

**West Byfleet Neighbourhood Forum**

# **West Byfleet Neighbourhood Development Plan**

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

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18 May 2017

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## Overall Finding

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

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

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The West Byfleet Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by West Byfleet Neighbourhood Forum (the Neighbourhood Forum), a qualifying body formally designated by Woking Borough Council (the Borough Council) on 27 March 2014. I have examined the Constitution of the West Byfleet Neighbourhood Forum dated December 2013. I have noted the reference in the Consultation Statement to 141 new members joining the Forum through the website that was launched in March 2014. The Consultation Statement refers to “*our 400 + members*” and also shows that 40 residents attended the West Byfleet Neighbourhood Forum Annual General Meeting held on 1 November 2016. I confirm the Forum is able to lead the preparation of a neighbourhood plan.<sup>2</sup>
4. The submission draft of the Neighbourhood Plan has been prepared by an editorial sub-committee made up of members of the main Forum committee. The submission draft along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Neighbourhood Forum for submission of the plan and accompanying documents to the Borough Council. Woking Borough Council has at a meeting on 6 April 2017 agreed to submit the Neighbourhood Plan to me for independent examination.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

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

## Independent Examination

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

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<sup>3</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

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

## **Basic conditions and other statutory requirements**

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>7</sup> A neighbourhood plan meets the basic conditions if:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
  - the making of the neighbourhood plan contributes to the achievement of sustainable development,
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>8</sup>

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<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
14. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>10</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.
15. The Neighbourhood Plan relates to the area that was designated by the Borough Council as a neighbourhood area on 27 March 2014. The plan area is described in paragraph 1.2 of the Submission Version of the Neighbourhood Plan dated November 2016. A map of the plan area is included as Figure 1 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> All requirements relating to the plan area have been met.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>15</sup> The front cover of the Submission Version clearly shows the plan period to be 2017– 2027.

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

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

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

<sup>11</sup> Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B(2) Planning and Compulsory Purchase Act 2004

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

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

<sup>15</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004



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

## Documents

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

- West Byfleet Neighbourhood Plan 2017-2027 Submission Version November 2016
- West Byfleet Neighbourhood Plan Basic Conditions Statement
- West Byfleet Neighbourhood Plan Consultation Statement

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

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

- West Byfleet Neighbourhood Plan Strategic Environmental Assessment, Habitat Regulations Assessment and Environmental Impact Assessment Screening Report 2 September 2016
- West Byfleet Neighbourhood Plan Evidence available on the West Byfleet Neighbourhood Forum website
- Representations received during the Regulation 16 publicity period
- Woking Core Strategy Adopted October 2012 (known locally as Woking 2027)
- Woking Borough Local Plan 1999 Saved Policies (presented at Appendix 6 of the Core Strategy)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

## Consultation

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

24. Mechanisms used to consult and inform residents of the Plan area have included Forum Committee meetings; 'The Resident' newsletter produced 3 times a year; social media; and a dedicated website where documents and news items have been posted. Local newspapers; church and school networks; public notices and posters; the residents' association; the

business association; and door-to-door leafleting have also been utilised to publicise events and provide information on progress in plan preparation.

25. Views of community members and organisation have been obtained through a wide range of mechanisms including nine separate surveys; engagement at community events and at busy public locations; questionnaires; drop-in sessions; public meetings; and meetings with organisations. I have noted some representations specifically refer to the impressive amount of community consultation.
26. Pre-submission consultation in accordance with Regulation 14 including necessary statutory requirements took place between 11 June and 23 July 2016. Responses were received from 13 organisations, 16 comments were submitted by residents, and other comments were recorded as *“picked up by committee members from our public meetings.”* The section of the Consultation Statement between pages 38 and 43 comprehensively fulfils the requirement to describe how issues and concerns have been considered and, where relevant, addressed in the Neighbourhood Plan.
27. The Submission Plan has been the subject of a Regulation 16 publicity period between 26 January and 10 March 2017. One representation was sent via the Neighbourhood Forum and whilst arriving at the Council after the period for representations had closed I have taken this representation into consideration as the Forum has confirmed it was received in the period for representations. Another representation was received after the publicity period closed and I have not taken that representation into consideration. Including the representation sent via the Neighbourhood Forum a total of 57 representations were properly submitted during the publicity period, all of which I have taken into consideration in preparing this report in so far as they are relevant to the purpose of this Independent Examination, even though they may not be referred to in whole, or in part.
28. A large majority of representations express support for the Neighbourhood Plan, with others making neutral comments, suggesting changes or raising objection. I have taken the representations into account when considering the Neighbourhood Plan as a whole. Where representations include specific points regarding individual policies of the Neighbourhood Plan I have taken those into account when considering the policy in question later in my report.
29. A representation on behalf of a client that controls land referred to as the Sheer House Complex states that a single policy relating to that site as opposed to five separate policies would ensure the Plan is concise and clear. The Borough Council has also suggested the Neighbourhood Plan

would be more user friendly if policies relating to the Sheer House Complex were grouped together. The Borough Council also suggest policies relating to parking should be grouped together; and certain policies relating to social and community facilities should be combined. The Borough Council has also recommended a change of format so that each policy is preceded with a policy introduction and followed by a reasoned justification. Whilst I do not disagree with the suggestions for a different plan format I have not recommended modifications in these respects as they are not necessary to meet the basic conditions.

30. Some representations have recommended the inclusion of additional policies, for example relating to: the need for infrastructure to keep pace with new housing development; opposing use of Broadoaks for a secondary school; agricultural land; specific aspects of building design; West Byfleet station; specific parking difficulties; parking for disabled people; smoking zones; seating areas away from smoking zones; residential accommodation for older people; and particular footpaths; however, there is no requirement for a Neighbourhood Plan to include policies relating to any particular matters.
31. The Borough Council has recommended more clarification as to how the objectives and policies of the Neighbourhood Plan will be monitored and whether there are any triggers for a review of policies or the Plan as a whole. Whilst Section 6 of the Plan could be extended to cover these points I have not recommended a modification in this respect as this is not necessary to meet the basic conditions.
32. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) Explains how they were consulted;
  - c) Summarises the main issues and concerns raised by the persons consulted; and
  - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>18</sup>
33. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am

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<sup>18</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

satisfied the requirements have been met.

