

Report to Waverley Borough Council

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an Inspector appointed by the Secretary of State

Date 13 March 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Waverley Local Plan Part 2: Site Allocations and Development Management Policies

The Plan was submitted for examination on 22 December 2021

The examination hearings were held between 12 July 2022 and 6 September 2022

File Ref: PINS/R3650/429/10

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Abbreviations used in this report

| | |
|------|--|
| AGLV | Area of Great Landscape Value |
| AONB | Area of Outstanding Natural Beauty |
| DtC | Duty to Cooperate |
| DPD | Development Plan Document |
| GTAA | Gypsy and Traveller Accommodation Assessment |
| HRA | Habitats Regulation Assessment |
| LAA | Land Availability Assessment |
| LDS | Local Development Scheme |
| LGS | Local Green Space |
| LPP1 | Local Plan Part 1 |
| LPP2 | Local Plan Part 2 |
| MM | Main Modification |
| NDSS | Nationally Described Space Standard |
| NPPW | National Planning Policy for Waste |
| PPG | Planning Practice Guidance |
| PPTS | Planning Policy for Traveller Sites |
| SA | Sustainability Appraisal |
| SAMM | Strategic Access Management and Monitoring |
| SANG | Suitable Alternative Natural Greenspace |
| SCI | Statement of Community Involvement |
| SHMA | Strategic Housing Market Assessment |
| SPD | Supplementary Planning Document |

Non-Technical Summary

This report concludes that the Local Plan Part 2: Site Allocations and Development Management Policies provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Waverley Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a seven-week period. In some cases, I have amended their detailed wording where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Adjustments to ensure that development management policies are justified, consistent with national policy and effective;
- Changes to ensure that allocations would be effective and consistent with national policy;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Waverley Local Plan Part 2: Site Allocations and Development Management Policies (LPP2 or the Plan) in terms of s20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the Duty to Cooperate (DtC). It then considers whether the Plan is compliant with legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) (at paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Waverley Local Plan Part 2: Site Allocations and Development Management Policies, submitted in December 2021 is the basis for my examination. It comprises the Regulation 19 version of the Plan published for consultation in November 2020 and the Addendum to that document which was published and consulted on in October 2021.
3. I have had regard to comments made in respect of the 'Update on the Levelling Up Bill' Written Ministerial Statement of 6 December 2022, and the related consultation on changes to the Framework which was launched on 22 December 2022, and the contents of the Levelling Up Bill itself. Nevertheless, this examination progresses on the basis of existing legislative arrangements, and in the light of the extant national policies expressed in the Framework and elsewhere. The potential implications of suggested changes to policies and legislation do not therefore have a bearing on my consideration of the soundness and legal compliance aspects of the LPP2.

Main Modifications

4. In accordance with s20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Annex.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for seven weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs where this is necessary for consistency or clarity. None of the amendments significantly

alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary, I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Changes to the Adopted Policies Map'¹.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, there are some instances where the geographic illustration of policies on the submission policies map is not justified. Changes are therefore needed to the submission policies map to ensure that the spatial implications of LPP2 are accurately reflected, which will ensure that its policies are effective and justified in these terms.
8. These further changes to the policies map were published for consultation alongside the MMs, in a consolidated document containing all changes pursuant to the LPP2.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Schedule of Changes to the Adopted Policies Map (December 2022).

Context of the Plan

10. The LPP2 relates to Waverley Borough, a largely rural district with over 90% of its area comprising open countryside, including landscapes within an Area of Outstanding Natural Beauty (AONB), and European Protected Sites. A significant proportion of the Borough is also within the Green Belt. The Borough contains a number of settlements of varying size ranging from the main settlements of Farnham, Godalming, Haslemere and Cranleigh to large villages such as Witley and Milford, to smaller villages. The historic character and

¹Document Reference: LPP2/CD1/05.

significance of the Borough is also reflected in the presence of 43 conservation areas and around 1800 listed buildings.

11. The Plan is the 'daughter document' of the Local Plan Part 1: Strategic Policies and Sites (adopted February 2018) (LPP1), which amongst other things contains the overall spatial strategy for the Borough, and sets out its housing requirement, including how this will be distributed amongst the settlements. LPP1 includes the allocations and related policies relevant to the Dunsfold Aerodrome new settlement, where it anticipates that around 2600 houses would be developed. LPP2 also sits alongside neighbourhood plans both made and in preparation. The plan period of LPP2 runs to 2031/32.

Public Sector Equality Duty

12. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included consideration of the Plan's approach to the provision of Traveller sites to meet identified needs and its approach to reflecting any requirements for culturally appropriate forms of accommodation within its policies.

Assessment of Duty to Cooperate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by s33A in respect of the Plan's preparation.
14. As discussed in further detail below, LPP2 is a non-strategic plan, which deals with the allocation of sites to meet relevant requirements set out in LPP1, and to provide a suite of development management policies, including in relation to establishing settlement boundaries, and defining the extent of locally derived landscape-related designations. The strategic elements of the development plan are contained in LPP1, and at examination, the Council was found to have met the DtC in respect of its preparation. Moreover, the Council has provided evidence of ongoing cooperation with neighbouring authorities and other relevant bodies since the adoption of LPP1 including details of correspondence². On this basis, I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

²Consultation Statement for the Publication of Local Plan Part 2', Document Reference LPP2/CD1/11; "Consultation and Duty to Cooperate Statements for the Addendum to the Pre-Submission (Regulation 19) Local Plan Part 2, Document Reference: LPP2/CD1/12; 'Waverley Borough Council's Response to Inspector's Preliminary Matters', Document reference: WBC/LPP2/01

Assessment of Other Aspects of Legal Compliance

15. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS).
16. Consultation on the Regulation 19 version of the LPP2 took place over 9 weeks. The addendum to LPP2 was consulted on for 6 weeks. The longer consultation period pertaining to the Regulation 19 version of the Plan was chosen, in part, due to social distancing restrictions pertaining to the COVID-19 pandemic which were in place at the time.
17. A representor encountered difficulties in accessing the Technical Addendum to the Landscape and Visual High-Level Review³ (the Landscape Review), at the start of the consultation on the Addendum, as the document was not included on the Council's website. However, the Council confirmed that the material had been published at the start of the period on its consultation portal, with hard copies available at the Council's offices and other locations in the Borough. Moreover, on learning of the omission of the Landscape Review from its website, the Council quickly rectified this by making the relevant document available by that means. It is relevant too that the representor who drew the omission of the document from the website to the Council's attention has been fully involved in the examination, including in relation to the landscape evidence, which is indicative that no material prejudice has occurred as a result of their initial difficulties in accessing the document.
18. Consultation on the MMs and associated documents took place over 7 weeks, with documents available online and in Council buildings during that time, and therefore reflected the scope of the Regulation 19 consultations. Taken together, these considerations lead me to the view that consultation on LPP2 and the MMs was carried out in compliance with the Council's Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).
19. The Council carried out a sustainability appraisal (SA) of the LPP2, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The appraisal was updated to assess the MMs. In these terms, the Council complied with the relevant legal requirements set out in the 2004 Act and 2012 Regulations insofar as they relate to SA. Where necessary, I return to soundness aspects of LPP2, insofar as its relationship with the SA is concerned, in the discussion of the main issues below.

³ Document reference: LPP2/CD2/23

20. The Habitats Regulation Assessment (HRA) process is an iterative one, and in this vein, additional work was carried out on this front in tandem with work on the addendum to LPP2, which addressed representations received from Natural England at the earlier Regulation 19 Stage. Amongst other things, this further work included a technical note⁴ on the air quality implications of the Plan. During the course of the examination, the addendum to the HRA, and the technical note on air quality were incorporated into a consolidated version of the HRA⁵. This clearly fulfils the commitment to produce a “fully updated HRA to accompany submission of LPP2” referenced in the HRA addendum. Mitigation options have been considered further during the examination, and the broad approach to these is endorsed by Natural England in its Statement of Common Ground (SoCG) with the Council⁶.
21. The development plan, taken as a whole, provides further assurance that mitigation would be secured at the decision-taking stage, based on the broad suite of options that have been presented relating to the allocated sites. Whilst the post-submission work in this direction leads to a requirement for some MMs to LPP2, the details and reasons for which are set out below, I nevertheless consider the approach to HRA undertaken in respect of LPP2 to be adequate. I return to the soundness implications of the HRA findings in subsequent sections of this Report.
22. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
23. Strategic policies relating to climate change, including the pattern of development promoted by the overall spatial strategy, are contained in LPP1. LPP2 contains specific detailed policy relating to the energy efficiency of buildings. It follows therefore that the Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In these respects, the overall approach of LPP2 to these matters is consistent with the Council's declaration of a climate emergency. I return to the soundness aspects of LPP2's climate change policies in more detail below.
24. Regulation 8(5) of the 2012 Regulations requires that, where plans contain policies that are intended to supersede other policies, they must state that fact and identify the relevant policies. Consequently, as LPP2 lacks clarity in these terms **MM113** is required, which would see the inclusion of an appendix

⁴ Document reference: LPP2/CD1/10

⁵ Document reference: WBC/LPP2/28

⁶ Document reference: WBC/LPP2/23

highlighting the instances where the LPP2's policies supersede those from the Local Plan adopted in 2002.

25. I deal with the consistency of LPP2 with the development plan (per Regulation 8 of the 2012 Regulations, and s19(2) of the 2004 Act) in further detail in relation to my consideration of main issues set out below.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 9 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Does LPP2 set out a positively prepared, justified and effective approach to meeting housing requirements in a way that is consistent with LPP1 and national policy?

The scope of LPP2 and relationship to housing supply matters

27. Section 19(2)(h) of the 2004 Act requires local planning authorities to have regard to any other local development document which has been adopted by the authority when preparing a development plan document. Regulation 8 of the 2012 Regulations provides that policies contained in a local plan must be consistent with the adopted development plan, unless they are intended to supersede adopted policies. As set out above, LPP2 is a 'daughter document' of LPP1, and will form part of the development plan alongside made neighbourhood plans and those currently in preparation when they are made. It is not intended that LPP2's policies would supersede those of LPP1.
28. Policy ALH1 of LPP1 sets out minimum housing requirements for the Borough as a whole (11,210) and its individual settlements, delivery mechanisms for which include LPP1's allocations (accounting for some 3,340 dwellings) and those set out in LPP2 and Neighbourhood Plans⁷. In these latter regards, out of the LPP1's overall requirement, 2,181 dwellings are to be identified from a range of sources including the LPP2, neighbourhood plans and sites considered suitable by the Land Availability Assessment (LAA)⁸. It follows from this, that LPP2 is one of a number of potential sources of housing supply, amongst other components of the development plan. Against this background, whilst LPP2

⁷ Per the 'Delivery' box of LPP1, paragraphs 6.22 to 6.24, and Table 6.1

⁸ Per row J of Table 6.1 of LPP1

has a boroughwide focus both for its development management policies, and in terms of allocations to provide Traveller accommodation, it makes housing allocations only in relation to Haslemere and Witley (including Milford)⁹, to meet the minimum needs for those settlements as established in Policy ALH1 of LPP1.

29. The Plan's role in these terms is clearly expressed in its introduction, where it sets out that housing allocations would be made for "certain areas of the Borough"¹⁰, and that in other settlements where it is still necessary to identify sites to meet the minimum need set out in LPP1, that this is to be addressed through neighbourhood plans¹¹. Whilst Godalming was expected to be a focus for potential allocations in LPP2, the Council indicates that the minimum housing requirement established in Policy ALH1 has already been met. On this basis LPP2 includes no allocations for Godalming. As matters have moved on since the publication of the Regulation 19 version, the housing delivery figures relating to Godalming have changed, and consequently, to ensure that LPP2 is justified in these terms **MM62** is required, which updates the housing supply position to 1 April 2022.
30. The Framework is clear (at paragraph 36) that the tests of soundness should be applied to non-strategic policies, such as those contained in the LPP2, in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area. In the current case, LPP1 is unambiguous in terms of the modular approach that is to be taken to the development plan in the Borough. Moreover, this overall approach is consistent with both the 2004 Act and national policy (including the Framework paragraphs 28 to 30), which anticipate a modular structure to the development plan, in that it can comprise a number of documents including neighbourhood plans. PPG is also clear¹² that it is for local planning authorities, in consultation with their local community, to consider the most appropriate way to plan for the needs for their area in terms of whether all plan policies should be contained in one or more documents.
31. In this context, the Council's position that it is not necessary for LPP2 to identify a five-year supply is a soundly-based one, as it is only one component of the policies directed to this matter in relation to the Borough as a whole. I therefore find no inconsistency with the Framework (at paragraph 68) in these regards, insofar as the requirement for planning policies to identify a five-year supply is concerned, as this LPP2 does not contain all of the development plan policies relevant to the area. Neither is the expressed purpose of the LPP2, as set out either in the terse description given in the LDS, or in the fuller explanation set

⁹ It is of note that, whilst both of these settlements have a neighbourhood plan in place, neither of those plans include allocations.

