

Capel Neighbourhood Development Plan 2015-2026

**A report to Mole Valley District Council on the Capel
Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by Mole Valley District Council in April 2017 to carry out the independent examination of the Capel Neighbourhood Plan.
- 2 The examination was undertaken mainly by written representations. I visited the neighbourhood plan area on 5 May 2017. A hearing was arranged in Capel Village Hall on 15 June 2017 to discuss the consultation process and the ability of the Plan to identify housing allocations in the Green Belt.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sustainable development in general and allocating sites for residential development. The Plan also sets out a series of policies on design.
- 4 The Plan's consultation process was one of two issues discussed at the hearing. Whilst there are different views about the process I am satisfied that the relevant statutory requirements have been met.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Capel Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
28 June 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Capel Neighbourhood Plan 2015-2026 (the Plan).
- 1.2 The Plan has been submitted to Mole Valley District Council (MVDC) by Capel Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The Plan is widely-known as the Capel Neighbourhood Plan. Nevertheless, it covers the wards of Beare Green, Capel and Coldharbour. The separate nature of these three settlements is reflected in the structure and design of the policies in the Plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MVDC, with the consent of Capel Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MVDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiners Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment of the Plan. The conclusion of the Screening Report was that all of the relevant considerations addressed indicate

no significant environmental effects or only local effects which can be mitigated. None of these individually or cumulatively indicate the need to carry out full Strategic Environmental Assessment. A proportionate Statement of Reasons is included within the screening opinion.

- 2.7 The screening opinion is thorough and comprehensive. The required consultation was carried out with the three prescribed bodies.
- 2.8 The MVDC screening report also comments on the need or otherwise for a Habitats Regulations Assessment (HRA) of the Plan. MVDC concluded that such an assessment was not required for the following reasons:
- no part of the Plan area falls within the zone of influence or buffer of the Thames Basin Heaths SPA;
 - no part of the Mole Gap to Reigate Special Area of Conservation is within the Plan area; and
 - the proposed levels of growth in the submitted Plan have already been subject to appropriate assessment as part of the adoption of the Core Strategy.

It was therefore concluded that the Plan was not likely to have any significant effect on a European site.

- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust and compelling assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and

- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the MVDC Screening report.
- the Capel Landscape Character Assessment
- the Housing and Community Survey report
- the representations made to the Plan.
- the adopted Mole Valley Core Strategy 2009
- the saved policies in the Mole Valley Local Plan 2000.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 5 May 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that some elements of the Plan should be examined by way of a public hearing. That hearing was held on 15 June 2017. It considered the consultation process associated with the Plan and its ability to propose housing allocations in the Green Belt. The details of the hearing and the various submissions are available for inspection on the MVDC website.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. Its title incorrectly describes it as a 'Statement of Community Involvement'. Such statements are produced for local plans rather than neighbourhood plans. However, I am satisfied that the document addresses the issues as required by the Regulations and that no party was disadvantaged as a result of its title. This point was acknowledged by the local residents who took part in the hearing. In particular, it describes the people and organisations who were consulted, it summarises the consultation process and it sets out how the emerging Plan took account of the comments received.
- 4.3 Section 6 of the report set out a summary of the wider consultation techniques that have been used throughout the evolution of the Plan. Details are provided about:
- The establishment of a website;
 - The production of newsletters and information sheets;
 - The organisation of a householder survey; and
 - The series of general public meetings and others specific to the individual villages.
- 4.4 The consultation process in general, and the details of the Consultation Statement in particular were considered at the hearing. The wider process was tested against the contents of paragraphs 183 and 184 of the NPPF. It was clear at the hearing that the Plan had been complicated to prepare. The design of the consultation process reflected the size of the neighbourhood area and the different nature of the three principal settlements. I was advised about local residents' views on the accuracy of the feedback from the consultation process in general, and about the proposed housing allocation at BG02 in particular.
- 4.5 At the hearing local residents acknowledged that consultation had taken place at appropriate stages during the production of the Plan. Those residents also acknowledged that they were able to make their views known. In some cases, they had received separate correspondence from the Chairman of the Plan's Steering Group. The principal concern expressed to me at the hearing was that the comments of some local residents had not been taken into account. At the same time, I heard from the Parish Council about the way it had sought to balance up a series of conflicting comments and evidence. Plainly this raises one of the challenges of preparing a neighbourhood plan.