## The Neighbourhood Plan taken as a whole

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

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

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

36. The objective of EU Directive 2001/42<sup>20</sup> is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>21</sup> as the Local

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

<sup>20</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

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

Planning Authority is obliged to 'make' the plan following a positive referendum result.<sup>22</sup>

37. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Neighbourhood Forum to submit to the Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. The plan documents include a Strategic Environmental Assessment Screening Report dated 2 September 2016. This report presents a Screening outcome as *"As a result of the assessment above, it is unlikely that there will be any significant environmental effects arising from the West Byfleet Neighbourhood Plan that were not covered in the Sustainability Appraisal of either the Woking Core Strategy (2012), development Management Policies DPD (2016) or the draft Site Allocations DPD (2015)."* Section 4 of the Screening Report includes a determination that a Strategic Environmental Assessment is not required, and a statement of reasons for the determination. In forming the determination, the Borough Council consulted the three statutory consultation bodies. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

38. The report issued by the Borough Council on 2 September 2016 also included a Habitats Regulations Assessment Screening Assessment. The statutory consultation requirement was satisfied and the assessment undertaken included in-combination effects<sup>23</sup>. The Screening Outcome is that the assessment concludes that *"no likely significant effects will occur with regards to the European sites within and around Woking Borough, due to the implementation of the Draft WBNP. As such the PNP does not require a full HRA to be undertaken."* A note is included stating any residential development will have to comply with policies CS7 and CS8 which set out criteria for 'Biodiversity and nature conservation' and 'Thames Basin Heaths Special Protection Areas' respectively. I have noted the representation of Natural England in this respect. Section 4 of the Screening Report includes a determination that a full HRA does not need to be undertaken, and a statement of reasons for the determination. I have noted the statement relating to mitigation measures incorporated into Local Plan policies, and evidence of consideration of in-combination significant effects. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore

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<sup>22</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

<sup>23</sup> In combination with other plans or projects

marine site. I am satisfied that the requirements in respect of Habitat Regulations Assessment have been met.

39. I have noted consideration has been given to Environmental Impact Assessment and the conclusion the Neighbourhood Plan does not fall within the remit of the relevant Regulations. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination. I conclude that the Neighbourhood Plan:

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

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

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

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

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

soundness provided for in respect of examinations of Local Plans<sup>24</sup> which requires plans to be “*consistent with national policy*”.

42. Lord Goldsmith has provided guidance<sup>25</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
43. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework<sup>26</sup>. A statement is made as to how the Neighbourhood Plan supports or otherwise positively relates to each of the key planning principles of the Framework.
44. The Neighbourhood Plan states a vision. This vision relates to matters appropriate to a Neighbourhood Development Plan, is written clearly, and adopts a positive approach of seeking to enhance the distinctive and special residential character of the area whilst supporting appropriate development to maintain a vibrant village with improved community facilities and a thriving centre offering local employment. The vision does not constrain and indeed supports the objectives of the Framework, and in particular has regard to the Framework aims of ensuring the vitality of town centres; promoting healthy communities; conserving and enhancing the historic environment; conserving and enhancing the natural environment; and requiring good design.
45. The Neighbourhood Plan presents 23 core objectives relating to the built environment; the commercial environment; infrastructure; open spaces; and social and community matters. The Borough Council recommends the objectives should be reworded as they are not strategic and are too detailed and many are repeated as policies. Whilst I do not disagree with the view expressed by the Borough Council the rewording of the objectives is beyond my role as this is not necessary to meet the basic conditions. The policies and community projects of the Neighbourhood Plan have been developed to support and deliver the vision and core objectives.

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

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

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



46. I note section 5 of the Neighbourhood Plan refers to a number of community projects that were proposed by local people that are stated to be *“not covered by land-use planning policies or which cannot be delivered through the Plan.”* Some of the smaller projects are reported to have already been addressed but more substantial projects such as the widening or refurbishment of the pedestrian subway at the station are not yet programmed for implementation. The project proposals themselves do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area. Whilst Policy S&C 6 of the Neighbourhood Plan lists projects this is only on the basis that those projects are identified as potential targets for allocation of any Community Infrastructure Levy funds that may become available for local distribution during the Plan period. The approach adopted avoids those non-development and land use matters, raised as important by the local community, being lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement of projects is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied the approach adopted is both satisfactory and appropriate.

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

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

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

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

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

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

- Ensure all new development respects local character and has suitable wastewater and sewerage arrangements;
- Ensure new housing demonstrates good design and avoids harm to highway safety by having adequate off-road parking facilities;

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<sup>27</sup> Paragraph 14 National Planning Policy Framework 2012

- Ensure development in the District Centre supports its vitality and viability including maintenance of appropriate retail space, whilst conserving local heritage assets;
- Ensure redevelopment of the Sheer House Complex will provide an appropriate mix of uses, including where practicable continuity of existing businesses, and continue to provide a range of community facilities including no reduction in car parking provision, whilst having a positive townscape effect and respect for local heritage;
- Support development of accommodation for elderly people that is easily accessible from West Byfleet village centre;
- Ensure major developments proposals consider air quality effects and improve facilities for pedestrians and cyclists;
- Support protection and improvement of footpath and cycle route networks;
- Support removal of pylons and undergrounding of electricity cabling;
- Protect the integrity of the Green Belt and designate six Local Green Spaces;
- Ensure the protection and enhancement of three locations of special interest for wildlife and plant habitats, and retain trees and hedges where possible, seeking replacement when a loss must occur;
- Support proposals for development of a new village hall; improvement of built facilities for scouts, guides and associated groups; enhancement of library facilities; and new or enhanced sporting, recreational, or other community facilities; and
- Ensure new social and community facilities can demonstrate reasonable car parking arrangements.

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

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

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

54. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The Borough Council has informed me that the Development Plan applying in the West Byfleet Neighbourhood area and relevant to the Neighbourhood Plan comprises<sup>30</sup>:

- Woking Core Strategy adopted October 2012 (known locally as Woking 2027); and
- Development Management Policies adopted October 2016.

The Core Strategy is a Local Plan which conforms with the Framework providing strategic planning policy up to 2027. The Proposals Map adopted in 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making.

55. A Site Allocations document is currently being prepared. The requirement is that the Neighbourhood Plan should be in general conformity with the strategic policies of the Development Plan. The emerging Site Allocations document is not part of the Development Plan and this requirement does

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<sup>28</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>29</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>30</sup> The Surrey Waste Plan adopted May 2008, Surrey Minerals Plan adopted July 2011, Surrey Aggregates Recycling Joint Development Plan for the Minerals and Waste Plan 2013, and saved policy NRM6 of the South-East Plan are not considered relevant in the context of the scope and nature of the Neighbourhood Plan. The Woking Local Plan (adopted by the Council on 27 August 1999) has been superseded by the Council's Local Development Documents including: The Core Strategy (adopted October 2012); and the Development Management Policies DPD (adopted October 2016). When the Core Strategy was adopted in 2012 it superseded a significant number of policies in the Woking Local Plan 1999. A limited number of detailed policies (set out in Appendix 6 of the Core Strategy) were 'saved' until such time that they were superseded by the adoption of relevant Development Plan Documents. In October 2016, the Council adopted the Development Management Policies DPD. This supersedes the remaining 'saved' policies of the Woking Local Plan 1999

not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan*”. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

56. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.”*<sup>31</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