¹⁰ At paragraph 1.3

¹¹ At paragraphs 1.20 to 1.26

¹² Paragraph: 004 Reference ID: 61-004-20190315 Revision date: 15 03 2019

out in the Plan's introduction, to establish a five-year supply. Furthermore, due to the modular nature of the development plan relevant to the Borough, neither is it necessary for the LPP2 to seek to meet the area's objectively addressed needs, or its affordable housing requirement in full. Nevertheless, meeting the requirements for the settlements named above is a legitimate focus for its policies and one to which I return more fully below.

32. My attention has been drawn to the Mid Sussex Site Allocations Development Plan Document (DPD), as a potential analogue to LPP2. However, in Mid Sussex's case, that DPD expressly sought to "meet the residual housing requirement over the rest of the plan period to meet the full plan requirement... and to maintain a five-year land supply"¹³. It is evident from this that the scope of that Plan is materially different to the LPP2. For these reasons, the Mid Sussex Plan is not a direct analogue to the LPP2 and does not therefore constitute a precedent which needs to be followed in the current case to achieve a sound and/or legally compliant outcome.
33. The preparation of LPP2 has taken longer than anticipated at the time of the examination and adoption of LPP1. Moreover, some neighbourhood plans have not progressed at the rate previously expected. A number of appeal decisions have been drawn to my attention, which have consistently concluded that a five-year supply of housing land could not be demonstrated. Of relevance to the findings in those appeal decisions, and more generally to delivery over the plan period, is the slippage in anticipated development rates at strategic sites, including Dunsfold Aerodrome when compared to the assumptions which underpinned LPP1. However, the strategic nature of the Dunsfold Aerodrome new settlement and its criticality to the overall spatial strategy of the LPP1, lead me to the view that an approach that sought to redistribute any potential undersupply from that source over the plan period to other settlements in the Borough clearly goes beyond the scope of a 'daughter document' such as the one under examination. Such strategic matters would be more appropriately considered in any review of LPP1 pursuant to the 2012 Regulations, and in line with national policy on this matter (expressed at paragraph 33 of the Framework).
34. Moreover, LPP2 seeks to bring forward a considerable number of allocations in a Borough heavily constrained in development terms by both AONB and the Green Belt, alongside a number of other relevant designations. As a result, the delivery of LPP2's allocations would make a significant contribution to the Borough's housing supply. Consequently, the timely adoption of the LPP2 weighs in favour of it in housing supply terms, as opposed to a lengthy process which sought to retrofit remedial actions to address perceived weaknesses of LPP1 as MMs to the LPP2. These matters would, in any event, go clearly beyond the expressed scope of LPP2. Furthermore, LPP2 is not solely focused

¹³ Per Table 1: Mid Sussex District Council Local Development Scheme (December 2020) (Document Reference: REP-10705697-006c)

on the provision of housing and covers a wide range of land use planning issues. These considerations taken together with the modular nature of the development plan lead me to the view that the potential implications of the Framework in terms of decision-making on applications for residential development, should the Council be unable to demonstrate a 5 year supply, do not undermine the overall effectiveness of LPP2, or indicate that it has not been positively prepared.

35. I have been referred to other plans and their related Inspectors' Reports, including the aforementioned Mid Sussex Site Allocations DPD, and the Woking Site Allocations DPD. However, the contexts of those plans in terms of their scopes, in terms of available land within the relevant districts, in terms of their relationships with other development plan documents, and in terms of their remaining plan periods mean that neither provide precedents which need to be followed closely in this case.
36. LPP1 establishes (at paragraph 1.2) that the scope of the LPP2 provides the potential to allocate sites of any size. As drafted, this is unclear in LPP2, and as a consequence, in order to ensure consistency with LPP1 in these terms **MM1** is necessary, which clarifies the position on this matter.

Anticipated Rate of Development

37. According to the Framework (at paragraph 74), all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. LPP2 does not contain such information and this means that the overall approach to monitoring its allocations would be ineffective. Accordingly, **MM70, MM71, MM73, MM74, MM75, MM77, MM79, MM81, MM83, MM84, MM85, MM91, MM93** and **MM97** are required, which set out the anticipated rate of development for the housing sites allocated in the Plan. For those allocations where full planning permission is not in place, the assumptions of site promoters have been taken into account, as have other matters (such as the phasing of site-specific elements including wastewater provision and relocation of existing uses), and the findings of the Start to Finish Report¹⁴, where relevant. Taken together these considerations amount to reasonable and proportionate evidence, which supports the anticipated development rates set out in the above-referenced MMs, subject to further comments below on the evidential basis relating to the DS01 and DS07 sites. The table demonstrates the potential for the allocations to deliver in both the first five years following anticipated adoption and the latter part of the plan period, and in these terms demonstrates that the anticipated rate of delivery of the chosen sites is not excessively back-loaded, and that the Plan would include a sufficient mix of sites.

¹⁴ Dated February 2020, produced by Lichfields (Document reference: LPP2/CD2/74)

Housing requirements

38. The overall housing requirement set out in LPP1 is expressed as “at least 11,210 net additional homes”, and the number of new homes required in its named settlements are expressed as minima. Some consider that this phrasing infers that higher figures than those minima should have been considered as reasonable alternatives to the residual requirements which LPP2 seeks to meet through its allocations. However, the SA of LPP1¹⁵ tested the implications of higher growth figures than those that are adopted. Moreover, due to the scope of LPP2, and the geographical focus of its housing allocations, it is not necessary for the SA to consider sites outside of Haslemere and Witley (including Milford) as reasonable alternatives to those included in the Plan.
39. Additionally, the clearly expressed role of LPP2 as one of the ‘daughter documents’ of LPP1, means that the scope of the SA, relating as it does to sites in settlements where the LPP2 would be making allocations, and in the light of the requirements set out within LPP1, is a reasonable basis on which to conduct an assessment. It follows that the SA provides justification, alongside other evidence-base documents discussed in further detail below, for the broad approach taken. It is also of note that the allocations set out in LPP2 have the potential to exceed the relevant settlement requirements and this is consistent with the drafting of LPP1, where the use of the phrase ‘at least’ infers that Policy ALH1’s figures are not to be treated as a cap on development.

Witley (including Milford) Requirements

40. LPP1 includes Policy SS6, an allocation for a strategic housing site at Land opposite Milford Golf Course, which subsequently gained full planning permission for residential development in November 2021. In addition to allocating the site for housing, LPP1 removed it from the Green Belt by way of boundary alterations, which were found to be justified by exceptional circumstances. Indeed, on the basis of its assistance in meeting housing needs, its sustainable location, its degree of enclosure, its limited impact on important characteristics of Green Belt function, and that it would enable a strong Green Belt boundary, the Inspector’s Report on LPP1 concludes that the site is “very well-chosen”¹⁶.
41. However, the SS6 site is subject to a restrictive covenant which places limitations on its development, meaning that the planning permission cannot currently be implemented. The beneficiaries of the covenant have made it clear that they do not intend to remove the restriction it imposes voluntarily. The Law of Property Act 1925 (the 1925 Act) makes provision (in s84) for application to

¹⁵ Document references: LPP1/CD1/06 and LPP1/CD1/07, included in the ‘Local Plan Part 1 List of Core Documents’ Document reference: LPP2/CD2/32

¹⁶ Document reference LPP2/CD2/26 at paragraph 110

the Upper Tribunal to discharge or modify restrictions arising under covenants where the Tribunal is satisfied that certain grounds are met. At the time of closure of the hearings in September 2022, no such application had been made.

42. Nevertheless, the site was actively promoted as an allocation during the preparation and examination of LPP1. Moreover, activity relating to the site has progressed further with full planning permission being secured, followed by work relating to the discharge of planning conditions. These actions clearly point to a willingness to secure development on the site on the part of its promoters. Against this background, it has not been demonstrated that the lack of progress in terms of a s84 application, is evidence of reduced appetite on the part of the site promoters to pursue the development of the consented scheme. Furthermore, it is clearly a reasonable position on their part to secure full planning permission for the site prior to applying to the Upper Tribunal.
43. The outcome of any application pursuant to s84 is of course, unknowable at this point. I have been provided with several decisions of the Upper Tribunal and appeals pursuant to them¹⁷, which are on the whole, fact specific. None are directly analogous to the proposals relating to the SS6 site. It is also relevant that the legal opinion provided on behalf of the beneficiary of the covenant¹⁸, estimates “at least 70%” chance of success for their client in any such action – which leaves around a 30% chance, even on their analysis, that the case could go the other way. Taking these considerations together leads me to the view that there is at least a reasonable prospect at this stage that a s84 application could be determined in favour of the development as proposed.
44. Estimates of the time it may take for a s84 application to be determined have been suggested during the examination. At this stage, it is likely that there would be implications for the extant planning permission, particularly if the commencement of development does not take place within the relevant timeframe required by conditions (i.e November 2023). However, if the permission were to lapse it is open to the site promoters to progress fresh planning applications, which would benefit from the site's removal from the Green Belt as a result of LPP1, and from work that has supported the extant permission.
45. It is clear, however, that the outcome of a s84 application may mean that the restrictive covenant remains in place for the remainder of the plan period and thus could inhibit the development of the site. It may also be the case, despite the position set out in their SoCG¹⁹ with the Council, that the site promoters decide against progressing a s84 application. Nevertheless, it is relevant that

¹⁷ Included in 'Authorities Bundle – Milford Golf Course Restrictive Covenant' – Document Reference WBC/LPP2/43

¹⁸ Included as an appendix to Rep-19927457-002 Further Questions Hearing Statement Matter 2

¹⁹ Document Reference: WBC/LPP2/44

two plan reviews²⁰ are likely to take place (one of LPP1 *and* one relating to LPP2) before the site is anticipated to deliver the bulk of its housing. This means that progress in respect of the SS6 allocation can be monitored actively and that any necessary alterations to the development plan's approach to the site in particular, and Witley's requirement more generally, can be adequately reflected in any updates. Taken together with the consideration of exceptional circumstances necessary to make Green Belt boundary alterations, which are set out in detail below, the above matters lead me to the view that it remains reasonable at this stage to include the anticipated yield of the SS6 site as a commitment against Witley's housing requirement.

46. The requirements expressed in the Regulation 19 version of the Plan have been overtaken by events. Consequently, **MM86** and **MM88** are necessary, which amend the requirement to 192 to take into account the supply position as at 1 April 2022, to achieve effectiveness and ensure that LPP2 is justified in these terms.

Haslemere Requirements

47. Haslemere's anticipated supply includes an allowance for windfalls equating to 83 dwellings over the remaining plan period. This allowance relates to sites of fewer than 5 dwellings, which fall below the threshold considered by the LAA. The allowance is based on an annual average of completions on such sites in the settlement since 2003/04 – a methodology consistent with that adopted on a Boroughwide basis to inform LPP1. Moreover, the windfall allowance only relates to the latter 7 years of the plan period, and is not anticipated to contribute to supply in the initial 3 years of the LPP2's operation to avoid double counting extant permissions. Policies in the development plan as a whole, including the recently made Haslemere Neighbourhood Plan (in particular its Policy H3), are supportive of windfall developments within settlement boundaries.
48. It is also of note that the Haslemere Neighbourhood Plan includes a higher windfall average of 39 dwellings per annum, than that which has informed LPP2, albeit that this higher figure may also include sites above the 5 unit threshold. Moreover, the call for sites process yielded a significant amount of sites, which were below the 5 dwelling threshold within the Haslemere area, as documented in the LAA addendum²¹. These issues taken together with established and recent changes to permitted development rights lead me to the view that windfalls would provide a reliable source of supply, at the rates anticipated, in Haslemere. I readily accept that windfalls would not necessarily yield any affordable housing units. However, taken together with the range of sites allocated, the majority of which are of a scale that would trigger the

²⁰ As required at least every five years by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

²¹ Document Reference LPP2/CD2/02 at Appendix 1

requirement to provide affordable housing, the inclusion of windfalls is not indicative of an approach that is either inconsistent with LPP1, or not positively prepared in this sense.

