The Framework states that *“If setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.”*

Whilst this statement relates to the work of Local Planning Authorities and is silent with respect to neighbourhood planning it does provide an appropriate relevant framework of issues to be taken into consideration.

85. The policy is not directed at the overall national need to reduce the use of high-emission vehicles nor to influence a shift to non-car modes of transport as Policy CS18 of the Core Strategy does. The requirement to *“provide further parking space”* in the second part of the policy promotes an approach based on potentially unlimited parking provision which would be at variance to the national and district policy approach that gives weight to the achievement of a sustainable transport system.

86. The first part of the policy applies in respect of all development proposals making the second part of the policy obsolete as there will not be any additional development. The second part of the policy also includes several imprecise phrases *“further parking space” “narrow”* and *“heavily trafficked”* that would require modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework, and is in any case insufficiently evidenced. I recommend modification of the policy in order to require proposals to demonstrate acceptability. The justification could be extended to indicate that particular scrutiny will be applied where adjoining roads are narrow, relatively heavily trafficked, or where highway safety or character of area issues exist, however further detail will be required to explain these characteristics or circumstances.

87. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

88. The policy does have regard to several aspects of the component of the Framework concerned with setting local parking standards. Account has been taken of accessibility; public transport availability; and local car ownership levels. The policy also has regard to the component of the Framework concerned with requiring good design. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. There is some degree of overlap with Policy VI 1 but that is not a reason to conclude the policy does not meet the basic conditions. Subject to the modifications indicated this policy meets the basic conditions.

Recommended modification 4:

Replace Policy BE 2 with “Development proposals must demonstrate that they will not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area”

Policy BE 3 Spatial character

89. This policy seeks to establish development principles regarding a range of issues including building lines, plot widths, separation between buildings, local character and appearance, and ancillary storage facilities.

90. A representation states the policy should provide for other elements of amenity however it is not within my role to recommend additional areas of policy. The Borough Council suggest the merging of policies BE1 and BE3. It is not within my role to recommend a modification to merge policies of the Neighbourhood Plan.

91. The approach to providing facilities for storage of waste bins is imprecise including the terms “should be screened”, “where necessary”, and “minimise” and I therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

92. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

93. The Policy has regard to the components of the Framework concerned with requiring good design. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 5:

In Policy BE3 replace the final sentence with “All development proposals should include facilities for waste bins to be concealed from publically accessible locations.”

Policy OS 1 Community character

94. This policy seeks to establish development proposals must respect landscape character and that new developments that are likely to have significant effect on the Wey and Bourne river valleys or the Pyrford escarpment will be required to provide a Landscape and Visual Impact Assessment demonstrating no significant harm to landscape and visual character.

95. The policy concludes with the phrase “will not be permitted”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear through use of the term “will not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the proper basis of decision making on planning applications should not be compromised.

96. A representation states “*the distinct character of Pyrford is important to maintain, especially the Escarpment.*” Another representation states the Proposals Map does not reflect the topography of the site. The Borough Council states “*The Council is concerned that the last paragraph of the policy justification, although may be unintentional could undermine the delivery of the emerging Site Allocation DPD.*” I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Site Allocation DPD when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan,³⁷

³⁷ section 38(5) of the Planning and Compulsory Purchase Act 2004

however the Guidance is clear in that potential conflicts should be minimised. The Guidance states “*The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans*”. I am satisfied Map 4 provides the necessary clarity as to the spatial application of the policy. It is not within my role to test the soundness of the policy. I consider the final paragraph of Section 8.1.2 introduces uncertainty as to the spatial application of the policy and should be deleted so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. In reaching this conclusion I have noted representations, referred to earlier in my report, that comment on potential development in the vicinity of Upshot Lane, and the contents of the Pyrford Community Landscape Character Assessment in the Plan Evidence Base available on the Pyrford Neighbourhood Forum website. This latter document does not provide adequate proportionate, robust evidence to support the inclusion of additional land within the escarpment and rising ground of landscape importance defined on Map 4 of the Submission Plan.