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

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

58. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.<sup>32</sup> The Neighbourhood Plan cannot therefore prejudice the emerging Site

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<sup>31</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

<sup>32</sup> Section 38(5) Planning and Compulsory Purchase Act 2004

Allocations document in this respect.<sup>33</sup> My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

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

## **The Neighbourhood Plan policies**

60. The Neighbourhood Plan includes 29 policies:

- Policy BE1 Development Character
- Policy BE2 New Housing Quality
- Policy BE3 District Centre Development
- Policy BE4 Sheer House Complex Development
- Policy BE5 Elderly Accommodation
- Policy BE6 Residential Parking Provision
- Policy BE7 Flood Prevention
- Policy CE1 District Centre Development
- Policy CE2 Retail Space
- Policy CE3 Sheer House Complex Mixed Use Development
- Policy CE4 Business Continuity
- Policy CE5 Public Amenity Provision
- Policy CE6 Sheer House Complex Parking Provision
- Policy I1 Air Quality Assessment
- Policy I2 District Centre Parking Provision
- Policy I3 Pedestrian and Cycle Facilities
- Policy I4 Wastewater and Sewerage Infrastructure
- Policy I5 Pylons
- Policy OS1 Green Belt
- Policy OS2 Local Green Space
- Policy OS3 Wildlife and Plant Habitats

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<sup>33</sup> See paragraph 103 of the Judgement in *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC 1470 (Admin)

- Policy OS4 Trees and Hedges
- Policy OS5 Access
- Policy S&C1 Village Hall
- Policy S&C2 Built Facilities for Youth Groups
- Policy S&C3 Sporting and Recreational Facilities
- Policy S&C4 Library Facilities
- Policy S&C5 Community Facilities Parking Provision
- Policy S&C6 CIL Projects

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

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

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

64. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”<sup>34</sup>*

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<sup>34</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.

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

### **Policy BE1 Development Character**

66. This policy seeks to establish criteria for the assessment of the character of development proposals.

67. Historic England has described the identification of different character areas as good practice but suggests these could be described as historic, townscape, or village character zones as they reflect the importance of a range of features. I do not disagree with this suggestion but have not recommended a modification in this respect as it is not necessary to meet the basic conditions. Historic England has welcomed and supported Policy BE1 as being in accordance with paragraph 58 of the Framework which refers to the need to develop an understanding and evaluation of the defining characteristics of an area. Another representation supports the view that development should respect the dominant character of existing development and refers to a number of styles of development found locally.

68. The Borough Council states the source of the definition of major development is incorrect. I have recommended a modification in this respect.

69. The policy provides clear guidance to parties preparing proposals, and to those involved in the determination of planning applications, in respect of both commercial development and residential development. The policy includes the term "*village feel*". Section 2.3.1 of the Submission Plan describes the housing character zones and the special character of the six Conservation Areas in the neighbourhood area concluding that West Byfleet has a special and distinctive character and village feel. I am satisfied that the term village feel is adequately explained and justified and that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.



70. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>35</sup>
71. The policy has regard to the components of the Framework concerned with requiring good design, and conserving and enhancing the historic environment. Subject to the recommended modification the policy meets the basic conditions.

**Recommended Modification 1:**

**In Policy BE1 delete “National Planning Policy Framework (NPPF)” and insert “Town and Country Planning (Development Management Procedure) (England) Order 2015”**

**Policy BE2 New Housing Quality**

72. This policy seeks to establish design principles for new housing development.
73. One representation states that in areas of more modern post war development new schemes should be encouraged to complement dominant characteristics found in other zones. I consider the requirement to demonstrate good design and contribute positively to creating a sense of place includes sufficient flexibility to avoid the replication of poor development.
74. A representation states design policies should not stifle innovation or originality through unsubstantiated requirements to conform to certain development styles. Paragraph 59 of the Framework states “*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*”. I consider the

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<sup>35</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

Policy adopts an approach consistent with this element of the Framework. With respect to paragraph 60 of the Framework the policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness.

75. The Borough Council states the policy should relate to all types of residential development. I have recommended modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
76. Historic England has described the identification of different character areas as good practice but suggests these could be described as historic, townscape, or village character zones as they reflect the importance of a range of features. I do not disagree with this suggestion but have not recommended a modification in this respect as it is not necessary to meet the basic conditions. Historic England have in particular welcomed and supported Policy BE2 as being in accordance with paragraph 58 of the Framework which refers to the need to develop an understanding and evaluation of the defining characteristics of an area. Historic England also support the identification of the importance of grass verges as a positive element of the character of the area. The policy does not adequately explain the circumstances where it would be appropriate to preserve an existing grass verge. I have therefore recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
77. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>36</sup>
78. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this Policy meets the basic conditions.

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<sup>36</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

## **Recommended modification 2:**

### **In Policy BE2**

- **delete “and appropriate”**
- **delete “new housing” and insert “new residential development”**

## **Policy BE3 District Centre Development**

79. This policy seeks to establish criteria for development proposals within the District Centre.

80. Historic England has welcomed and supported Policy BE3 as being in accordance with paragraph 58 of the Framework which refers to the need to develop an understanding and evaluation of the defining characteristics of an area.

81. The Borough Council has suggested that the policy should set a clear policy ambition for this specific location within the neighbourhood area. I am satisfied the policy does provide a distinct local approach and that modification in this respect is unnecessary to meet the basic conditions. The Borough Council has also suggested Policy BE3 and Policy CE1 should be merged or that one of the policies is renamed to avoid confusion. I recommend policy BE3 should be renamed on this basis.

82. The term “*within the District Centre*” is not adequately explained. I therefore recommend modification so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

83. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>37</sup>

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<sup>37</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

84. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; requiring good design; promoting healthy communities; and conserving and enhancing the historic environment. Subject to the recommended modification this Policy meets the basic conditions.

**Recommended modification 3:**

**Rename Policy BE3 as “District Centre Development Character” and in the policy text after “District Centre” insert “as defined on Figure 14”**

**Policy BE4 Sheer House Complex Development**

85. This policy seeks to establish conditional support for the redevelopment of the Sheer House Complex.

86. Historic England has welcomed and supported Policy BE4 as being in accordance with paragraph 58 of the Framework which refers to the need to develop an understanding and evaluation of the defining characteristics of an area. Another representation expresses support for the policy but states any redevelopment should be no more than five storeys, and that 225 units is too many. Other representations support the policy including height limitation to no more than 5-6 storeys, and in two cases to no more than 5 storeys. One representation states that finding the right solution to replacing Sheer House should be the number one priority of the Plan.