49. As with Witley including Milford, the requirements expressed in the Regulation 19 version of the Plan have been overtaken by events. Consequently, **MM63** and **MM65** are necessary, which amend the requirement to take into account the supply position as at 1 April 2022, to achieve effectiveness and ensure that LPP2 is justified in these terms
50. Taking windfall, commitments²² and completions since the beginning of the plan period for Haslemere together, leaves an outstanding requirement of 195 dwellings to be allocated in LPP2.

Site Selection - General

51. The overall methodology for selecting the housing sites allocated in LPP2 is captured in the 'Housing: Numbers, Site Assessments and Allocations Topic Papers'²³ (the Housing Topic Papers). The Housing Topic Papers explain how data from the SA, the LAA and other supporting studies has been used to inform the overall assessment of sites. Supporting studies that have informed the Housing Topic Papers include those relating to the Green Belt, landscape evidence, and flood risk considerations. It follows that the site selection process was based on comprehensive assessment and sound evidence and was robust. I return to site-specific aspects relating to the methodology, where relevant, below.

European Protected Sites and Deliverability/Developability

52. Policy NE1 of the LPP1 sets out the development plan's strategic approach relating to developments with potential to affect European Protected Sites. The HRA for LPP2 finds that significant adverse effects could occur to the Wealden Heaths Phase I and II SPAs, either alone or in combination with other plans or projects, from urbanisation, and recreational pressure associated with residential development within 400 metres of those areas. For sites between 400 metres and 5 kilometres from those areas, the HRA finds that significant adverse effects could be caused as a result of recreational pressure arising from residential development (either alone or in combination with other plans or projects). There are several LPP2 allocations which fall within the relevant buffer zones of the Wealden Heaths SPAs.

²² Including the planning permissions relating to the following LPP2 allocations: DS03 – Land at Andrews; DS05 – Haslemere Preparatory School; DS10 – Hatherleigh; DS11: 34 Kings Road

²³ Document References: LPP2/CD2/16a; LPP2/CD2/16b; LPP2/CD2/17

53. Neither LPP1 nor LPP2 set out strategic mitigation packages for the Wealden Heaths SPAs, and the general approach to this issue differs to that taken in respect of the Thames Basin Heaths European Protected Sites. However, during the examination, the Council identified²⁴ a range of potential mitigation packages which could be pursued to address any significant adverse effects that may arise from sites, which, should on-site measures be unfeasible could provide options to address these matters. Moreover, Natural England confirmed in its SoCG with the Council²⁵ (at paragraph 4.4) that the identified mitigation opportunities “provide reassurance that sufficient options are available to mitigate the impacts of sites that cannot provide on-site mitigation. There therefore is no reason to believe that any of the allocated sites will be undeliverable in this respect”. Consequently, although I return to site-specific aspects relating to mitigation matters in more detail below, I consider that the LPP2’s broad approach to this issue is justified, and that requirements for allocations to provide mitigation would not substantially constrain the deliverability/developability of sites.

Haslemere Sites

General Considerations

54. Much of the rural area around Haslemere is within the AONB, and/or the Area of Great Landscape Value (AGLV) treated as AONB for planning purposes²⁶. Some of the sites allocated by the LPP2 to meet Haslemere’s requirement are within the AONB, and outside of the settlement boundary established in the Haslemere Neighbourhood Plan. However, the LAA indicates that, within the remaining plan period, it would not be possible to accommodate LPP1’s requirements for Haslemere and Hindhead within the existing urban area. In this regard, LPP1 recognises (at paragraph 5.16) that there is a limit to which sites within existing settlements can meet identified needs, leading to the necessity to allow some expansion of settlements through the development of suitable sites on their edges.
55. The site selection process was in part based on Landscape and Visual High Level Reviews²⁷ (the Landscape Reviews), which assessed sites in terms of their landscape and visual sensitivity, and overall sensitivity to development. Of the three Haslemere sites allocated in LPP2 which are within the AONB, the Landscape Reviews find that they have either a low or low to medium sensitivity to development taking in factors such as their existing character and that of their surroundings. The analysis takes into account various factors including the presence of development, existing levels of vegetative screening and opportunities for its enhancement, and the potential to retain and strengthen

²⁴ In its Matter 6 Hearing Statement (Document Reference: WBC/LPP2/13)

²⁵ Document reference: WBC/LPP2/23

²⁶ Per Policy RE3 of LPP1

²⁷ Document References: LPP2/CD2/22 and LPP2/CD2/23 (October 2020); LPP2/CD2/24 (July 2021)

other landscape elements pursuant to development proposals. On the basis of their robust methodology and content, I consider that the Landscape Reviews constitute adequate and proportionate evidence, which underpins LPP2's selection of sites in landscape terms. According to the Landscape Reviews, the other Haslemere sites considered would have a greater degree of visual sensitivity and sensitivity to development than the allocations included in LPP2. Moreover, due to the geographical coverage of the AONB around the developed part of Haslemere and Hindhead, I am satisfied that no other non-AONB, or AGLV treated as AONB, sites have been identified that could meet the requirements for the settlement set out in LPP1.

56. These considerations lead me to the view that LPP2 reflects the great weight that should be given to landscape and scenic beauty and also would ensure that the scale and extent of development within the AONB would be limited (per paragraph 176 of the Framework), in a way that would be consistent with the spatial strategy set out in LPP1 and the minimum housing requirement it establishes for the settlement. In reaching this view, I have had regard to the statutory purpose of AONBs as expressed in s85 of the Countryside and Rights of Way Act 2000 (as amended). It therefore follows that, for the purposes of this examination, the landscape considerations above, taken together with the requirement for LPP2 to be consistent with the adopted development plan provide sufficient justification for the allocations insofar as their AONB implications are concerned.
57. Due to their location in relation to the Wealden Heaths SPAs, housing allocations within Haslemere and Hindhead may need to provide mitigation measures. The Council provided a number of off-site options that could provide mitigation for this and other sites, and the SoCG with Natural England indicates that this broad approach is acceptable in principle, as potential ways of mitigating housing proposals to be explored further at the planning application stage. Similarly, the SoCG confirms that there is adequate remaining capacity in the Hindhead Concept Area to absorb development at the site yields anticipated for relevant allocations in Hindhead without recourse to further mitigatory measures. Court judgements have established and affirmed²⁸ that advice from Natural England can be accorded significant weight, and I view the contents of the SoCG in this context.
58. In terms of the DS06 allocation, pre-application discussions are ongoing between the site promoter and Natural England to consider the feasibility of the provision of on-site SANG, and initial concepts supplied with hearing statements show such a use within the wider site layout. In addition, the availability of potential off-site mitigatory measures means that even if on-site provision were to be undeliverable at the DS06 allocation, other solutions could be progressed. These considerations lead me to the view that requirements to provide

²⁸ Including *R(Wyatt) v Fareham Borough Council & Natural England* [2022] EWCA Civ 983

mitigation in relation to the DS06 allocation or any other Haslemere and Hindhead sites is not a significant barrier to their development within the plan period.

59. Utilities providers indicated that increased sewerage capacity may be required to facilitate development of a number of allocations in Haslemere. Policy DM3 of LPP2 requires engagement with utilities providers and the use of phasing conditions to ensure that relevant upgrades are in place prior to the occupation of developments. The Council has also built in lead-in times relating to the provision of such infrastructure in its assessment of the delivery rates of the relevant sites. For these reasons, the capacity of water and wastewater infrastructure does not therefore constitute a significant obstacle to the developability of the Haslemere and Hindhead allocations.
60. Policy H2 of the Haslemere Neighbourhood Plan states that development proposals providing 45 dwellings per hectare in general, or 75 dwellings per hectare within 1000m of the railway station will be particularly supported. However, the policy does not express those densities as an absolute requirement, but rather as something that would garner support, depending also on considerations of character, appearance, topography and design. This policy does not therefore weigh against LPP2 allocations, and particularly those where a mix of uses is proposed, that appear to have residential densities that deviate from those encouraged by the Neighbourhood Plan.

Site Allocations

DS01: Haslemere Key Site

61. The Haslemere Key Site is an allocation rolled forward from the Local Plan adopted in 2002. Whilst some of the allocation is in the ownership of the Council, there are a range of other interests present, indicating that some site assembly might be required, including compulsory purchases, if necessary, as it is envisaged that any dwellings could be developed as a result of comprehensive development. The Council remains committed to delivery of housing and other uses on the allocation, and marketing activity is ongoing in relation to part of the Key Site for its development on behalf of another owner, including some initial feasibility work. However, the information supplied in respect of this site falls short of demonstrating that there is a reasonable prospect that the site as a whole would be available for development at the point envisaged, which is 2030 – 2032.
62. However, whilst for these reasons it has not been demonstrated that the site is 'developable' per the definition given in the Framework Glossary, the allocation nevertheless remains justified to provide a policy basis relating to the redevelopment of the Key Site. As submitted, however, the allocation does not

reflect the Framework in terms of setting out a positive strategy for the conservation and enjoyment of the historic environment, and consequently, **MM68** is necessary, which would ensure that this consideration would be taken into account in any redevelopment. Moreover, the allocation, as drafted, would not clearly set out the potential to facilitate rear access and servicing in the interests of the vitality and viability of the town centre, and highway safety, and is thus ineffective in this sense. Consequently, **MM67** is required, which would introduce wording relating to access and servicing, and thus achieve effectiveness in these terms.

DS03: Land at Andrews

63. The DS03 benefits from extant planning permission relating to high-dependency care accommodation. Given the nature of the proposed use, it would not lead to recreational and/or urbanisation pressures on the Wealden Heath SPAs, as confirmed by Natural England. Nevertheless, as drafted the policy is unclear and thus ineffective in terms of the uses that would be acceptable on the site, should alternative proposals come forward during the plan period. Consequently, **MM72** is necessary, which would clarify that high dependency care uses would be acceptable, and thus secure the effectiveness of the policy in this sense.
64. The site would yield 74 care home places, and according to the Council this would equate to 39 dwellings in supply terms, net of the dwellings which the proposed development would replace. As the Council has adopted the ratio set out in the Government's Housing Delivery Test Measurement Rule Book (at paragraph 11), in deriving this figure I consider this to be a justified approach. However, as drafted Allocation DS03 is based on a superseded estimate of the development capacity of the site, and is thus unjustified in these terms. Consequently, **MM66** and **MM72** are required which would include the justified site capacity of 74 care home spaces, equating to 39 dwellings in terms of the housing supply.

DS04: Land at Wey Hill Youth Campus

65. The Council has facilitated the relocation of several existing community uses on the DS04 site, which is predominantly within its ownership, and boundary amendments that were made by the Regulation 19 addendum excluded a building that would not be available for redevelopment in the plan period. Due to the advanced stage of preparatory work on this site, I consider the anticipated development trajectory for it to be justified.

DS06: The Royal Junior School

66. Although situated at some distance from Haslemere's centre, the DS06 site benefits from links to the adjacent settlement of Grayshott. Policy DS06 also requires the provision of sustainable transport measures in relation to the site, which may include cycle links, footways and pedestrian crossing improvements. Moreover, measures to improve pedestrian connectivity have been suggested by the site promoter.
67. The DS06 site would only become available for housing once the use currently present there has relocated to the Royal School's Farnham Lane site. According to United Learning, which operates the school, this could be facilitated without recourse to new buildings. Moreover, it is anticipated that the Farnham Lane site could provide an equivalent level of sports and recreational provision to that currently present at the DS06 site. In these regards, it is also of note that recreational space at the DS06 site is related to its existing use, and is not accessible to the wider public, nor available for use by other schools. Accordingly, due to the nature of the recreational space affected, and the potential for its relocation on an identified site, the allocation would not be in conflict, in principle, with national policy on these matters (as expressed in paragraph 99 of the Framework).
68. A decision on an application to vary a planning obligation in relation to the Farnham Lane site for it to refer to traffic movements rather than pupil numbers was pending at the time of the final hearing on the examination. However, I note submissions on the part of United Learning, which confirm that the number of pupils across both sites is below that of the capacity of the Farnham Lane site as restricted by the extant (unmodified) obligation. Consequently, the relocation of the Junior School as anticipated in the delivery trajectory for the DS06 allocation does not appear to be dependent on the proposed modification of the obligation. This matter does not therefore undermine the soundness of the allocation, insofar as it requires the successful relocation of the Junior School.

DS07: Fairground Car Park, Wey Hill

69. The Council is actively pursuing a mixed-use redevelopment of the DS07 site, which is in its ownership. Given the status of negotiations relating to the site, including with commercial development interests, the Council's evidence as to the viability of proposals for the site are confidential and sensitive. Whilst I appreciate the commercial confidentiality aspects relating to this allocation, the lack of substantive evidence before the examination on these matters means that the developability of the site has not been conclusively established at this stage. Nevertheless, the allocation is sound in terms of specifying the types of uses that would be acceptable on the site.

