



Representation Form (Part B)

Main Modifications to the Pre-Submission Local Plan Part 1: Strategic Policies and Sites

Part B

Please use a separate sheet for each representation. Representations need to be attached to Part A of this form. Please note that we cannot accept anonymous responses.

Please ensure that you print your name on each separate representation.

Name (print)	Iain Lynch, Town Clerk of Farnham Town Council
Date	19 October 2017

Representation relates to:

Main Modification Number:	MM15	Policy Reference or Paragraph Number:	16.34
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or

Addendum to Sustainability Appraisal (<i>please state which part</i>):		Addendum to Habitats Regulations Assessment (<i>please state which part</i>):	
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Please go to Q5 to comment on the Sustainability Appraisal.

Please go to Q6 to comment on the Habitats Regulations Assessment.

1. Do you consider the Main Modification(s) to be (tick as appropriate):

- a. Legally compliant*? Yes No
- b. Sound*? Yes No

* See guidance notes for explanation of these terms

2. If you consider the Main Modification(s) to the Local Plan Part 1 to be unsound, is it because it is not (tick as appropriate):

- a. Positively Prepared?
- b. Justified?
- c. Effective?
- d. Consistent with National Policy?

3. Please give details of why you consider the Main Modification(s) to be unsound or not legally compliant. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modification(s), please also use this box.

See attached response from Farnham Town Council which links objections to MM1 and MM15 and required modifications.

(attach separate sheets as necessary)

4. Please set out what change(s) you consider necessary to make the Main Modification(s) legally compliant or sound, having regard to the matter you have identified in the question above where this relates to soundness. You will need to say why this change will make the Main Modification(s) legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible.

See attached response from Farnham Town Council which links objections to MM1 and MM15 and required modifications.

(attach separate sheets as necessary)

5. Please add any comments in relation to the Addendum to the Sustainability Appraisal of the Waverley Local Plan Part 1 in the box below.

(attach separate sheets as necessary)

6. Please add any comments in relation to the Addendum to the Habitats Regulations Assessment of the Waverley Local Plan Part 1 in the box below.

Proposed Main Modifications to Local Plan Part 1

MM1 Objection

A key objective for Farnham Town Council and the community it represents in producing the Farnham Neighbourhood Plan has been a plan-led system for the Farnham area. The adopted Local Plan (2002) was written for the period up to 2006. In the absence of an up-to-date development plan, most recent development has been achieved through ad-hoc planning applications and 'planning by appeal'. The Town Council was therefore keen to take advantage of the powers introduced by the Localism Act 2011 which were specifically designed to empower local communities to shape their own future.

The development of the Farnham Neighbourhood Plan involved, to use the Examiner's words, *extensive and inclusive engagement* of the local community over a considerable period of time. The Neighbourhood Plan has overwhelming support from within the neighbourhood area with 90% of the 11,141 ballot papers that counted recording 'yes' votes.

Following the referendum, the Borough and Town Councils also successfully defended the Neighbourhood Plan in the High Court against challenges from developers. The Neighbourhood Plan was 'made' (adopted) by Waverley Borough Council on 28 July 2017 and now forms part of the development plan.

The Town Council is disappointed that there has been no discussion on the distribution of the increased housing to Farnham. Nor has there been a reappraisal of the capacity of Farnham to accommodate the additional dwellings proposed.

An unintended consequence of the proposed Modification MM1 will be that developers will seek to argue that the recently made Farnham Neighbourhood Plan is out of date just months after it has been made and that in such circumstances its policies should carry little weight. Developers will seek to argue that any application for planning permission which is not in accordance with the recently made Neighbourhood Plan should benefit from the 'presumption in favour of sustainable development' as defined in the NPPF. Indeed, developers have already written to the Secretary of State to inform him of the borough's proposed Modifications and to ask that three outstanding appeals be allowed. This is the antithesis of the plan-led system which both the legislative framework and national policy promote, and which the Borough and Town Council has been striving to achieve.

This modification as currently proposed will have a damaging impact on the credibility of both the plan-led system and localism. The commitment, effort and resources contributed by the Town Council and the local community will be undermined at a stroke.

Importantly, there are ways whereby the status of the recently made Farnham Neighbourhood Plan as an up to date development plan could be retained:

- The number of dwellings attributed to Farnham could be retained at the level of the Regulation 19 Local Plan (2330 dwellings); or
- The additional dwellings sought at Farnham could be phased from 2028 (10 years from adoption of the Local Plan)

Retaining the housing requirement of the Regulation 19 Local Plan for Farnham

Paragraph 6.22 of the Local Plan states that the Local Plan allocates each of the parishes with towns or villages in the top three tiers of the settlement hierarchy with a minimum number of homes to deliver over the plan period based on a number of components including 'sites in the LAA, both within and outside settlements suitable for allocation in Local Plan Part 2'.