87. Another representation, on behalf of a client that controls the land of the Sheer House Complex, states a reduction in scale below that identified in the Woking Design SPD would not only restrict the level of public open space that could be provided, but would also compromise the viability of the development. The representation proposes deletion of the policy reference to reduction of the scale and massing of the development, and insertion of the term “*being of an appropriate scale and massing*”. The representation also proposes the policy should use the term “*where appropriate broadly comply*” when referring to compliance with the Woking SPD on building heights for West Byfleet. Use of the terms “*appropriate*” and “*where appropriate*” in those contexts would not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

88. The policy refers to the Woking SPD on building heights for West Byfleet and includes a quote from that document stating “*new proposals should accommodate medium scale buildings (c 5-6 storeys) in a clear block structure with good public space.*” The Borough Council recommends use of the title ‘Design SPD’, and reference to local character assessment within the Neighbourhood Plan. The Borough Council also considers that the policy conflicts with the policy objectives of the Core Strategy and could undermine the delivery of the Site Allocations DPD, and recommends the prescriptive element of the policy is removed. I consider the policy is in general conformity with the strategic policies contained in the development plan however I agree that the policy should avoid unnecessary prescription in accordance with paragraph 59 of the Framework, and should use a document title recognised by the Borough Council. A requirement for development proposals to clearly demonstrate their quality based on the principles set out in the Design SPD and those set out in the Neighbourhood Plan local character assessment allows innovation, originality and initiative in design, that will reinforce local distinctiveness, and provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have recommended modification in these respects.
89. Use of the term “*support in principle*” in the policy introduces uncertainty. I have recommended a modification to use the term “support” so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
90. Footnote 36 provides a description of what comprises the Sheer House Complex. Additional description is also found in Section 2.4 of the Submission Plan. There is however some potential for misunderstanding. Clarity would be achieved by showing the extent of the Sheer House Complex on Figure 14.
91. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the policy does properly seek to promote or reinforce local distinctiveness. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known

locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>38</sup>

92. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; requiring good design; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 4:**

**Replace Policy BE4 with “The redevelopment of the Sheer House Complex will be supported provided the redevelopment of the site will have a positive effect on the area’s townscape character and adjacent Conservation Areas. Development proposals should clearly demonstrate how the scheme will achieve high quality and inclusive design that creates a sense of place and a high quality public realm based on the principles set out in the Design SPD, and in the local character assessment within the Neighbourhood Plan”**

**Include reference to a map within the Neighbourhood Plan that defines the boundaries of the Sheer House Complex.**

**Policy BE5 Elderly Accommodation**

93. This policy seeks to establish conditional support for proposals to develop residential accommodation for retired and elderly people.
94. A representation states strong agreement with the policy as a good quality retirement scheme could free up housing stock for families whilst retirees would not have to move out of the area.
95. The Borough Council has suggested use of the term “*older people*” in that retirement can occur at different ages. I agree the term “*older people*” provides a more practical framework for parties preparing proposals and for decision takers.
96. The term “*in close proximity to, and easily accessible to/from, the West Byfleet village centre*” is not adequately explained. The term District Centre is used extensively throughout the Neighbourhood Plan. Consistent use of the term District Centre would assist clarity of intention. I therefore

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<sup>38</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

recommend modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. Whilst the terms “*in close proximity*” and “*easily accessible*” are imprecise I am satisfied that in the context of schemes to provide accommodation for the elderly, together, they offer sufficient guidance to parties preparing development proposals and to decision makers.

97. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>39</sup>

98. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; promoting sustainable transport; requiring good design; promoting healthy communities; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 5:  
In Policy BE5**

- **delete “village centre” and insert “District Centre”**
- **delete “retired and elderly” and insert “older”**

**Policy BE6 Residential Parking Provision**

99. This policy seeks to establish residential parking provision requirements for residential development.

100. A representation states the Parking Standards SPD takes a blanket approach across the entire Borough and that the standards are currently under review. The Sheer House development proposal is described as mixed use reducing the need for future residents to travel, and in a sustainable location with direct access to a railway station and bus service to Woking Town Centre. Other representations support the need for more off-street parking facilities with reference to high car ownership levels in the area. Another representation states requirements may be reduced in

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<sup>39</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

exceptional circumstances such as retirement schemes, or extensions to existing houses.

101. The Framework states that *“If setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

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

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

102. The policy is not directed at the overall national need to reduce the use of high-emission vehicles nor to influence a shift to non-car modes of transport as Policy CS18 of the Core Strategy does. The analysis of housing character zones presented in section 2.3.1 of the submission plan includes reference to off-street parking provision in several areas, and section 2.3.2 sets out a statement of contributory factors that explain why the availability of parking has become a major issue locally.

103. The Borough Council state the Parking Standards SPD is in process of being updated. The Council has suggested reference should be made to the WBC Parking Standards SPD but that the actual standards should not be stated. It is suggested this signposting approach would future proof the policy, rather than repeating the current SPD standards, which may change over the plan period. In order to provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework policies should wherever possible be self-contained and not require reference to other documents. I have recommended reference to the Parking Standards SPD is deleted and that flexibility is introduced so as to accommodate a changing strategic context and particular characteristics of a development proposal.

104. The policy includes the imprecise term *“should seek to meet”*. I have recommended flexibility is achieved in a more precise way so that the policy states that the stated standards should be met unless it can be clearly demonstrated that reduced parking provision is adequate due to the nature of residential development or it being in a sustainable location. I recommend modification of the policy in order to require proposals to demonstrate acceptability where the policy standards of provision are proposed to be varied. Consideration of the nature of a residential



development proposal will include the type of development and car ownership levels. Accessibility and availability of public transport will also require consideration.

105. The term “*The Area*” is not adequately explained. All of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless they specify a precise spatial extent of application. It is counter to the achievement of clarity for one policy to include the term “*The Area*”. I therefore recommend modification so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

106. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>40</sup>

107. The policy does have regard to aspects of the component of the Framework concerned with setting local parking standards. The policy also has regard to the component of the Framework concerned with requiring good design. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification indicated this policy meets the basic conditions.

**Recommended modification 6:  
In Policy BE6**

- **delete “in The Area”**
- **delete “as set out in the WBC Parking Standards SPD”**
- **after “3 car spaces” continue “unless it can be clearly demonstrated that alternative requirements are necessary due to the nature and accessibility of residential development or the availability of public transport.”**

**Policy BE7 Flood Prevention**

108. This policy seeks to establish support for a sequential, risk based approach in line with national policy to avoid flood risk in areas of new development.

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<sup>40</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

109. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding however it does not provide an additional level of detail and/or a distinct local approach. Paraphrasing national policy is not consistent with the achievement of a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. This policy does not meet the basic conditions. I recommend the policy is deleted.

**Recommended modification 7:  
Delete Policy BE7**

**Policy CE1 District Centre Development**

110. This policy seeks to establish support for development that contributes to the vitality and viability of the District Centre.

111. The Borough Council has suggested Policy CE1 and Policy BE3 should be merged or that one of the policies is renamed to avoid confusion. I have earlier in my report recommended Policy BE3 should be renamed on this basis.