DS09: National Trust Car Park, Branksome Place

70. The DS09 site benefits from an existing access to Hindhead Road, and the allocation requires the achievement of satisfactory detailed access arrangements as part of any proposed development. Moreover, the local highway authority has not objected in principle to the allocation, and it has not been established that a residential use of the site, taken together with the existing use of Branksome Place as a C2 residential institution, would entail materially more vehicular movements than former uses of the access, which included a hotel with associated training and conference uses. I am therefore satisfied that the access aspects of the DS09 allocation are soundly based. However, as drafted the allocation is unclear, ineffective and unjustified in terms of the quantum of development that would be acceptable on the site. Consequently, to create clarity relating to site capacity, to ensure that the allocation would be effective and justified in respect of the number of houses proposed, **MM82** is necessary, which would clearly set out that *up to* 13 dwellings would be appropriate on the site.

Conclusion on Haslemere Sites

71. Although I have found that the developability within the plan period of the DS01 and DS07 allocations has not been conclusively established, taken together, the other allocations which are yet to receive planning permission would nevertheless meet the residual housing requirements for the settlement. Moreover, the conservative development trajectories for the DS01 and DS07 sites would see houses completed in the latter years of the plan period, meaning that five yearly review activity would allow appropriate consideration of whether those assumptions remain valid. Consequently, subject to the MMs referenced above, and elsewhere in this Report, I find that LPP2 would be justified, effective, positively prepared and consistent with national policy and the adopted development plan in these terms.

Witley (including Milford) Sites

General introduction and the DS14: Land at Secretts Site

72. Whilst LPP1 set the settlement boundaries for Witley and Milford, which removed land within them from the Green Belt (including relating to the SS6 allocation), Policy RE2 anticipates that detailed adjustments to the boundaries around the settlements would be made in LPP2 “following consultation with local communities”. The release of Green Belt for development is clearly justified at this strategic level by the pressing need for housing to be delivered in accordance with the adopted spatial strategy – as recognised in the Inspector’s Report on LPP1 (at paragraph 75).
73. Supporting text of LPP1 indicates that broad areas have been identified for potential adjustment to the Green Belt boundaries to be made in LPP2, which are identified with asterisks on Plan 5 (the asterisked land), alongside “any other minor adjustments to the settlement boundary” (per paragraph 13.26 of LPP1). Site allocation DS14: Land at Secretts is identified in LPP2 to be released from the Green Belt, however, it is within an area outside of the asterisked land.
74. Nevertheless, the Witley Neighbourhood Plan, which was made in June 2021, became part of the development plan after the adoption of LPP1, and this sets out (at paragraph 1.8) that the Secretts land should be considered as part of the identification of site allocations in addition to the broad areas identified by the asterisked land. The Neighbourhood Plan also outlines several perceived advantages of the DS14 site, including its potential to deliver the entirety of the remaining housing requirement for Witley alongside specialist accommodation, and the inclusion of space to deliver other community benefits including a village park. Consequently, the Neighbourhood Plan clearly considers the DS14 site to be an alternative to sites in the asterisked land rather than one to be allocated alongside of them. Moreover, the participatory processes associated with the preparation and making of the Neighbourhood Plan, such as the results of the associated referendum, are indicative that the identification of the DS14 site as an alternative, accords with Policy RE2 of LPP1 insofar as it expects Green Belt changes to be made following consultation with local communities.
75. The Green Belt analysis which supported the production of LPP1 is the Green Belt Review (Parts 1 and 2) (the Green Belt Review)²⁹, which assesses the contribution of broad segments to Green Belt purposes, alongside considerations of constraints and sustainability implications – and this relatively high-level work formed the evidential basis for the extent of the asterisked land. In order to assist with LPP2’s site selection process, the Green Belt Site

²⁹ Document Reference: LPP1/CD2/14 (dated 2014, and included in LPP2/CD2/32 LPP1 List of Documents)

Appraisals: Milford, Witley & Wormley (the Site Appraisals) was produced, which considers specific sites rather than the broader segments which were the focus of the Green Belt Review. This assessment considered sites “well connected to the existing settlement area” (per paragraph 6 of the Site Appraisals) both within and outside the asterisked areas. Moreover, the Site Appraisals take into account the advice of the PPG³⁰ and the most recent judgement of the Supreme Court³¹ in terms of the concept of “openness”, both of which considerations post-date the production of the Green Belt Review and the adoption of LPP1, in their assessment of the potential degree of harm arising from the development of sites, and potential for mitigatory measures.

76. The Site Appraisals recommended a number of sites for further consideration against other planning criteria, including the DS14 Site. A site³² which was judged to have a more limited overall contribution to the Green Belt, and with a level of Green Belt harm likely to arise from its development considered to be of a lesser degree than the DS14 Site, was one such location that was recommended for further consideration. Nevertheless, when considered in the round against other planning criteria, the Housing Topic Paper found that the level of connection of the DS14 site to the existing settlement, its existing character in terms of the presence of built development, its being located outside of the AONB and AGLV, and the comparative advantages identified by the SA, particularly in terms of health and wellbeing and sustainable transport use aspects, weighed in its favour in terms of its allocation.
77. Moreover, in basing the allocation on the finely grained analysis of available sites within the Green Belt adjacent to Witley and Milford, and through avoiding the allocation of sites within the AONB, the selection of the site is both justified and consistent with LPP1 insofar as the spatial strategy (at Policy SP2(1)) requires major development of land of the highest amenity and landscape value to be avoided; and would be consistent with the Framework's expectation that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs.
78. Policy RE2 of LPP1 anticipates that ‘detailed adjustments’ to the Green Belt would be made by LPP2. Due to its anticipated yield, the DS14 site would be a strategic one for the purposes of LPP1. However, it is clear that were other sites, including those in the asterisked land, to be preferred for allocation, a similar area of Green Belt would have to be released in order to deliver the housing requirements anticipated. In these respects, it is also relevant that LPP1 (at paragraph 1.2) highlights that the scope of LPP2 provides the potential to allocate sites of any size. The scale of the DS14 site does not therefore

³⁰ ‘Green Belt’ Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019

³¹ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC

³² LAA ID 703 Land at Coneycroft

conflict with Policy RE2 insofar as the making of detailed adjustments is concerned.

79. The Inspector's Report on LPP1 finds, for the reasons reflected above, that the SS6 site is a "well-chosen" one, and preferable for inclusion as a strategic site at the time of that examination, in comparison to the Secretts site, in part because that latter one was not a non-Green Belt alternative to the Golf Course site. Nevertheless, the Inspector noted that analysis of the merits of the Secretts site would be for "separate consideration and not for [that] report". For the reasons given above, the merits of the Secretts site, and others, have been comprehensively assessed and considered as part of the preparation of LPP2, and as a result, its approach is not at variance with any perceived implications of the Inspector's report on LPP1 in these terms.
80. Accordingly, taking these considerations together also leads me to the view that the DS14 allocation is consistent with the development plan read as a whole, and in arriving at this view I have taken into account the Court Judgments³³ referred to me on this matter during the course of the examination. Taken together, the strategic issues relating to the pressing need to provide housing in line with the adopted spatial strategy, the localised factors relating to DS14's potential to deliver a considerable quantity of that housing and other benefits including publicly accessible open space, and the outcome of the comprehensive approach to site assessment, fully evidence and justify the exceptional circumstances which support the alteration of Green Belt boundaries that would be made to facilitate the allocation. Moreover, the DS14 allocation requires the implementation of a landscape buffer, which taken together with existing mature planting at the boundary of the site, would clearly define the Green Belt boundary using physical features that are readily recognisable and likely to be permanent. For these reasons, I consider this Green Belt boundary alteration to be in accordance with national policy³⁴ in these terms.
81. As submitted, however, the site plan for the DS14 allocation is erroneous, taking in land outside of that anticipated for redevelopment, and the allocation is not justified as a result. Consequently, **MM90** is required which would introduce the accurate site boundary for DS14, to ensure that the allocation is justified in this respect. Consequential modifications are required to the policies map as a result of this change.
82. The DS14 allocation is not clear in terms of requirements relating to non-residential uses anticipated on the site, and it is therefore ineffective and unjustified as a result. Accordingly, **MM94** is required, which clarifies the type of

³³ Including *Cooper Estates Strategic Land v Royal Tunbridge Wells Borough Council* [2017] EWHC 224 (Admin)

³⁴ In particular, paragraphs 140 and 143 of the Framework

non-housing uses anticipated, to ensure the policy is justified and effective in these terms. Similarly, the justification for a separate development plan document to be progressed in relation to the DS14 allocation has not been established, and the potential impacts that the timescale for production of such on the delivery of housing on the site would also render the policy ineffective. Consequently, to ensure that the allocation would be effective and justified in these terms **MM96** is required which refers to the potential for production of a supplementary planning document to support the development of the site.

DS12: Land at Highcroft

83. The DS12 allocation and the wider development plan would ensure that environmental and biodiversity factors relating to the site, including the retention and enhancement of the tree belt on the southern boundary, would be appropriately considered at the application stage. Due to the limited anticipated yield of the site, I consider that any matters relating to European sites would be highly unlikely to be insurmountable obstacles to its development. Furthermore, the local highway authority did not object to the allocation in highway safety or accessibility terms. Accordingly, these considerations do not weigh against the allocation in soundness terms.
84. The limited adjustment to the Green Belt boundary, which would be effected by the allocation to facilitate housing development, would be in line with the exceptional circumstances set out in LPP1. Moreover, the allocation's expectation that the existing tree belt would be retained and strengthened would ensure that a clearly defined Green Belt boundary would be created. These factors are indicative that the proposed boundary alterations are consistent with the development plan and the Framework, and that the exceptional circumstances required to make them are clearly evidenced and justified.

DS13: Land at Wheeler Street Nurseries

85. The DS13 site is immediately contiguous to existing residential development at Witley, is visually well contained by existing tree belts, includes horticultural structures, and is located in the asterisked land shown in LPP1's supporting text. Moreover, the Green Belt Site Appraisal considered only a moderate to limited degree of harm would arise as a result of the site's removal from the Green Belt. Consequently, the limited adjustment to the Green Belt boundary to facilitate the allocation is clearly justified by the exceptional circumstances set out in LPP1, and the site-specific considerations set out above. Moreover, the allocation would be in accordance with the Framework in terms of the clear definition of the Green Belt boundary, which would be achieved by the mature planting around the perimeter of the site. As drafted however, the allocation does not reflect an accurate capacity of the site, given the need to maintain tree cover on its boundaries, and consequently is not justified in these terms.

Accordingly, I recommend **MM89**, which alters the capacity of the site from 20 to around 17 dwellings in view of the existing constraints, which will ensure that the policy is justified.

Other Witley and Milford Matters

86. All of the sites within Witley and Milford that are allocated by LPP2 are being actively promoted for development, including in terms of pending planning applications relating to the DS13 and DS14 sites. Moreover, as noted, planning permission for SANG to mitigate the development of the DS14 site (and potentially others) is also anticipated. In addition to these considerations, the removal of the sites from the Green Belt as a result of the adoption of LPP2 further points to early housing delivery across these allocations and supports the Council's assumption that they have the potential to yield a considerable number of dwellings in the first five years of the Plan.
87. LPP1 does not require any safeguarded land to be identified. Moreover, there will be at least two reviews of the relevant components of the development plan prior to the end of the plan period, which will provide adequate mechanisms for consideration of the progress of the SS6 site, and inform whether any updates are needed to address under-supply from that source.
88. In addition, for the reasons set out above, it is far from clear at this stage that development of the SS6 site would be impeded to such an extent that it would not yield housing within the plan period. Consequently, there is a risk that further release of Green Belt for housing purposes by LPP2 would make considerably more land available for development than is justified on the basis of the exceptional circumstances established in LPP1. For these reasons, any further Green Belt boundary alteration over and above that set out in LPP2 at this stage would be premature, and at variance with the spatial strategy of LPP1, insofar as it seeks to avoid major development on land of the highest amenity and landscape value, such as the AONB, and to safeguard the Green Belt (per Policy SP2(1)). For these reasons, further Green Belt boundary alterations to provide either safeguarded land or additional allocations, over and above those included in LPP2, are not necessary to ensure the Plan's soundness.

Conclusion

89. For the reasons given, and subject to the MMs set out above, LPP2 establishes a positively prepared, justified and effective approach to meeting housing requirements, which is consistent with LPP1 and national policy.

Issue 2 – Do the LPP2's policies reflect the size and type of accommodation needed for different groups in the community?

