

John Slater Planning Ltd

Limpsfield Neighbourhood Plan 2018-2033

Submission Version

A Report to Tandridge District Council on the Examination of the
Limpsfield Neighbourhood Plan

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Executive Summary

My examination has concluded that the Limpsfield Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Simplifying the wording of the spatial strategy, by removing the elements which cannot be used to determine a planning application.
- Deleting the policy dealing with Housing Development within the Built Up Area Boundary as it merely repeats a Local Plan policy that is to be retained post adoption of the new local plan.
- Removing the part of the policy on housing type and mix, which would require the preferred housing mix to be altered to reflect the prevailing densities of each character area.
- Setting the threshold for the protection of neighbour's amenities to the level requirement not to be *significantly* affected and removing this specific requirement to retain a resident's outlook.
- Removing from the policy the statement of intent of the Parish Council to prepare a Conservation Area Appraisal and Management Plan.
- Requiring all areas to be protected in their landscape setting, not just Limpsfield and Limpsfield Chart.
- Removing the list of locally significant buildings from the heritage policy and moving them into the supporting text and bringing the policy for non-designated heritage assets into line with the Secretary of State's requirements for balancing the impact of their loss or harm against the significance of the asset.
- Reducing the extent of the local green space designated at site LGS 3 by omitting the buildings and car parks on the land.
- Amending the biodiversity policy to require that proposals result in no net loss of biodiversity and also removing the requirement of development on small sites to contribute to biodiversity elsewhere.
- Removing the statement of intention of the Parish Council to work with other organisations on parking and environmental improvements, from the employment policy.
- Removing the requirement that rural buildings should be restricted to only small-scale enterprises that meet the community's needs and removing the requirement that new building conversions should only be part of agricultural diversification.
- Removing the site of the District Council offices from the area of the town centre where community users are to be protected.

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- Broadening the protection of all community facilities to the whole of the parish
- Reducing the extent of the sustainable transport policy to only those matters that can be the subject of a planning application.
- Restricting the requirement to introduce ducting for fibre and broadband technology to new residential or business buildings only and removing the requirement for applicants to submit a Connectivity Statement.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Tandridge Core Strategy and the Tandridge Local Plan Part 2: Detailed Policies. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Limpsfield Parish Council. A Steering Group was appointed to undertake the plan preparation made up of parish councillors and local volunteers. Limpsfield Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Limpsfield Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Tandridge District Council, the Local Planning Authority for the neighbourhood plan area.

The Examiner’s Role

4. I was formally appointed by Tandridge District Council in October 2018, with the agreement of Limpsfield Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Tandridge District Council and Limpsfield Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum if modified
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Limpsfield Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
 9. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Tandridge District Council, for the Limpsfield Neighbourhood Plan, on 15th June 2015, if it is modified in accordance with my recommendations.
 10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2033.
 11. I can confirm that the plan does not cover any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the Plan designation.
 13. Limpsfield Parish Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to Oxted, Limpsfield and the surrounding countryside on 4th December 2018. This enabled me to familiarise myself with the plan area.
18. Following my site visit and my initial assessment of the plan, I had a number of matters on which I wished to receive further information, both from the Parish Council and the District Council. That request was set out in a document entitled *Initial Comments of the Independent Examiner* dated 7th December 2018. I received a comprehensive response in a document, sent to me by Tandridge District Council, on 17th December 2018. I also received a document from a local district councillor commenting on the District Council's Regulation 16 comments. I am treating these comments as his own personal views and not the corporate views of the District Council.
19. Whilst writing my report, I learnt of the imminent submission of the new Local Plan and the fact that it was proposing a housing supply figure significantly below the objectively assessed level of housing need. This prompted questions in my mind, regarding the proposed designation of "glebe land" in Limpsfield as Local Green Space. I set out the matters upon which I invited additional representations in a document, dated 8th January 2019, entitled *Further Comments of the Independent Examiner*, which I sent to the Parish and District Councils, as well as the agents for the Church Authorities. I received separate replies from all parties on or before the deadline of 18th January 2019.

The Consultation Process

20. The Steering Group relied primarily on two surveys to gain residents' views to assist in the preparation of the neighbourhood plan.
21. The first resident survey asked three open ended questions to understand the issues of importance to residents. This was carried out in October - November 2016 and produced a response rate of 10%.
22. The second survey was carried out on more comprehensive basis, with information being delivered to every household in the parish between 28th March and 30th May 2017. This consultation produced 425 responses– a 30% response rate.
23. In addition, a tailored survey was conducted with local businesses. Furthermore, during the production of the plan, meetings were held with landowners, businesses the local health centre and other statutory consultees including extensive liaison with the District Council.
24. All this activity culminated in the publication of a Pre-Submission Consultation Version of the plan, which was the subject of a full public consultation, known as the Regulation 14 consultation which ran for six weeks between 12th June to 23rd July

2017. This involved the distribution of a comments form to all households and other bodies in the parish and over 150 responses were received along with comments from 13 organisations. These are summarised in the Consultation Statement.