The Land Availability Assessment (LAA) which is the Borough Council's evidence of suitable sites was prepared in 2016, prior to the Borough Council adopting the Neighbourhood Plan and to it granting planning permission on a number of sites. It is clear that the Borough Council has not updated its assessment of the capacity of the sites at Farnham which were considered suitable for allocation in Local Plan Part 2 in the LAA. The table below shows clearly that the sites included in the Land Availability Assessment, 2016, on which the assumption of additional capacity is based, now have planning permission, are already allocated in the Farnham Neighbourhood Plan or are rendered unsuitable as a result of recently adopted Neighbourhood Plan policies – a matter recently confirmed by the Borough Council by refusing planning applications on two of the sites. This table (updated below to April 2017) confirms that there is not a net additional capacity of suitable sites at Farnham for an additional 450 dwellings as would be required by MM1.

Housing sites at Farnham assessed in the Land Availability Assessment, 2016 as suitable for allocation in NPs and LPP2

ID Ref	Site Address	Suitability	Net additional capacity to Appendix D (dwellings)
25	Land at Lower Weybourne Lane	<p>A housing allocation at this site would not be in compliance with the made Farnham Neighbourhood Plan Policy FNP11 - Preventing Coalescence between ...Badshot Lea and Weybourne... which now has significant weight.</p> <p>The site is the last remaining open yet narrow gap between Basdshot Lea and Weybourne and clearly fails this policy in principle and is therefore not a suitable site for a major housing allocation.</p> <p>This has been confirmed by the local planning authority in deciding a planning application (WA/2014/0391) for 140 dwellings together with new vehicular access, car parking and landscaping on the site. The proposal was considered to result in a significant coalescence of Badshot Lea and Weybourne and detrimental harm to the character and setting of the existing settlements and the intrinsic character and openness of the countryside. An appeal has been lodged.</p> <p>In accordance with the made Farnham Neighbourhood Plan, and consistent with a recent decision by Waverley Borough Council, the site is no longer suitable as a potential housing allocation.</p>	0

29	Coxbridge Farm, Alton Road	Neighbourhood Plan Allocation	0
264	Victoria House, South Street	Granted planning permission	0
281	25-27 Hurlands Close	Granted planning permission	0
285	The Bush Hotel, The Borough	The development of town centre sites should contribute to the vitality and viability as well as the environmental quality of the town centre and the conservation area. The site gives an opportunity to fill an area presently used for parking along Victoria Road	5
380	Stephenson's Engineering site, 66 Wrecclesham Hill	Reg 14 Neighbourhood Plan allocation and granted planning permission	0
438	Land west of Green Lane, Badshot Lea	Neighbourhood Plan Allocation	0
478	Part of SSE Farnham Depot, Lower Weybourne Lane	Neighbourhood Plan Allocation	0
546	West of Switchback Lane, Rowledge	Neighbourhood Plan Allocation	0
619	Part of Farnham College (Tennis Courts), east of Firgrove Hill	Neighbourhood Plan Allocation and granted planning permission	0
657	Land to the South of Monkton Lane	<p>A housing allocation at this site would not be in compliance with made Farnham Neighbourhood Plan Policy FNP10 - Protect and Enhance the Countryside which now has significant weight.</p> <p>The LAA accepts that land to the South of Monkton Lane is not as well integrated with the settlement area as some of the other sites promoted around Farnham. The site lies in the gap between Hale and Central Farnham and would appear as an isolated development not well related to the distinctive character of either of the built up areas.</p> <p>These conclusions are confirmed in the reasons for refusal against the development of 56 dwellings together with associated access, parking, open space and landscaping on this site (WA/2015/1484). An appeal has been heard.</p> <p>In accordance with the Farnham Neighbourhood Plan and consistent with a recent decision by Waverley Borough Council, the site is no longer suitable as a potential housing allocation.</p>	0