- 4.6 Taking all the information into account I am satisfied that the consultation process has had regard to the NPPF and to Planning Practice Guidance (41-047-20140306). The community has been kept informed about what has been proposed and has been able to make its views known. The wider community has had opportunities to be actively involved in the process and has been made aware of how their views have informed the Plan. There was some discussion at the hearing about the consultation processes associated with other neighbourhood plans. Whilst this debate was helpful the test as part of the examination process is whether or not the specific process in relation to the Capel Plan meets the requirements of the Regulations rather than its direct comparison with other similar plans. MVDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations. This point was confirmed at the hearing.
- 4.7 Later sections of this report comment on the extent to which the individual policies meet the basic conditions. In some cases, policies are the subject of recommended modifications. In other cases, policies are recommended to be deleted. These recommended modifications overlap with some of the policies which have been linked with the comments of some local residents on the consultation process.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period which ended on 4 April 2017. This exercise generated 41 comments from a wide range of persons or organisations as follows:
- Mole Valley District Council
 - Thames Water
 - Network Rail
 - Environment Agency
 - Surrey County Council
 - Natural England
 - Carol Musgrove
 - Drs Janet and Stan Venitt
 - Clive Coward
 - Jane Saikia
 - Dr and Mrs Cole
 - Peter Collins and Jan Morgan
 - Vivienne Spackman
 - Lesley Bignell
 - Mr and Mrs Mansell
 - Anita Smith
 - The Good Shepherd Trust
 - Ray Smith
 - Kevin Godfrey
 - Francesca Flammiger
 - Dr Garrod

- Katherine Teh
- Andrew Melvin
- Martin and Louise Schlaepi (and others)
- Southern Planning
- Cherrington Planning
- Alan Smallwood
- Abava Developments Limited
- John and Christine Thom
- John Acott
- Nick Ward
- John Kelly
- Wates Developments Limited
- Croudace Homes
- Bray Estate (Grenehurst Park)
- Bray Estate
- Martin Schlaepi
- Anthea Smallwood
- Capel Parish Council
- Gladman Developments
- Martin and Jenny Richards
- Mr Smith
- Mary Huggins
- Pippa Bennett
- Christopher and Carolyn Cobb
- Leslie Kelly
- Mr and Mrs Fillmore

4.9 As part of my examination of the Plan I have taken account of all the comments received. Where appropriate I have made specific reference to the person or organisation's comments in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area is an extensive rural area to the south of Dorking. It has a population of around 3500 people based principally in the three separate communities of Beare Green, Capel and Coldharbour. It was designated as a neighbourhood area in June 2015.
- 5.2 The context and setting of the Plan area is heavily influenced by the Metropolitan Green Belt and by its location partly within the Surrey Hills AONB. The Surrey Hills around Coldharbour represent some of the highest land in the south of England. They are understandably popular for a wide range of leisure and recreation purposes. The A24 trunk road provides the main traffic route within the Plan area.
- 5.3 The Plan area is affected by many of the planning and environmental issues facing rural areas. Its proximity to the urban areas of Dorking and Leatherhead to the north and Horsham to the south make it a popular place to live. Within this context the Plan aims to make the villages more sustainable in their own rights.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Mole Valley Core Strategy 2009 together with the saved policies of the Mole Valley Local Plan 2000. The Core Strategy sets out a vision, objectives, spatial strategy and overarching planning policies that guide new development in the District up until 2026. The Capel Neighbourhood Plan has been designed to respect this period.
- 5.5 The Basic Conditions Statement very helpfully lists the policies in both the adopted local plan documents with which the Plan is considered to be consistent. It highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. MVDC has also provided me with a comprehensive list of those policies that it considers to be strategic. This was also very helpful as part of the examination.
- 5.6 Core Strategy policy CS1 sets out a spatial strategy. This indicates that new development will be directed towards previously developed land within the built-up areas of Leatherhead, Dorking (including North Holmwood), Ashted, Bookham and Fetcham. These settlements have been identified as the most sustainable locations within the District in terms of the level of community services and facilities available, access to public transport and supporting infrastructure. Limited development and infilling will take place on previously developed land within the identified larger villages and infilling only on previously developed land in the smaller rural villages. Beare Green and Capel are identified in the policy as larger villages.
- 5.7 The saved Local Plan continues to provide significant levels of day-to-day planning control in the rural parts of the District. Policy RUD1 addresses infilling in Green Belt

villages. Policy RUD2 addresses infilling and limited development in villages inset from the Green Belt. Policy RUD3 addresses infilling and limited development in villages beyond the Green Belt.

