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# **Report on Farnham Neighbourhood Plan Review (Modification Proposal) 2013 - 2032**

**An Examination undertaken for Waverley Borough Council with the support of the Farnham Town Council on the January 2019 Submission version of the Plan.**

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Date of Report: 9 December 2019

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## **Main Findings** - Executive Summary

From my examination of the Farnham Neighbourhood Plan Review (Modifications Proposal) ('the Review Plan') and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Review Plan meets the Basic Conditions.

I have also concluded that:

- the Review Plan has been prepared and submitted for examination by a qualifying body – Farnham Town Council (the Town Council);
- the Review Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Town Council boundary, as identified on the Map at Page 5 of the Review Plan;
- the Review Plan specifies the period to which it is to take effect – from 2013 to 2032; and,
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area.

I recommend that the Review Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Review Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Farnham Neighbourhood Plan Review (Modifications Proposal) 2013-2032*

- 1.1 Farnham is a historic town in the south-west of Surrey, some 4 miles from Aldershot to the north-west (although the town boundary is less than 4 miles from Aldershot and almost abuts that settlement) and 11 miles from Guildford to the east. It has a population of 39,488 (2011 Census), with significant growth having occurred during the post-war period. It is the largest settlement within the Waverley Borough Council area. Farnham was one of the earliest planned medieval towns in the region and this is still evident from the street pattern in the town centre. The historic importance of Farnham and its buildings is recognised by some 360 listed buildings and the scheduled ancient monument of Farnham Castle.
- 1.2 The historic centre of Farnham is designated as a Conservation Area, and there are four smaller Conservation Areas within the Neighbourhood Plan Area at Great Austins, Wrecclesham, Old Church Lane and Waverley Abbey.

- 1.3 The Surrey Hills Area of Outstanding Natural Beauty extends into the Neighbourhood Plan Area, to the south of The Bourne and Moor Park areas, whilst the Neighbourhood Plan Area is within the buffer zones of two European Special Protection Areas (SPAs), the Thames Basin Heaths SPA and the Wealden Heaths (Phase 1) SPA. The whole of the Neighbourhood Plan Area is within the buffer zone of the Thames Basin Heaths SPA, whilst part of the Neighbourhood Plan Area is within the buffer zone of the Wealden Heaths (Phase 1) SPA. There are a number of areas of high landscape value around the town and some important open green spaces, including Farnham Park and the Bishop's Meadows, which give the town an attractive and spacious setting.
- 1.4 Farnham has a thriving town centre with a strong and varied retail sector, which plays a major role in the local economy. There are over 30 hectares of employment land within and around the town, generally for Class B1 business units, which contributes to the provision of local employment opportunities.
- 1.5 There is good provision of community facilities, notably schools, within Farnham, and the University for the Creative Arts is located in the town. There is generally good access to open space for residents in Farnham, but there are certain potential shortfalls in natural/semi-natural greenspace, sports pitches, allotments and children's open space as the town grows.
- 1.6 There is high car ownership in Farnham, with 49.5% of households having access to two or more cars. However, 12.2% of households have no access to a car and there is continued reliance upon public transport. The road network, particularly in the town centre, suffers from congestion, which creates challenges for promoting public transport and safe pedestrian and cycling routes.
- 1.7 Beyond the urban area of Farnham, the Neighbourhood Plan Area includes a number of attractive smaller settlements including Badshot Lea, Rowledge, Weybourne and Wrecclesham, each with a distinctive character and setting. There are some extensive areas of woodland, particularly in South Farnham, whilst other areas have a pattern of fields and paddocks with smaller areas of woodland.

#### *The Independent Examiner*

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Waverley Borough Council (the Borough Council), with the agreement of the Town Council.
- 1.9 I am a chartered town planner, with over 40 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf

of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.

- 1.10 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Review Plan.

#### *The Scope of the Examination*

- 1.11 As the independent examiner, I am required to produce this report and recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 1.12 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions;
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

- 1.13 I have considered only matters that fall within Paragraph 8(1) of

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Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.14 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.15 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Farnham Neighbourhood Plan was made by Waverley Borough Council on 28 July 2017 following an independent examination and local referendum. The Review Plan has been prepared by the Town Council following the adoption of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, for the Plan period 2013-2032, on 20 February 2018. The Review Plan has been undertaken primarily to identify provision for an additional 450 dwellings within the Neighbourhood Plan Area, in accordance with the strategic requirement in adopted Local Plan Policy ALH1 (The Amount and Location of Housing) which identifies Farnham's share of the Borough-wide housing requirement over the Plan period as being 2,780 dwellings, including anticipated windfall development.

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<sup>1</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- 2.2 The Basic Conditions Statement (at pages 20-38) provides a full assessment of how each of the policies proposed in the Review Plan are in general conformity with the relevant strategic policies in the adopted Local Plan. Having been adopted in February 2018, the Local Plan provides an up to date strategic planning context for the Neighbourhood Plan Review.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 (and updated on 19 June 2019). All references in this report are to the 2019 NPPF and its accompanying PPG.<sup>2</sup>

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Farnham Neighbourhood Plan Review (Modifications Proposal) 2013-2032;
  - the Farnham Neighbourhood Plan (made 28 July 2017)
  - the Neighbourhood Designation Map (dated 19 February 2013), which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (dated October 2018);
  - the Basic Conditions Statement (dated January 2019);
  - the Sustainability Appraisal/Strategic Environmental Assessment (dated December 2018);
  - the Sustainability Appraisal/Strategic Environmental Assessment Non-Technical Summary (dated January 2019);
  - the Habitat Regulations Assessment Report (dated January 2019) prepared by AECOM;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the further written submissions made prior and subsequent to the Public Hearing session.<sup>3</sup>
- 2.5 I have also considered the following evidence documents which were submitted to the Borough Council alongside the above-listed documents:
- Farnham Landscape Character Assessment (dated August 2018) prepared by Hankinson Duckett Associates;
  - Note on European Special Protection Areas and Suitable Alternative Natural Greenspace (dated January 2019);

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<sup>2</sup> NPPF: paragraph 214. The Review Plan was submitted under Regulation 15 to Waverley Borough Council after 24 January 2019.

<sup>3</sup> View at:

[https://www.waverley.gov.uk/info/200358/neighbourhood\\_plans/1728/farnham\\_neighbourhood\\_plan](https://www.waverley.gov.uk/info/200358/neighbourhood_plans/1728/farnham_neighbourhood_plan)



- Farnham Housing Land Availability Assessment (dated December 2018); and
- Note on Student Accommodation (dated December 2018).

### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 11 August 2019 to familiarise myself with it and visit relevant sites and areas referenced in the Review Plan, evidential documents and representations.

### *Procedural Considerations*

- 2.7 The Review Plan was submitted for examination to Waverley Borough Council on 25 January 2019 on the basis that the Town Council considered *“that the modifications/changes in this Regulation version are neither significant nor substantial and do not change the nature of the plan.”* The submission of the Review Plan was accompanied by a schedule of changes described as Minor (non-material) updates to the Made Farnham Neighbourhood Plan 2017.
- 2.8 Following my appointment as the independent examiner and initial consideration of the Review Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Borough Council and the Town Council on 2 April 2019 raising three procedural points, as follows:
- firstly, I requested a statement from the Borough Council under Regulation 17(e)(ii) of the 2012 Regulations setting out whether or not the Borough Council considers the modifications contained in the Review Plan are so significant or substantial as to change the nature of the made Plan, giving reasons for its opinion;
  - secondly, I requested clarifications from the Town Council regarding the comment made in its statement to comply with Regulation 15(1)(f) *“that the changes proposed were minor and non-material and did not change the nature of the Plan”* rather than that the changes made are not so significant and substantial as to change the nature of the made Plan; and
  - thirdly, I stated that I would be making a determination under Paragraph 10(1) of Schedule A2 to the 2004 Act on whether the modifications contained in the Review Plan are so significant or substantial as to change the nature of the made Plan which the Review Plan would replace.
- 2.9 In response to my letter of 2 April 2019, I received the Borough Council’s Regulation 17(e)(ii) statement on 9 April 2019 and a letter of clarification from the Town Council on 4 April 2019 stating that in the Town Council’s view the modifications to the made Plan are not so significant or

substantial as to change the nature of the Plan.<sup>4</sup>

- 2.10 Following my consideration of the above-mentioned responses, I considered that it would be necessary to hold a Procedural Exploratory Meeting to enable me to hear further oral submissions on whether or not the modifications contained in the Review Plan are so significant or substantial as to change the nature of the made Plan. Accordingly, I made arrangements for a Procedural Exploratory Meeting to be held at the Town Council's offices on 4 June 2019 and, in addition to the Town Council and the Borough Council, I also invited other parties who had made representations specifically on the Review Plan procedure to attend.
- 2.11 I took account of the submissions made to me at the Procedural Exploratory Meeting and, together with my own assessment of the nature and extent of the modifications contained in the Review Plan and my appraisal of the written representations made at the Regulation 16 consultation stage, I determined on 21 June 2019 under Paragraph 10 (1) of Schedule A2 to the 2004 Act that the modifications contained in the Review Plan constitute material modifications which do change the nature of the made Plan and, if to proceed, would require an examination and a referendum. I notified the Town Council and the Borough Council of this determination by letter dated 21 June 2019, and I invited the Town Council as the Qualifying Body to decide whether to proceed with an examination of the Review Plan under Schedule 4B to the 1990 Act or withdraw the Review Plan.<sup>5</sup>
- 2.12 The Town Council notified me on 1 July 2019 that it had determined to proceed with the Examination of the Review Plan under Schedule 4B to the 1990 Act. Therefore, it is on that basis that I have undertaken my examination of the Review Plan. For clarification, my examination has also considered the entirety of the Review Plan and has not been confined to those parts of the Review Plan which contain modifications to the made Plan.

#### *Written Representations with or without Public Hearing*

- 2.13 Following my assessment of the Review Plan and its accompanying documents, my site visits and consideration of the representations made during the Regulation 16 consultation period, I considered that a Public Hearing was necessary to ensure adequate examination of a number of issues that had arisen, and to receive oral submissions on those matters. Accordingly, with the kind assistance of Farnham Town Council, a Public Hearing was organised and held on 1 October 2019 at the Council Offices,

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<sup>4</sup> View at:

[https://www.waverley.gov.uk/info/200358/neighbourhood\\_plans/1728/farnham\\_neighbourhood\\_plan](https://www.waverley.gov.uk/info/200358/neighbourhood_plans/1728/farnham_neighbourhood_plan)

<sup>5</sup> View at:

[https://www.waverley.gov.uk/info/200358/neighbourhood\\_plans/1728/farnham\\_neighbourhood\\_plan](https://www.waverley.gov.uk/info/200358/neighbourhood_plans/1728/farnham_neighbourhood_plan)

South Street, Farnham. Invitations were extended to those parties who I wished to hear from at the Hearing, together with a formal Agenda for the Hearing, Guidance and Directions for the conduct of the discussions and a Supplementary Note to those parties participating in the Hearing. These documents are also available on the Town Council and Waverley Borough Council websites.<sup>6</sup>

- 2.14 In combination, the discussions at the Public Hearing and the submissions that were then made to me; the further written submissions that were submitted after the close of the Hearing; and the written representations submitted at the Regulation 16 consultation stage, have in all cases provided me with sufficient information to enable me to reach a conclusion on the matters concerned.

#### *Modifications*

- 2.15 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Review Plan has been prepared and submitted for examination by Farnham Town Council, which is the qualifying body. An application to Waverley Borough Council for the Town Council area to be designated a neighbourhood planning area was made in October 2012 and was approved by the Borough Council on 19 February 2013.
- 3.2 The current made Plan is the only Neighbourhood Plan for Farnham and does not relate to land outside the designated Neighbourhood Plan Area. The Review Plan will replace the made Plan as the only Neighbourhood Plan for the designated area.