Regulation 16 Consultation

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period, between 17th September 2018 and 29th October 2018. This consultation was organised by Tandridge District Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
26. In total, 26 individual responses were received of which 12 came from local residents. The organisational responses came from Natural England, Thames Water, CHL Pipelines Ltd, Historic England, Kent County Council, Surrey County Council, Gatwick Airports Ltd, Surrey Hills AONB, Surrey Wildlife Trust and Surrey Nature Partnership, Transport for London, Tandridge District Council, St Peter's Parish Church, and Howard Sharp and Partners on behalf of The South London Church Fund and the Southwark Diocesan Board of Finance.
27. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions which constitute the basic conditions test, seek to establish that the Neighbourhood Plan: -
- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?

- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether the making of the Plan would breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

30. During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of Paragraph 214 of the 2018 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework.

Compliance with the Development Plan

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Tandridge Core Strategy, which was adopted on 15th October 2008 and the Local Plan Part 2 – Detailed Policies adopted on 24th July 2014. The Development Plan also includes a number of Surrey Mineral and Waste documents, DPDs and SPDs but these documents are not relevant to the examination of a neighbourhood plan, as they cover “excluded development” which a neighbourhood plan cannot address.
32. The Core Strategy identified, in Policy CSP 1 that Limpsfield, along with adjoining Oxted and Hurst Green, constituted a Category 1 settlement, where there would be an emphasis on development taking place, within the existing built-up area. The plan provided for at least 2,500 new homes for the period 2006– 2026.
33. The Detailed Policies document forms Part 2 of the Local Plan and its policies are intended to support the Core Strategy, by setting out detailed policies covering the period of 2014– 2029. This includes planning policies dealing inter alia with residential garden land development, development in the greenbelt, biodiversity and heritage assets.
34. On 18 January 2019, Tandridge District Council submitted its new document, Our Local Plan: 2033 to the Planning Inspectorate – the Regulation 22 submission which will be the subject of a local planning inquiry later this year. The plan is not making any housing allocations within the Limpsfield Parish area. The local plan will be tested through examination by an appointed Planning Inspector. That plan in time will replace all the policies in the Core Strategy and some of the policies in the Detailed Policies document. For the purpose of this examination, one of the basic condition tests relate to the neighbourhood plan being in general conformity with the strategic policies of the adopted, not emerging local plan.

Compliance with European and Human Rights Legislation

35. Tandridge District Council prepared a Screening Report, in September 2017 that concluded, having consulted with the three statutory consultees, that although the plan was not allocating housing sites and contained policies to protect the built and natural environment, the effect on the environment was unknown and it decided that a full assessment, as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. A Scoping Opinion was consulted upon between March and May 2018 with the 3 consultee bodies, before a final version was published in May. The Final Report was published in September 2018.
36. The District Council, as competent authority, on 21st December 2018, issued a screening report under the Habitat Regulations. The assessment concluded that the Plan would not likely have a significant effect on any European protected sites, either alone or in combination with other plans.
37. I am satisfied that the basic conditions regarding compliance with European legislation including the newly introduced basic condition regarding compliance with the Habitat Regulations are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

38. The question that will appear on the referendum voting paper will be along the lines of “Should the policies in the Limpsfield Neighbourhood Plan be used to help decide planning applications in the neighbourhood area?” That clarifies that the purpose of the policies in a neighbourhood plan is to guide the determination of planning applications. I have had to recommend in a number of cases changes to the wording for specific policies, where the policies have deviated into being “statements of intent” on behalf of the Parish Council or perhaps descriptions of the planning context of the plan area. All these matters quite properly fall within the scope of the plan’s supporting text, but should not appear within the policy.
39. Some of the plan’s policies rely upon area descriptions and principles set out in AECOM’s Character Assessments, which are within three volumes which are available on the website. As these form an integral role in understanding the aspiration of policies the neighbourhood plan is advocating, it is important that these assessments are consolidated into a single document which is then

attached as an annex to the neighbourhood plan, so the two documents can be used together.

