

## INDEPENDENT EXAMINATION OF SEND NEIGHBOURHOOD PLAN

EXAMINER: Mary O'Rourke BA(Hons) DipTP MRTPI

Debbie Hurdle  
Clerk to Send Parish Council

Daniel Nunn  
Guildford Borough Council

Examination Ref: 01/MOR/SNP

Via email

27 July 2020

Dear Ms Hurdle and Mr Nunn

### SEND NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Send Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Borough Council and for the Parish Council.

#### 1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

#### 2. Site Visit

I intend to carry out a site visit to the neighbourhood plan area once I have received responses to the questions I have set out for the Borough Council and the Parish Council, which are attached as an Annex to this letter. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

#### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

As mentioned above, I have a number of initial questions seeking further clarification from the Borough and Parish Councils, set out in the Annex to this letter. I would be grateful if a written response could be provided within **three** weeks of receipt of this letter. Should additional time be required to respond, please contact the IPE office team.

Once I have undertaken my site visit, I may have some further questions which seek clarification on other matters.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan.

However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. However, please be assured I will endeavour to mitigate any delay as far as is practicable. Once I have conducted the site visit, the office team will be better able to provide an indication of the expected date for receipt of my draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and your respective responses to my questions are placed on the Borough Council and Parish Council websites.

Thank you in advance for your assistance.

Your sincerely

*Mary O'Rourke*

Examiner

## ANNEX

From my initial reading of the submission draft Send Neighbourhood Plan and the supporting evidence, I have the following questions for the Borough and Parish Councils. I have requested the submission of a response within **three** weeks of receipt of this letter.

### To Guildford Borough Council

1. The Foreword to the Plan refers to the Guildford Community Infrastructure Levy and its anticipated adoption in May 2020. Has it been adopted and, if so, when?
2. The Plan and representors have referred to the West Surrey Strategic Housing Market Assessment of 2015 and Addendum Report 2017. Please confirm that they are the most up to date documents relevant to the Plan area and provide electronic links to the documents.
3. In respect of the consultation representations, I have now received a copy of the representations made by Gladman SNP 20/13. Please confirm that comment ref. SNP 20/1 and 20/2 were in fact made by Nigel Sturgess and not Astenbell Ltd, as listed; that comment ref. SNP 20/11 was made by Astenbell Ltd on behalf of Langham Homes; and please provide the names of those who made comment ref. SNP 20/3 and SNP 20/9, which are unattributed on my list.
4. In comment ref. SNP 20/11 a quote is provided from the Borough Council's planning policy manager. Please confirm that it is an accurate record of their address to the Planning Committee in October 2019.
5. Please advise me of the Borough Council's view on policy Send 2 e), where the mixture of dwelling sizes is expressed as minimum percentages, in terms of its general conformity with the strategic policies of the Local Plan.
6. Could the Borough Council please confirm that there are no issues with the Plan's compatibility with human rights legislation?

### To Send Parish Council

7. Please advise me of the Parish Council's response to Guildford Borough Council's comments on the Plan's policies Send 4 and Send 8 set out in its Statement to the Examiner.
8. Map 5 of the Send Character Assessment 2019 is titled Send Conservation Areas. However, I understand that there is only one Conservation Area in the Parish, the Wey and Godalming Navigations Conservation Area. Please confirm that is the case and provide a map showing the extent of the Conservation Area, its date of designation and any relevant Conservation Area Appraisal.
9. Policy Send 1 on design requires that '*proposals should seek to ensure that development does not result in significant adverse effects on the key views identified in the Character Assessment ...*'. A map titled local character views is at page 25 of the Plan, indicating 36 views that I am assuming are those considered to be 'key'. The map lacks clarity in that the script is so small it is extremely difficult to read the letters and numbers, and indeed some appear to be duplicated. Reference to the area maps in the Character Assessment does not greatly assist, nor is it possible to relate the directions of view to the photographs in the Assessment. Please provide me with an amended version of the local character views plan with the views clearly shown and clearly numbered and identifying the Public Rights of Way so that I can relate the views to the photographs in the Character Assessment.

- 10.** In respect of policy Send 1, as advised in the Planning Policy Guidance<sup>1</sup>, a policy in a neighbourhood plan should be clear and unambiguous. I have read the Character Assessment; however, it does not provide me with the robust assessment that I would expect as to what it is in or about these 36 particular views that make them special and justifies their identification as key views. In the absence of such an assessment, I have serious concerns that this part of policy SEND 1 is not drafted with sufficient clarity such that a developer would know what they needed to do to meet the policy nor that a decision maker could apply it consistently and with confidence when determining a planning application. Please advise me as to what additional assessment or evidence there is to justify their identification as key views and therefore subject to policy Send 1.
- 11.** In my examination of the Plan, it would be helpful for me to have a response from the Parish Council to the representations made by Gladman Developments Ltd, Neame Sutton (on behalf of Crownhall Estates Ltd), and Astenbell Ltd (on behalf of Langham Homes), in respect of part e) of policy Send 2 and the setting of minimum requirements for the mix of dwelling sizes for open market and affordable housing.
- 12.** Other than the Census 2011 data on levels of car ownership, please direct me to any additional evidence relied upon as justification for the parking standards proposed in policy Send 8.
- 13.** Please advise me as to whether the Local Green Spaces Report dated March 2019 and marked Draft is the final version.
- 14.** The Plan at paragraph 6.8 notes that ‘the Guildford Local Plan ‘inset’ (or removed) the settlements of Send, Send Marsh and Burnt Common from the Green Belt’ and policy Send 2 b) addresses housing development within the inset settlements. Within the Green Belt, part c) refers to limited infill on ‘sites considered to be within the village’; but as the settlements have been inset, and thus are outside the Green Belt and subject to policy Send 2 b), please clarify what is meant by ‘the village’.
- 15.** The Draft (sic) Local Green Spaces Report March 2019 identifies Land behind Heath Drive as being 2.03ha in area. However, the parcel of land shown in that Report is much larger than LGS6 in the submitted Plan but which is noted as also being 2.03ha. It would be helpful to have the correct size for LGS6.
- 16.** Could the Parish Council confirm that Policy Send 8 on parking is to be applied to all types of development or to residential development only as the supporting text refers to car ownership levels in the parish which would mean cars owned by the resident population and not business/industry etc.

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<sup>1</sup> PPG reference ID: 41-041-20140306.