112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>41</sup>

113. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and ensuring the vitality of town centres. This policy meets the basic conditions.

**Policy CE2 Retail Space**

114. This policy seeks to resist loss of retail space through change of use of ground floor shop units, and requires any development to include a predominance of smaller retail units of up to 200 sqm.

115. The Borough Council propose that the policy should be amended to reflect the intent of paragraph 23 of the Framework; and the Core

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<sup>41</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

Strategy, in particular Policy CS3; and the provisions of the General Permitted Development Order. I agree that clarification is necessary in this respect so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. It is unnecessary to state “*where planning permission is required*” in a policy as policies only apply where planning permission is required.

116. The Core Strategy, in particular Policy CS3: West Byfleet District Centre states that A1 retail uses will be focused in the Primary Shopping Area and that the change of use of A1 retail units will be permitted where this would not have significant harmful effects on the Primary Shopping Area, crime and disorder, or the vitality and viability of the centre. Therefore, whilst the Core Strategy seeks to protect existing A1 units in the District Centre, Policy CS3 does allow for some change of use developments provided the specific requirements of the policy are met. I have recommended a modification so that the policy is in general conformity with strategic policy.
117. The Borough Council also states there does not appear to be any evidence to support the policy requirement of a predominance of retail units of less than 200 sqm. A representation on behalf of a client that controls land comprising the Sheer House Complex states flexibility is required to address the ever-changing retail market. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken*”. The requirement for a predominance of retail units of less than 200 sqm is not adequately justified. I have therefore recommended this element of the policy is modified so as to express support rather than state a requirement.
118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>42</sup>
119. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and ensuring the vitality of town centres. Subject to the recommended modification this policy meets the basic conditions.

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<sup>42</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

**Recommended modification 8:**

**Replace Policy CE2 with “Proposed development within the District Centre that results in the loss of retail (Class A1) space through the change of use of ground floor shops will only be supported where it is demonstrated the proposal will not have significant harmful effects on the primary shopping area or on the vitality and viability of the District Centre. Proposals that include a predominance of smaller retail units of up to 200 sqm will be supported”**

**Policy CE3 Sheer House Complex Mixed Use Development**

120. This policy seeks to establish that any development proposal for the Sheer House Complex should be a mixed-use scheme to provide office accommodation and no less retail space than existing, together with housing above ground floor level.
121. A representation states the redevelopment of Sheer House should retain the library. Whilst Policy S&C4 establishes support for enhancement of library facilities this is not site specific. Paragraph 173 of the Framework requires careful attention to viability and costs in plan making. In the absence of any evidence in this respect it is inappropriate to include obligations to apply to a redevelopment scheme. The Core Strategy, in particular CS3: West Byfleet District Centre states that A1 retail uses will be focused in the Primary Shopping Area and that the change of use of A1 retail units will be permitted where this would not have significant harmful effects on the Primary Shopping area, crime and disorder or the vitality and viability of the centre. Therefore, whilst the Core Strategy seeks to protect existing A1 units in the District Centre, the policy does allow for some change of use developments provided the specific requirements of the policy are met. I have recommended a modification so that the policy is in general conformity with strategic policy. Policy CE2 establishes a policy approach to proposals resulting in a loss of retail space in the District Centre. I have recommended a modification of Policy CE3 that reflects the approach of Policy CE2.
122. A representation on behalf of a client that controls land comprising the Sheer House Complex states the policy should be reworded to provide sufficient flexibility to respond to office market conditions. The representation states the final level of office space to be delivered will be subject to viability at the time, and the policy should acknowledge this. I have recommended a modification to this effect on the basis paragraph 173 of the Framework requires careful attention to viability in plan-making.

123. The Borough Council has suggested all policies referring to Sheer House are amalgamated. Whilst I do not disagree with this suggestion it is not necessary to meet the basic conditions and therefore I am unable to recommend such a modification.

124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy does not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>43</sup>

125. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

#### **Recommended modification 9:**

##### **In Policy CE3**

- **after “office accommodation” insert “(unless it can be demonstrated it would not be viable to do so)”**
- **after “no less retail space than existing” insert “unless it can be demonstrated the loss of retail (Class A1) space through the change of use of ground floor shops will not have significant harmful effects on the primary shopping area, or on the vitality and viability of the District Centre”**

#### **Policy CE4 Business Continuity**

126. This policy seeks to establish that any development proposal for the Sheer House Complex should take account of prior consultation with The Forum and the West Byfleet Business Association and include where practical, continuity of existing business activities throughout the development period.

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<sup>43</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

127. A representation on behalf of a client that controls land comprising the Sheer House Complex states the policy is too prescriptive and should allow greater flexibility if the redevelopment of the Sheer House Complex is to be delivered. The representation also proposes the policy should state “*the applicant should, where possible, assist the Council to relocate key uses currently on site (such as the library and post office) during the construction phase.*” Inclusion of the imprecise terms “*where possible*”, “*assist*”, and “*such as*” would make such a modification inappropriate as the policy would not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework
128. The Borough Council has suggested that the policy is amended to highlight that the emphasis should be for the redevelopment of the site to take account of the Neighbourhood Plan and the policies therein and that developers are encouraged to engage with the Forum and West Byfleet Business Association. Reference to the other policies of the Neighbourhood Plan is not consistent with the creation of a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The requirement for development proposals to take account of prior consultation with The Forum and the West Byfleet Business Association relates to process actions rather than policy for the development and use of land, and is imprecise with respect to the use of the term “*take account of*”. There are other reasons why the Neighbourhood Plan must be modified in respect of this policy in order to meet the basic conditions. Names, or indeed relevant stakeholders themselves, may change over the plan period and it is inappropriate for a policy to rely on the actions of organisations where there is no certainty that they will be fulfilled throughout the plan period.
129. The policy includes provision relating to business continuity where practicable. The term “*where practicable*” is imprecise and does not provide a basis for decision making as required by paragraph 17 of the Framework. Business continuity is dependent on a wide range of factors many of which are beyond the scope of neighbourhood plan policies. Paragraph 173 of the Framework requires careful attention to viability and costs in plan making. Sites must not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. I have recommended a modification so that the policy requires development proposals to demonstrate that viable opportunities to avoid adverse effect on business continuity have been incorporated in the scheme.

130. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>44</sup>
131. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and ensuring the vitality of town centres. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 10:**

**Replace Policy CE4 with “To be supported development proposals relating to the Sheer House Complex must demonstrate that viable opportunities to avoid adverse effect on business continuity have been incorporated in the scheme.”**

**Policy CE5 Public Amenity Provision**

132. This policy seeks to establish that redevelopment of the Sheer House Complex should provide for the continuing provision of named public amenities.
133. A representation on behalf of a client that controls land comprising the Sheer House Complex states the policy is too prescriptive and should allow greater flexibility if the redevelopment of the Sheer House Complex is to be delivered. The representation proposes deletion of the requirement for a Sheer House Complex redevelopment scheme to provide for the continuing provision of the public library; the Post Office; dispensing chemists and other essential services; and public toilets. Paragraph 173 of the Framework requires careful attention to viability and costs in plan making. Sites must not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Whilst public amenity provision is a matter for service providers I am satisfied it is appropriate for development proposals to be required to provide opportunities for service provision. I have recommended a modification so that the policy requires development proposals to demonstrate that viable opportunities for the continuing provision of named amenities have been provided. The representation also proposes the policy should state after

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<sup>44</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

reference to new public space *“use of the space for markets and small public outdoor events will be encouraged”*. It is not within my role to recommend additional aspects of policy unless they are required to meet the basic conditions. The proposed addition is not required to meet the basic conditions and therefore I have not recommended a modification to this effect.

134. The Borough Council has suggested this policy should be combined with the other policies relating to the Sheer House Complex. Such an approach is not necessary to meet the basic conditions. The Borough Council also suggests the reference to new pedestrian space is repetitive of Policy BE4. I am satisfied policies CE5 and BE4 serve different purposes and are complimentary.

135. The term *“and other essential services”* is imprecise and does not provide a basis for decision making as required by paragraph 17 of the Framework. I have recommended a modification in this respect.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>45</sup>

137. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 11:  
In Policy CE5**

- **Delete “Redevelopment of the SHC should provide” and insert “To be supported, proposals for the redevelopment of the Sheer House Complex must, subject to viability, provide opportunity”**
- **delete “and other essential services”**

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<sup>45</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making



## Policy CE6 Sheer House Complex Parking Provision

138. This policy seeks to establish that the current level of off-road car parking provision available to shoppers and visitors in the Sheer House Complex redevelopment should not be reduced.
139. A representation states the 66 spaces that currently exist are inadequate and the number should be increased. Another representation on behalf of a client that controls land comprising the Sheer House Complex states the policy should allow greater flexibility by inclusion of the term “*unless otherwise agreed*”. A modification of this nature is not acceptable as it introduces uncertainty and the policy would no longer provide a practical framework for decision making as required by paragraph 17 of the Framework. Such a modification is in any case unnecessary as decision makers faced with proposals are required to consider not only the Development Plan but also material considerations.
140. The Borough Council has suggested this policy should be combined with the other policies relating to the Sheer House Complex or with other policies which relate to parking standards or provision. Such an approach is not necessary to meet the basic conditions.
141. The Borough Council also suggests the policy could be enhanced by referring to existing and future parking needs. Such an adjustment of the Policy is not necessary to meet the basic conditions. Paragraph 39 of the Framework sets out the factors that Local Planning Authorities should take into account when setting local parking standards for non-residential development. Paragraph 40 of the Framework encourages Local Planning Authorities to seek improvement in the quality of town centre parking provision. The Framework is silent with respect to the role of Qualifying Bodies in these matters when preparing Neighbourhood Plans.
142. The analysis of housing character zones presented in section 2.3.1 of the submission plan includes reference to the extremely limited nature of off-street parking provision in the district centre zone, and section 2.3.2 sets out a statement of contributory factors that explain why the availability of parking has become a major issue locally with specific reference to the district centre and concerns regarding the redevelopment of the Sheer House Complex in particular. The Neighbourhood Plan identifies parking as a major issue in West Byfleet being “*one of the most frequently mentioned concerns of residents and local businesses*”, and the Basic Conditions Statement refers to congestion arising from vehicles “*driving around in search of a space*”. The approach of the policy is appropriate in this context.

143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>46</sup>
144. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and ensuring the vitality of town centres. This policy meets the basic conditions.

### **Policy I1 Air Quality Assessment**

145. This policy seeks to establish that proposals for major development should be supported by an Air Quality Assessment or Statement to determine the impact of additional vehicle movements within the Area.
146. The Borough Council has stated the policy does not undermine strategic policy.
147. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The 'Guidance on Information Requirements and Validation' document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include *'information to accompany the application as specified by the local planning authority on their local list of information requirements'*. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain *'relevant, necessary and material'*. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application. The policy is seeking

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<sup>46</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

to establish information requirements relating to major planning applications outside the statutory framework.

148. Paragraph 124 of the Framework states “*Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.*” Policy I1 merely requires submission of information and does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. This policy does not meet the basic conditions. I recommend it is deleted.

**Recommended modification 12:  
Delete Policy I1**

**Policy I2 District Centre Parking Provision**

149. This policy seeks to establish that proposals for development within the District Centre should include the provision of parking spaces for shoppers and retailers in addition to those reserved for residents. The policy states guidance on the number of spaces should be sought from the Borough Council but must equate to at least the current level and should be adequate to prevent unacceptable displacement on street.

150. The Borough Council has suggested the policy is combined with the other parking policies of the Neighbourhood Plan. Such an approach is not necessary to meet the basic conditions. The Borough Council also suggests the policy should be amended to provide clarity with respect to the type of developments that should provide parking spaces for shoppers and retailers. I have recommended a modification in this respect.

151. Paragraph 39 of the Framework sets out the factors that Local Planning Authorities should take into account when setting local parking standards for non-residential development. The Framework states that “*If setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

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

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

152. The policy is not directed at the overall national need to reduce the use of high-emission vehicles nor to influence a shift to non-car modes of transport as Policy CS18 of the Core Strategy does. Paragraph 40 of the Framework encourages Local Planning Authorities to seek improvement in the quality of town centre parking provision. The Framework is silent regarding the role of Qualifying Bodies with respect to these matters when preparing Neighbourhood Plans. The Neighbourhood Plan identifies parking as a major issue in West Byfleet being “*one of the most frequently mentioned concerns of residents and local businesses*”, and the Basic Conditions Statement refers to congestion arising from vehicles “*driving around in search of a space*”. Section 2.3.2 of the submission plan sets out a statement of contributory factors that explain why the availability of parking has become a major issue locally. In particular aspects of deficiency of parking provision in the District Centre are presented.
153. The seeking of guidance from the Borough Council is a process not a policy matter. I therefore recommend modification so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
154. The policy includes the imprecise term “*unacceptable*” that requires modification so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework, and is in any case insufficiently evidenced. I recommend modification of the policy in order to require proposals to demonstrate acceptability in that they will not result in on-street parking to the detriment of highway safety or adverse impact on the character of the area.
155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>47</sup>

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<sup>47</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

156. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres and has regard to aspects of the component of the Framework concerned with setting local parking standards. Account has been taken of accessibility and local car ownership levels. The policy also has regard to the component of the Framework concerned with requiring good design. Subject to the modifications indicated this policy meets the basic conditions.

