

Mr J. Slater
Sent via email only:
johnslaterplanning@gmail.com

Katherine Dove
Principal Planning Officer (Policy)
E-mail: Katherine.dove@waverley.gov.uk
Direct line: 01483 523172
Calls may be recorded for training or monitoring
Date: 28/02/2022

Dear Mr Slater,

Ewhurst and Ellens Green Neighbourhood Plan: Response to the Examiner's Initial Questions

Thank you for your email of 7 February 2022 setting out your initial questions regarding the above neighbourhood plan.

The Borough Council has provided answers to questions 5, 10, 14, 15, 16, 18, 19, 20, 21, 22, 24 and 25. The remainder of the questions will be answered by the Parish Council.

Q5. Can Waverley Borough Council confirm which of the Local Plan policies, are for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

The Council can confirm that all policies within the adopted Local Plan Part 1 (LPP1) are strategic policies that the neighbourhood plan should be in general conformity with for the purpose of the basic conditions.

Q10. Can the Borough Council comment on whether other policies which require viability and marketing information to be submitted, include policy requirements that the cost should be borne by the applicant? Could an application be refused, if an applicant chose not to pay for the separate review of the report(s) they had produced”?

We do not set out in policy a specific requirement for applicants to pay the cost of an independent review of a viability assessment. However, the Council's validation checklist confirms the applicant is required to pay for an independent review of their viability assessment.

The Council could not refuse a planning application if an applicant refused to pay for a separate review of the reports they had produced.

Q14. I note that the Borough Council, in its Regulation 16 submission, questioned who would be expected to have the expertise to assess a proposal against Building for a Healthy Life principles. Can I ask, having regard to paragraph 133 of the NPPF, whether it has access to resources to assess the quality of development having regard to the principles of that document.

The Council notes the requirements of paragraph 133 of the NPPF concerning Buildings for a Healthy Life principles. The Council's concern relates to how the Policy could be implemented in terms of additional officer time associated with assessing proposals and resources associated required for the assessment.

Q15. I note that the plan proposes that the site of Sayers Croft is designated as a non-designated heritage asset. I need to be satisfied that all the buildings on the site deserve to be treated as heritage assets. Are all the buildings on the site the original buildings dating from its development in 1940 as an evacuation school or are there some more recent buildings? The planning history lists a significant amount of new development. As some buildings on the site are listed in their own right, it would not be appropriate to include them as non-designated heritage assets as listing has a higher status and offers greater degree of protection. A building cannot be a non-designated heritage asset at the same time as being a designated heritage asset! Similarly, it would not be sensible to confer heritage status on recent buildings with no particular heritage significance.

From looking at the planning history of the buildings on the site, some of the buildings were granted planning permission after 1940. Ewhurst and Ellens Green Parish Council are intending to provide further information in relation to this question.

Q16. It does seem that a more logical solution would be to designate the remaining unlisted, but original buildings on the site as non-designated heritage assets. I would be interested in the Borough Council's Conservation Officer's views as to which buildings on the site should be designated under this policy. Alternatively, does the Borough Council have a view on the suggestion that the site should be designated as a Conservation Area?

The Council's Conservation Officer agrees with your suggestion that the remaining unlisted original buildings would hold sufficient significance to be considered for designation.

The Council's Conservation Officer has provided an extract from a c.1961 map which they have advised should provide an indication of the original buildings.

In terms of whether or not the site should be designated as a Conservation Area, the Council would need to carefully consider this option.

Q18. Can the Borough Council explain, under present arrangement, when it requires an

early assessment of the likelihood of there being archaeological remains under the provisions of paragraph 192 b) of the NPPF. Does it cover the whole parish or just some specific areas of likely interest?

The Council requires an early assessment of the likelihood of archaeological remains in areas of archaeological potential as identified on the Council's interactive map and on application sites of 0.4ha or more.

There are several areas within the Parish covered by this designation and a map is attached showing the areas within the parish of Ewhurst and Ellens Green.

Q19. Can the Borough Council confirm under what circumstances does the local Validation List require a Heritage Statement to be submitted?

The local validation list requires a Heritage Statement to be submitted for:

- Applications for Listed Building Consent
- Applications either related to, or impacting on, the setting of heritage assets
- Applications within, or adjacent to, a conservation area;- excluding advertisement applications and changes of use with no alterations to elevations

The term 'heritage assets' includes:

- Listed Buildings,
- Conservation Areas,
- Buildings of Local Merit,
- Areas or Sites of High Archaeological Potential,
- County Sites of Archaeological Importance,
- Scheduled Ancient Monuments,
- Registered Parks and Gardens,
- Non designated heritage assets

Q20. Again, can the Borough Council confirm under what circumstances does the local Validation List require a Biodiversity Appraisal to be submitted?

As a first step, applicants are required to complete a Biodiversity Checklist and submit this with their planning application. A copy of the biodiversity checklist is attached. If the applicant has answered yes to any of the questions in the checklist a biodiversity appraisal will be required. There are a few exceptions as set out on page 7 of the checklist. The Validation Checklist also states a biodiversity appraisal will not be required in the following circumstances:

- Change of use where there is no operational development.
- Applications under Section 73 (variation or removal of a planning condition)
- Listed building Application

- Certificates of Lawfulness
- Advertisements

21. Does the Borough Council have a view on the introduction of a 10% net biodiversity gain and funding of post development management in advance of the implementation of the provisions of the Environment Act? Does it think that its early enactment beyond delivering a net gain as provided in the NPPF, is justified, based on the circumstances within the parish.

The Council is currently considering how it will resource and manage the implementation of the mandatory 10% net biodiversity gain. If the Neighbourhood Plan requires the introduction of Biodiversity Net Gain prior to November 2023 the Borough Council may find it challenging to meet the requirements as it is unclear what provisions will be made available to carry out the extra responsibilities placed on local planning authorities arising from the Environment Act.

22. Can the Borough Council clarify which body is responsible for the possible designation of Smokejack Clay Pit as a Local Nature Reserve?

The Council is the body responsible for designating Local Nature Reserves.

24. Can the Borough Council provide me with a detailed map showing the parish / borough boundary as it relates to the site where representations at Reg 16 level were made on behalf of the William Lacey Group? Is there a likely determination date for planning application WA/2021/02002?

Please find attached two maps. Both show the parish and borough boundary and the location of the site where representations at Reg 16 level were made on behalf of William Lacey Group. One map shows the site within the wider context and the other provides a more detailed view.

In terms of planning application WA/2021/02002, the case officer has advised they are aiming to determine the application within the next few weeks but are unable to provide an exact date.

25. I would be pleased if the Borough Council were to send me a copy of its screening reports for both the SEA and the HRA and the date that determination was made.

A copy of the SEA and HRA Screening reports are attached. The decision was issued on 28 May 2021.



Yours sincerely

Katherine Dove
Principal Planning Officer (Policy)