97. The term “*within the Pyrford Neighbourhood Area*” is not necessary as all the Plan policies apply in the Plan area and none apply outside the Plan area. To apply this term to the river valleys and not the escarpment creates uncertainty and I therefore recommend modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

98. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

99. The Policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing the natural environment. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 6:

In Policy OS1

- **delete “permitted” and insert “supported”**
- **delete “within the Pyrford Neighbourhood Area”**

and delete the final paragraph of Section 8.1.2

Policy OS 2 Local Green Space

100. This policy seeks to designate identified sites as Local Green Space with the implication that development will not occur except in very special circumstances. In this case, in the context of paragraphs 76 to 78 of the Framework, use of the term “permitted” is appropriate.
101. The Borough Council considers some supporting text is commentary rather than justification but this is not a matter where a recommendation of modification is appropriate to meet the Basic Conditions. A representation objects to the designation of the cricket ground as Local Green Space stating it is adequately protected by its charitable status and designation would prevent improvement of sport provision, for example, a replacement clubhouse. I am satisfied that an appropriate proposal for a replacement clubhouse would be capable of consideration as “very special circumstances”. Another representation comments on the importance of Pyrford Common and the associated play area.
102. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*
103. In respect to all of the sites intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
104. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *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.

I find that in respect of each of the sites intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves; and the green area is local in character and is not an extensive tract of land.

105. The Neighbourhood Plan sets out the justification for the designations which primarily relates to their importance in establishing the character of the area. I conclude the areas are all “*demonstrably special to a local community and hold a particular local significance*”.

106. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy) and in particular with Core Strategy policy CS17, which recognises the value of open space and green infrastructure. The policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment and the historic environment. This policy meets the basic conditions.

Policy OS 3 Access

107. This policy seeks to establish that development should not harm the character of public rights of way.

108. A representation states “*this policy is arbitrary and lacks definition. Nor does it reflect the cost benefit approach of the NPPF*” and proposes an alternative wording requiring assessment and the avoidance of significant harm. I consider this approach accepting insignificant assessed harm more clearly has regard for the provisions of the Framework and I have recommended an appropriate modification. Another representation refers to difficulties arising from one particular path being impassable however this is a matter beyond my role.

109. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).
110. The Policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 7:

Replace Policy OS3 with “Proposals that impact on the character of a right of way should be accompanied by an assessment of the effect of the proposal in this respect, and development that would cause significant harm will not be supported.”

Policy OS 4 Biodiversity

111. This policy seeks to ensure development proposals have a positive rather than a negative impact on biodiversity.
112. In a representation the Borough Council states “OS4 (a) places a blanket ban on any development on the SNCI. This is incongruent to the requirements set out in CS7 and therefore would undermine strategic policy.” I agree with this representation and have recommended an appropriate modification. The Borough Council has also made a representation that part (b) of the policy is unclear and difficult to deliver. Part (b) of the policy is imprecise and I therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The examples of swift bricks, and examples of habitat types, should be transferred to the supporting text.
113. The Borough Council suggests part (c) of the policy should include components relating to connection and enhancement, and that part (d) of the policy should include clarification that development proposals should seek to achieve targeted conservation action. It is beyond my role to recommend additional elements of policy. I have earlier in my report referred to the need to use the term “supported” rather than “permitted”

and I make an appropriate recommendation of modification of this policy on that basis. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

114. The Policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 8:

In Policy OS 4

- **replace (a) with “Development within Sites of Nature Conservation Importance (SNCI) in Map 6 will only be supported if it can be demonstrated that development would not have an adverse impact to the integrity of the nature conservation interest that cannot be mitigated.”**
- **replace (b) with “To be supported development proposals must demonstrate they will not result in a net loss of bird nesting habitat for declining species or nest loyal species.”**
- **the examples referred to in (b) should be transferred to the text supporting the policy**
- **delete “permitted” and insert “supported”**

Policy OS 5 Trees

115. This policy seeks to protect and enhance tree cover within the Plan area.

116. A representation states new development should seek to increase the number of trees in the area. The policy does include provision for additional trees being planted. Another representation offers general support for the policy but states reservations about the “*apparently blanket support for tree preservation*” suggesting housing provision on a small site may justify removal of a few trees and that where surface of pavements is being disrupted appropriate action should be possible. The policy would not prevent appropriate action as described and provision for replacement of trees lost on development sites is not inconsistent with national or local policy.