#### *Plan Period*

- 3.3 The Review Plan specifies (on page 7) the period to which it is to take effect, which is between 2013 and 2032. This aligns with the end date of the adopted Waverley Borough Local Plan Part 1: Strategic Policies and Sites. However, the Plan period (2013-2032) should also be included on the front cover of the Review Plan, particularly to distinguish it from the existing made Plan. I therefore recommend as **PM1** a modification to that

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<sup>6</sup> View at:

[https://www.waverley.gov.uk/info/200358/neighbourhood\\_plans/1728/farnham\\_neighbourhood\\_plan](https://www.waverley.gov.uk/info/200358/neighbourhood_plans/1728/farnham_neighbourhood_plan)

effect. I further discuss the matter of the Plan period in paragraph 4.13 below.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Work first commenced on the preparation of the Review Plan in early-2018 following the adoption of the Borough Local Plan, with the work being co-ordinated by a Neighbourhood Planning Team. A 'call for sites' was undertaken in March 2018. Meetings with residents, Residents Associations, the Chamber of Commerce, The Farnham Society and other community groups were held between March and May 2018. The Regulation 14 consultation on the Review Plan was held between 17 August and 30 September 2018, accompanied by extensive publicity throughout the Neighbourhood Plan Area by a variety of media and news outlets. A Neighbourhood Plan roadshow attended 14 community events held in the Neighbourhood Plan Area during August/September 2018. The Consultation Statement and its Appendices contain a comprehensive record of the various consultation activities that took place. An accompanying report provides a full digest of the responses received during the Regulation 14 consultation.
- 3.5 The comments and responses received from residents and stakeholders during the Regulation 14 consultation were analysed between October and December 2018, and any necessary amendments were made to the Review Plan.
- 3.6 Further supporting documents were then prepared following the Regulation 14 consultation including the Basic Conditions Statement (January 2019) and the Consultation Statement (October 2018). A Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) was prepared in December 2018 with an accompanying Non-Technical Summary (January 2019). A Habitat Regulations Assessment (HRA) including Appropriate Assessment was prepared by AECOM in January 2019, taking account of the European Court of Justice ruling known as the People over Wind ruling.<sup>7</sup>
- 3.7 The Regulation 15 submission Review Plan was considered and approved by the Town Council on 24 January 2019, and the Review Plan was submitted to Waverley Borough Council on 25 January 2019.
- 3.8 The Review Plan was subject to further consultation from 7 February 2019 to 21 March 2019 under Regulation 16 and I take account of the 233 responses then received in writing this report, as well as the Consultation Statement.

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<sup>7</sup> People over Wind & Sweetman v Coillte Teoranta Case C-323/17. View at: <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddf571da66f02d449d9f60cc9f39bf8846.e34KaxiLc3qMb40Rch0SaxyNch10?text=&docid=200970&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=628325>

- 3.9 There is a key issue which it is necessary to address in relation to the consultation undertaken. This relates to whether any prejudice has arisen from the qualifying body's characterisation of the proposed modifications to the made Neighbourhood Plan during the course of the Review Plan's preparation and the engagement undertaken, as noted in bullet point 2 of paragraph 2.8 above.
- 3.10 Representations were made claiming that stakeholders were not given the opportunity from the beginning to fully shape and comment on the revisions to the made Plan. In particular, it is alleged the statements made by the Town Council in order to comply with Regulations 14(a)(v) and 15(1)(f) of the 2012 Regulations were misleading in advising that the modifications proposed in the Review Plan were minor and non-material, and did not change the nature of the made Plan.
- 3.11 The legal requirement is that the respective statements should set out whether the modifications contained in the modification proposal "are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion". In this context, it should be noted that where modifications are considered minor and non-material, such updates may be made at any time by the local planning authority and qualifying body, without the need for consultation, examination or a referendum.<sup>8</sup>
- 3.12 Accordingly, I raised this issue (amongst others) in my procedural letter to the qualifying body and local planning authority of 2 April 2019, to seek clarity around the status of the modifications proposed.<sup>9</sup> The Town Council response of 4 April<sup>10</sup> advised that "whilst the modifications might be considered to materially affect a limited number of policies in the made Neighbourhood Plan 2017, they are not so significant or substantial as to change the nature of the plan...".
- 3.13 The framing of the nature of modifications is undoubtedly a highly nuanced matter and the legal framework introduced by Section 4 of the Neighbourhood Planning Act 2017 for the review of neighbourhood plans is at a relatively early stage of implementation. I note that the PPG did not clarify the 3 types of modification which can be made to a neighbourhood plan, in what might be considered lay terms, until Reference ID: 41-106-20190509 was inserted in May 2019. Nonetheless, the point is whether there was an absence of engagement during the Review Plan's preparation

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<sup>8</sup> PPG ID: 41-084a-20180222.

<sup>9</sup> View at:

[https://www.waverley.gov.uk/downloads/file/6772/independent\\_examiner\\_procedural\\_letter\\_-\\_2nd\\_april\\_2019](https://www.waverley.gov.uk/downloads/file/6772/independent_examiner_procedural_letter_-_2nd_april_2019)

<sup>10</sup> View at:

[https://www.waverley.gov.uk/downloads/file/6786/farnham\\_town\\_council\\_letter\\_to\\_mr\\_stebbing\\_-\\_4th\\_april\\_2019](https://www.waverley.gov.uk/downloads/file/6786/farnham_town_council_letter_to_mr_stebbing_-_4th_april_2019)

and progress due to modifications which were represented as being minor, non-material and not changing the nature of the made Plan.

- 3.14 In my assessment, taking the process to date as a whole, it is evident that the Town Council resolved from the outset to follow the new Schedule A2 procedure and it was clear that throughout the Review Plan's preparation and engagement that there was a manifest intention to subject the Plan Review to the amended procedures in the 2012 Regulations including pre submission consultation (Reg 14.); submission to the local authority (Reg 15); post-submission consultation (Reg. 16) and examination (Reg 17). Notwithstanding the Town Council's overarching characterisation of the modifications, the text of the statements made was very clear in detailing the modifications being proposed. With this in mind, I have not seen or heard any sufficiently persuasive reason to effectively send the Town Council back to a pre-Regulation 14 stage. The Review Plan has reached the examination stage following detailed consultation and engagement work as set out above, and in the absence of demonstrable prejudice to any party, I am not clear to what end a very zealous approach to literal compliance would achieve.
- 3.15 I have also considered whether the fact that the modification proposal has not been examined under Schedule A2, but under Schedule 4B, has any further implications in regard to the concerns expressed about the adequacy of the consultation and engagement based on the Town Council's characterisation of the Plan modifications. My view is that there are not any such implications. The legislation envisages the fact that a modification proposal which might have been advertised as not changing the nature of a made plan, might in the examiner's assessment, promote changes which do change the nature of a made plan. In such circumstances, the legislation does not impose any further wider consultation or engagement requirements, notwithstanding the basis of the earlier consultation and engagement will have been on a differing premise. Accordingly, I see no further tier of consideration around the adequacy of consultation and engagement arising as a consequence of this Review Plan being examined under Schedule 4B. Indeed, there is now the additional requirement for a referendum on the Review Plan, should it progress following examination.
- 3.16 Therefore, overall, I am satisfied that local residents and other stakeholders have not been significantly prejudiced and that there has been a sufficiently transparent, fair and inclusive consultation process, having regard to the advice in the PPG on plan preparation and the legal requirements.