- 5.8 These policies, together with other strategic policies have provided a clear and strong context for the preparation of the neighbourhood plan. The submitted plan sets out local dimension to these strategic policies.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 5 May 2017. I was keen to get a good overall impression of the Plan area on the one hand, and to look at the proposed housing allocations in a degree of detail on the other hand.
- 5.10 I approached the Plan area from the north and the M25. I initially looked at the BG04 proposed housing site as I travelled south along the A24. I then walked around Capel. I looked at the four proposed housing allocations. I saw the wide variety of building styles sitting comfortably together. The character assessment of the village in Section 6 of the Plan is a very good representation of the village.
- 5.12 I then travelled back northwards on the A24 to Beare Green. I looked in detail at the BG02 and BG03 proposed housing allocations. I saw the relationship between the sites, the railway station and the village centre.
- 5.13 I then looked at the concentration of shops and other commercial units in Beare Green village centre. They were very popular at the time of my visit. It helped me to understand the role and purpose of policy C-GA2 in the Plan.
- 5.14 I then continued my visit by driving northwards to Dorking and then out to Coldharbour. The drive around Leith Hill was particularly pleasant. I walked around Coldharbour village so that I could understand the proposed policies specific to this village.
- 5.15 At various points during my visit I was able to understand and appreciate the character of the Surrey Hills AONB.
- 5.16 In order to get a full impression of the Plan area I drove around the landscape to the south and west of the Plan area.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It follows other submission documents in terms of its design, format and presentation. Its tabular summary assessment of the relationship between the Plan's policies and national policy and development plan policies is very helpful and informative.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Capel Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities – in this case the Green Belt and the Surrey Hills AONB.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- taking account of and supporting local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sensitive housing development, to safeguard its inherent character and to identify and safeguard valued recreation facilities. Where necessary I have recommended modifications to certain policies to ensure that they have regard to national policy. These recommended modifications refer specifically to the relationship between the Green Belt and the proposed residential allocations.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the original publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence. As submitted the Plan does not fully accord with this range of practical issues. Several of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.9 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to promote new residential development. In the social role, it includes a policy to support affordable housing and to retain car parking spaces at the Beare Green retail centre. In the environmental dimension the Plan positively seeks to protect the distinctive character of the neighbourhood area. In particular, it proposes a suite of policies on design matters linked to village character.

General conformity with the strategic policies in the development plan

- 6.10 I have already commented in detail on the development plan context in the wider Mole Valley District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.11 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. Subject to the recommended modifications I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Parish Council has spent considerable time and energy in identifying the issues and objectives that they wish to be included in the Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a very detailed way. The Plan is well-presented and arranged.
- 7.9 The Introduction provides a very clear context to the neighbourhood plan process and how it sits within the local planning context. Paragraph 1.9 helpfully sets out the structure of the Plan itself. Paragraph 1.13 identifies that the Plan is aiming to promote a sustainable parish which will be active, environmentally-sensitive, well-designed and built, thriving and fair for everyone.
- 7.10 Section 2 sets out the key information about the parish that has influenced the preparation of the Plan. Specific information is provided about housing, working and shopping and sustainability and design quality. These matters form a structure within which the general policies are cast.
- 7.11 Section 3 describes the constraints and opportunities that have informed the preparation of the Plan. It provides a context to the proposed housing allocations. It

also identifies the design requirements for the individual villages that are set out in further detail in Section 6 of the Plan.

- 7.12 The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on its policies.
- 7.13 The Plan policies are helpfully set out in following major blocks:

General Policies

Paragraphs 7. 14 to 7.84 of this report

Village Specific Policies (Beare Green, Capel and Coldharbour)

Paragraphs 7.85 to 7.115 of this report

Policies for the proposed site allocations

Paragraphs 7.116 to 7.138 of this report

General Policies

Policy C-H1: Land for new homes

- 7.14 This policy establishes a wider context for the allocation of sites for residential development in the neighbourhood area. It lists seven sites by reference to a series of policy numbers. The various sites are then addressed in further detail in the third section of the Plan under each policy heading.
- 7.15 There was some discussion at the hearing about the significance or otherwise of the proposed delivery of 160 dwellings in the Plan area. The Parish Council advised that the figure of 160 dwellings was simply the sum of the anticipated yield of the various sites. Furthermore, MVDC advised that there was no strategic requirement in the adopted Core Strategy for the Plan area to deliver any specific number of dwellings. Any new dwellings delivered within the area would simply count against the wider requirement for the District.
- 7.16 The various sites would have different impacts on the Green Belt in the Plan area. The hearing considered the ability or otherwise of the Plan to allocate sites for residential development in the Green Belt. This section of the report will summarise that debate and then apply its outcome to the seven sites concerned.
- 7.17 It was common ground at the hearing that the neighbourhood plan did not have the ability to alter green belt boundaries or to allocate sites for residential development in the green belt. Paragraph 83 of the NPPF comments that 'local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and Settlement policy'. MVDC had provided this advice to the Parish Council at various points during the production of the neighbourhood plan. Local residents had also provided similar information by way of counsel's advice.

