

## **RESPONSE TO EXAMINER'S CLARIFICATION NOTE**

**AUGUST 2023**

### **General**

1 Owing to the previous delays in the examination of the NHP, there will be the need for some updating of the factual content of the draft. The Steering Group can provide the Examiner with the draft text of these amendments at an appropriate stage in the examination.

2 There have been no planning applications submitted in respect of the three sites covered by Policies H2-H4. Two planning applications have been submitted by Antler Homes in respect of the Croft Nursery 2 site. Both were refused (see para 22 below). No full planning application has been submitted in respect of the OCM Albion Topoco site, (we understand that this has been sold on again) but the Parish Council is aware that proposals for a 46 dwelling affordable home development were prepared by the previous owner and may have been the subject of pre-planning advice. The Parish Council understands that there was an issue over access to this land and that access consent was not forthcoming.

### **Policy PP1**

3 Policies H2-H4 define the location of developments necessary to meet the NHP housing target. One of these developments lies within the settlement area. Policy H5 sets out the criteria for other minor (windfall) developments within the settlement area.

4 The second part of Policy PP1 is necessary to explain what measures will apply outside the settlement area. Although it repeats the provisions of the NPPF and Local Plans, it ensures that readers of the document are made aware of the policies which apply outside the settlement area. Perhaps the wording could be improved by the addition of the words 'in accordance with the provisions of the NPPF and Local Plans'.

### **Policies H2 – H4**

5 The detailed criteria set out here have been formulated in response to the community consultations. Specific aspects of the criteria, and the related comments from developers, are dealt with in paras 22-27 below.

6 The detailed size and siting of for example the commercial space at the Sunray Farm site could be unspecified but the concept must remain. Equally the size of the retained and enhanced landscape buffer edge at both 4 Trees and Sunray Farm could be less prescriptive. The number of self builds equally could be reduced to be more in line with national policies however we would like to point out that self build plots were regularly requested during our many surveys and public meetings. As we are releasing land from the Green Belt we feel that engagement at a local level is important hence the stipulation for a design and development brief.

### **Policy H6**

7 Policy H6 as drafted is not prescriptive. It simply requires developers to give consideration to the latest evidence provided by WBC's SHMA and the Elstead and Peper Harow Housing Needs Survey (HNS). This allows developers to put forward proposals which take account of the size and location of their sites.

### **Policy H7**

8 The commentary on this policy includes a reference to the need for priority for affordable accommodation to be given to people living in or with a connection to Elstead and Peper Harow. This is an important aspect of neighbourhood planning.

### **Policy ESDQ3**

9 We would like to retain this if possible as there is limited scope for development within the neighbourhood plan area and parking for example, is a particular problem and must be addressed at an early stage of planning. All bullet points arose as a direct result of our many public consultations and have also come out of our Village Design Statement.

### **Policy ESDQ7**

10 Neighbourhood planning provides an opportunity for the community to identify areas of land and features which are of local importance and are in need of protection, safeguarding or enhancement. The NHP process has identified two such areas within the Elstead and Weyburn area: Bonfire Hill and the proposed Green Gap. Additional protection, beyond Green Belt and AONB status, is proposed to be provided for the Bonfire Hill land through the Local Green Space mechanism. The Green Gap however is too extensive an area of land to qualify for such status.

11 Prior to the Watermeadow Place development, a consultancy study carried out on behalf of WBC identified all of the green gap area as a candidate for removal from the green belt, which would almost certainly have meant it would become a strong candidate for development. Representations from Elstead PC persuaded WBC not to act upon this recommendation. Subsequently, the 69-dwelling Watermeadow Place development has been completed, with an adjacent SANG occupying much of the Green Gap land to the north. As a result, the combined Tanshire/Watermeadow Place complex now represents an isolated development partly within both Elstead and Peper Harow parishes, linked to the services in Elstead Village by FP61 running through both the SANG and the remainder of the Green Gap.