#### *Development and Use of Land*

- 3.17 The Review Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

- 3.18 From my review of all the documents before me, the Review Plan does not include policies or proposals that relate to any of the categories of excluded development.<sup>11</sup>

### *Human Rights*

- 3.19 The Basic Conditions Statement states (at page 44) that the Review Plan is considered to be compatible with EU obligations.<sup>12</sup> Neither the Borough Council nor any other party has raised any issues concerning a breach of or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Review Plan, its accompanying supporting documents and the consultation responses made to the Review Plan at the Regulations 14 and 16 stages, I am satisfied that the Review Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Review Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 An SA/SEA Scoping Report had already been published in September 2014 outlining the main issues that needed to be considered when planning development in Farnham. This was followed by the publication of a SA/SEA alongside the made Plan at the Regulation 14 consultation stage (October 2014) and then by the final SA/SEA document at the Regulation 15 Submission stage (June 2016). A SA/SEA was published with the Review Plan at the Regulation 14 consultation stage in August 2018 and has been submitted to the Borough Council at the Regulation 15 stage in January 2019, alongside the Review Plan.
- 4.2 I have assessed the SA/SEA methodology and process by which the Review Plan and its various policy alternatives and potential site allocations were tested against a series of 12 sustainability objectives for Farnham. I am satisfied that the Review Plan was prepared to take account of the outcomes of the SA/SEA process. In particular, I am satisfied that the housing site allocation options, including submitted sites not included in the Review Plan, were fully tested through the process. The SA/SEA that has been submitted alongside the Review Plan identifies some significant cumulative positive impacts from the Review Plan's

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<sup>11</sup> The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

<sup>12</sup> Note: EU Obligations are entirely separate to the European Convention on Human Rights, which is derived from the Council of Europe.

policies and proposals. Importantly, it states that "Overall, no cumulative negative impacts are predicted" and that "Taken as a whole, the policies of the Review Plan have no net negative impact". I accept those conclusions and am satisfied that the Review Plan has been subject to a rigorous and comprehensive SA/SEA process during its preparation.

- 4.3 A Habitat Regulations Assessment (HRA) Screening Document for the made Neighbourhood Plan was published in July 2016 and was the subject of consultation with the necessary statutory bodies, including Natural England, as required by legislation. There are eight Natura 2000 sites otherwise known as European sites (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)) and one Ramsar site within 20 kilometres of Farnham. The Screening Document assessed the potential threats and pressures that could undermine the conservation objectives for each of those sites and concluded that no Likely Significant Effects are expected upon any of the sites as a result of the made Plan. Since that time, the People over Wind ruling has clarified that mitigation measures such as the Thames Basin Heaths SPA avoidance strategy cannot be taken into account when forming an opinion of Likely Significant Effects. Accordingly, Appropriate Assessment is required to determine what level of avoidance or mitigation measures must be provided if any adverse impacts cannot be ruled out. Therefore, the HRA undertaken for the Review Plan contains an Appropriate Assessment to determine whether growth in Farnham would result in no adverse effects on these European sites. The HRA concludes that "It is considered that an adequate policy framework will be in place to ensure no adverse effects of the Review Plan on the integrity of the Thames Basin Heaths SPA and Wealden Heaths (Phase 1) SPA or any other European sites".
- 4.4 I have also taken account of the consultation responses received from Natural England and Historic England who have not raised any concerns regarding the SA/SEA and HRA. On the basis of the information provided and my independent consideration of the SA/SEA, the HRA and the Review Plan, I am satisfied that the Plan is compatible with EU obligations in respect of the SEA Regulations and the Habitats Directive.

#### *Main Assessment*

- 4.5 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*".
- 4.6 The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is



outside of these strategic policies.

- 4.7 Having considered whether the Review Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.14 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.8 I test the Review Plan against the Basic Conditions by considering specific issues of compliance of the Plan's policies, which deal with Environment, Housing, Business, Farnham Town Centre and Neighbourhood Centres, Leisure and Wellbeing and Infrastructure. As part of that assessment, I consider whether the policies in the Review Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy 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.<sup>13</sup> I recommend some modifications as a result.
- 4.9 The Review Plan is addressing a Plan period from 2013 to 2032. Its vision for the Neighbourhood Plan Area is to seek to ensure that "Farnham will continue to thrive, meeting the changing needs of the local community by ensuring new development of high quality design fits well with, and does not erode, the character of the distinctive areas of the town and is supported by improved infrastructure." It aims to achieve this vision by:
- achieving high quality development which fits well with the location;
  - protecting open space within the town and providing new open space alongside development;
  - preventing coalescence of the distinctive parts of Farnham as well as between Farnham and Aldershot;
  - ensuring new development complies with the European directive in relation to Thames Basin Heaths Special Protection Area and protects and enhances other biodiversity interests; and
  - promoting local businesses in Farnham town centre and neighbourhood centres as well as on other business sites around the town.

Each sub-section of the Policies section (Section 5) of the Review Plan contains Objectives, which reflect the aims of the Review Plan's Vision.

- 4.10 The Review Strategy is set out on pages 17-19 of the Review Plan. I am satisfied that the key issues arising from the NPPF and the strategic policies in the adopted Waverley Borough Local Plan (Part 1) covering the period up to 2032, as they affect Farnham, are appropriately identified within the Plan and more fully at Section 6 of the Basic Conditions Statement. In particular, I also note that the Basic Conditions Statement

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<sup>13</sup> PPG Reference ID: 41-041-20140306.

(at Section 5) describes how the Review Plan has regard to the aim that its strategy and policies contribute to the achievement of sustainable development.

- 4.11 I consider overall, subject to the detailed modifications I recommend to specific policies below, that individually and collectively the Review Plan's policies will contribute to the achievement of sustainable patterns of development. However, there are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of Waverley Borough Council.

#### *Specific Issues of Compliance*

- 4.12 There were five specific issues which were raised in representations to the Review Plan and which, in my view, necessitated a Public Hearing as part of this examination. Those issues were the extension of the Plan period to 2032, the proposed modifications to the Farnham Built Up Area Boundary, the housing requirement and potential housing supply up to 2032 within the Neighbourhood Plan Area, the provision of potential Suitable Alternative Natural Greenspace (SANG) within the Neighbourhood Plan Area and the proposed amendments to Map E in the made Plan defining the areas of high landscape value and sensitivity. A number of representations and subsequent submissions to me suggested that the Plan did not have sufficient regard to national policy on matters connected to those five specific issues. I therefore address each of those issues in paragraphs 4.13-4.41 below.