40. One of the other requirements as set out in the regulations, is that the plan proposal must include a map or statement, which identifies the area to which the plan relates. The plan area is shown on Plan A and whilst being a diagrammatic representation of the plan area, it is not clear enough to ascertain, for example, for a property close to the boundary whether it falls within the plan area or not. I will therefore be recommending that the map which was provided to me, in response to my Initial Comments should be incorporated into the plan document in place of Plan A.
41. The neighbourhood plan and the adopted local plan will sit together to form part of the development plan. It is a requirement that planning applications are considered against all relevant development plan policies. It is therefore not necessarily to highlight within policies, that development may also need to comply with other policies within the neighbourhood plan or indeed the Local Plan. They need to be considered against the development plan, taken as a whole.
42. The examination has coincided with the submission of the new Tandridge Local Plan and this has influenced some of my consideration of a number of issues, particularly as to whether there will be possible conflicts between policies in the future. However, this examination is required to test general conformity with the strategic policies of the adopted local plan. It may however be necessary for the neighbourhood plan to be reviewed in light of the future adoption of the document Our Local Plan 2033, but that will be a matter for the Qualifying Body to reflect upon at the time as to whether there are any apparent inconsistencies, which could undermine the neighbourhood plan.
43. My recommendations have concentrated on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend editorial changes to the supporting text. These changes are likely as a result of my recommendations, so that the plan will still read as a coherent planning document.
44. I am conscious that the District Council produced a comprehensive set of comments at Regulation 16 and which the Parish Council has subsequently positively responded to. Following the publication of this report, I would urge the Parish Council and Tandridge planners to work closely together to incorporate many of their comments, that have helpfully been made, which will improve the Referendum Version of the neighbourhood plan

Recommendations

That the AECOM Character Assessments be consolidated and attached as an Appendix to the Plan

That the plan showing the extent of the designated plan area in Plan A be substituted by a map on an Ordnance Survey base.

The Neighbourhood Development Plan Policies

Policy LNP1: A Spatial Strategy for the Parish

45. The Planning Practice Guidance sets out the Secretary of State's advice on how policies in a neighbourhood plan should be drafted. Paragraph 41 states:
"A neighbourhood plan should be clear and unambiguous. 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."
46. There is much of the text in this policy which actually is not *planning policy* that could be used to determine a planning application. It establishes the basis against which a planning application will be decided. I.e. it is the wording that is likely to appear on a decision notice. There are elements of the policy which are capable of being used by decision-makers in a development management context, but these are obscured by much of the text which is actually a description of the planning context of the plan area or other statements of fact. This is not to say the contents of the proposed policy should not be an important part of the plan, but it should be the justification for the policies that the plan is proposing, rather than actually being a statement of policy. They should form part of the supporting text.
47. For example, the first paragraph is not a policy that can be applied to a planning application, but is a description of the plan area, namely settlements surrounded by countryside.
48. The presumption in favour of development within the built-up area, subject to other policies in the development plan (which will include the made neighbourhood plan) is a key part of the policy. The description of other policies which could affect that presumption, is again a statement of fact, and is not policy. As a proposal is required to be considered against the whole plan, it is not necessary to refer to "additional policies". The fact that no housing sites are allocated in the plan, is a factual statement, not a policy, as is in the Parish Council's decision to leave it to the local plan to allocate residential sites.
49. I have noted that the District Council has made similar comments on its Regulation 16 consultation. The response from the Parish Council to that representation, maintained that "This policy is important in setting the spatial framework for the topic based policies which follow. Whilst it is acknowledged that there is some repetition of national guidance, this in the context of the Plan's approach towards the definition of different parts of the parish and the policies which relate to them".

50. I consider that this misrepresents the role of a planning policy, which is to be the test of a proposal which is used in the determination of the planning application, not a statement of the justification for the neighbourhood plan policy. It is also not necessary for the policy to repeat the requirements of Government policies included in the NPPF.
51. The District Council advise me that the landscape designations within the plan area, now include candidate AONB and this should be reflected in to the wording of the final paragraph.
52. I have therefore proposed some radical changes to the wording of this policy, stripping out matters which are statements in fact. This will then mean that the policy would be compliant with the Secretary of State's policy regarding the drafting of planning policies. The omitted text can then be moved from the policy to the supporting text.

Recommendations

Delete the first paragraph.

At the end of the first sentence in the second paragraph, delete the rest of the sentence after "development plan".

Delete all of the second paragraph, after the first sentence.

Delete the last sentence of the third paragraph.

In the second sentence of the final paragraph, after "Area of Outstanding Natural Beauty" add ", plus candidates for inclusion within AONBs".