**Recommended modification 13:**

**Replace Policy I2 with “Proposals for development within the District Centre must include provision of parking spaces for shoppers, retailers, and residents and must demonstrate that they will not result in on-street parking to the detriment of highway safety or adverse impact on the character of the area”**

**Policy I3 Pedestrian and Cycle Facilities**

157. This policy seeks to establish major developments should be designed to improve facilities for pedestrians and cyclists and encourage travel by foot or cycle.

158. The Borough Council has recommended that major development is defined. I have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>48</sup>

160. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this Policy meets the basic conditions.

**Recommended modification 14:**

**In Policy I3 include a reference to footnote 39 of the Neighbourhood Plan**

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## **Policy I4 Wastewater and Sewerage Infrastructure**

161. This policy seeks to establish that developers should demonstrate adequate wastewater and sewerage capacity to serve a proposal.
162. The Borough Council has recommended the term “*developers*” is clarified. In particular, it is not clear whether the policy should apply to small scale development including householder proposals. I agree the term developers introduces uncertainty and have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. It is beyond my role to introduce any threshold above which the Policy should apply.
163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>49</sup>
164. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this Policy meets the basic conditions.

### **Recommended modification 15:**

**In Policy I4 delete “Developers” and insert “Development proposals”**

## **Policy I5 Pylons**

165. This policy seeks to establish that where practical and viable the removal of electricity pylons and replacement with underground cabling will be supported.
166. The Borough Council has recommended new developments near overhead power cables should be designed in accordance with ‘A sense of place design guidelines’ rather than relocating cables underground. The Policy does not relate to other development but merely seeks to support proposals to remove pylons and replace them with underground cables.

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<sup>49</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

The term “*where practical and viable*” is however imprecise so that the policy does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The policy has not been adequately justified. This Policy does not meet the basic conditions. I recommend it is deleted.

**Recommended modification 16:  
Delete Policy I5**

**Policy OS1 Green Belt**

167. This policy seeks to robustly protect the integrity and purpose of the Green Belt.

168. A representation states “*Currently, the draft WBNP policy OS1 states that the Neighbourhood Plan seeks to “robustly protect the integrity and purpose of the Green Belt as set out in the NPPF, the WBC Core Strategy and the Natural Woking strategy”, however it makes no reference to the emerging SADPD. Our suggestion therefore would be to make a minor change to the wording of draft policy OS1 to recognise the emerging SADPD so that the Neighbourhood Plan seeks to “robustly protect the integrity and purpose of the Green Belt as set out in the NPPF and in line with the policies of the WBC Core Strategy, the Natural Woking strategy and Site Allocations Development Plan Document”. This will enable draft policy OS1 to remain consistent with the current and emerging strategic policies of the local Development Plan. This is important as any inconsistency could mean that the Neighbourhood Plan is deemed out of date (and, therefore, its policies and objectives not relevant) when planning applications for development are considered by the Council’s Development Management team.*”

169. The Borough Council has stated the policy to some degree repeats national and local Green Belt policy. The policy does merely repeat national and local strategic policy and does not add an additional level of detail and/or a distinct local approach. Reference to the Natural Woking strategy as a whole does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. This policy does not meet the basic conditions. I recommend it is deleted.

**Recommended modification 17:  
Delete Policy OS1**

## Policy OS2 Local Green Space

170. This policy seeks to designate six areas as Local Green Space.
171. A representation states there is little open space in the area so the existing open space must be protected. Another representation states *“For the policy to be considered in accordance with the Framework it should state the circumstances upon which development of these sites would be permitted, as it does not there is not enough information for a decision maker to be able to apply the policy and it should be deleted from the Plan.”* The Framework states at paragraph 76 *“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”* I have recommended a modification to the policy so as to provide an example of development that may be regarded as very special circumstances so that the policy provides a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
172. The Borough Council has suggested reference is made to the Site Allocations DPD in relation to the West Byfleet Junior and Infants School playing fields where the fields are allocated *“for open space associated with an educational use.”* I have not recommended a modification in this respect as there is no conflict between the two Plans. Designation as Local Green Space does not introduce any rights of access or use.
173. The Borough Council also states that the policy should be considered against the Byfleet Corner Concept Plan and Policy S&C6. It is not necessary for a Local Green Space designation to be considered against any potential future plan for Byfleet Corner or any future funding allocation.
174. The Borough Council suggest a minor wording change that would avoid stating Local Green Space in respect of each designation and also suggest a change of format. These changes are not necessary to meet the basic conditions.
175. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and*



*other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*

176. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

177. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find the intended Local Green Space designations relate to green space that is in reasonably close proximity to the community it serves; and the green area is local in character and is not an extensive tract of land.

178. I now consider whether there is sufficient evidence for me to conclude that the six areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. Section 2.6.1 of the Neighbourhood Plan includes information relating to the size and use of each of the areas proposed for designation as Local Green Space and includes a map showing the boundaries of each area concerned. Appendix 6 of the Neighbourhood Plan includes a brief statement of value of each Local Green Space to the local community.

179. The submission Neighbourhood Plan and supporting documentation offer sufficient evidence for me to conclude the areas proposed for

designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>50</sup> All necessary requirements are met in respect of the designation of each of the six proposed areas of Local Green Space. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 18:**

**In Policy OS2 continue “for example, it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.”**

**Policy OS3 Wildlife and Plant Habitats**

180. This policy seeks to establish support for the protection and/or enhancement of three locations of special interest for wildlife and plant habitats. It is further provided that development should not harm the SSSI or Ancient Woodland and should maintain and, where possible, improve the connectivity provided by wildlife corridors.
181. The Borough Council has suggested maps and supporting information should be presented below the policy. This change of format is not necessary to meet the basic conditions and is therefore beyond my remit.
182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>51</sup>
183. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This Policy meets the basic conditions.

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<sup>50</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

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## **Policy OS4 Trees and Hedges**

184. This policy seeks to establish that development proposals should retain mature trees wherever possible and removal of any trees or hedges should be justified and be replaced.
185. A representation states the retention of large trees is important along entry roads to West Byfleet.
186. The Borough Council states the policy is to some degree repetitive of existing policies and has suggested inclusion of a statement that further advice should be sought from the Borough Council. I consider the policy does provide an additional level of detail and a distinct local approach to that set out in the strategic policy without undermining that policy. The inclusion of a procedural statement is not appropriate as the policy must provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
187. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations. The Neighbourhood Plan does not seek to introduce an alternative regime of protection of hedges but requires justification for any proposed loss.
188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>52</sup>
189. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the basic conditions.

## **Policy OS5 Access**

190. This policy seeks to establish support for protection and improvement of existing footpaths and cycle routes, and establish support for new provision especially where these form part of a wider network.

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<sup>52</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

191. The Borough Council has stated the policy is to some degree repetitive of existing policies. The policy does provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
192. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>53</sup>
193. The policy has regard to the components of the Framework concerned with promoting sustainable transport. This policy meets the basic conditions.