117. The Borough Council is of the view that the policy is repetitive of existing policies in the Framework, Core Strategy and emerging Development Management Policies and that “*local species in keeping with the character of the area*” would be impossible to define. The latter term is imprecise and I therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I consider the policy does include an additional level of detail and distinct approach in respect of a locally important aspect of the natural environment.

118. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

119. The Policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 9:

In Policy OS 5

- **delete “permitted” and insert “supported”**
- **delete “in keeping with the character of the area” and insert “significantly represented in the Ancient Semi-Natural Woodland areas defined in Map 9 below”**

Policy SCS 1 Community facilities

120. This policy seeks to safeguard important community facilities and establish support for further provision.

121. A representation states the community institutions identified in the Plan have been part of Pyrford for almost a century and supports their protection. Use of the term permitted is acceptable as criteria to be considered in determination of proposals are stated.

122. The Borough Council suggests the term “*or harm to*” should be deleted. This term is imprecise and I therefore recommend modification so that the

Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

123. It is not in the interests of clarity for part of one policy to state “*provided plans are in accordance with other policies in this development plan and are consistent with WBC Core Strategy*” when other policies do not make this statement. It is unnecessary to include such a statement in any case as the policies of the Development Plan apply throughout the Neighbourhood Plan area. I have recommended an appropriate modification.

124. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

125. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 10:

In Policy SCS 1

- **delete “of, or harm to,” and insert “, or loss of a significant part of,”**
- **delete “provided plans are in accordance with other policies in this development plan and are consistent with WBC Core Strategy.**
- **Delete “. Proposals should” and insert “where they”**

Policy SCS 2 Recreation space

126. This policy seeks to establish major development proposals should include new recreational facilities/contribution or demonstrate there is already sufficient provision.

127. A representation states support for provision of recreational facilities especially for the young. Another representation states an ongoing offer to discuss how new recreational facilities could be facilitated as part of a specific development scheme. This is not a matter to include in a Neighbourhood Plan. The Borough Council advises that the policy be

deleted as there is insufficient evidence to support the requirement. Whilst I agree evidence is limited and lacking in detail I am satisfied Section 9.3 provides sufficient justification to support the additional level of detail and distinct approach if the policy is modified to clarify the intention to provide recreation facilities for children.

128. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

129. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 11:

Replace Policy SCS 2 with “New recreation facilities for children will be supported. To be supported major development proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) must include recreation facilities appropriate for use by children”

Policy SCS 3 Healthcare and wellbeing

130. This policy seeks to support provision of healthcare and wellbeing facilities including retirement housing.

131. A representation supports provision of homes for the elderly to downsize into releasing family accommodation. Another representation states support for the policy and suggests provision of homes for older people would justify some Green Belt release on the edge of Pyrford. Another representation opposes the policy unless it is clarified proposals for retirement housing will not be supported on Green Belt land. It is not within my role to recommend additional areas of policy. Green Belt review is in any case not a matter to be addressed in the Neighbourhood Plan.

132. The Borough Council states the policy should be deleted, or amended to clarify its intention. The opening statement and first bullet point are imprecise stating healthcare and transport are priorities, and merely requiring demonstration of consideration of the needs of older people. I

therefore recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

133. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027) and the Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy).

134. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this Policy meets the basic conditions.