- 7.18 At the hearing the Parish Council outlined its approach to plan-making. It set out its thinking on the importance of delivering new housing to meet housing needs in the Plan area, its commissioning of a landscape appraisal to assess the impact of any proposed residential development on green belt objectives and its objective to promote balanced and sustainable growth. Plainly these objectives are important in their own right and overlap with national planning policy. In particular the Plan is aiming to boost significantly the supply of housing land. This is a key plank of national planning policy. The Parish Council's view is that the neighbourhood plan should identify housing sites, and that the forthcoming review of the Local Plan should be the mechanism by which the sites are removed from the Green Belt.
- 7.19 Nevertheless national policy on Green Belts is very clear. The fundamental aim of Green Belt policy is to 'prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. (NPPF paragraph 79). Paragraph 83 of the NPPF then comments that 'once established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. At the hearing MVDC advised that the process for the review of the Core Strategy/Local Plan was about to commence shortly. MVDC also confirmed at the hearing that Green Belts do not take account of landscape quality within their approach to keeping land open. In addition, there is no mechanism in national policy for the phased policy-making approach that the Parish Council has in mind.
- 7.20 Based on all the evidence it is clear that neighbourhood plans cannot make policy that affects green belts in general and that neighbourhood plans cannot alter strategic policy through the allocation of housing sites in the Green Belt in particular. To do so would not meet the basic condition for a neighbourhood plan to have regard to national policy.
- 7.21 In the context of the submitted Plan proposed housing sites BG02, CA01, CA03 and CA04 are within the Green Belt. On this basis, I recommend that the proposed sites are deleted both from the schedule of housing allocations in Policy C-H1 and in their own right as free-standing policies. I also recommend that the associated proposed changes to the settlement boundaries of both Capel (as shown in Figure 4 of the Plan) and of Beare Green (as shown in Figure 5 of the Plan) are deleted. In relation to the Green Belt issue this directly relates to the recommended deletion of proposed sites BG02, CA03 and CA04.
- 7.22 The proposed housing site CA02 (Brook House) is not affected by the Green Belt. Nevertheless, it lies in open countryside to the south of the built-up form of the village. In my view, it would represent significant development in this part of the Plan area. It would be contrary to the provisions of Policy CS1 of the Core Strategy and of Policy ENV3 of the saved local plan. Its allocation for residential development would not be in general conformity with the strategic policies in the development plan. In any event the development proposal as shown on page 102 of the submitted Plan was refused planning permission in 2015. On this basis, I recommend that the site is deleted from the schedule of housing allocations in Policy C-H1 and in its own right

as a free-standing policy. I also recommend that the associated proposed change to the settlement boundaries of Capel is deleted.

- 7.23 There was discussion at the hearing about the potential implication of a recommended modification of this nature to the Plan. Plainly it will significantly reduce the yield of new housing in the neighbourhood area as proposed sites BG02 (50-60 homes) and CA03 (50 homes) are the two most significant sites in the policy. Nevertheless, I am satisfied that the wider Plan remains as an otherwise robust, practical and distinctive neighbourhood plan. In any event there is no need for a neighbourhood plan to address housing or any other specific matter.
- 7.24 I also recommend a modification to the structure and format of the policy itself. As submitted it indicates that planning permission will be given for new housing. This is an absolute statement and provides no opportunity for MVDC to consider all the material planning considerations that would impact on any planning application. In any event more detailed criteria are included in the site-specific policies.

Replace the policy with the following:

'The following sites are allocated for residential development:

BG03 5-7 homes

Land at Old Horsham Road, Beare Green

BG04 10-12 homes

Surrey Hills Hotel, Horsham Road, Beare Green

Site specific policies BG03 and BG04 identify specific criteria with which planning application will be expected to comply'.

Delete the proposed changes to the settlement boundaries for Capel and Beare Green as shown in Figures 4 and 5 of the submitted Plan.

Policy C-H2: Integrate allocated sites

- 7.25 This policy seeks to ensure that new homes relate both well to each other and to the villages in which they are located. The second half of the policy makes specific reference to the site-specific requirements of the individual sites in Section 5 of the Plan.
- 7.26 MVDC suggests that the policy is deleted given that many of its objectives are delivered by other policies in the Plan. I agree that this is the case. Nevertheless, it is not within my remit directly to improve the Plan and the deletion of this policy is not necessary to ensure that the Plan meets the basic conditions.
- 7.27 I recommend that the policy is modified so that it has the clarity required by the NPPF. As submitted the policy simply comments that proposals 'must seek to ensure' the good relationships that the policy has in mind.

Replace 'must seek to ensure' with 'should be designed so'

Policy C-H3: Integrate Windfall sites

- 7.28 This policy sets out to support for windfall development on infill and redevelopment sites. MVDC suggests that the policy should be modified so that it takes account of the different infill requirements in the villages as related to Green Belt policies in the development plan. Abava Developments Limited suggest that the policy should be deleted as it adds no value to development plan policies.
- 7.29 As submitted the policy is not in general conformity with the strategic policies in the development plan. Whilst I have the ability to recommend a modification to ensure that this would be the case that modification would largely repeat policies in the core Strategy. No specific value would be added by this approach. As such I recommend the deletion of the policy

Delete policy

Policy C-H4: Affordable Housing

- 7.30 This policy identifies that new housing proposals should provide affordable housing to MVDC standards. It also requires that affordable housing should be well-integrated with its component market housing.
- 7.31 I am satisfied that the generality of the approach is appropriate. It reinforces local planning policy in a neighbourhood planning context. It refers specifically to the Housing and Community Survey (March 2016).
- 7.32 MVDC raises a series of technical points in relation to the supporting text. I agree with its comments and recommend accordingly. In particular it is important that the submitted Plan properly reflects adopted local policy and is underpinned with detailed evidence

Replace 'shall' with 'should'.