#### *Plan Period*

- 4.13 The Review Plan is proposed to now cover the period from 2013 to 2032. This will achieve alignment with the adopted Waverley Borough Local Plan (Part 1), and the principal effect of this modification is to increase the housing requirement in the Neighbourhood Plan Area over that period to a minimum of 2,780 dwellings, as established by Policy ALH1 in the adopted Local Plan. I consider the implications of this extension of the Plan period by one further year upon housing supply and housing site allocations in paragraphs 4.17-4.31 below, but I am satisfied that the modification to extend the Plan period is justified and will secure general conformity with the strategic approach of the adopted Local Plan. I also note that during the course of my examination, the Borough Council stated in a press release on 30 September 2019 that there was no intention to proceed with an early review of the Part 1 Local Plan and to proceed with the preparation of the Part 2 Local Plan (Site Allocations and Development Management Policies).

#### *The Farnham Built Up Area Boundary*

- 4.14 The Farnham Built Up Area Boundary (BUAB) is defined on Map A of the Review Plan at page 18. The Plan states (at paragraph 4.04) that "A

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*built-up area boundary is defined for Farnham which seeks to enable development opportunities within the town whilst protecting its rural setting and the surrounding countryside from inappropriate development. The Built Up Area Boundary is proposed to be extended around the allocated housing and business sites to indicate the acceptance of development of these areas".* The extended boundary includes housing sites at Green Lane Farm and Folly Hill which were granted on Appeal since the Neighbourhood Plan was made. A number of representations were made concerning the proposed BUAB, ranging from detailed site-specific concerns by individual residents and property owners to more general comments regarding the restrictive nature of the boundary in being able to accommodate planned growth in Farnham up to 2032.

- 4.15 I have considered all of these representations together with the discussions and submissions during the Public Hearing and I have reached the following conclusions. Firstly, the definition of the BUAB in Farnham has, very largely, provided an effective and successful mechanism to protect the countryside beyond from inappropriate development and to focus new development within the urban area of Farnham. Secondly, I have carefully considered those parts of the BUAB where land is now proposed to be included and also those representations which have suggested that further amendments are necessary to the BUAB. I consider that the proposed amendments to the BUAB contained in the Review Plan are appropriate and that the justification for the inclusion of additional land is consistent with the methodology and principles underpinning the definition of the BUAB in the made Plan.
- 4.16 I conclude on this issue that the proposed modifications to the BUAB as defined in the Review Plan are appropriate, having regard to both national policy and advice and to the achievement of sustainable development. Therefore, I do not recommend any modifications to the proposed BUAB boundary as shown on Map A in the Review Plan.

#### *Housing Supply and Housing Site Allocations*

- 4.17 The principal amendments to the made Plan arising from the proposed extension of the Plan period to 2032 and to conform with the strategic policies in the adopted Waverley Borough Local Plan (Part 1) concern the recalculation of projected housing supply over the extended Plan period and the inclusion of five housing allocation sites to contribute to the increased housing requirement.
- 4.18 As noted above, Local Plan Policy ALH1 sets a minimum housing requirement of 2,780 dwellings (including homes permitted and built since April 2013 and anticipated windfall development) for Farnham over the period 2013-2032. In terms of housing supply, the position at March 2018 (as shown at paragraph 5.142 in the Review Plan) is that there were commitments to a total of 2,083 dwellings (including a windfall contribution of 475 dwellings). This included planning permissions granted for developments at four of the ten housing allocation sites

contained in the made Plan, namely Policy FNP14 c) (part), FNP14 f), FNP14 h) and FNP14 j).

- 4.19 The Review Plan (at paragraph 5.160) proposes that projected housing supply over the Plan period will be 3,005 dwellings, with the housing allocation sites contained in the Review Plan contributing 922 dwellings to this total supply. The projected windfall contribution remains as 475 dwellings. Thus, projected supply exceeds the minimum strategic Local Plan requirement by 8%.
- 4.20 In my assessment of the projected housing supply, I have given careful consideration to the submissions made in written representations and at the Public Hearing largely to the effect that the projected supply figures are insufficient to meet the strategic housing requirement, taking into account variables such as an expected increase in that requirement arising from a Local Plan Review, Waverley Borough Council's current Five Year Housing Land Supply (5YHLS) position and Housing Delivery Test performance and an over-optimistic reliance upon the delivery of windfall sites.
- 4.21 As noted above, the Borough Council has now stated that it does not intend to proceed with an early Review of the Local Plan, and it is therefore conjecture at this time whether or not such a review would lead to an increased housing requirement for Farnham. Secondly, when such a review is undertaken and if it does lead to an increased housing requirement for Farnham, the Town Council will again have the opportunity to review the Neighbourhood Plan to take account of any changes to the strategic policies. The fact that this current review has been undertaken following the adoption of the Local Plan (Part 1) in February 2018 does demonstrate that the Town Council is seeking to maintain the currency of the Neighbourhood Plan, and this is to be commended. Thirdly, it is not the responsibility of the Town Council, the Neighbourhood Plan or indeed myself (unless required in order to meet the Basic Conditions) to take actions to improve the Borough Council's 5YHLS and Housing Delivery Test performance. These are matters entirely for the Borough Council to consider on a Borough-wide basis and if there are any issues affecting the Farnham Neighbourhood Plan, the Borough Council has the opportunity to make its own decisions which might lead to a further review of the Neighbourhood Plan in due course. The Borough Council has not made any representations to this examination to the effect that housing supply should be further increased in Farnham up to 2032.
- 4.22 The margin or buffer of the projected housing supply in Farnham above the strategic minimum housing requirement is around 8%. I have taken account of the various representations and submissions stating that the Review Plan's buffer of projected housing supply is inadequate and that its reliance upon windfall developments is excessive. The projected contribution from windfall developments is 15% of total supply, comprising 200 dwellings from large sites and 275 units from small sites. I have also taken account of past-delivery rates in Farnham for new

dwellings arising from windfall developments, together with the Government's extensions to Permitted Development rights allowing changes of use to residential use, and I conclude that the potential contribution of windfall developments at 15% of projected total supply is not excessive in the context of the Neighbourhood Plan Area, and that the estimate of 475 dwellings arising from this source is robust.