Policy LNP2: Housing Development within the Built-up Area Boundary

53. I had noted that the proposed wording of this policy is almost identical to the existing Policy DP8 of Tandridge's Local Plan - Detailed Policies document. As and when the new Local plan is adopted, Tandridge District Council has pointed out that in Appendix 2 of the Submission Version of the Local Plan, it is the intention that this policy is one of a number of the 2014 Local Plan: Detailed Policies that will be retained and will not be superseded by the new policies. Therefore, this policy already applies to residential development within the built-up area and its inclusion merely duplicates a policy, which already forms part of the development plan and it does not offer any other locally distinct elements to that policy.
54. I understand that the reason why the Parish Council had incorporated the policy into the Neighbourhood Plan was because it believed that the District Council's intention was that the policy was not to be retained and the community wished to retain the protection covering the development of residential garden land.

55. There is no purpose in a neighbourhood plan introducing a policy that will be identical to an existing policy in a Local Plan especially one which is proposed to be retained. Accordingly, I will be recommending that this policy be deleted.

Recommendation

That the policy be deleted

Policy LNP3: Housing Type and Mix

56. I sensed there could be an apparent contradiction between the need for smaller dwellings and at the same time the need for new development to reflect the existing density in the area. I know the Parish Council's response to the District Council's Regulations 16 submission, that it would be prepared to accept the deletion of the penultimate paragraph. I do consider that the inclusion of the penultimate paragraph would militate against achieving the smaller size of new housing the area is seeking to encourage.
57. The final paragraph seeks to remove permitted development rights for extensions or alterations at first-floor level or above, which provide additional accommodation. The Secretary of State's advice is that permitted development rights should be removed only in exceptional circumstances. I consider that the need to protect smaller units of accommodation in high value areas could constitute such exceptional circumstances but this is a matter that the Local Planning Authority will need to assess as part of the determination of individual planning application.
58. I consider that apart from the penultimate paragraph, the policy meets the basic conditions and would, in particular, help meet the housing needs of the parish.

Recommendation

Delete the penultimate paragraph of the policy

Policy LNP4: Managing High Quality Design in the Built-Up Area of Limpsfield

59. I consider that this policy is based on a sound understanding of the character of the area. I do not believe that the test for any application should be to *safeguard* the privacy, daylight, sunlight and outlook, as it implies that there should be no impact. If the plan is to facilitate development within the built-up area, in my experience, some impact will be inevitable. I believe that the policy should have a slightly different emphasis, so that amenities of immediately adjoining residents are not *significantly* detrimentally affected. This would bring the threshold into line with the corresponding Local Plan policy.

60. I feel that the use of the term “outlook” could be open to misinterpretation. The Parish Council mean it to ensure that existing properties are not unacceptably “closed in”. Others could interpret as seeking to maintain views across third party land, which is not a material consideration. I consider that the Parish Council’s objectives can be achieved by having regard to the spacing around the buildings, which is a feature of the second criterion.

Recommendations

Replace the wording of criterion 6 with “The privacy, daylight or sunlight enjoyed by adjoining residents should not be significantly adversely affected by the proposed development.”

Insert at the end of the final paragraph “and the AECOM Character Assessment”.

Policy LNP5: Limpsfield Village Conservation Area

61. I consider that this policy accords with national advice. However, the last paragraph is not a policy “for the use and development of land” that could be used in the determination of planning application. Rather it is a statement of intent on behalf of the Parish Council, not a planning policy. It should be moved to be supporting text.

Recommendation

Delete the final paragraph

Policy LNP6: Landscape Character

62. In terms of control of development, outside the built-up area, this is already covered by Policy LNP 1. Duplicating policies could lead to confusion as to which policy an applicant is required to comply with. Similarly, it is unnecessary to repeat that proposals must meet all relevant development plan policies. The requirement for all development proposals to enhance landscape quality, is an unreasonable requirement, for say householder or other minor developments. This concern can be covered, by the insertion of the caveat, which allows the possibility of enhancements where the development has the ability to have an impact on the wider landscape

63. Having regard to the size of the plan area, I do not consider that it is appropriate to limit the assessment of harm to the landscape setting, just to the built-up areas of Limpsfield or Limpsfield Chart.

64. I have a concern regarding the third criterion which relates to views from public vantage point. The plan does not identify where these public vantage points are and therefore an applicant or a decision maker would not know, whether a particular viewpoint was being protected. That part of the policy would not be capable of being used with confidence by decision makers.

65. The final paragraph again needs also to refer to candidate AONB areas.

Recommendations

Delete the first paragraph and replace with “Proposals that have the ability to impact on the wider landscape, will be expected to enhance the quality of that landscape, where possible”

In the first sentence of the second paragraph, delete “it is consistent with other policies in the development plan and the neighbourhood plan and”.