Traveller Accommodation

90. Policy AHN4 of LPP1 expects LPP2 to allocate sites to provide for accommodation for Gypsies, Travellers and Travelling Showpeople in accordance with identified needs. The requirement and supply figures set out in the Regulation 19 version of the Plan, have, however, been overtaken by events, and in order to provide a justified and effective basis for LPP2's policies, re-basing these figures to 1 April 2022 is necessary, and would be effected by means of **MM98** and **MM103**. These updated figures demonstrate that planning permissions granted since 2017 (57) would comfortably meet the needs for Gypsy and Traveller provision identified in the Gypsy and Traveller Accommodation Assessment³⁵ (GTAA) (39), for those households that meet the definition of 'traveller' given in the Planning Policy for Traveller Sites (PPTS).
91. Nevertheless, LPP2 includes a number of allocations for Traveller accommodation focused on intensification of existing sites. Whilst I return to site-specifics below, in general, the LPP2 is clearly positively prepared in this sense. Moreover, the LPP2 approach would also accord with national policy (as expressed in PPTS at paragraph 4), insofar as it seeks to reduce the number of unauthorised developments and encampments, to increase the number of Traveller sites in appropriate locations with planning permission, and to enable the provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.
92. All of the allocations are within the Borough's rural areas, and Policy AHN4 of LPP1, and PPTS (at paragraph 14) anticipate circumstances in which rural and semi-rural settings may be suitable for this form of development. LPP2 sets out a list of development types that may be acceptable in rural areas, but omits Traveller accommodation. Consequently, **MM34** is required, which would see the inclusion of this type of development in the list, and would thus secure consistency with both national policy and the adopted development plan in this sense.
93. The GTAA identifies needs for accommodation for Traveller (10 pitches), and Travelling Showpeople (2 plots) households which do not meet the definition given in the PPTS. Although the PPTS does not require allocations to be made to meet the needs of such households, the Framework is clear (at paragraph 62) that the size, type and tenure of housing needed for different groups in the community should be reflected in planning policies. The LPP2 is unclear as to how applications for Travellers who do not meet the PPTS definition would be assessed, and consequently the Plan is inconsistent with the Framework in

³⁵ Document Reference: LPP2/CD2/31

terms of ensuring that such needs are reflected in policies. **MM99** is therefore necessary, which sets out that the relevant policies of LPP1 and LPP2 would apply to consideration of proposals relating to households that fall outside of the PPTS definition, to achieve consistency with the Framework in these terms.

94. LPP2 is unclear as to the design aspects that would be taken into consideration at the planning application stage relating to Traveller sites. In this way, LPP2 is inconsistent with the Framework insofar as it requires (at paragraph 127) plans to set out clear design expectations, and would not meet the PPTS requirement for Councils to have regard to the need that Travelling Showpeople have for mixed-use yards to allow for residential accommodation and space for storage of equipment. Consequently, **MM100**, **MM101** and **MM102** are required which would set out clear design expectations in these terms through the introduction of specific policies, and the amendment and inclusion of justificatory text and thus ensure that LPP2 is consistent with national policy. Consultation on the MMs highlighted that issues relating to waste management measures for Traveller sites had not been adequately captured in **MM101** and **MM102**. As a consequence, I have made minor amendments to those MMs to ensure that they would accord with the requirements of the National Planning Policy for Waste (NPPW) (at paragraph 8) and the PPTS (at paragraph 10(e)) for the local environment and amenity to be protected, and for developments to make sufficient provision for waste management. This point has been adequately covered in the consultation on the MMs and as the changes merely reflect national policy on these matters no prejudice to the interests of any parties would occur as a result of these minor post-consultation changes.
95. Further work in relation to the DS20 Old Stone Yard allocation indicates that the site capacity (4) included in the LPP2 is unlikely to be feasible as a result of residential amenity and other relevant design considerations, meaning that the policy is unjustified and ineffective. Consequently, **MM103** and **MM109** are necessary, which would update the site capacity to a total of 2 pitches and ensure that the allocation is justified and effective in this respect.
96. The *Lisa Smith v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWCA Civ 1391 judgement of the Court of Appeal (the *Smith* judgement) was handed down on 31 October 2022, and has potential implications relating to consideration of the definition of 'traveller' given in the PPTS. As set out above, LPP2 includes a healthy supply of Traveller sites, which could come forward in a timely manner on adoption, with combined capacities in excess of currently identified needs. Moreover, **MM99** would ensure that households that do not meet the PPTS definition would be covered by the relevant policies of the Plan. Furthermore, the GTAA finds only a limited need for Travelling Showpeople accommodation for those who fall outside of the planning definition. As modified, LPP2 would also set a clear and effective policy position, in terms of the assessment of relevant applications coming forward both on allocated and other sites. In addition, the *Smith* judgement

would be likely to constitute a material consideration in the assessment of any relevant planning applications, and any wider implications of its findings would appropriately be the subject of any future plan review activity. These considerations, taken together, lead me to the view that there are no overriding soundness reasons to progress further MMs to LPP2 as a result of the *Smith* judgement.

97. The selection of individual sites for allocation to provide Traveller accommodation has followed the process set out in Policy AHN4 of LPP1. The allocations all relate to the intensification of existing sites, which LPP1 considers to be preferable to the identification of entirely new sites. LPP2 is therefore consistent with LPP1 in this respect, is justified, and thus soundly based. Several allocation policies do not include adequate coverage of the potential effects of their anticipated development on European Protected Sites, other biodiversity designations and heritage assets. Consequently, **MM104, MM105, MM106, MM107, MM108** and **MM109** are necessary, which would introduce assessment criteria to ensure that the relevant proposals' effects on biodiversity interests and heritage assets would be appropriately taken into account at the planning application stage to ensure the effectiveness of the site allocations in these regards, and to achieve consistency with national policy.
98. In terms of access to the allocated sites, the local highway authority has tendered no in-principle objections to any of their potential transport effects, or to the quantity of additional pitches anticipated on them. Furthermore, Policy DM9 of LPP2 requires proposals to provide safe access for all highway users – and this is a matter that would be likely to be further scrutinised at the planning application stage, in terms of detailed site layouts and designs. Moreover, the production of and adherence to construction management plans, which amongst other things can relate to the movement of vehicles associated with building activities on sites, can be required by conditions attached to any relevant planning permissions. The allocations are consequently sound in these regards.
99. The DS19 allocation relates to the intensification of the use of an existing site. Although I am aware of intentions relating to a neighbouring site, it is not allocated for development, and does not appear to benefit from planning permission relating to those emerging proposals. Against this background, the DS19 allocation does not conflict with Policy DM8 of the LPP2 (as modified), insofar as it relates to comprehensive development. Neither do these considerations cast any material doubt on the developability of the use anticipated by the DS19 allocation.

Self-Build and Custom Housebuilding

100. Policy DM36 sets out that development proposals of 20 or more dwellings would be expected to make available at least 5% of their plots for self-build or custom

housebuilding. There are 13 entries on Part 1 of the Council's Custom and Self-Build Register. The duty established in s2A of the Self-build and Custom Housebuilding Act 2015 (as amended) to give suitable development permissions in respect of enough serviced plots of land, relates to the demand on Part 1 of the register³⁶. The Council estimates³⁷ that the 5% requirement could yield up to 24 homes on LPP2's allocated sites, which taken together with the 25 plots included in the planning permission for the Dunsfold Aerodrome site, and an allocation in the Chiddingfold Neighbourhood Plan which would entail 3 plots, mean that there is the potential to deliver 52 serviced plots.

101. The PPG³⁸ is clear that those eligible to be entered on Part 1 of the register must satisfy any local eligibility conditions set by the relevant authority to enter or remain on the register, and pay any fee required by the relevant authority for this. As set out above, the Borough is predominantly rural in nature, with Green Belt, the AONB and European Sites, amongst other things acting as substantial restrictions on the availability of land. The local connection test established by the Council replicates that used for its social housing register, an approach taken in neighbouring Boroughs, and one that is both proportionate and reasonable to use as a basis. Indeed, this approach broadly follows the advice of the PPG that aligning the test with local connection criteria used in relation to affordable housing may be useful³⁹. It is for these reasons that the local eligibility test is strongly justified, and thus accords with the PPG in these terms⁴⁰.

102. The current fees charged by the Borough to enter (£32) and remain (£16 per annum) on the register are set on a cost recovery basis, and are commensurate with the fees charged by neighbouring Boroughs⁴¹. They are proportionate and relatively limited sums. It follows that the fees charged would not act as a deterrent to those who wished to pursue opportunities to take up this type of accommodation. For these reasons, the fee charging arrangements are fully in line with the advice on this matter set out in the PPG⁴².

103. I note other estimates of potential demand for self-build and custom housing including material from the Buildstore Group, Ipsos Mori and National Custom

³⁶ Per Regulation 9 of the Self-build and Custom Housebuilding Regulations 2016

³⁷ In the Council's Focused Questions Matter 3 Hearing Statement (Document Reference: WBC/LPP2/35)

³⁸ 'Self-build and custom housebuilding' Paragraph: 008 Reference ID: 57-008-20210208 Revision date: 08 02 2021

³⁹ Paragraph: 020 Reference ID: 57-020-20210508 Revision date: 08 02 2021

⁴⁰ 'Self-build and custom housebuilding' Paragraph: 019 Reference ID: 57-019-20210208 Revision date: 08 02 2021 and Paragraph: 020 Reference ID: 57-020-20210508 Revision date: 08 02 2021

⁴¹ Per Waverley Borough Council's Executive Report on the Self-Build and Custom Housebuilding Register (Document Reference: LPP2/CD2/77) at paragraph 18

⁴² Paragraph: 034 Reference ID: 57-034-20210208 Revision date: 08 02 2021

and Self Build Association, and AMA Market Research⁴³. Nevertheless, I consider the Council's approach to its register to be a reasonable one, and the number of entries on its Part 1 to be the relevant demand for which "suitable development permissions" must be given per s2A of the Self-build and Custom Housebuilding Act 2015 (as amended), and Regulation 9 of the Self-build and Custom Housebuilding Regulations 2016.

104. As submitted, LPP2 sets out that the 5% requirement could be varied should evidence be provided to demonstrate that it would be unviable. However, there are circumstances including in relation to development layouts or types of accommodation such as flats and terraces, where the provision of a proportion of serviced plots for custom or self-build may not be feasible for reasons that may not be captured adequately in considerations of pure economic viability. Policy DM36's failure to recognise these factors means that it is neither effective nor justified in these terms. Consequently, **MM60** and **MM61** are required, which make clear that feasibility considerations would be taken into account in an assessment of whether the 5% figure could be achieved on a site. It is clear from the modified wording of the policy that consideration of viability and feasibility matters could be relevant to all scales of development which come within the policy's scope.
105. The policy requires a period of 12 months for self-build and custom build plots to be marketed before they can be released for other forms of housing. As this marketing period could be phased to be complimentary to development of the wider site, I consider that it forms a reasonable basis for consideration of this aspect of the policy. Taking this consideration together with the justified site-specific flexibility that would be achieved by the above-referenced MMs, leads me to the view that there is no further need to amend the proposed marketing period for serviced plots in order to achieve either effectiveness or justification in these terms.
106. **MM60** also makes clear that in considering viability of proposals the provision of affordable housing would take precedence over the provision of custom and self-build plots, which ensures clarity in these terms, and would therefore make LPP2 consistent with the Framework (per paragraph 16(d)). Given that the 5% requirement is clearly expressed in Policy DM36, its inclusion in individual site allocations is unnecessary duplication, and consequently **MM69** is necessary which would remove this requirement from individual allocations to achieve consistency with the Framework (at paragraph 16(f)).
107. For the reasons set out above, LPP2, subject to aforementioned MMs, would set out a planning policy basis supportive of suitable development permissions coming forward on the Borough's larger sites. Moreover, the number of

⁴³ Provided and referred to in the Further Questions Hearing Statement on Matter 3 by REP – 7588993-002

development permissions is not capped to the figure included on Part 1 of the register, and could well exceed that figure should provision of serviced plots prove to be feasible in the allocations included in LPP2, on other sites of 20 plus houses coming forward over the plan period, and on smaller windfall developments which seek to provide solely self-build or custom housebuilding, or such housing as part of a wider mix. Indeed, Policy DM36 of LPP2 is supportive of such approaches. It is noteworthy also that the LPP2 encourages neighbourhood plans to consider identifying specific sites (per paragraph 6.9), and these are another potential source of supply.

108. Accordingly, I consider, subject to the above referenced MMs, that LPP2 sets out a positively prepared, justified and effective approach to this matter, which alongside the Council's other planning and non-planning⁴⁴ functions relating to the provision of serviced plots, would play an important role in meeting needs for this type of accommodation, in accordance with the Framework (per paragraph 62).