In paragraph 4.4.12 delete 'which aims...new developments' in the first sentence. Delete paragraphs 4.4.15 and 4.4.16 and the final section of 4.4/14.

Policy C-H5: Mix of housing types

- 7.33 As submitted the policy sets out a need for new residential development delivering more than six dwellings to provide for a mix of housing types. In particular it sets out specific percentages for 2/3/4 bedroom houses.

- 7.34 I have recommended that several proposed housing allocations are deleted from policy C-H1. Some of these are the larger sites proposed in the Plan. The two remaining sites are expected to yield net increases of two and 10/12 dwellings on the sites concerned.
- 7.35 The underlying intention of the policy is appropriate. Nevertheless, the policy is prescriptive in its approach. The figures associated with dwellings of different sizes is very absolute and may restrict development that is otherwise acceptable. In addition, it is unsupported by detailed evidence and research. On this basis, I recommend that the policy is deleted.

Delete policy

Delete supporting text

Policy C-WS1: Small shops on allocated sites

- 7.36 This policy offers support for small retail units to be incorporated within each of the allocated residential sites. Paragraph 4.5.1 acknowledges that development of this nature will support the sustainability of the villages concerned.
- 7.37 I am satisfied that the approach adopted is appropriate and reflects local circumstances. The policy is drafted in a non-prescriptive way and does not require a shop to be included in any proposed layouts. Plainly that will be a commercial decision for the owners and developers concerned. I recommend a modification to the policy so that it offers support to such proposals. As submitted the policy adopts an absolute tone that would prevent MVDC from taking account of all the material considerations that would apply to any particular planning application and/or site. I also recommend that paragraph 4.5.3 of the supporting text is restored to its intended integrity. As submitted it is interrupted by Policy C-WS2

Replace 'Permission.... granted' with 'Proposals'. Add 'will be supported' at the end of the policy.

Remove policy C-WS2 from within paragraph 4.5.3

Policy C-WS2: Diverse range of uses in villages

- 7.38 This policy encourages a diverse range of employment uses within the Plan area. Its ambition is to protect the sustainability of the villages. I sought clarification from the Parish Council on the purpose and intention of the policy and the diverse range of employment uses that would be encouraged. I was advised that the intention is to facilitate new retail and B1 employment uses.
- 7.39 Whilst the policy is well-intentioned its delivery lacks clarity and certainty. In particular it takes no account of green belt policies. In any event it does not offer a specific local dimension to either national or local policy. On this basis, I recommend its deletion.

Delete policy

Policy C-WS3: Land for new employment

- 7.40 As submitted this policy supports employment development on the CA01 housing site. At the hearing, I clarified with the Parish Council that the reference should have been to the CA03 housing site.
- 7.41 Later in this report I have recommended that the CA03 housing site is deleted from the Plan. I take the same view with this proposal.

Delete policy

Policy C-WS4: Retain land in employment use

- 7.42 This policy sets out to retain existing employment sites in the neighbourhood area. It appropriately builds in a viability test.
- 7.43 I recommend modifications to bring the clarity to the policy as required by the NPPF. The opening sentence of the policy as submitted is an objective rather than a policy. I also recommend that the policy addresses the possibility that the development plan may propose existing employment sites for alternative uses.

Replace the policy to read:

Proposals for the redevelopment of existing employment sites or of sites last in employment use for non-employment purposes will not be supported unless:

- **the site is no longer viable for employment use; or**
- **the site is allocated for alternative purposes in the development plan.**

Insert the following at the start of paragraph 4.5.6:

Policy C-WS4 has been designed to safeguard this important resource in the Plan area. It applies to sites currently in employment use and to those that are currently inactive or disused but which were last used for employment purposes.

Policy C-GA1: Pedestrian and cycle connections

- 7.44 This policy requires that new developments should provide good pedestrian and cycle connections to local destinations. The implementation of this policy will make a significant contribution to the delivery of the social dimension of sustainable development in the Plan area.

- 7.45 I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The modifications will also ensure that the different parts of the policy adopt a consistent format. I also recommend the deletion of paragraphs 4.6.1 and 4.6.2 of the supporting text given that they are overtaken by recommended deletions of the various proposed housing allocations.