In criterion 2, delete all text after “landscape.”

Delete the third criterion.

In the final paragraph after: “(AONB)” insert “, candidate AONB areas”

Policy LNP7: Local Heritage Assets

66. When I initially read this policy, I assumed that the 13 buildings identified in the policy were being proposed for designation, through the neighbourhood plan. I therefore sought further evidence to justify their significance. It subsequently transpired, through the Parish Council’s response, that the buildings have already been designated by Tandridge District Council. As these buildings already enjoyed a degree of protection as non-designated heritage assets, the policy which identifies them again, is superfluous. The list of buildings could be included in the plan document, but for the sake of clarity they should be shown on a map, which has now been produced at my request.
67. The second paragraph, which sets out the Parish Council’s intentions to undertake a review of the parish’s local heritage assets, is not a planning policy which can be used to determine planning applications. Accordingly, it should not be a plan policy but rather a statement of the proposed actions to be taken by the Parish Council. It can be included within the document as part of the supporting text.
68. The third paragraph does not accord with the approach proposed by the Secretary of State, as set out in paragraph 135 of the NPPF, which requires a balanced judgement to be taken when dealing with applications which affect non-designated heritage assets. That approach requires the exercise of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset’. The proposed policy requires that if there is any harm then the proposal will be “opposed” irrespective of the exercise of the “balance”.
69. Finally, the part of the last paragraph is not a policy to be used in determining a planning application that merely points to the protection provided by national policy guidance.

Recommendations

Delete the first and second paragraphs.

Replace the third paragraph with “Proposals affecting non-designated heritage assets within the plan area, including alterations will be assessed, on the basis of the scale of any harm or loss against the significance of the heritage asset.”

Delete the final paragraph

Place the list of the non-heritage assets and the map showing their location within the supporting text.

Policy LNP8: Local Green Space

70. On my site visit I visited all the proposed local green spaces and I walked the footpaths across Brook Field, Glebe Field and Glebe Meadow.
71. Firstly, dealing with the other six proposed sites, I consider that they all meet the criteria set out in paragraph 77 of the Framework and are demonstrably special to the local community. The designation offers the same level of protection as Green Belt. In the case of this Plan, a number of the sites are already subject to that level of protection, as they fall within the Green Belt. However, as an expression of open spaces that are particularly valued by the local community, I recognise that granting them LGS status is an expression of that community support.
72. Turning now to the two disputed sites, Sites LGS2, - which is pasture land, rented out to a local farmer, that is known as Glebe Field, and Site LGS3, which is mainly used as playing fields, on land that is leased to St Peter's Parochial Council, which is known as Glebe Meadow. These two parcels of land are owned by different church bodies, but are subject to a single representation. The representatives of the South London Church Fund and the Southwark Diocesan Board of Finance both object to the designation, pointing out that the land lies within the built-up area boundary, of what the Local Plan defined, as a Category 1 settlement. The implications of its LGS designation is that it will prevent this glebe land being developed, which the various Church Bodies own, primarily as a source of income to fund local clergy provision and other social and community objectives. I am aware that discussions have taken place between the Diocese's representatives and the Parish Council but an impasse has been reached. It is therefore a matter upon which I am required to adjudicate.
73. The objectors point to the lack of any planning, including landscape, designation at the present time. They stress that the land is private land, and that public access apart from along the public footpaths is by informal arrangement or by specific consent in respect of Site LGS3 and that they

should not be “penalised” for allowing public use. The land is not in public ownership, but for the purpose of identifying land as Local Green Space, this is not a determining factor – the evidence is that the public have used it for many years and clearly value it.