670	The Woolmead, Farnham	Neighbourhood Plan Allocation and granted planning permission	0
693	Land at Hale Road	A housing allocation at this site would not be in compliance with made Farnham Neighbourhood Plan Policy FNP10 - Protect and Enhance the Countryside which now has significant weight. The Waverley Borough Council Landscape Study – Part 1: Farnham & Cranleigh, 2014 indicates that the extensive site is part of an area of high landscape value and sensitivity and is identified as such in the Neighbourhood Plan. The site immediately adjoins Farnham Park a Grade II listed Historic Park and Garden. Significant housing development would not retain the landscape character of, and would have a detrimental impact on, an area having high landscape value and sensitivity. In accordance with the Farnham Neighbourhood Plan, the site is no longer suitable as a potential housing allocation.	0
713	Garden Style, Wrecclesham Hill	Reg 14 Neighbourhood Plan allocation and granted planning permission	0
727	Land rear of Three Stiles Road	The site currently has no access and is not therefore suitable.	0
872	Little Acres Nursery and land to the West	Neighbourhood Plan Allocation	0
882	2-3 The Borough	Granted planning permission	0
Total Additional Capacity from sites considered suitable for allocation in LAA			5

In addition, as stated at the Examination, the capacity for Farnham to accommodate significant additional development is restricted by:

- Landscape
- SANG
- Preventing Coalescence
- Green Belt
- Transport and Air quality

For the reasons set out above, Farnham Town Council seeks the retention of the housing requirement of the Regulation 19 Local Plan for Farnham.

Phasing the additional dwellings at Farnham from 2028

Should the Inspector not accept the limitations of Farnham to accommodate an additional 450 dwellings, there are specific planning reasons why phasing of development is appropriate at Farnham.

Firstly, Farnham is the only area within Waverley Borough with a made Neighbourhood Plan which brings certainty over housing delivery in this area. No other area in the Borough has a recently adopted development plan which allocates housing sites (with a capacity of approximately 784 dwellings) and enables development (of approximately 2,201 dwellings -

taking into account completions; planning permissions and windfall development agreed by the Examiner). As the Neighbourhood Plan states: 'The total additional dwellings for the Plan period (2013–31) is therefore approximately 2,201 as set out below. Allocations and anticipated windfall contributions are within the remaining capacity of Farnham Park SANG.'

Even if the housing requirement is increased to 2,780 (146dpa), the made Neighbourhood Plan has already identified sufficient housing supply for 15 years. This clearly illustrates that additional housing supply in Farnham would not be required until 2028.

Secondly, strategic SANG provision, which is necessary to accommodate smaller scale development (including sustainably located brownfield sites) and larger sites without the capacity for on-site SANG, is not identified in the Local Plan Part 1: Strategic Policies and Sites.

MM15 (as proposed to be modified) states:

16.34 In terms of finding new SANG, the Council has adopted a three pronged approach–

(i) continue to review the potential capacity of Farnham Park;
(ii) identify opportunities for new SANG; and
(iii) investigate proposals for 'bespoke' SANG associated with developers' promoted housing sites.

There are limitations to the provision of new SANG from these three sources.

First, a review which increased the capacity of Farnham Park has recently been completed and there will be no additional capacity from this source at least in the short to medium term.

Second, the Borough Council undertook an assessment of potential opportunities for new SANG in the Farnham area (Analysis of Potential SANG Sites for Farnham for the Thames Basin Heaths SPA Avoidance and Mitigation Strategy, April 2015) (Farnham Town Council Doc 4). A total of 45 sites were assessed against the site quality criteria for an individual SANG and only part of the restored Farnham Quarry, Runfold site was considered be suitable and with good potential to be brought forward as strategic SANG. Following the site assessment in accordance with the SANG Site Quality Checklist, the site currently meets 4 out of 14 of the 'must/ should have' criteria and 3 out of 5 of the 'desirable' criteria. The site currently supports populations of wintering birds and is known to support numbers of ground nesting birds including nightingales which should not be disturbed by dog walkers. To ensure the protection of the site's nature conservation interests most of the site would be required to be fenced off with 10.74ha of the 50ha site considered to be suitable for strategic SANG provision. Apart from matters relating to meeting the quality checklist requiring resolution, the availability and long-term management of the site would also have to be confirmed. The current owner is responsible for management of the restored site as part of the S106 Agreement for a 20 year period but one of the provisions for SANG is that it should be provided in perpetuity (80 years). Other potential strategic SANG sites were found to be either longer term (post 2031) prospects or principally serving other towns. Again, there will be no additional capacity from this source at least in the short to medium term.

Third, neither the LAA assessment nor planning applications have revealed any suitable sites with associated bespoke SANG.

It is clear that the Thames Basin Heaths SPA limits the potential for Farnham to accommodate further housing development with reference to retained South East Plan Policy NRM6 at least in the short to medium term. As the Local Plan Part 1: Strategic Policies and Sites Additional Housing Habitats Regulations Assessment notes in relation to any option which increases the housing numbers at Farnham beyond the Submitted Local Plan: 'Additional mitigation will be required for all options before they can be considered deliverable.' (Para. 2.3.3)...