**Replace ‘Where possible’ with ‘Where appropriate’ in the first part of the policy
Replace ‘must’ with ‘should’ in the second part of the policy.**

Delete paragraphs 4.6.1 and 4.6.2 of the supporting text

Policy C-GA2: Public parking and shopping

- 7.46 This policy seeks to retain existing car parking spaces at the existing shopping facilities in Beare Green and Capel. I saw both of these areas on my visit to the Plan area. Plainly it is important that these retail facilities can be safeguarded and supported and that local residents are not directly inconvenienced by the associated car parking.
- 7.47 Nevertheless as drafted the policy is unclear in its role and purpose. Whilst paragraph 4.6.11 comments that demand for car parking is likely to increase and that there is a need for the Parish Council to ensure that parking is required, the policy does not identify the car parking spaces to be safeguarded. Some may be on highways land and others may be in public/private car parks. A policy could safeguard the latter but not the former.
- 7.48 I acknowledge that this is an important matter to the community. I raised it with the Parish Council at the hearing. It has subsequently provided details of the areas concerned. As such I recommend a modification to the policy that reflects the approach outlined in the paragraph 7.47 and incorporates the detailed information provided by the Parish Council.

Replace policy with:

The following car parking areas associated with the retail facilities at Beare Green and Capel (and as shown on Inset Maps [insert numbers]) will be safeguarded:

- **Old Horsham Road, Beare Green**
- **The Street Capel**

Proposals for the redevelopment of these areas for other uses will not be supported.

Identify these two areas on separate maps to a scale of 1:500

Policy C-GA3: On-site parking

- 7.49 This policy sets minimum car parking standards for new residential development. It also requires an extra 20% of the allocated parking spaces to cater for visitor parking on sites of 10 or more dwellings.
- 7.50 I can understand the Parish Council's approach to this matter. Nevertheless, the submitted neighbourhood plan takes a very different view on the application of car parking standards to that used both by MVDC and the County Council. Policy MOV5 of the saved Local Plan applies November 1999 County Council maximum standards. Whilst I acknowledge that Policy MOV5 is not a strategic policy there is clear water between the two approaches. In any event there is no evidence in the submitted Plan to support the approach taken. As such I recommend the deletion of the policy.

Delete policy

Policy C-CLW1: Open Space and play provision

- 7.51 This policy addresses the need for new residential developments to provide appropriate levels of recreational space. However, it does not provide any standards and the substantive issue is addressed in the following policy. I recommend that the two policies are merged into a single policy. I do so in C-CLW2.

Delete the policy

Policy C-CLW2: Play and sports facilities

- 7.52 This policy sets out the standards of play and sports facilities that the community expects to be delivered. It does so by cross-referring to *Fields in Trust* Guidance.
- 7.53 As submitted the policy adopts a complicated format. It both requires an unspecified community involvement in meeting local needs and refers to a variety of standards. I recommend a modification to address these matters and to provide the clarity required by the NPPF. I also recommend associated changes to the supporting text. As modified the policy will make a significant contribution to achieving the social dimension of sustainable development in the Plan area.

Replace policies C-CLW1/C-CLW2 with the following:

New residential development should provide recreation and open spaces facilities in accordance with *Fields in Trust* Guidance for Outdoor Sport and Play, and as set out in Table 2 below, unless specified otherwise in other policies in this plan relating to allocated housing sites

Reposition 'Objective' so that it sits before the merged policies

Policy C-CLW3: Protection of recreational facilities

- 7.54 This policy is numbered C-CLW4 in the Plan by mistake. Following the recommended merging of policies CLW1/2 this policy will become C-CLW2.
- 7.55 The policy seeks to safeguard school playing fields, recreation space and playing fields unless alternative provision is made.
- 7.56 The County Council has made representations to this policy. It outlines its concerns about the restrictions that the implementation of this policy would have on potential school expansion programmes. This is an important matter that has the potential to prevent local schools responding to new growth that may arise within the Plan period. Access to good local schools has the ability to contribute significantly to the delivery of the social component of sustainable development.
- 7.57 I recommend a modification to the policy to address these matters. Plainly it will be for the local councils concerned to balance the need on the one hand to expand a school in the Plan area with its potential impact on existing levels of open space and playing fields within the school grounds on the other hand. I also recommend that the policy replaces 'shall not be granted' with 'will not be supported'. As submitted the policy is absolute and would potentially detract from the ability of the decision-maker to take account of all material considerations that may impact on specific applications. I also recommend the deletion of paragraph 4.7.14 of the supporting text. As submitted it is both emotive and absolute in its tone. I recommend its replacement with a paragraph that more fully provides a context to the recommended modification to the policy itself.

Replace 'Permission...for' with 'Proposals that would involve'.

After 'playing fields' add 'will not be supported'

Delete 'provision is.... community' and replace with:

- **Alternative provision is made for recreation space of a similar size in a sustainable and accessible location; or**
- **The development proposed is for the expansion of an established school.**

Replace paragraph 4.7.14 with the following:

'Policy C-CLW4 sets out a policy context to safeguard playing fields and recreation spaces in the Plan area. It recognises that the sustainability of the Plan area depends on a variety of factors. To this extent it provides an opportunity for replacement recreation space to be provided where development might otherwise be acceptable or to allow for the expansion of an existing school. In relation to proposals for school expansions it will be for the local councils concerned to balance the need on the one hand for that development with its potential impact on existing levels of open space and playing fields within the school grounds on the other hand.'