74. In their Regulation 16 representations and Further Representations on this issue, the agents, Howard Sharp and Partners question the actual level of community support, in terms of the total parish population, rather than in terms of the persons who have sought to make their views known during the plan making process via surveys etc. They have also sought to introduce arguments of apparent self-interest, on the basis of a number of the members of the Steering Group who live close to the land. I am satisfied that there is a significant weight of public support for the designation of both parcels of land and claims of personal interests not being declared, is not a matter for me, as part of this examination.
75. There is no doubt that the ability of a neighbourhood plan to designate LGS is a powerful tool available to the local community - “to be able to identify for special protection, green areas of importance to them.”
76. On my visit, I saw that the 3 areas are clearly well used and the public do not necessarily restrict their movements, to the public footpaths. This part of the Parish is an important amenity that is enjoyed by the local community, which is within walking distance of their homes. I perceive that Site LGS 3 is different in character to Site LGS 2, as it appears to be of importance much more for its recreational value, whilst LGS 2 is used on an informal basis, and will be important to local people, as an oasis of open space, in the middle of the settlement, valued for its rural character and no doubt for its wildlife value. It has been described as a “green lung”. I am clear that individually the sites do clearly meet the criteria set out in paragraphs 76 and 77 of the Framework and are “demonstrably special”.
77. I did reflect on whether, collectively, the three areas constitute an *extensive* tract of land. This was an argument put forward by the agents for the Church authorities. The collective area is 9.17 ha; however, I need to make a recommendation on the basis of whether, each proposed LGS, individually meet the Secretary of State’s criteria, rather than whether collectively, they do. Site LGS1 is in completely different ownership to Sites LGS 2 and 3. I am satisfied that individually the three parcels are not extensive tracks of land, within the meaning of the NPPF and PPG advice.
78. The most difficult issue that my examination has grappled with, in considering this issue, is that, whilst I may be satisfied that the land is demonstrably special to the local community, I need also to be satisfied that it complies with another of the requirements set out in paragraph 76, namely whether the designation would be consistent with “the local planning of sustainable development”. This land is within the built-up area and is within close walking

distance to Oxted Town Centre and the railway station. Importantly it is not an allocated site in the emerging local plan, but it also has no other landscape or ecological designation either, although it is shown as open space on the submitted Local Plan Policies Map - Conservation Areas and Open Spaces Playing Pitches Biodiversity Opportunities Area Map. It does, I believe form part of the green infrastructure of the parish. The implications are that if I were to recommend the designation of the land in the neighbourhood plan, it would effectively rule out any development, except in exceptional circumstances.

79. The land owners acknowledged that they missed the opportunity to promote the residential development of the land, as part of the Local Plan's Call for Sites, so it was not considered as part of the new local plan's assessment of alternative sites. Whilst the deadline was missed, the landowners are still promoting it for development and state that it could deliver approximately 56 units, in a range of sizes and could include other community uses.
80. I am aware that on 18th January 2019, the District Council submitted its new local plan to the Planning Inspectorate, before the deadline for the transitional arrangements, arrangements that also allow this plan to be considered against the 2012 NPPF. I am advised that the District's has an established Objectively Assessed Need for housing, which is 9,400 dwellings, equivalent to 470 units per year, rather than the number generated by the new Government Standard Methodology which would set that figure at 12,900 dwellings, equivalent to 645 units per year. The Local Plan, however in view of the constraints on development within Tandridge District, including the fact that 94% is in the Green Belt, is only proposing to deliver 6,056 homes, equivalent to 303 units per year.
81. In view of the likely shortfall, in my Further Comments document, I did question whether it was appropriate to have a designation that ruled out development on an available, non-Green Belt site, when the emerging local plan was not meeting the area's own housing requirements. I did postulate whether it would be sensible to effectively sterilise developable sites, by designating this land as LGS, when a Local Plan Inspector may well in the future be asking the District Council to find additional sites. That is essentially the same argument being advanced by the land owners.
82. However, it is not the role of this examination to be looking to test the proposed housing policies in a draft local plan, but I am required to make a recommendation as to whether this land should be declared as LGS by the neighbourhood plan. In that regard, it is clear that there have been close discussions between the LPA and the Qualifying Body and the conclusion is that Limpsfield Neighbourhood Plan is not required to make a housing allocation nor is the submitted Local Plan proposing an allocation in the Parish. I am also particularly persuaded by their latest response that the District Council has a methodology for identifying additional sites should their

arguments for the lower figure not be accepted. I have to make my recommendation based on the information that is currently available and whilst its designation as LGS would be crucial in term of the presumption against its development, I am not convinced that its non-designation would be determinant in terms of the overall Local Plan strategy for “delivering sufficient homes, jobs or other essential services”.

83. I will therefore be recommending that the designation of Sites LGS 2 and 3 should be accepted. I do however have a particular concern with the proposed boundaries of Site LGS 3. I do not consider that it is appropriate to include within the LGS designation, the car parking areas or the footprint of the buildings, including the new children’s nursery and its enclosed outdoor play area. I will propose a reduction in the extent of designation to exclude these areas.

Recommendations

Amend the boundary of LGS 3 by removing from the designation the area shown with cross hatching on the attached drawing.



Policy LNP 9 – Promoting Biodiversity

84. The policy requires development to at least maintain on-site biodiversity assets. That may not always be possible, due to the nature of the development process, but it is reasonable that proposals should be expected to provide for “no net loss” in terms of biodiversity. That would allow replacement habitat to be created for example. That would be in line with the government aspirations that the “planning system minimises impact on biodiversity” and provides net gains in biodiversity.

