

# Ewhurst and Ellens Green Neighbourhood Development Plan 2019 - 2032

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## **Initial Comments of the Independent Examiner**

**Prepared by**

**JOHN SLATER BA(Hons), DMS, MRTPI**

**John Slater Planning Ltd**

**7<sup>th</sup> February 2022**

## **Introductory Remarks**

1. As you will be aware, I have been appointed to carry out the examination of the Ewhurst and Ellens Green Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited the plan area on Saturday 5<sup>th</sup> February 2022. I spent nearly two and a half hours within the plan area, walking and driving throughout the parish.
2. I have concluded that I should be able to deal with the examination solely based on the written material and it will not be necessary for me to call for a public hearing. However, there are a number of matters where I need to ask further questions or which seek clarification based on what I have read in the plan or saw on my site visit. This is quite common in the examination process.

## **Regulation 16 Comments**

3. I would firstly like to offer the Parish Council an opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation.
4. I am not expecting a response in respect of every single point raised at Regulation 16, just those comments that the Parish Council feels it wishes to respond to.

## **Strategic Policies**

5. 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?

## **Policy EEG1: Meeting Local Housing Needs**

6. I note that the policy supports market housing for smaller units at “lower to median financial cost or rent”. Where would a decision maker look to establish what the house prices or market rent will fall within that range are shown and is that information specific to the parish or the wider district and will it be part of the “local Housing, Mix and Tenure Report” quoted in paragraph 5.13? Does the Parish Council have the technical expertise to produce such information or is it proposing to use appropriately qualified consultants? What frequency is the Parish Council considering for that information to be updated?
7. Is the Parish Council looking for planning control to set what prices of one, two and three bed houses are being sold for, when built, as this is normally left to the local housing market, especially as the planning consent is valid for a number of years during which prices will vary depending on the economy? Has the Parish Council given any thought to the use of First Homes as a means of supporting first time buyers?

## **Policy EEG2: Important Community Facilities**

8. I noted on my site visit that both community facilities, are currently closed and are undergoing building work. Can the Parish Council confirm that, to the best of its knowledge, the previous uses, as a pub and a village store, will be reopening at the conclusion of the works.
9. I note that criterion c) refers to “public facilities” but the two facilities identified appear to be commercial premises, so I wonder whether criterion c) is necessary?
10. 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”?

## **Policy EEG3: Character of Development**

11. Whilst Figure 7.2 is produced at a scale which enables the boundaries of the Gadbridge Lane Character Area to be defined, I am afraid that the scale of Figure 7. 1 is too small to allow the boundary of the Ellens Green and the Pitch Hill Character Areas to be delineated. Can larger scale plans be produced which will allow a decision maker to be confident where the boundary is and whether a property falls inside or outside the area. I would like to see these plans so that I can refer to them in my report.

## **Policy EEG4: Design of Development**

12. In assessing this policy, I am conscious that the Secretary of State in paragraph 16f, states that plans should avoid “unnecessary duplication of policies that apply to a particular area (including policies in the Framework, where relevant”. Policy TD1 already applies to development in the parish.
13. Furthermore, the Secretary of State in a Written Ministerial Statement dated 25<sup>th</sup> March 20165, stated that neighbourhood plans should not set “any additional local technical standards or requirements related to the construction, internal layout or performance of new dwellings.” It strikes me that this policy is seeking to introduce local technical standards such as standards for water usage and thermal performance of building materials, which is covered by Part L of the Building Regulations.
14. 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.

## **Policy EEG5: Conserving Heritage Assets**

15. 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.
16. 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?
17. If the Parish Council is minded to approach the matter as I am indicating, identifying the buildings which are to be designated as a non-designated heritage asset, I will need to be able to identify the buildings being "locally listed" along with a statement of their significance.
18. 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?
19. Can the Borough Council confirm under what circumstances does the local Validation List require a Heritage Statement to be submitted?

## **Policy EEG7: Green Infrastructure and Delivering Biodiversity Gain**

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

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

### **Policy EEG 8: Encouraging Sustainable Movement**

23. The policy applies to all new development proposals, is the expectation that the requirement to incorporate safe accessible pedestrian access to existing footpaths, only related to new residential development and would access to a pavement outside the site be considered acceptable?

### **Windacres Farm, Rudgwick**

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?

### **Strategic Environmental Assessment and Habitat Regulation Assessment**

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.

### **Concluding Remarks**

26. I am sending this note direct to both Ewhurst and Ellens Green Parish Council, and Waverley Borough Council. I would request that all parties' response to my questions should be sent to me by 5 pm on **28<sup>th</sup> February 2022** and also be copied to the other party.

27. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the Borough Council's website.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Ewhurst and Ellens Green Neighbourhood Plan

7<sup>th</sup> February 2022