12 The Steering Group believes, in the light of the NHP consultations, that the Green Gap is in need of further protection through a specific NHP policy for the following reasons:

- To prevent the coalescence of the settlement area of Elstead with the isolated Tanshire/Watermeadow Place development. Green Belt status is helpful in this regard, but the earlier consultants' proposal for this area to be removed from the GB suggests this protection cannot be guaranteed.
- The adoption of a specific policy for the Green Gap will identify its significance to the local community in planning terms, beyond the more general significance of GB land.
- Development within the Green Gap, in particular on the grazing land to the south of the SANG (the subject of the OCM Albion Topoco proposals), would significantly reduce the amenity of the SANG and would thereby compromise its attraction and effectiveness as an alternative recreational area to the nearby SPA (the essential purpose of the SANG).
- Similarly, such development would also detract from the amenity of users of FP61, which is the only safe pedestrian link between Tanshire /Watermeadow Place and Elstead village and following its recent upgrading is now well used.
- The same considerations apply to the amenity of users of the popular nearby Burford Lodge Recreation Ground and the Elstead Allotments.

### **Policy ESDQ9**

13 We are in agreement with Mr Ashcrofts' comments and feel policy ESDQ9 could be removed.

### **Policy ESDQ10**

14 The list of assets will be included as an annex.

### **Policy EBS 1**

15 This policy has been drafted with the emphasis on avoiding the further loss of retail and employment sites – unlike the LPP1 policy which adopts a more positive policy towards the change of use of such sites. The NHP draft therefore reflects the local concerns about the continued loss of retail and employment sites in the NHP area, which is well documented in the descriptive sections of the draft. The NHP text is simpler than that in EE2, and also more specific in terms of the minimum period of marketing. This reflects local experience with the recent loss of at least 2 business premises.

### **Policy EBS2**

16 Agreed.

### **Policy TGA1**

17 This policy should be reworded so that it includes windfall sites and should read “Proposals for development should provide good pedestrian and cycle connections to existing routes to the village centre and to the surrounding countryside”.

### **Policy TGA4**

18 It can be a land use policy in the sense that a developer may wish to contribute to the cost of transport links, or help to promote them, as part of a planning application. We know for example that the Tanshire (business park) had considered promoting a bus link to the Milford and Farnham mainline stations (no such link currently exists) as part of their future planning.

### **Policy RLW1**

19 The allotment land is designated as temporary allotment land, so can be de-designated without recourse to the Secretary of State. The policy therefore signifies an intention to retain the land for allotment use provided the demand is there and the allotment association continues to fulfil its obligations. This accordingly is designed to help determine the future use of the land, which might otherwise revert to agricultural use.

### **Policy RLW3**

20 Policy RLW1 relates to the land on which recreation and leisure activities actually take place, essentially land owned and maintained by the Parish Council. RLW3 relates to buildings and premises, not necessarily used for recreation or leisure but nevertheless of importance to the community. Some of these are in private ownership and run as businesses, while others are owned and managed by local charities or other public bodies (eg SCC).

### **WBC LPP2**

21 LPP2 was in draft when the NHP was being finalised and so far as the Steering Group is aware there are no significant conflicts with the Plan. So far as site selection is concerned, the Steering Group carried out an exhaustive and repeated examination of all the sites which came forward, assisted by its professional advisers Aecom, and the choice of sites was subject to two rounds of public consultation. This process was carried out in full consultation with WBC and was the subject of a formal response from the then leader of WBC which endorsed the Steering Group's approach to site selection (copy attached). The Steering Group would also note that the housing numbers in almost all of the WBC selected sites provide for only the minimum number of dwellings allocated for specific areas, whereas the NHP sites would provide more than the minimum, even after the contribution of the care home site (32 dwellings) has been discounted owing to doubts about its deliverability.

## **REPRESENTATIONS**

### **Antler Homes**

22 Antler submitted 2 planning applications in respect of the Croft Nursery 2 site. Both were refused, on account of the likely impact on the Green Belt, the AoNB and the nearby SPA. Elstead PC was moreover concerned at the quite inadequate access arrangements for the site. SCC as the highway authority approved the access proposals, even though they failed to meet many of SCC's own highways guidelines. Nevertheless, the restricted access arrangements for the Croft site would be far inferior to those of the other 3 NHP candidate sites and this was one of the reasons for the Steering Group rejecting this site in favour of the others. A site visit is really the only way of fully appreciating the significance of these issues.