- 4.23 My overall conclusion on the matter of housing supply is that the proposed modifications (with a baseline date of 31 March 2018) are in general conformity with the strategic policies of the adopted Borough Local Plan (Part 1), and specifically Policy ALH1 in that Plan, and that they represent a realistic projection of intended housing supply in Neighbourhood Plan Area up to 2032.
- 4.24 I turn now to consider the Review Plan's housing site allocations. These are contained within Policy FNP14. The made Plan contained ten housing site allocations, of which three sites have since received planning permission for development, as has the western part of site FNP14 c). In this respect, I note that the planning permissions granted have yielded in total a significant increase above the potential capacities identified in the made Plan, thus adding a further contribution to housing supply. The proposed modifications include the addition of five further housing allocation sites, as follows:
- FNP14 c) (Land at Little Acres Nursery and south of Badshot Lea) – gross site area amended to 1.2 hectares and approximate capacity amended to 35 dwellings, following the grant of planning permission on the western part of the site;
  - FNP14 h) (Cobgates, Falkner Road) – gross site area 0.55 hectare and approximate capacity of 40 dwellings;
  - FNP14 i) (University for the Creative Arts, Falkner Road) – gross site area 2.05 hectares and 217 net additional student units (equating to 72 dwellings);
  - FNP14 j) (Centrum Business Park, East Street) – gross site area 0.7 hectare and approximate capacity of 150 dwellings;
  - FNP14 k) (Kimbers Lane, Farnham) – gross site area 0.24 hectare and approximate capacity of 20 dwellings; and
  - FNP14 l) (Surrey Sawmill, Wrecclesham Hill) – gross site area 0.7 hectare and approximate capacity of 20 dwellings.
- 4.25 I have assessed the justification for the inclusion of each of the additional sites in the proposed Review Plan. I note that a 'Call for Sites' was undertaken in March 2018, and that the individual site assessments followed the guidance contained in national policy guidance. All sites have been subject to assessment through the SA/SEA process, and the Review Plan is accompanied by a comprehensive Farnham Housing Land Availability Assessment (December 2018), which includes detailed site assessments of each site proposed for inclusion in the Review Plan (at Appendix 5) and those not included (at Appendix 6).

- 4.26 In relation to the residential developments proposed at Surrey Sawmill and the Centrum site, these would result in the loss of employment sites contrary to Waverley Local Plan Part 1 Policy EE2, which seeks to protect existing employment sites unless it can be demonstrated that there is no reasonable prospect of the site coming forward for an alternative employment use. I note that the Borough Council has not raised any concerns regarding the potential loss of these two employment sites. Nevertheless, I have considered each of these two proposed housing allocations in light of national policy and the specific circumstances of each site. Both sites clearly constitute previously-developed land within the BUAB and are in sustainable locations. The redevelopment of both sites for residential purposes accords with the Review Plan's objectives and reflects national policy objectives, notably at paragraph 118 of the NPPF, to promote the development of 'brownfield' sites ahead of 'greenfield sites'. I therefore conclude that their inclusion in the Review Plan as housing allocation sites is justified.
- 4.27 With regard to the proposed site allocation at the University for the Creative Arts (FNP14 i)), I have taken note of the paper on Student Accommodation (dated December 2018) to support the Review Plan. I find that this contains the necessary justification to support the proposal alongside having regard to PPG Reference ID: 67-004-20190722 (Housing needs of different groups), which advises that encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. In particular, I note that this may lead to some of the 238 existing residential properties elsewhere in Farnham that are presently occupied, in part or in whole, by students being released for other groups seeking homes in Farnham. The planned expansion of accommodation at the University for the Creative Arts, at the ratio of three student bedrooms equating to a single dwelling, has the potential to represent the supply of the equivalent of an additional 72 dwellings in Farnham.
- 4.28 In respect of the proposed inclusion of the five additional housing allocation sites, both individually and collectively, together with the other allocation sites being carried forward within Policy FNP14 from the made Plan, I have given careful consideration, in response to written representations and the submissions made at the Public Hearing regarding the suitability, deliverability and viability of the sites. I have taken account of the national policy guidance, notably paragraph 69 of the NPPF, and in my assessment, in the context of the Plan's wider objectives such as the protection of land beyond the BUAB, the housing allocation sites are all fully justified and conform with national and strategic policy objectives for the identification of new housing sites. There is undoubtedly a very strong housing market in the Farnham area, and I am in no doubt that the housing allocations within the Review Plan will be implemented and delivered during the period up to 2032, as evidenced in part by the fact that three of the sites previously included within the made Plan (July 2017) now have planning permission for development, together with part of a fourth site.

- 4.29 I have also considered all of the representations and submissions made to me at the Public Hearing concerning various alternative sites in the Neighbourhood Plan Area and the case being put forward by each party for the inclusion of further housing allocation sites. My conclusion is that a rigorous and comprehensive approach has been undertaken by the Town Council to the identification of the additional sites now included in the Review Plan, which conforms with best practice guidance for the inclusion of housing allocation sites in neighbourhood plans.<sup>14</sup> In accordance with my previous finding that the Review Plan contains a realistic projection of intended housing supply in the Review Plan area up to 2032 and my assessment at paragraph 4.27 above, I do not recommend the addition of any further housing allocation sites to the Review Plan, nor do I recommend the deletion of any of the proposed additional sites listed at paragraph 4.24 above. I have also reviewed those allocations that are carried forward from the existing made Plan, and I do not recommend any substantial modifications to those allocations.
- 4.30 However, I do consider that with regard to the eleven housing site allocations contained in the Review Plan there is an inconsistency in the stated infrastructure requirements between a number of the sites, with some statements being more explicit than others. This is leading, in my assessment, to a lack of clarity and certainty within Policy FNP14 regarding infrastructure provision for some proposed housing site allocations. Accordingly, I recommend as modifications **PM2-PM9** revised wording to address such inconsistency and to provide improved clarity for users of the Review Plan.
- 4.31 Therefore, with the recommended modifications PM2-PM9, I consider that the Review Plan's strategy and policies for housing supply and housing site allocations are in general conformity with the strategic policies of the Local Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### *Suitable Alternative Natural Greenspace (SANG)*

- 4.32 The fourth policy issue which I wished to discuss in greater detail at the Public Hearing concerned the Review Plan's provisions for SANG capacity within the Plan area, arising from the designated SPA at Thames Basin Heaths. Farnham is within the buffer zone of this SPA which has a direct relationship upon the projected capacity for new dwellings within the Neighbourhood Plan Area. Based upon the expected delivery of 3,005 new dwellings during 2013-2032 (see paragraph 4.19 above), additional SANG is required to serve approximately 415 dwellings.
- 4.33 Policy FNP12 in the Review Plan provides the proposed policy framework for determining the mitigation measures that will be necessary, in the

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<sup>14</sup> PPG Reference ID: 41-103-20190509.

form of enhanced SANG capacity, that will be required for new residential development up to 2032. The policy identifies land at Tongham Road, Runfold, part of which is within the Neighbourhood Plan Area with other land being within Guildford Borough (and shown on Map G in the Review Plan) as meeting the requirement for additional SANG, to be provided in two phases. Planning permission has been granted for the use of this land as SANG, which will meet the shortfall in SANG capacity in the Neighbourhood Plan Area.