The Local Plan Part 1 (Modification MM1) will not be sound as it is not

- positively prepared (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements – in this case the requirement for SANG to support the proposed distribution of development);
- justified (the Local Plan will not be the most appropriate strategy in relation to the distribution of development, when considered against the reasonable alternatives, in the absence of the identification of suitable and available housing sites and the necessary SANG capacity based on available evidence);
- effective (as, in the absence of suitable and available housing sites and a solution to SANG provision, it cannot be demonstrated that the Local Plan is deliverable over its period); or
- consistent with retained regional Policy NRM6 which requires new residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects).

If additional SANG were identified prior to the Local Plan being adopted it would provide maximum confidence that the additional housing intended for Farnham could actually be delivered in practice. (Additional HRA, Para 2.3.5).

There is a need to pursue the approach set out in the Local Plan (Para. 16.34). Given the delay in the availability of SANG based on the available evidence, there would be no conflict in phasing additional development at Farnham to allow for the identification of appropriate SANG infrastructure necessary to comply with retained South East Plan Policy NRM6. Indeed, this would allow the Local Plan to be sound and in compliance with this policy.

Phasing of development at Farnham would not adversely impact on the Borough's 5 year housing land supply as the adoption of the Neighbourhood Plan means that it has already identified housing capacity (including housing allocations) for Farnham – the only area in the Borough with a wide range of deliverable brownfield and greenfield housing allocations following a plan-led approach.

As there is a housing land supply at Farnham up to 2028, there would be no need for any additional housing sites to be identified until the latter part of the Local Plan period. As the adoption of the Local Plan Part 2: Site Allocations and Development Management Policies is

intended to be sooner than this, it would be more appropriate if additional allocations were made through a review of the Farnham Neighbourhood Plan. The Neighbourhood Plan already states: 'Where monitoring shows that progress towards targets is unsatisfactory the Town Council will review the situation and, where necessary, take remedial action. This may include proactive measures to bring forward sites for development or action to secure the timely provision of infrastructure. If necessary the Neighbourhood Plan will be formally reviewed.' The Town Council undertakes to commit to this review.

The Town Council considers that retaining the status of the locally supported and recently made Farnham Neighbourhood Plan as an up to date plan until 2028 and/or the provision of SANG justifies amendment to the Proposed Main Modification MM1 and the urges the Inspector to recommend one of the following amendments:

MM1 - Proposed Amendment 1

6.24 Strategic sites, which are defined as sites capable of delivering 100 dwellings or more, are allocated in this Plan. **Additional Smaller non-strategic** housing sites will be allocated in Part 2 of the Local Plan and in neighbourhood plans being produced by town and parish councils. **The Farnham Neighbourhood Plan, which was made in July 2017, includes sufficient some site allocations for housing. The additional housing required in Farnham would be allocated either in Local Plan Part 2 or in a review of the Farnham Neighbourhood Plan.¹**

Policy ALH1: The Amount and Location of Housing

Farnham: 2,780 2,330

MM1 - Proposed Amendment 2

6.24 Strategic sites, which are defined as sites capable of delivering 100 dwellings or more, are allocated in this Plan. **Additional Smaller non-strategic** housing sites will be allocated in Part 2 of the Local Plan and in neighbourhood plans being produced by town and parish councils. **The Farnham Neighbourhood Plan, which was made in July 2017, includes some site allocations which, together with existing planning permissions and windfall opportunities, provide housing sufficient for the period to 2028. The additional housing required in Farnham is not required until 2028 and would be allocated either in Local Plan Part 2 or in a review of the Farnham Neighbourhood Plan by 2028.¹**

Policy ALH1: The Amount and Location of Housing

Farnham: 2,780 2,330¹

¹ The adopted Farnham Neighbourhood Plan, 2017 provides capacity for 2,201 dwellings and additional housing provision is not required until 2028.

MM15 Objection

The following Local Plan text (**with proposed Modifications shown**) is factually incorrect:

'Greenfield releases

6.16 There is not enough suitable land for housing within existing settlements to meet the need for new homes in Waverley. Therefore, the Council's strategy for housing delivery includes making selected releases of greenfield land around settlements **to deliver around 2,300 dwellings**. Most of this will be directed to Farnham and Cranleigh. Farnham is the largest of the main settlements but is close to the Thames Basin Heaths Special Protection Area (SPA). A key element of the Thames Basin Heaths Avoidance Strategy is the provision of Suitable Alternative Natural Greenspace (SANG). Additional SANG capacity has been identified in order to deliver the new housing planned in the Farnham area. This issue is dealt with in Chapter 16.'