23 The decision notice and officer report on the second refused application can be viewed on the WBC planning website under the reference WA/2022/00014, along with the Parish Council's full and detailed response to the application.

### **Boyer Planning**

24 The main issue raised by the developer is the status of the land beyond the proposed housing site. The original developer plans for the site suggested this land should be allocated as public access land which was why this suggestion was included in the NHP. But as the developer appears now to be no longer willing to allocate the land for public access, and in view of the problems associated with the management of public access in perpetuity to a relatively small area of land, it might well be best to accept that this land should remain in agricultural use. The self-build plot requirement should be 1 dwelling.

### **OCM Albion Topoco SARL (we understand this is now in different ownership)**

25 The developer's original 50 plus dwellings plan for this site were discussed in a public zoom meeting with Parish Council representatives in 2020. Subsequently, these plans were modified to provide 46 'affordable' dwellings. The PC explained its reservations, notably the remote status of the site, not contiguous with the settlement area, its distance from services and the consequential traffic impact, the impact on the SANG, the AONB and the nearby SPA, and the lack of clarity over the access arrangements.

26 In the event, the developer sold the land without proceeding with the modified plans (see para 2 above)

## **Vanderbilt Homes**

27 Vanderbilt Homes, while generally supportive of the plan, have raised a number of detailed issues relating to the Sunray Farm site, as follows:

- Number of dwellings and density of development. Vanderbilt argue that the site can accommodate many more homes owing to the low density proposed in the plan. The Steering Group would argue that a lower density is appropriate. The site is bounded by open country to the east and lower density housing to the west in Westhill. It would represent bad planning to locate a high density site sandwiched between a much lower density site and open country Green Belt land.
- Land for commercial development. Vanderbilt have queried the extent of the land identified for commercial development. The Steering Group attaches great importance to the provision of adequate commercial space. The descriptive sections of the NHP detail the significant losses in recent years of employment space in the NHP area, resulting in Elstead becoming far more of a dormitory village than was the case in the past. Sunray Farm is the only site identified in the NHP which would provide any commercial space. The consultation process revealed a strong interest in a co-working site, which the Steering Group believes has strengthened further in the light of the increased trend towards home working consequent on the recent pandemic. More recent informal consultations indicate that a co-working site would meet a clear unmet demand within the NHP area and would be commercially very viable – indeed, one potential developer has expressed a strong interest in the site.

The proposed allocated commercial area, at 0.3ha, is not in the Steering Group's view excessive, given the requirement for a co-working site, a parish council office, a small conference room and associated facilities, a car park for a minimum of 20 vehicles and appropriate access. It would also be appropriate to provide space for other potential commercial use, given that there is no other suitable site available within the NHP area. However there is scope to be flexible on both size and siting.

In the light of these considerations, the Steering Group would wish to retain a substantial commercial presence on the Sunray Farm site, but would be prepared to reduce the proposed area to 0.25 ha, in part to help accommodate the additional 2 dwellings referred to above.

- Self-build homes. Vanderbilt have questioned the need for such a high proportion (20%) of the planned homes to be self-build dwellings. The Steering Group proposed this figure in the light of local interest in self-build plots. But it recognises this figure is significantly higher than that contained in WBC's LPP2. It would not therefore wish to impose such an onerous requirement on the Sunray Farm site and would instead propose the same minimum figure of 5%, with the actual figure (above the minimum) required to take appropriate account of the number of applications for self-build homes in Elstead entered on WBC's Self and Custom Housing Register (Peper Harow is not separately identified as a location in the register).
- SPA Mitigation. Vanderbilt suggest that as an alternative to an off-site SANG mitigation can be provided through developer payments. The Steering Group would have no objection to this.
- Design and development brief – see para 6 above.

## **Thames Water**

28 Thames Water have suggested the addition of wording which would preclude the discharge of surface water into a sewer. The Steering Group would be happy to accept such wording, but unfortunately it would not be in line with the company's current policy, which is to allow such discharge through consents where no alternative drainage method is available. We have already discussed this

issue with Thames Water and they have accepted the point, so it is surprising they have returned to the charge.