### **Policy S&C1 Village Hall**

194. This policy seeks to establish support for proposals for the development of a new village hall.
195. A representation states redevelopment of Sheer House should consider incorporating a village hall as part of the village square complex.
196. The Borough Council has suggested that reference is made to proposals being in accordance with the Development Plan. Once made the Neighbourhood Plan will form part of the Development Plan to apply in the area. Cross referencing of policies is not necessary
197. The Borough Council recommend Policy S&C1, Policy S&C2, Policy S&C3, and Policy S&C4 are combined to make the Plan more user friendly. I have not made a recommendation in this respect as it is not necessary to meet the basic conditions.
198. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy

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<sup>53</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>54</sup>

199. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

### **Policy S&C2 Built Facilities for Youth Groups**

200. This policy seeks to establish support for proposals for the improvement of built facilities for Scouts, Guides and associated groups.

201. One representation states particular support for this policy.

202. The Borough Council has suggested that reference is made to proposals being in accordance with the Development Plan. Once made the Neighbourhood Plan will form part of the Development Plan to apply in the area. Cross referencing of policies is not necessary.

203. The Borough Council recommend Policy S&C1, Policy S&C2, Policy S&C3, and Policy S&C4 are combined to make the Plan more user friendly. I have not made a recommendation in this respect as it is not necessary to meet the basic conditions.

204. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>55</sup>

205. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

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### **Policy S&C3 Sporting and Recreational Facilities**

206. This policy seeks to establish support for the provision of new sporting and recreational facilities and the enhancement of existing public recreation facilities.
207. The Borough Council has suggested that reference is made to proposals being in accordance with the Development Plan. Once made the Neighbourhood Plan will form part of the Development Plan to apply in the area. Cross referencing of policies is not necessary.
208. The Borough Council recommend Policy S&C1, Policy S&C2, Policy S&C3, and Policy S&C4 are combined to make the Plan more user friendly. I have not made a recommendation in this respect as it is not necessary to meet the basic conditions.
209. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>56</sup>
210. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

### **Policy S&C4 Library Facilities**

211. This policy seeks to establish support for the enhancement of library facilities and the provision of additional community facilities.
212. A representation stresses the importance of the library. Another representation on behalf of a client that controls land comprising the Sheer House Complex states the policy should be re-titled and reworded to refer to provision of additional community facilities and not refer specifically to library facilities. It is stated Surrey County Council has responsibility to determine and implement a library strategy. In seeking to establish support for the enhancement of library facilities and the provision of additional community facilities the policy does not conflict with or seek to limit the

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<sup>56</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

responsibilities of the County Council. The representation also proposes reference to Policy CS19 of the Core Strategy. Such cross referencing of policies between parts of the Development Plan is unnecessary. The representation also proposes that the Policy should state “*The form of the community facilities will be agreed with Woking Borough Council in consultation with The Forum and West Byfleet Business Association.*”

There are three reasons why this proposed modification is inappropriate:

1. Matters included in these actions do not relate directly to the development and use of land and as such cannot serve a role in the determination of planning applications;
2. Names, or indeed relevant stakeholders themselves, may change over the plan period;
3. It is inappropriate for a policy to rely on the actions of organisations where there is no certainty that they will be fulfilled throughout the Plan period.

213. The Borough Council has suggested that reference is made to proposals being in accordance with the Development Plan. Once made the Neighbourhood Plan will form part of the Development Plan to apply in the area. Cross referencing of policies is not necessary.

214. The Borough Council recommend Policy S&C1, Policy S&C2, Policy S&C3, and Policy S&C4 are combined to make the Plan more user friendly. I have not made a recommendation in this respect as it is not necessary to meet the basic conditions.

215. The term “*community facilities*” is used in paragraph 70 of the Framework to describe a range of facilities and services that serve a community’s needs.

216. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>57</sup>

217. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

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<sup>57</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

## **Policy S&C5 Community Facilities Parking Provision**

218. This policy seeks to establish that new social and community facilities should demonstrate suitable and reasonable access to car parking provision.
219. The Borough Council has suggested that reference should be made to the Woking Parking Standards SPD and the policy is amended to provide clarity whether the policy applies to new facilities only. It is alternatively suggested that the policy is combined with the other parking policies. It is beyond my role to recommend reference is made to the SPD or that policies are combined. The policy relates to all new social and community facilities and does not differentiate between new facilities on a site currently used for community facilities or new facilities on a site not currently used for community facilities.
220. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>58</sup>
221. The policy has regard to the components of the Framework concerned with promoting sustainable transport and requiring good design. This policy meets the basic conditions.

## **Policy S&C6 CIL Projects**

222. This policy seeks to establish that funds collected under the provisions of the community element of CIL will be targeted at named schemes.
223. The preparation of a Neighbourhood Plan provides an appropriate opportunity for a community to agree a list of projects that would be funded through the community element of CIL.
224. The policy is in general conformity with the strategic policies contained in the Development Plan for the area, the Woking Core Strategy Adopted

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<sup>58</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making



October 2012 (known locally as Woking 2027), and the Development Management Policies adopted October 2016.<sup>59</sup>

225. The policy has regard to the components of the Framework concerned with promoting healthy communities and promoting sustainable transport. This policy meets the basic conditions.

## Summary and Referendum

226. I have recommended 18 modifications to the Submission Version Plan. I have also made a recommendation for modification of the Neighbourhood Plan in the Annex below.

227. I am satisfied that the Neighbourhood Plan<sup>60</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

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<sup>59</sup> The Proposals Map adopted October 2016 is the spatial illustration of the policies of the Development Plan and is a material consideration in decision making

<sup>60</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>61</sup>

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

228. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>62</sup> I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Borough Council as a Neighbourhood Area on 27 March 2014.**

#### Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>63</sup> The Neighbourhood Plan has been produced to a very high standard and appears to be free from errors that are typographical in nature. There are however adjustments necessary to correct errors of fact or to achieve greater clarity as follows:

The Borough Council considers the text at paragraph 2.4 of the Neighbourhood Plan undermines Core Strategy Policy CS15. I agree that a modification of that text is necessary in order to achieve general conformity. I recommend that the words “tip of some 4 ha which is unlikely to be developable in the medium term due to contamination” are replaced by “Site. This 4ha site is likely to be contaminated due to previous land uses. Any development of the site should seek to address this particular issue.”

The Borough Council also state: reference to the Broadoaks site should be updated to reflect planning permission PLAN/2015/0987; the summary of key characteristics of the area should refer to the Environment Agency rather than the Agency; and that it should be explained that references to “*District Centre*” and “*Village Centre*” are to the same geographic area.

If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy nevertheless a number of consequential modifications to the general text of the

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<sup>61</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>62</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>63</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 19:  
Modification of the general text of the Neighbourhood Plan will be necessary to achieve consistency with the modified policies; to achieve greater clarity; to correct errors; and resulting from updates.**

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18 May 2017  
REPORT ENDS