- 4.34 Additionally, land at Runfold South Quarry (also known as Runfold South Sandpit) has been identified as providing further potential SANG post-2026, following restoration and aftercare of the former mineral workings. This potential is identified in the Review Plan at paragraph 5.113, but the site is not formally identified at this stage as SANG. I agree with this approach, and I note that Natural England has confirmed that the site has potential to provide appropriate SANG in principle.
- 4.35 During the course of this examination, I was made aware that a planning application (Ref. WA/2019/1508) had been submitted to Waverley Borough Council for the change of use of 10.61 hectares of land to SANG at Farnham Park Hotel. This would constitute an extension to the existing designated SANG at Farnham Park, and would provide SANG capacity for an additional 670 dwellings in the Neighbourhood Plan Area.
- 4.36 There are no objections in principle to this proposal, and a signed Statement of Common Ground dated September 2019 between Farnham Town Council and PLOT (Farnham) LLP has been submitted as an examination document.<sup>15</sup> It states, inter alia, that Natural England has confirmed that the proposed SANG extension to Farnham Park meets all of the requirements for SANG. In my assessment, there is sufficient certainty regarding this proposal such that it should be included within Policy FNP12 as a further enhancement to SANG capacity in the Neighbourhood Plan Area. Accordingly, I recommend as modification **PM10** an amendment to Policy FNP12 to identify the Farnham Park Hotel site together with the addition of a further map within the Review Plan to define the site and provide accompanying text.
- 4.37 Therefore, taking account of the proposed allocation of land at Tongham Road, Runfold within Policy FNP12, the identification of further potential SANG at Runfold South Quarry post-2026 and the proposed additional SANG at Farnham Park Hotel, I am satisfied that the Review Plan will address the requirements for additional SANG capacity arising from its proposed housing supply up to 2032. With the recommended modification PM10, I consider that the Review Plan's strategy and policy for the provision of SANG are in general conformity with the strategic policies of

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<sup>15</sup> View at:

[https://www.waverley.gov.uk/info/200358/neighbourhood\\_plans/1728/farnham\\_neighbourhood\\_plan](https://www.waverley.gov.uk/info/200358/neighbourhood_plans/1728/farnham_neighbourhood_plan)



the Local Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### *Areas of High Landscape Value and Sensitivity*

- 4.38 The final policy issue which I wished to discuss in greater detail at the Public Hearing concerned the Review Plan's identification of Areas of High Landscape Value and Sensitivity, as shown on Map E in the Plan, and forms part of the justification for Policy FNP10. Whilst the policy itself is not proposed for amendment, the areas of land identified on revised Map E are extended beyond those shown in the existing made Plan, and therefore Policy FNP10 would apply over a greater part of the Neighbourhood Plan Area
- 4.39 The evidence underpinning the proposed amendments to Map E is the Farnham Landscape Character Assessment (dated August 2018) prepared by Hankinson Duckett Associates. I have carefully reviewed the methodology and outputs of the Landscape Character Assessment, which is based upon an assessment of 19 landscape character areas across the Neighbourhood Plan Area. This represents a significantly more refined level of assessment than the previous Surrey Landscape Character Assessment and the Waverley Borough Council Landscape Study – Part 1: Farnham and Cranleigh. The methodology for the assessment follows best practice guidance published by Natural England in 2014.<sup>16</sup>
- 4.40 I have also considered the various representations that have been made on this issue, noting that Natural England has not raised any concerns regarding the issue. My assessment is that the proposed amendments to Map E in the Review Plan are based on a robust and comprehensive assessment of landscape character, undertaken according to best practice methodology. However, as presented, I do not consider that Map E provides sufficient clarity regarding the areas of land covered by the landscape designations, particularly in view of its likely importance for future development management decisions. I therefore recommend as modification **PM11** the addition of a series of inset maps at a larger scale to follow Map E to show the various designations at an appropriate level of detail, in order to provide greater clarity for users of the Review Plan.
- 4.41 With the recommended modification PM11, I consider that the proposed amendments to Map E in the Review Plan regarding areas of high landscape value and sensitivity are in general conformity with the strategic policies of the Local Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

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<sup>16</sup> View at: <https://www.gov.uk/guidance/landscape-and-seascape-character-assessments>

## *Other Matters*

4.42 I have examined the entirety of the Review Plan including those parts of the Plan that are unchanged from the made Plan. This has included an assessment of whether there are any ramifications resulting from the modification proposal for the other policies in the made Plan. I consider these other policies below.

### Environment

4.43 Policies FNP1-FNP13 address matters concerning the built and natural environment in the Plan area. Excluding the specific issues relating to Policies FNP10, FNP 11 and FNP12, which I have referred to above, this suite of policies continues to reflect current national policies contained in the NPPF, particularly at Sections 15 and 16, and are in general conformity with the strategic policies of the adopted Local Plan. The policies contribute to the achievement of sustainable development in the Plan area, and I do not consider that any consequential modifications are necessary as a result of the Review.

### Housing

4.44 Policies FNP14-FNP16 address matters concerning housing provision and design within the Plan area. I have considered the review modifications to Policy FNP14 above, and do not consider that they necessitate any further modifications to Policies FNP15 (Small Scale Dwellings) and FNP16 (Building Extensions Within and Outside the Built up Area Boundary), which continue to reflect national policy guidance, for example paragraph 125 of the NPPF, and remain in general conformity with the strategic policies of the adopted Local Plan.