Space Standards

109. Policy DM5 of LPP2 requires housing developments to meet the Nationally Described Space Standard⁴⁵ (NDSS). LPP2 is supported by a Space Standards Topic Paper⁴⁶, which assessed plans for a total of just under 1000 homes in the Borough and found that around 42% failed to meet the NDSS across the full range of dwelling types. A similar proportion of 3-bedroom dwellings also failed to meet the NDSS – a type of housing which would be most likely to be attractive to households with children, and where the adequacy of internal space is considered, by the Topic Paper, to be a particularly relevant factor. Against this background, incorporation of the NDSS in LPP2 would be likely to address this imbalance in terms of internal space provision, and ensure that the size of housing needed for different groups in the community (including, but not limited to, families with children) would be reflected in planning policies (per paragraph 62 of the Framework). Moreover, Policy AHN3 of LPP1 is clear that the provision of new housing to meet the needs of specific groups that have been identified in strategic housing market assessment (SHMA) will be supported, such groups including, amongst others, families with children.

110. The 'Local Plan Part Two & Affordable housing alternatives viability report'⁴⁷ (the Viability Report) updates studies that underpin LPP1 and the adopted Community Infrastructure Levy charging schedule for the Borough. Like those earlier studies, the Viability Report includes the cost implications of adhering to

⁴⁴ Including housing, land disposal and regeneration functions per s2 of the Self-build and Custom Housebuilding Act 2015 (as amended).

⁴⁵ Set out in 'Technical housing standards – nationally described space standards', Department for Communities and Local Government, March 2015

⁴⁶ Document Reference: LPP2/CD2/13

⁴⁷ Document Reference: LPP2/CD2/19

the NDSS, and finds, alongside other policy 'burdens' arising from LPP2, that housing development would be viable.

111. The Government introduced the NDSS in 2015. Several other local planning authorities in the surrounding area, including Guildford, which is within the same housing market area as Waverley, have incorporated the NDSS into their development plan policies. Moreover, Policy TD1 of LPP1 seeks "appropriate internal space standards for new dwellings". These considerations are indicative that developers active in the area are likely to be well aware of the NDSS. Consequently, taking these considerations together with the viability aspects outlined above leads me to the view that there is no need to include a transitional period to factor the costs associated with the NDSS into future land acquisitions.
112. For the above reasons, I consider that LPP2's incorporation of NDSS would accord with the advice contained in the PPG⁴⁸, would meet a clearly identified need, and would thus be justified and consistent with national policy (in particular, paragraph 130(f) and footnote 49 of the Framework).
113. There may be instances where proposals for innovative designs or housing products, such as low-cost homes (which would not meet the definition of 'affordable housing' given in the Framework) might not meet the NDSS. However, an assessment of the merits of such proposals would be carried out through the application of s38(6) of the 2004 Act at the decision-making stage. It is not therefore necessary to introduce a list of exceptional circumstances where NDSS may not be required, and LPP2 is therefore justified and effective in these terms without such a modification.
114. Policy DM5 of LPP2 includes requirements relating to amenity space. There is clear justification for this approach, in terms of the historic undersupply of space in relation to flatted developments in the District⁴⁹, the desirability of providing appropriate space to support wellbeing and private and family life, and the potential for the positive biodiversity implications of amenity space. It is of note that the latter two aspects of appropriate provision of amenity space attract support from the Framework in these terms (including, in particular, paragraphs 92, 119, 124(e), 130(f) and 174(d)). Nevertheless, as submitted, LPP2 is unclear as to how the various requirements for outdoor amenity space are to be treated at the decision-making stage. Consequently, **MM12** is required which would incorporate the relevant amenity space requirements into Policy DM5 and thus secure the effectiveness of LPP2 in these terms.

⁴⁸ PPG 'Housing Optional Technical Standards' Paragraph: 020 Reference ID: 56-020-20150327
Revision date: 27 03 2015

⁴⁹ As set out in the 'Space Standards Topic Paper', Document Reference: LPP2/CD2/13

Older People's Housing

115. Policy AHN3 of LPP1 indicates that the Council will support the provision of housing in respect of groups specifically identified in the SHMA including older people. As LPP2 includes a specific allocation⁵⁰ for a care home, it is clearly consistent with LPP1 in these terms, and would also accord with the Framework's requirement (at paragraph 62) for the needs of older people to be reflected in planning policies.

Housing Conversions

116. Policy DM35 of LPP2 places restrictions on the amalgamation of dwellings, which, whilst justified in terms of housing supply and in ensuring that a range of types and sizes of houses are reflected in the Plan, is unclear in terms of what sorts of developments it would apply to. Consequently, to secure the effectiveness of LPP2 in these terms **MM59** is necessary, which would clarify that Policy DM35 applies to proposals that would result in the net loss of 5 or more dwellings.

Conclusion

117. For the reasons set out above, and subject to the referenced MMs, I conclude on this main issue that LPP2 contains policies which reflect the size and type of accommodation needed for different groups in the community.

Issue 3 - Is LPP2's approach to the Green Belt justified, effective, and consistent with national policy and LPP1?

Alterations to the Green Belt Boundary

118. The site allocation policies relevant to Witley including Milford, are all clear that they entail Green Belt boundary alterations. In contrast, other proposed amendments to boundaries, as set out in the Green Belt Topic Paper⁵¹ and proposed to be reflected in changes to the policies map, are not clearly articulated in the LPP2's policies. Although I consider the relevant Topic Paper to provide a robust basis for assessment of these matters, LPP2 is nevertheless inconsistent with the Framework (at paragraph 140), which sets out that where a need for alteration to Green Belt boundaries has been established in strategic policies, detailed amendments may be made through *non-strategic policies* (with my emphasis). It follows that **MM19** and **MM23** are therefore necessary, which introduce a policy and supporting text relating to these proposed boundary changes to achieve consistency with national policy in these terms.

⁵⁰ DS03: Land at Andrews

⁵¹ Document reference: LPP2/CD2/07

119. These detailed adjustments are all clearly justified on the basis of the exceptional circumstances set out in LPP1 insofar as they would facilitate sustainable patterns of development, secure boundaries defined by features that are likely to be permanent, and exclude land from the Green Belt, which is unnecessary to be kept permanently open. As submitted the Green Belt boundary of Elstead is inaccurate insofar as it relates to the development at the Croft. Consequently **MM21** depicts an accurate and justified boundary, which would also have to be reflected on changes to the Policies Map, and is supported by the exceptional circumstances established in LPP1 and the objective of not including land in the Green Belt which it is unnecessary to be kept permanently open.

Management of development in the Green Belt

120. For the purposes of the Framework, the term 'original building' in Green Belt terms refers to a building as it existed on 1 July 1948, or if constructed after that date, as it was built originally. LPP2 uses a different definition, with a base date of 31 December 1968. There are long established reasons for this within Waverley and neighbouring districts, relating to the adoption of County-wide policy which placed restrictions on residential rebuilding and alterations in December 1968. Whilst, for these reasons, this inconsistency with national policy is justified in terms of residential buildings, it has not been demonstrated that the base date for non-residential buildings should be different to that set out in the Glossary of the Framework. For these reasons **MM31** is necessary, which would make the distinction between the base dates clear, achieve consistency with the Framework in terms of the treatment of non-residential buildings, and ensure that the LPP2 is justified in these terms.

121. Policy DM14 provides local policy relating to the management of development within the Green Belt. However, taken together with its introductory text, the policy is unclear as to whether it would be relevant both to residential and non-residential proposals. Consequently, to ensure clarity and consistency with the Framework in terms of types of development that could be considered as not inappropriate within the Green Belt, **MM24** and **MM26** are necessary. These MMs would clarify that Policy DM14 relates to all types of development proposal. Moreover, the Framework indicates (at paragraph 149(d)), that in order to constitute not inappropriate development, a replacement building would have to be in the same use as the one it replaces, a consideration that is absent from Policy DM14. Accordingly, **MM25** would also introduce wording to ensure consistency with national policy in this latter regard. As drafted, the policy is inconsistent with the Framework in terms of its approach to alterations of existing properties. For this reason, **MM26** is necessary which would see the inclusion of the term 'alterations' in Policy DM14.

122. Policy DM14 sets out percentage floorspace increases that are generally to be considered not disproportionate or not materially larger. However, the policy's

supporting text is clear that case-by-case considerations will be relevant to an overall judgement of whether something is disproportionate or materially larger than existing buildings. Consequently, although the Framework does not define these terms with reference to percentage increases in floorspace, I consider the locally derived approach to these matters to be justified, and to provide an effective and unambiguous policy position.

123. As drafted, explanatory text relating to basements and other subterranean structures is not consistent with national policy on the types of development that are to be considered 'not inappropriate' in the Green Belt (per paragraph 149 of the Framework), with no justification for a different locally applicable approach to this matter. Consequently, **MM29** and **MM30** are necessary, which would ensure consistency with the Framework, and mean that LPP2 would be justified and effective in this respect.
124. Supporting text to Policy DM14 appears more restrictive in terms of the development of garages and outbuildings than the Framework, particularly where such structures may constitute replacement buildings (for the purposes of paragraph 149(d)) or where garages might be incorporated in extensions to existing properties (per paragraph 149(c)). Consequently, **MM32** is necessary to achieve consistency with national policy, and to ensure the effectiveness of LPP2 in these terms.
125. The use of the phrase "will be permitted" in Policy DM14 in terms of certain types of development is unclear. Consequently, to ensure that the policy is effective in these terms, and to achieve consistency with national policy relating to the restrictions placed on development in the Green Belt, **MM25** is necessary, which removes that phrase and introduces unambiguous language that is effective and consistent with the Framework.
126. The Framework establishes that limited infilling in villages is to be considered as not inappropriate development within the Green Belt. Policy DM14 includes a criterion which introduces a more restrictive interpretation of 'limited infilling', which is inconsistent with the Framework, with no justification for this more restrictive approach. I accept that further guidance on this matter in the LPP2, taking into account the development patterns of the Borough's Green Belt villages would be helpful. Nevertheless, I consider that **MM27** and **MM33** are necessary, which ensure that the wording of the policy complies with the Framework and that guidance as to the type of developments that could constitute limited infill is set out in the supporting text. Taken together, these MMs would ensure that LPP2 is effective, justified, and consistent with national policy in these terms.
127. Court judgements and the PPG establish that the term 'openness' in Green Belt terms has visual and spatial implications. As drafted, Policy DM14 does not

fully capture the visual and spatial implications of openness, and is thus ineffective in these terms. I therefore consider **MM28** necessary, which would ensure that the broader spatial aspects of openness would be appropriately referenced in the policy.

Conclusion

128. The above considerations lead me to the conclusion on this main issue that LPP2, subject to the aforementioned MMs, sets out an approach to the Green Belt which is justified, effective, and consistent with national policy and LPP1.

Issue 4 – Is LPP2's approach to biodiversity (including European Sites) justified, effective and consistent with national policy and LPP1?

European Protected Sites

129. As set out above, mitigation may be needed in respect of developments within the Borough insofar as their effects on European Protected Sites are concerned. However, LPP2, as drafted is unclear as to the types of measures that may be required, and how this might shape proposals and assist with their phasing and delivery, and is therefore ineffective in these terms. For these reasons too, LPP2 does not give sufficient encouragement for parties to take advantage of the pre-application stage on this issue, and is thus inconsistent with the Framework (per paragraphs 39 to 46). Consequently, **MM64** and **MM87** are necessary, which add supporting text advising on the types of proposals that might need mitigation, and how such mitigation could be achieved, which would ensure that the LPP2 is clear, effective and consistent with the Framework in terms of facilitating good quality pre-application discussion on this matter.

General biodiversity and geodiversity issues

130. Policy DM1 sets out the general approach to assessing the environmental implications of development. However, the policy is unclear and inconsistent with the principles that should be applied in the determination of planning applications established in the Framework (at paragraph 180), and is out of step with national policy in terms of the approach to securing biodiversity net gain (per paragraph 174 of the Framework) and in respect of light pollution (at paragraph 185 of the Framework). Consequently, **MM2**, **MM4** and **MM5** are required which ensure that Policy DM1 would be clear and consistent with the Framework in these terms. In the interests of clarity, I have made changes to the wording order of **MM4** following consultation on the MMs; however, these do not materially alter the scope or intent of the policy. Moreover, as the matter was comprehensively covered in consultation responses no prejudice would occur as a result of these changes being made.