85. I do not consider that contributions to biodiversity enhancement elsewhere in the plan area, is necessarily a workable solution, not only does the plan not identify what is considered to be a “smaller scheme”, but it could allow a damaging small development on a very sensitive site, to be countenanced. I also have also concerns that contribute will not pass the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
86. There will be some forms of development, where incorporating on-site biodiversity enhancements, may not necessarily be possible; for example, an application for a change of use of a property. This matter can be covered by inserting the caveat “where it is appropriate”. Similarly, I do not consider it feasible for every applicant to be required to consult Surrey Nature Partnership. I will propose that contact should be “encouraged”.
87. The penultimate paragraph also is not a policy that can be used for the determination of a planning application. As a statement of intent, made on behalf of the Parish Council, it can be incorporated into the supporting text, but should be deleted from the policy itself.
88. The final paragraph offers a level of protection beyond that set out in Secretary of State advice, which requires a distinction to be made between the hierarchy of sites of international, national and locally designated sites, so that protection is commensurate with the importance. I consider that the appropriate test, in terms of locally designated sites, is whether the need for, and the benefits of the development on that site, outweigh the harm.
89. Subject to these amendments, I consider the policy meets basic conditions.

Recommendations

In the first paragraph, delete “maintain and enhance” and replace with “not result in a net loss of”.

Delete the second sentence of the first paragraph.

In the second paragraph, replace “should be” with “will be encouraged where it is appropriate and” and after “development and” insert “Applicants will be encouraged to seek guidance” instead of “guidance should be sought”.

Delete the penultimate paragraph, replace “should not” with “which” and insert at the end “will only be allowed where the benefits of the development clearly outweigh the loss or harm to the ecological importance of the site”

Policy LNP10: Employment and Business Across the Parish

90. I have no issues with the first paragraph, although some changes of use may be possible under permitted development rights. That can be covered by

introducing caveat “where planning permission is required”. In terms of the second paragraph, I find that the policy is relevant to all parts of the plan area.

91. The second part of the final paragraph extends beyond policies used for determination planning application, setting out the intention of the Parish Council to work with other organisations to deliver environmental improvement and parking changes.

Recommendations

At the start of the policy insert” Where planning permission or prior approval is required.”

In the second paragraph, delete “In Limpsfield Chart and elsewhere in the parish”

In the final paragraph, delete everything after “supported” and move to the supporting text.

Policy LNP11: Rural Economy

92. The first paragraph is broadly consistent with accepted Green Belt principles.
93. In terms of the criteria for the reuse of buildings, I do not consider a restriction to agricultural or “small-scale enterprises that meet community needs” is consistent with the objectives set out in the chapter in the NPPF, entitled “Supporting a Prosperous Rural Economy”, which is to “support the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings and well-designed new buildings.”
94. In terms of the fourth criterion, some rural buildings being converted may not be related to the diversification of agricultural operation. That is an unnecessary requirement, as it is important that all rural buildings secure a beneficial use, rather than being allowed to stand empty.
95. The final bullet point is not viable development management criteria, as the applicant’s intention is regarding replacement buildings would not necessarily be known at the time of the determination of the planning application.
96. Finally, I do not consider that a requirement that “proposals for farm diversification or other land-based enterprises being only granted in very special circumstances” is consistent with national policy, where the NPPF requires “planning policies should support economic growth in rural areas”. It goes on to “promote a strong rural economy, Local and Neighbourhood Plans should ... promote the development and diversification of agricultural and other land based rural businesses”.
97. The usual test of residential amenity is to avoid *significant* adverse impacts. The consideration of neighbourhood conservation interests should be dependent upon the significance of the importance of the ecological site and is

already covered by Policy LNP9. I will be recommending changes to wording of the policy.

98. The final criterion is much stricter than the Secretary of State's policies even in the Green Belt and that element does not pass the basic condition.

Recommendations

In the first bullet point replace "enterprise that meets community needs" with "enterprises".

In the third bullet point replace "adversely affect nature conservation interests nor" with "significantly"

Delete the fourth and fifth bullet points

Delete the final paragraph.