Additional SANG capacity has not been identified to deliver the new housing planned in the Farnham area – but it needs to be in order to make the Local Plan Part 1 (as proposed to be modified) sound.

As the Local Plan Part 1: Strategic Policies and Sites Additional Housing Habitats Regulations Assessment states in relation to any option which increases the housing numbers at Farnham beyond the Submitted Local Plan: 'Additional mitigation will be required for all options before they can be considered deliverable.' (Para. 2.3.3)...If this additional SANG were identified prior to the Local Plan being adopted it would provide maximum confidence that the additional housing intended for Farnham could actually be delivered in practice. (Para 2.3.5).

MM15 (**with proposed Modifications shown**) states:

16.34 In terms of finding new SANG, the Council has adopted a three pronged approach–
(i) continue to review the potential capacity of Farnham Park;
(ii) identify opportunities for new SANG; and
(iii) investigate proposals for 'bespoke' SANG associated with developers' promoted housing sites.

There are limitations to the provision of new SANG from these three sources.

First, a review which increased the capacity of Farnham Park has recently been completed and there will be no additional capacity from this source at least in the short to medium term.

Second, the Borough Council undertook an assessment of potential opportunities for new SANG in the Farnham area (Analysis of Potential SANG Sites for Farnham for the Thames Basin Heaths SPA Avoidance and Mitigation Strategy, April 2015) (Farnham Town Council Doc 4). A total of 45 sites were assessed against the site quality criteria for an individual SANG and only part of the restored Farnham Quarry, Runfold site was considered to be suitable and with good potential to be brought forward as strategic SANG. Following the site assessment in accordance with the SANG Site Quality Checklist, the site currently meets 4 out of 14 of the must/ should have' criteria and 3 out of 5 of the 'desirable' criteria. The site currently supports populations of wintering birds and is known to support numbers of ground nesting birds including nightingales which should not be disturbed by dog walkers. To ensure the protection of the site's nature conservation interests most of the site would be required to

be fenced off with 10.74ha of the 50ha site considered to be suitable for strategic SANG provision. Apart from matters relating to meeting the quality checklist requiring resolution, the availability and long-term management of the site would also have to be confirmed. The current owner is responsible for restoration of the site by 2021 and aftercare as part of the S106 Agreement for a further 20 year period but one of the provisions for SANG is that it should be provided in perpetuity (80 years). Other potential strategic SANG sites were found to be either longer term (post 2031) prospects or principally serving other towns. Again, there will be no additional capacity from this source at least in the short to medium term.

Third, neither the LAA assessment nor planning applications have revealed any suitable sites with associated bespoke SANG.

No evidence is included in the Local Plan Part 1 to demonstrate that the necessary SANG infrastructure can be delivered in the plan period to support the additional 450 dwellings allocated to Farnham. It is not possible to defer this provision to Part 2 of the Local Plan as it is Part 1 which is responsible for the distribution of development and the distribution is dependent on the provision of infrastructure required by retained South East Plan Policy NRM6. At present, there is not a reasonable prospect that planned SANG infrastructure can be delivered or is deliverable in a timely fashion.

In order to provide certainty about the delivery of any housing at Farnham which is additional to the Submitted Local Plan, there is first a need to identify a solution to SANG provision based on the approach set out in the Local Plan Part 1 (Para. 16.34). If further housing is to be allocated to Farnham, Part 1 of the Local Plan should identify suitable SANG sites to serve the proposed development. Alternatively, the Local Plan Part 1 should direct development to those areas where potential adverse effects can be avoided without the need for mitigation measures, in accordance with retained regional Policy NRM6. Unless this is achieved, the Local Plan will not be sound.

The Local Plan Part 1 (Modification MM15) will not be sound as it is not

- positively prepared (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements – in this case the requirement for SANG to support the proposed distribution of development);
- justified (the Local Plan will not be the most appropriate strategy in relation to the distribution of development, when considered against the reasonable alternatives, in the absence of the identification of necessary SANG capacity);
- effective (as, in the absence to a solution to SANG provision, it cannot be demonstrated that the Local Plan is deliverable over its period); or
- consistent with retained regional Policy NRM6 which requires new residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects).

If the Inspector concludes that there is a reasonable prospect that sufficient SANG could be delivered at Farnham, there is clear evidence to indicate that this will not be until the latter

part of the plan period. In order to retain a plan-led approach to development at Farnham, the provision of an additional 450 dwellings and associated SANG should be clearly phased in Part 1 Local Plan policy for after 2028 as set out in the Farnham Town Council's objection to MM1.