Trees and Hedgerows

131. As drafted, LPP2 is confusing, unclear and inconsistent insofar as the terminology relating to trees is concerned. Consequently, to achieve clarity in these terms, and thus consistency with national policy (per paragraph 16(d) of the Framework), and in the interests of LPP2's effectiveness, **MM17** is necessary which would ensure that consistent terminology is used within the Plan.

Conclusion

132. For the reasons given, and subject to the MMs set out above, I conclude on this main issue that LPP2's approach to biodiversity (including European Protected Sites) is justified, effective and consistent with national policy and LPP1.

Issue 5 – Does LPP2 set out a justified and effective suite of policies relating to management of development in the countryside; and is the approach to landscapes and open spaces justified, effective and consistent with the Framework?

Settlement boundaries and development in the countryside

133. LPP2 establishes boundaries for a number of settlements. Amongst other things, setting settlement boundaries creates clarity regarding the application of development plan policies relating to the countryside. Appropriate settlement boundaries also ensure that the Plan would recognise the intrinsic character and beauty of the countryside, that developments would be sympathetic to local character and history including landscape setting, and that the substantial weight to be given to the value of using suitable brownfield sites within settlements would be reflected (per paragraphs 16, 174, 130 and 120 of the Framework). In these respects, the establishment of settlement boundaries attracts considerable support from national policy.

134. For some settlements, neighbourhood plans have, or are expected to establish settlement boundaries. In advance of these becoming part of the development plan, LPP2 sets out settlement boundaries based on those of the 2002 Local Plan, but with 'factual updates' which correct 'poorly digitised layers' from the earlier iteration of the plan, and adds in site allocations, planning permissions, and built/commenced development since the adoption of the 2002 Local Plan which physically relate to the settlement boundary. Given the multi-layered approach to the development plan set out above, and the scope of LPP2, I consider this to be a justified approach. However, some neighbourhood plans have been made since publication of the Regulation 19 versions of LPP2. As submitted, LPP2, is therefore inconsistent with the adopted development plan insofar as some of the settlement boundaries it includes are concerned. Accordingly, **MM18, MM19, MM20, MM21** and **MM22** are required which update

the position in terms of neighbourhood plans, and as a result secure legal compliance, insofar as consistency with the adopted development plan is concerned in this respect. **MM18** also provides important clarification on the relationship of the policies map to neighbourhood plans, which would secure consistency with the Framework insofar as it requires plans to serve a clear purpose, and for them to be unambiguous (per paragraph 16).

135. Two topic papers⁵² (the Settlement Papers) set out the methodology for deriving settlement boundaries, where this is something that is expected of LPP2, and establish how this has been applied. The methodology entailed a comprehensive analysis of a number of criteria relating to the features which should and should not be contained within settlement boundaries. Large gardens and extended curtilages that relate more closely to the open countryside, low density properties with wooded or uncultivated curtilages, and sporadic development clearly detached from the built-up area are features that are excluded from settlement boundaries. Moreover, boundaries are expected to align with physical features such as walls, fences, hedgerows, roads and streams 'where practical'. It is clear that these and other criteria provide a thorough and robust basis for the settlement boundaries established by LPP2. However, as submitted the settlement boundary of Elstead is inaccurate insofar as it relates to the development at the Croft. Consequently, **MM21** and **MM25** would depict an accurate boundary, which would also have to be reflected on changes to the Policies Map, and would ensure that LPP2 is justified in this sense.
136. Policy DM15 is the general policy relating to development in rural areas. As drafted its provision relating to best and most versatile agricultural land is more restrictive than national policy on this issue⁵³. As no locally specific evidence has been put forward, which would justify LPP2's approach to this matter, **MM35** is required, which would ensure that Policy DM15 is consistent with national policy.
137. Policy DM16 sets out considerations relevant to accommodation for rural workers. As drafted, it is unclear what types of occupation would be encompassed by the phrase 'rural worker'. Moreover, the policy is unclear in terms of how proposals for such uses would be assessed, meaning that the LPP2 is ineffective in this regard. It is therefore necessary to amend the policy, its supporting text, and LPP2's glossary by way of **MM36**, **MM37** and **MM110**, which will ensure that the Plan is clear and effective in these regards, and would accord with the advice of the PPG⁵⁴ in relation to this matter.

⁵² 'Settlement Boundaries Topic Paper' (November 2020) (Document reference: LPP2/CD2/11); and 'Settlement Boundaries Topic Paper Addendum' (October 2021) (Document reference: LPP2/CD2/12)

⁵³ As expressed in footnote 58 of the Framework

⁵⁴ 'Housing Needs of Different Groups'

Local Green Spaces

138. The Plan includes a number of Local Green Spaces (LGS), and their selection is based on a robust methodology⁵⁵, encompassing the criteria for designating LGS set out in the Framework (at paragraph 102). However, Policy DM19 relating to the management of development in LGS is inconsistent with national policy, insofar as the Framework expects that local plan policies of this type should be consistent with those for Green Belts. I therefore consider **MM39** to be necessary, which would ensure that policies for managing LGS would be consistent with national policy in these terms. The MM appropriately encapsulates the relevant types of development which could be considered to be not inappropriate, based on the scale and nature of the identified LGS.

Farnham/Aldershot Strategic Gap

139. Policy RE3 of LPP1 requires a focused review of the Farnham/Aldershot Strategic Gap to be carried out as part of the LPP2 process, based on a broad location depicted in Plan 6 of LPP1. A Farnham Aldershot Strategic Gap Topic Paper⁵⁶ outlines the methodology for this review, which provides further and more granular analysis of the area than that set out in the higher-level Waverley Landscape Study: Local Landscape Review⁵⁷ (the LLR), which supported the production of LPP1. The LPP2 would see revisions of the boundary to remove areas that are found not to be performing effectively in terms of contribution to the Strategic Gap, including several areas in and around Badshot Lea where the LLR found that there was a more 'urban feel' with "visibility to the developed edges and residential development within"⁵⁸.

140. The boundary of the Gap set out in LPP2 includes an area contiguous with Runfold St George, which has a dispersed and sporadic pattern of residential and other built development, with several of its constituent buildings situated in relatively large plots. This area is separated from the more consolidated development of Badshot Lea by an established and dense belt of mature trees fronting St Georges Road.

141. The generally spacious pattern of development along Runfold St George and existing landscape features within and in close proximity to its constituent plots mean that the area contributes to the visual gap landscape character of the wider mineral workings to the east. For these reasons, I consider that its inclusion within the Strategic Gap designation, as established in the Topic Paper's findings, is therefore justified. Moreover, Policies RE1 and RE3 of LPP1, and Policy DM18 of LPP2 would enable site-specific judgements at the

⁵⁵ Set out in 'Topic Paper: Local Green Spaces' (dated November 2020) - Document reference: LPP2/CD2/10

⁵⁶ Dated November 2020 – Document reference: LPP2/CD2/14

⁵⁷ Dated August 2014 – Document Reference: LPP2/CD2/40c

⁵⁸ Ibid at Table 3.3

decision-making stage as to whether proposals would avoid coalescence between the two settlements, and whether they would recognise the intrinsic character and beauty of the countryside. This is an effective policy position which is consistent with the Framework, and would enable a nuanced analysis of proposals as they affect differing parts of the Strategic Gap, which would remain protected in line with Policy RE3.

142. Accordingly, for these reasons, I consider that the boundary for, and policy relating to, the Farnham/Aldershot Strategic Gap, as set out in LPP2 are justified and consistent with LPP1, and that LPP2 is thus soundly based in this respect.

Godalming Hillside and the Frith Hill Area of Special Environmental Quality

143. A review of the detailed boundary of the Godalming Hillside area is mandated by Policy RE3 of LPP1. Details of this review are contained in the Topic Paper⁵⁹ submitted alongside the LPP2. The boundary is reviewed against the original purposes and character of the Godalming Hillside and provides a robustly justified basis for the boundaries set out in LPP2. The Frith Hill Area of Special Environmental Quality's (ASEQ) role and status is not specifically referred to in LPP1. Nevertheless, this ASEQ designation is considered alongside the Godalming Hillside in the relevant Topic Paper.

144. The Topic Paper finds that the similarity of purpose, character and location between these two designations merits their amalgamation into a wider Godalming Hillside boundary. A practical effect of this is that the Frith Hill part of Godalming Hillside would be covered by Policy RE3 of LPP1 in terms of the landscape considerations relevant to development proposals in that area and Policy GOD12 of the Godalming and Farncombe Neighbourhood Plan, which relates to the potential impacts of development to the skyline. It follows from this that the approach to merging the two designations is a well-reasoned and justified one. Moreover, the approach would also avoid the unnecessary duplication of policies in a manner which is consistent with the Framework (at paragraph 16(f)). Accordingly, I consider LPP2's approach to the Godalming Hillside designation to be a sound one.

Areas of Strategic Visual Importance

145. Up-to-date boundaries of Haslemere and Farnham's Areas of Strategic Visual Importance (ASVIs) are established in the made Neighbourhood Plans. However, the ASVI boundaries shown in LPP2 are inconsistent with those established by the Neighbourhood Plans. Accordingly, **MM22** and **MM38** are required, to replace the relevant mapping material in the LPP2, which will

⁵⁹ 'Godalming Hillside and Frith Hill ASEQ Topic Paper' (November 2020) – Document reference: LPP2/CD2/09

ensure consistency with the adopted development plan insofar as ASVI boundaries are concerned.

Conclusion

146. Subject to the above-referenced MMs LPP2 sets out a justified and effective suite of policies relating to management of development in the countryside; and its approach to landscapes and open spaces is justified, effective and consistent with the Framework.

Issue 6 – Does LPP2 set out a clear economic vision, which positively and proactively encourages sustainable growth, and does it support the role of town and other centres in an effective and justified way?

Town Centres

147. LPP2 sets out boundaries for the Borough's town centres and primary shopping areas, which are based on evidence and surveys detailed in the Waverley Town Centres Retail Study Update⁶⁰, and the Town and Local Centres Topic Paper⁶¹. These provide a robust basis for the boundaries established in the Plan, and in setting these out LPP2 would achieve consistency with the Framework (at paragraph 86(a)), insofar as it requires plans to define the extent of town centres and primary shopping areas. Policy DM27 makes clear what range of uses would be supported in town centres, and in these terms, LPP2 accords with the Framework (per paragraph 86(a)).

148. Policy DM28 and its supporting text identify and seek to protect areas used in town centres for access and servicing, in the interests of the vitality and viability of the area, and to ensure that the highway implications of proposals would be appropriately assessed. Whilst the policy and its boundaries are clearly justified, as drafted it is not clear as to how the requirement would relate to the proposed redevelopment of the DS01:Haslemere Key Site Allocation. Consequently, to achieve internal consistency in terms of access and servicing, and thus the overall effectiveness of the plan **MM67** is necessary which would see the requirement for consideration of access and servicing issues to be incorporated into the policy.

Economy and employment

149. Strategic policies relating to economy and employment are set out in LPP1, with the LPP2 containing policies focusing on more detailed issues. Policy DM26 provides support for the expansion, intensification and development associated

⁶⁰ Document reference: LPP2/CD2/55

⁶¹ Document reference: LPP2/CD2/15

with educational and training facilities, but as drafted the phrase “due weight” is unclear, and LPP2 is consequently ineffective in these terms. **MM52** is therefore necessary which inserts the phrase “great weight”, which would ensure clarity, and thus effectiveness in a way that is consistent with the language of the Framework (at paragraph 95(a)). Given the overall thrust of this policy, taken together with other elements of the development plan, including particularly the more targeted policies in the Farnham Neighbourhood Plan, I consider that the development plan’s approach to the University of Creative Arts to be adequate and there is consequently no need in soundness terms for LPP2 to set a site-specific policy relating to it.

150. Policy DM32 focuses on tourism, hotels and the visitor economy. As drafted, the policy is unclear as to the type of developments it would relate to. **MM54** is therefore required which clarifies the position in this respect and thus secures the effectiveness of LPP2 in these terms. The policy sets out considerations relevant to proposals for changes of use away from visitor-related facilities. However, it is not clear how it could be demonstrated that a visitor-related use could not be viably taken forward in order to justify alternative proposals. Consequently, **MM55** and **MM57** are required which would clarify this position in Policy DM32 and its supporting text and thus ensure the effectiveness of the policy.

151. Insofar as Policy DM32 relates to the support given for extensions to visitor-related facilities, its wording is open to overly broad interpretation, and is thus ambiguous, and is also inconsistent with the Framework which requires planning policies to place significant weight on enabling economic growth, and to enable the sustainable growth and expansion of rural businesses which respect the character of the countryside (per paragraphs 81 and 84(a) and (c)). For these reasons, **MM56** is necessary, which would clarify the policy’s wording in an effective manner and achieve consistency with the Framework in these terms.