Policy LNP12: Community Services in Oxted Town Centre

99. The proposal, as submitted seeks to include the District Council offices, within the area of Oxted Town Centre where policies propose to limit the loss of community services which fall within Use Class D1. It is now agreed by all parties that the District Council usage falls within Use Class B1 – offices. These offices could be occupied by any organisation as administrative offices and their use by a local authority, does not change the facts that the use falls within Class B1, not Use Class D1. It is appropriate for the plan to seek to retain the library and the health facilities as an aspiration in order to retain social facilities in the parish. However, the Parish Council should be aware that there is already flexibility within the use class order which would allow these existing D1 uses to be replaced by alternative "non- residential institutional uses".
100. I therefore propose to remove the site of the District Council offices from the remit of this policy. Otherwise it is a policy that I consider meets basic conditions.

Recommendation

In the first paragraph, remove "and District Council Offices" and amend the

Policies Map accordingly.

Policy LNP13: Community Services in Limpsfield Village and Other Parts of the Parish

101. The wording of the policy as submitted, is in my view, ambiguous. It is appropriate for a neighbourhood plan to recognise the role of community facilities and to seek to protect them and also to include local policies to support their improvement and extension. I can see no justification for the policy having a differentiated approach to the community facilities in the centre of Limpsfield, as opposed to Limpsfield Chart or indeed the remainder of the plan area. Community facilities will pay it play an important role notwithstanding their actual location within this large parish. I propose that the policies would be more readily usable, if the wording of the policy sought to protect and enhance community facilities throughout the plan area. In terms of the loss of village shops, the policy should not be more onerous than as set out in Policy DP3 of the Local Plan which sets out very limited circumstances where the loss of such facilities will be permitted

Recommendation

Replace the policy with “Proposals that help maintain, improve or extend community facilities including play areas, village shops and public houses throughout the plan area will be supported and their loss will be opposed unless they meet the requirements of Policy DP3 of the Tandridge Local Plan – Part 2 Detailed Policies or any equivalent policy”.

Policy LNP 14: Sustainable Transport, Access and Car Parking

102. The first paragraph is again another statement of intent on behalf of the Parish Council and is not a policy that can be used in development management. The support for proposals that make better provision for walking, cycling, public transport and parking is a sound basis for planning policies. However, some of the quoted examples are more problematic, as these are unlikely to be matters that can be addressed through the determination of planning applications. This would cover the alleviation of traffic problems, control of HGVs, protection of rights of way, speed restriction, improvements to cycle facilities, real-time passenger information, parking enforcement, encouragement for the use of electric cars and safe cycling routes.
103. These are all matters that fall within the jurisdiction of the County Council as Highway Authority, rather than being a matter for the Local Planning Authority. The only criterion which is covered by the LPA’s responsibility is one which makes better use and integration of the Parish Council’s Green Infrastructure Policy. However, proposals to increase public usage and access to some of the more sensitive ecological facilities, could run counter to the objective of protecting the habitats and species that make the area significant in the ecological terms. I therefore propose to delete the list of examples within the

policy. These matters can still be referred to within the text of the neighbourhood plan but should not form part of the development plan policy.

Recommendations

Delete the first paragraph and move to the supporting text.

Remove all the text after “supported” at the end of the second paragraph.

Policy LNP15: Connecting the Parish

104. The first paragraph is not drafted as a policy which a decision maker could use but instead describes the objective of the policy.
105. I have no comments to make on the second paragraph.
106. I do not consider it is appropriate for a requirement to introduce ducting for *existing* buildings, whether used for residential, or indeed business. However, I consider that it is a very relevant and reasonable requirement to all *new* buildings.
107. The requirement for applicants to have to submit a Connectivity Statement is a matter that is not within the gift of a neighbourhood plan policy. The documents required to be submitted to accompany a planning application will be set out fully in the District Council’s Local Validation Requirements, which covers all of Tandridge District, not just the plan area. I will therefore be recommending that the fourth and fifth paragraphs be deleted from the policy.
108. The final paragraph which seeks to promote cycling for short journeys is already covered by Policy LNP 4. To include a duplicate policy would lead to confusion as to which policy an applicant is required to comply with.

Recommendations

Delete the first paragraph.

In the third paragraph insert “new “before “residential and business:” and replace “development” with “buildings”.

Delete the fourth, fifth and the final paragraphs.

The Referendum Area

109. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Limpsfield Neighbourhood Plan as designated by Tandridge District Council on 15th June 2015, is the appropriate area for the

referendum to be held and the area for the referendum does not need to be extended.

Summary

110. I must congratulate Limpsfield Parish Council for preparing what is a locally distinct neighbourhood plan, which seeks to deliver on the expressed priorities of the residents of Limpsfield. The plan will provide a sound basis for dealing with planning applications in the parish in the next few years.

111. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

112. **I am therefore delighted to recommend to Tandridge District Council that the Limpsfield Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

5th February 2019