Policy C-ESDQ1: Open Spaces

- 7.58 This policy identifies four important open spaces and seeks to protect them for their intended purpose. I am satisfied that the role and the purpose of the policy is

appropriate. MVDC suggests that the spaces concerned could be considered for designation as local green spaces. Nevertheless, it is not for me to improve the Plan in this way. In any event there is no evidence submitted as part of the Plan that demonstrates the extent to which the four sites meet the exacting criteria identified in the NPPF for such designation.

- 7.59 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. Firstly, I recommend that the four open spaces are incorporated into the policy itself. Secondly, I recommend that the policy identifies on which of the various inset maps the site are shown. Third I recommend that the policy is re-drafted so that it takes on a policy-type format. I also recommend that the first part of paragraph 4.8.1 and the final part of paragraph 4.8.5 are deleted. Their relevance has been overtaken by the recommended deletion of the proposed housing allocations that were required to incorporate open space.

Replace the policy with:

The following open spaces will be safeguard for open space and recreational use:

List the four sites (with the relevant Inset Maps in brackets)

Proposals for built development on the sites will not be supported.

Delete the first part of paragraph 4.8.1 and the final part of paragraph 4.8.5

Policy C-ESDQ2: Sustainable Urban Drainage

- 7.60 This policy and its supporting text set out to ensure that new development is accompanied by appropriate drainage measures. The policy approach is supported by Thames Water.
- 7.61 On balance I am satisfied that there is merit in retaining a policy of this type within the Plan. Whilst it largely repeats national and local planning policies it does make comment on specific issues in Capel and Beare Green and it has been developed with Thames Water. It effectively establishes a precautionary approach in the Plan area. I recommend modifications to the policy so that it has the clarity required by the NPPF.

Replace the first sentence with:

‘Proposals for new development should identify how they will result in the efficient drainage of the site concerned’.

Policy C-ESDQ3: Design

- 7.62 This policy establishes key principles for the design of new development in the neighbourhood area. Paragraph 4.8.18 identifies that the aim is to enhance local character and distinctiveness.

- 7.63 As submitted the policy does not precisely set out the nature of its expectations of developers. The policy mentions the need for good quality design several times but fails to identify specific design features or elements of the existing local vernacular of which new development should take account or respect. I sought clarification from the Parish Council on this matter. It indicated that policies C-ESDQ3-6 were designed to sit with the village character appraisals in Section 6 of the Plan. I address these appraisals later in this report. Nevertheless, for the purpose of commenting on this policy they are a good example of such a study, and have not been challenged as part of the neighbourhood plan process.
- 7.64 I can see that the Parish Council has worked hard to develop a suite of complementary design policies (ESDQ3-5). They address character, context and quality. In certain areas however they are repetitive. This is likely to create uncertainty for all concerned in the planning process. The Plan would have far greater clarity if the three policies were combined.
- 7.65 On this basis I recommend a series of modifications to the effect that the policies are combined and more closely tied to the appraisals in Section 6 of the Plan. This process will also ensure that design elements can be specific to the individual villages in the Plan area.

Replace policies ESDQ3-5 inclusive to read as follows:

The design of new development should be of a high quality. Subject to other policies in the development plan proposals will be supported where they comply with the following design principles:

- **Development shall complement and be well-integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials and access;**
- **Architectural design should reflect local design references in both the natural and built environment and take account of the architectural character and identities of the individual villages as described in Section 6 of this Plan; and**
- **The height of new buildings should be in keeping with neighbouring properties and roofscapes should be well articulated and avoid bulky, featureless appearances.**

Include new supporting text at the end of paragraph 4.8.19:

Policy C-ESDQ3 provides an over-arching design policies in the Plan. It particular it cross-relates to the character appraisals in Section 6 of this Plan.

In that same paragraph replace 'selling' with 'setting'

*Within the context of a single policy retain the following paragraphs of supporting text:
4.8.12 to 4.8.19/4.8.24/4.8.26*

*Delete the following paragraphs of supporting text:
4.8.20 to 4.8.23/4.8.25*

Policy C-ESDQ4: Distinctive Character of the Village

7.66 I have recommended that this policy is merged with C-ESDQ3.

Delete policy

Policy C-ESDQ5: Local Character

7.67 I have recommended that this policy is merged with C-ESDQ3.

Delete policy

Policy C-ESDQ6: Building Style

7.68 This policy has a specific focus on design and the historic environment. Paragraph 4.8.27 identifies that the Capel and Coldharbour Conservation Areas and the Surrey Hills AONB are the principal concentrations of historic character in the Plan area. It is both appropriate and important that the Plan responds to this context.

7.69 I recommend a series of modifications to the policy so that it meets the basic conditions. In the first instance, I recommend that the opening part of the policy should be more closely related to the development management process. In the second instance, I recommend a change of emphasis in the middle part of the policy. There is no inherent contradiction between the elements of the policy. In the third instance, I recommend that the aspect of the policy on conservation areas more closely follows national policy. I also recommend the deletion of paragraph 4.8.33. Its first sentence is simply an identification that the matter is a material consideration and the second sentence incorrectly conflates neighbourhood plan process with listed building practice and legislation.