### Business

4.45 Policies FNP17, FNP 19 and FNP20<sup>17</sup> address matters concerning the local economy in Farnham, both within the urban area and surrounding rural areas. The policies provide positive support for the retention and growth of businesses at 19 designated sites within the Plan area (Policy FNP17), at a business site allocation at Water Lane (Policy FNP18) and in the rural areas (Policy FNP20). These policies all accord with national policy guidance, particularly at paragraphs 81-83 of the NPPF, and are in general conformity with the strategic policies of the adopted Local Plan. I do not consider that any consequential modifications are necessary to these policies as a result of the Review.

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<sup>17</sup> As regards Policy FNP19, I deal with the University for Creative Arts at paragraph 4.27 above.

## Farnham Town Centre and Neighbourhood Centres

- 4.46 Policies FNP21-FNP25 address matters, generally concerning retail and commercial development, in Farnham Town Centre and the ten designated Neighbourhood Centres across the Plan area. The policies all accord with the objectives of the Review Plan and reflect national policy guidance, particularly at paragraph 85 of the NPPF, to encourage and support vibrant town centres and local shopping areas. They are in general conformity with the strategic policies of the adopted Local Plan, and I do not consider that any modifications are necessary.

## Leisure and Wellbeing

- 4.47 Policies FNP26-FNP29 concern the range of recreational, sports, cultural and community facilities in the Plan area. I consider that these policies reflect national policy contained in the NPPF, notably at paragraphs 92 and 96-97, for the planning and protection of open spaces, sports and recreation provision, and the promotion of wellbeing. They are in general conformity with the strategic policies of the adopted Local Plan, and in my assessment, continue to be founded on up to date evidence. The policies contribute to the achievement of sustainable development in the Plan area, and I do not consider that any modifications are necessary.

## Infrastructure

- 4.48 Policies FNP30-FNP32 address infrastructure provision in the Plan area, specifically addressing the transport impact of development (Policy FNP30), water and sewerage infrastructure (Policy FNP31) and securing new social, physical and green infrastructure (Policy FNP32). These policies reflect the objectives of the Review Plan and national policy for infrastructure provision, for example at paragraph 34 of the NPPF, and are in general conformity with the strategic policies of the adopted Local Plan. I note that the Waverley Community Infrastructure Levy (CIL) came into effect in March 2019 and Policy FNP32 is the relevant Review Plan policy for securing appropriate CIL contributions. I do not consider that any modifications are necessary to this suite of policies.

## *Concluding Remarks*

- 4.49 In my assessment, beyond the specific matters and issues set out in paragraphs 4.12-4.41 above, I do not identify any further issues arising from the other policies in the Review Plan that lead me to the conclusion that the Review Plan requires any additional substantive modifications. However, although the Review Plan has been updated and amended in many places to take account of planning decisions, updated legislation and revised data, the passage of time since the submission of the Review Plan to Waverley Borough Council has meant that certain points require further updating. For example, at paragraph 1.12, the NPPF 2018 has been replaced by the NPPF 2019, and at paragraph 5.322 the Waverley Community Infrastructure Levy is now in effect (see above). As an

advisory comment, I therefore suggest that any necessary further minor factual updates be made to the text of the Review Plan where required.

- 4.50 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Farnham Neighbourhood Plan Review (Modifications Proposal) meets the Basic Conditions for neighbourhood plans. As an advisory comment, when the Review Plan is being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any other consequential changes, etc.

## **5. Conclusions**

### *Summary*

- 5.1 The Farnham Neighbourhood Plan Review (Modifications Proposal) has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Review Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Review Plan, and the supporting documents submitted with it, together with the submissions that were made at the Public Hearing.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Review Plan meets the Basic Conditions and other legal requirements. I recommend that the Review Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Review Plan relates. The Farnham Neighbourhood Plan Review (Modifications Proposal), as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Review Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 It is clear that the Farnham Neighbourhood Review Plan is the product of much hard work undertaken since early 2018 by the Town Council, the Neighbourhood Planning Team and by the many individuals and stakeholders who have contributed to the preparation and development of the Review Plan. In my assessment, the Review Plan reflects the aspirations and objectives of the Farnham community for the future

development of their community up to 2032. The output is a Review Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Waverley Borough Council.

*Derek Stebbing*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front cover	Add the Review Plan period <b>2013-2032</b> to the Front cover.
PM2	Page 54	<u>Policy FNP14 d) – Land between Hale Road and Guildford Road</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM3	Page 55	<u>Policy FNP14 e) – Colemans Yard, Wrecclesham Road</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM4	Page 55	<u>Policy FNP14 f) – West of Switchback Lane, Rowledge</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM5	Page 57	<u>Policy FNP14 h) – Cobgates, Falkner Road</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in</b>

		<b>accordance with Policy FNP32 in this Plan”.</b>
PM6	Page 57	<u>Policy FNP14 i) – University for the Creative Arts, Falkner Road</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM7	Page 58	<u>Policy FNP14 j) – Centrum Business Park, East Street</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM8	Page 58	<u>Policy FNP14 k) – Kimbers Lane, Farnham</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM9	Page 59	<u>Policy FNP14 l) – Surrey Sawmill, Wrecclesham Hill</u> <u>Infrastructure</u> Delete existing text, and replace with: <b>“Contributions will be sought to provide necessary infrastructure in accordance with Policy FNP32 in this Plan”.</b>
PM10	Page 44	<u>Policy FNP12 (Thames Basin Heaths Special Protection Area (SPA))</u> Amend text of policy clause i) to read:

		<p><b>“appropriate contributions towards the provision of Suitable Alternative Natural Greenspace (SANG) at Farnham Park and its extension at Farnham Park Hotel; Tongham Road, Runfold or Runfold South Quarry Site, or”.</b></p> <p>Add new paragraph (to follow Map G), to read as follows:</p> <p><b>“An additional 10.61 hectares of land at the Farnham Park Hotel site has been identified as potential SANG. Planning permission has been sought for this change of use, and this land will form an extension to the existing approved SANG at Farnham Park.”</b></p> <p>Add new map (to follow above new paragraph) identifying the 10.61 hectares of land at the Farnham Park Hotel site as a SANG site.</p>
PM11	Page 36	<p><u>Map E (Farnham Landscape Character Assessment 2018)</u></p> <p>Add a series of inset maps at a larger scale to follow Map E to show the various landscape designations across the Neighbourhood Plan Area at an appropriate level of detail, in order to provide greater clarity. Map E should be adjusted to mark the areas covered by the insets.</p>