Recommended modification 12:

Replace Policy SCS 3 with “Given the older demographic, the provision of new healthcare and wellbeing facilities, including the provision of retirement housing, will be supported”

Summary and Referendum

135. I have recommended the following modifications to the Submission Version Plan:

Recommended modification 1:

- **in Section 3.2 delete the fourth and fifth strategic aims and objectives and insert “to promote locally specific policies to be taken into account by decision makers in determining planning applications and appeals.”**
- **delete Section 6.4**

Recommended modification 2:

In Policy VI 1

- **delete part (a) and insert “Proposals that will result in significant amounts of vehicular movements must demonstrate that the proposal will not severely adversely affect highway safety.”**
- **delete part (b) which should be transferred to supporting text**

Recommended modification 3:

In Policy BE1 c)

- delete “maintain” and insert “seek to maintain reasonable”
- after “screens” insert “where practicable”
- replace “unique” with “important”
- delete the sentence commencing “If solar”

Recommended modification 4:

Replace Policy BE 2 with “Development proposals must demonstrate that they will not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area”

Recommended modification 5:

In Policy BE3 replace the final sentence with “All development proposals should include facilities for waste bins to be concealed from publically accessible locations.”

Recommended modification 6:

In Policy OS1

- delete “permitted” and insert “supported”
 - delete “within the Pyrford Neighbourhood Area”
- and delete the final paragraph of Section 8.1.2**

Recommended modification 7:

Replace Policy OS3 with “Proposals that impact on the character of a right of way should be accompanied by an assessment of the effect of the proposal in this respect, and development that would cause significant harm will not be supported.”

Recommended modification 8:

In Policy OS 4

- replace (a) with “Development within Sites of Nature Conservation Importance (SNCI) in Map 6 will only be supported if it can be demonstrated that development would not have an adverse impact to the integrity of the nature conservation interest that cannot be mitigated.”
- replace (b) with “To be supported development proposals must demonstrate they will not result in a net loss of bird nesting habitat for declining species or nest loyal species.”
- the examples referred to in (b) should be transferred to the text supporting the policy
- delete “permitted” and insert “supported”

Recommended modification 9:

In Policy OS 5

- delete “permitted” and insert “supported”
- delete “in keeping with the character of the area” and insert “significantly represented in the Ancient Semi-Natural Woodland areas defined in Map 9 below”

Recommended modification 10:

In Policy SCS 1

- delete “of, or harm to,” and insert “, or loss of a significant part of,”
- delete “provided plans are in accordance with other policies in this development plan and are consistent with WBC Core Strategy. Proposals should” and insert “where they”

Recommended modification 11:

Replace Policy SCS 2 with “New recreation facilities for children will be supported. To be supported major development proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) must include recreation facilities appropriate for use by children”

Recommended modification 12:

Replace Policy SCS 3 with “Given the older demographic, the provision of new healthcare and wellbeing facilities, including the provision of retirement housing, will be supported”

136. I have also made a recommendation for modification of the Neighbourhood Plan in the Annex below.

137. I am satisfied that the Neighbourhood Plan³⁸:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:

³⁸ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³⁹

I recommend to Woking Borough Council that the Pyrford Neighbourhood Development Plan for the plan period up to 2027 should, subject to the modifications I have put forward, be submitted to referendum.

138. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁰ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Borough Council as a Neighbourhood Area on 13 February 2014.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴¹ The Neighbourhood Plan has been produced to a very high standard and appears to be free from errors that are typographical in nature. There are however adjustments necessary to correct errors of fact or to achieve greater clarity as follows:

³⁹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁰ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴¹ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

delete “and the views, to and from it, are outlined below in Map 4” from section 8.1.2

The Borough Council suggest deletion of the final word of Section 8.3.2 – the word “below”

In Section 10 “in Plan implementation” would achieve greater clarity than “after the Plan implementation”

A representation seeks to clarify that what is referred to in Appendix 1 as a traditional footpath running from Pyrford Common to Coldharbour Road is in their view not a public right of way but express a willingness to achieve provision as part of a development scheme.

If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy nevertheless a number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. In particular, I draw attention to the representations of the Borough Council in respect to the justification to Policy VI1(a)

**Recommended modification 13:
Modification of the general text of the Neighbourhood Plan will be necessary to achieve consistency with the modified policies, to correct errors, and resulting from updates**

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8 August 2016
REPORT ENDS