Conclusion

152. For the above-given reasons, and subject to the referenced MMs, I conclude on this main issue that LPP2 sets out a clear economic vision, which positively and proactively encourages sustainable growth, and that it supports the role of town and other centres in an effective and justified way.

Issue 7 – Does LPP2 include an effective and justified set of policies relating to design, heritage and development management and is it consistent with national policy in these terms?

Climate Change

153. Policy DM2 relates to the energy efficiency of buildings. Recent changes to Part L of the Building Regulations 2010, which sets out standards relating to the conservation of fuel and power came into effect following the submission of the Plan. Consequently, as drafted, Policy DM2 is not consistent with the recent updates to the Building Regulations, and as a result the policy is neither effective nor justified. **MM6** is therefore necessary, which would amend the LPP2 to reflect the recent changes to Building Regulations, and ensure that the plan provides an effective and justified response to these matters in a manner that is consistent with national policy⁶². Although some would like to see more references to specific technologies to be employed in the pursuit of greenhouse gas reductions, such references are not necessary to ensure soundness. In any event, Policy DM2, as modified would clearly be supportive of a range of technologies.

154. The Framework expects plans to take a proactive approach to mitigating and adapting to climate change, and that development should be planned for in ways that can help to reduce greenhouse gas emissions (per paragraphs 153 and 154). As drafted, Policy DM1 is not fully consistent with the Framework insofar as these climate change aspects are concerned, and **MM3** is therefore required, which would secure soundness in these terms.

Design

155. The Framework (at paragraph 130(f)) expects policies to ensure that developments create places that are safe, inclusive and accessible. Policy DM4 is not consistent with this aspect of the Framework, particularly in terms of inclusivity and accessibility. It follows that **MM10** is required which would introduce additional wording to the policy to secure consistency with the Framework insofar as inclusive and accessible design considerations are concerned.

156. The Framework requires all local planning authorities to prepare design guides or codes (at paragraphs 128 to 129). However, LPP2 is unclear as to how these are to be prepared and implemented. Consequently, to achieve consistency with the Framework in these terms, **MM7** is necessary which

⁶² In particular, paragraph 154 of the Framework and the Written Ministerial Statement 'Planning Update March 2015'

introduces supporting text to highlight how such guides and codes are to be progressed.

157. Whilst the Framework (at paragraph 133) requires all local planning authorities to have access to and make use of appropriate tools such as design review, LPP2 is not clear in terms of the sorts of proposals that local review arrangements would be relevant to, and would not therefore facilitate good quality pre-application engagement, which is encouraged in national policy (per paragraphs 39ff of the Framework). This renders Policy DM4 ineffective and inconsistent with national policy in these terms. Consequently, **MM11** is necessary which would ensure clarity in terms of the type of proposals that design review would be relevant to, in the interests of the effectiveness of the Plan, and to facilitate good quality pre-application engagement.
158. As noted above, the Borough is a largely rural one, with a diverse range of settlement sizes. Policy DM8 includes a requirement for masterplans to be produced in connection with 'larger sites' of 100 homes or more, which whilst consistent with the Framework objective of achieving well-designed places, lacks justification in terms of the implications of schemes that would entail a lower amount of housing, but would relate to the Borough's smaller settlements. The desirability of such schemes to be sympathetic to local character and history and to establish or maintain a strong sense of place (per paragraph 130 of the Framework) is a further driver for a more granular approach to the Borough's smaller settlements in these terms. Consequently, **MM14** is necessary which sets a threshold of 50 to trigger a requirement for masterplanning in relation to proposals outside of the Borough's four main settlements, and would ensure that the policy is justified and effective in this sense. As the requirements of the development plan in terms of design, alongside national policies and guidance relate to all scales of development proposals, the setting of any lower thresholds than that established by **MM14** is not necessary to achieve soundness.
159. LPP2's supporting text relating to proposals which require advertisement consent includes considerations that are not relevant to the interests of amenity and public safety. In this respect, LPP2 is inconsistent with the Framework (at paragraph 136). Consequently, **MM53** is required which clarifies which of those considerations would be relevant to decision-making in these regards, to ensure consistency with national policy. To ensure that the consideration of advertisement proposals within conservation areas is consistent with the Framework, and provides a justified basis for decision-making on such matters, and clarity on the types of signs that it would apply to, **MM43** and **MM45**, are also both necessary.

Heritage

160. As drafted, LPP2's policies relating to heritage issues are inconsistent with the Framework insofar as the relevant balances are concerned (as set out in paragraphs 199 ff). Moreover, the heritage policies of LPP2 do not fully reflect the language and duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, which means that they are ineffective in these senses. Furthermore, the supporting text is unclear about the interplay between the Building Regulations, planning and listed building consent matters. Consequently, **MM40**, **MM41**, **MM42**, **MM44** and **MM49** are necessary which would ensure that LPP2's heritage policies would be consistent with the Framework, and that its policies would be justified and effective in this sense. **MM48** and **MM51** would also clarify the considerations to take into account in relation to non-designated archaeological assets which are of demonstrably equivalent significance to scheduled monuments, and would thus achieve consistency with the Framework in these terms.
161. Policy DM25 is unclear and thus ineffective in terms of what circumstances may trigger the requirement for an archaeological field evaluation. It follows that **MM50** is necessary, which would add clarity as to when such evaluations would be required and thus ensure the effectiveness of LPP2 in this regard.
162. The Borough includes both designated and non-designated parks, gardens and other landscape assets. As drafted, LPP2 does not encompass the distinction between designated and non-designated assets of this type, and the relevant Framework balances are not reflected. Consequently, **MM49** is necessary which would clearly draw these distinctions and ensure that the LPP2 is consistent with the Framework and effective in terms of its treatment of such assets.
163. The Framework sets out that the benefits of proposals for enabling development should be assessed against the disbenefits of any policy conflicts (per paragraph 208). Historic England has recently updated its guidance⁶³ on the consideration of proposals for enabling development. Whilst not national planning policy, the guidance is capable of being a material consideration in the assessment of proposals of this type. As drafted, the guidance is not referred to in LPP2, and its implications in terms of the types of mechanisms that could be used to secure enabling development are not reflected. As a result, LPP2 does not set out an effective approach to how enabling development would be assessed and secured. Consequently, to ensure effectiveness, **MM46** and **MM47** are necessary which would ensure that the guidance, and its relevant advice on the mechanisms to secure enabling proposals are reflected in supporting text.

⁶³ GPA4 'Enabling Development and Heritage Assets'

164. As drafted, a number of allocations are not consistent with the Framework, or the relevant statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 in requiring development proposals to enhance the significance of heritage assets. Consequently, in order for the relevant allocations to achieve consistency with national policy, and to ensure that LPP2 would be effective **MM76**, **MM78**, **MM80**, **MM82**, **MM92**, and **MM95** are necessary, which require heritage assets to be conserved, and where possible, enhanced. Differing wording to that included in these MMs is justified in relation to the DS01 allocation given that the potential to enhance the significance of the Conservation Area is part of the justification for the comprehensive approach to the site's redevelopment.
165. Amesbury School is a listed building, and the effect of development in its setting on its significance is a relevant consideration, which would be reflected in **MM76**. However, the version of **MM76** as consulted on includes the incorrect grading for the Listed Building, and as a consequence, I have included a factual correction in the version of the MMs that are appended to this Report. This amendment to the MM is minor and does not alter the interpretation or effect of the relevant policy.
166. The Framework (at paragraph 130(c)) expects planning policies to ensure that developments are sympathetic to local character and history. As drafted Policies DM4: Quality Places through Design and DM35: reuse and alterations to large buildings are inconsistent with this aspect of national policy, as a result of their lack of engagement with heritage issues. Accordingly, **MM8** and **MM58** are therefore required, which ensure that historic character and heritage assets are appropriately reflected in those policies.

Development Management

167. Policy DM1 relates to the environmental implications of development in the widest sense of the word, including matters relating to its residential amenity implications. However, as drafted the policy lacks justification in terms of the assessment of relevant levels of harm and the implications of this for decision-making are unclear. Consequently, **MM2** is required which would create clarity and ensure that LPP2 is justified in these terms. Moreover, Policy DM1 does not reflect the Framework insofar as the implications of light pollution on amenity are concerned, so **MM4** is required which would achieve consistency with national policy in these terms. I have made changes to **MM4** from the version that was consulted on in, which clearly separate amenity and biodiversity considerations, in the interests of clarity. These post-consultation changes do not, however, materially alter the content, intent or scope of what **MM4** seeks to achieve.
168. The NPPW requires local planning authorities to ensure that new non-waste developments make sufficient provision for waste management, including

through providing adequate storage facilities at residential premises. Policy DM35: Reuse of and alterations to large buildings, does not make reference to how waste management issues are to be addressed and is thus inconsistent with this aspect of national policy. **MM58** is therefore required, which inserts wording relating to waste management matters. I have made minor changes to the wording of **MM58** post-consultation to ensure that sufficiently clear terminology relating to waste management measures is achieved. This is a minor change that relates to a point adequately covered in the consultation, and results in no prejudice to the interests of any parties.

169. Policy DM3 requires the attachment of phasing conditions to planning permissions that require upgrades to off-site water and wastewater infrastructure. As such arrangements would ensure that development is phased in a manner which ensured that sufficient provision for infrastructure could be made (per paragraph 20 of the Framework), I consider these matters to be relevant to planning, and therefore appropriate items to be controlled through the imposition of conditions (per paragraph 56 of the Framework). For these reasons Policy DM3 is sound as submitted.

170. Some would like to see references to the arrangements for producing and reporting on screening opinions relevant to Environmental Impact Assessments incorporated into Policy DM1. However, as the process relating to these matters is subject to detailed regulatory arrangements it is not necessary to include material relating to screening opinions to secure the soundness of LPP2.

Conclusion

171. Accordingly, the preceding considerations lead me to the conclusion that LPP2, subject to the referenced MMs, includes an effective and justified set of policies relating to design, heritage and development management and is consistent with national policy in these terms.

Issue 8 – Does LPP2 promote sustainable transport in a justified and effective manner, and is it consistent with national policy in these regards?

172. Policy DM9 of LPP2 relates to accessibility and transport. As drafted, the policy requires the provision of car parking spaces “in accordance with” supplementary planning documents (SPDs). As SPDs are not part of the development plan this wording is not justified, and accordingly **MM15** is therefore required, which amends the text of the policy to reflect the status of supplementary guidance and thus secures soundness in this regard. Building Regulations in relation to the provision of electric vehicle charging points have recently been updated, and SPD relating to this matter are to be updated following the adoption of

LPP2. As submitted, the position on the SPD and its inter-play with the Building Regulations are unclear, and this is inconsistent with the Framework insofar as it requires plans to contain policies that are clearly written and unambiguous.

MM16 is therefore necessary which clarifies the position on requirements for charging points to ensure consistency with national policy (per paragraph 16 of the Framework) in these terms. I have made a minor amendment to the text of **MM16** following consultation on the MM to ensure that the most up-to-date version of the relevant County-wide guidance is reflected. This minor change does not materially alter the operation of the policy or its interpretation.

173. The Framework establishes that planning policies should aim to achieve places which are safe and accessible, for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes (per paragraph 92); and that opportunities to promote walking and cycling are identified and pursued (per paragraph 104). As drafted, LPP2 is inconsistent with these principles insofar as its approach to design and public realm provision is concerned, as it lacks references to active travel modes and cycling. Consequently, **MM9** and **MM13** are required, which introduce wording related to these active travel modes to ensure consistency with the Framework.

Conclusion

174. For the reasons set out above, and subject to the referenced MMs, I conclude on this main issue that the LPP2 promotes sustainable transport in a justified and effective manner, and is consistent with national policy in these regards.

Issue 9 – Does the LPP2 set out effective mechanisms relating to implementation and monitoring?

175. As submitted, LPP2's Monitoring Framework does not include the range of actions that might be contemplated were monitoring to indicate that relevant targets were not being met. Neither does the LPP2 set out what might be the triggers for such actions. Consequently, LPP2 would not be effective in these terms, and accordingly **MM111** and **MM112** are required which would see the inclusion of a suite of actions and their triggers, to ensure that monitoring of the plan is effective.

176. For these reasons, and subject to the aforementioned MMs, I conclude on this main issue that LPP2 sets out effective mechanisms relating to implementation and monitoring.

Overall Conclusion and Recommendation

177. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above. However, the Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that the DtC has been met and that with the recommended MMs set out in the Annex the Waverley Local Plan Part 2 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

G J Fort

INSPECTOR

This report is accompanied by an Annex containing the Main Modifications.