Replace the first part of the policy to read:

New development proposals should respect the context of the historic environment.

In the second sentence of the policy replace ‘their time...future’ with ‘historic buildings within their immediate vicinity’

In the third sentence of the policy replace ‘However...must’ with ‘Furthermore their design should’

Replace the fourth sentence of the policy with the following:

New development proposals should respect both the integrity and the setting of listed buildings. New development proposals within the Capel and Coldharbour conservation areas should preserve or enhance the character or appearance of those conservation areas.

Delete paragraph 4.8.33

Policy C-ESDQ7: Archaeology

- 7.70 This policy appropriately seeks to safeguard archaeological remains in the Plan area in accordance with national policy.
- 7.71 I recommend a series of modifications to the policy so that it meets the basic conditions. In particular I recommend the deletion of the first component of the policy. As drafted it would apply to any proposal in the Plan area irrespective of whether the site concerned had any such importance. In any event the matter is already addressed in paragraph 4.8.34 of the supporting text.

Delete the first component of the policy.

In the second sentence of the policy replace ‘it is expected that...will’ with ‘new development should’

In the third sentence replace ‘must’ with ‘should’

In the fourth sentence replace ‘will be’ with ‘should’

Policy C-ESDQ8: Visual relationship with the countryside

- 7.72 This policy seeks to ensure that any new development on the edge of villages retains a sensitive relationship with the surrounding countryside. This is a policy that reflects the character of the Plan area.
- 7.73 I recommend a series of modifications to ensure that the Plan has the clarity required by the NPPF.

In the first paragraph replace ‘who’ with ‘should’

In the second paragraph replace ‘must’ with ‘should’

In the third paragraph replace ‘must’ with ‘should’

Policy C-ESDQ9: Visual impact of new development

- 7.74 This policy seeks to minimise the visual impact of new development on views from the countryside. Its focus is on the contents of Design and Access Statements that may be required for planning applications of this type.
- 7.75 The objective of the policy is entirely appropriate. The policy itself however is more about process than the creation and application of a policy. Not all planning applications require a Design and Access Statement. In any event MVDC has its own process by which it determines the type of information that such statements should include. In any event the objective that the policy has in mind can already be addressed sufficiently by other development plan policies, including policies within this Plan. On this basis, I recommend that the policy is deleted.

Delete policy

Policy C- ESDQ10: Street scene

- 7.76 This policy sets out to create quality streets for pedestrians and cyclists. I am satisfied that this approach will assist in generating quality development in the Plan area.
- 7.77 I recommend the deletion of the first part of the policy. As submitted its ambition for 'pleasant places' is imprecise and fails to have the clarity required by the NPPF. I also recommend modifications to the second part of the policy. I also recommend the deletion of paragraph 4.8.41 of the supporting text. It addresses a highways matter (20 mph) rather than a land use matter.

Delete the first part of the policy.

Replace the second part of the policy with:

'The design of new residential streets should take account of the needs of pedestrians and cyclists'.

Delete paragraph 4.8.41

Policy C- ESDQ11: Pedestrian and cycle routes

- 7.78 This policy requires that pedestrian and cycle routes in new development should connect to adjoining routes wherever possible. It is identified as ESDQ15 in the Plan rather than ESDQ11. This should be remedied.
- 7.79 This approach will contribute to the delivery of sustainable and attractive developments. It meets the basic conditions.

Renumber the policy as C-ESDQ11

Policy C- ESDQ12: Design process

- 7.80 This policy comments on what it refers to as the 'often forgotten' elements of the design process. They are identified as including bin stores, cycle stores, flues and ducts and gutters and pipes. I agree with the sentiments of the policy. Nevertheless, many of its elements are outside planning control. However, given the importance of design within the overall Plan I recommend that the 'policy' is retained as a non-land use policy to provide clear advice to developers on the importance of these matters in achieving good design. In this context, it would not be a formal part of the development plan.

Modify the policy so that it becomes a non-land use policy

In doing so display it in a different format to the other land use policies.

Policy C- ESDQ13: Good quality private outdoor space

- 7.81 This policy requires that a private outdoor garden amenity space or shared amenity area must be provided for all new dwellings. Paragraph 4.8.46 of the supporting text provides a degree of commentary on the relationship between a garden and the size of the dwelling.

- 7.82 The policy's intention to create good design is commendable. However, there is no detailed evidence to support the policy approach. In addition, no minimum size is identified to provide consistency and clarity to the development management process. On this basis, I recommend that the policy is deleted. It does not have the clarity required by the NPPF.

Delete policy

Policy C- ESDQ14: Traffic calming measures

- 7.83 This policy sets out to introduce traffic calming measures in the three villages. I sought advice from the Parish Council on the purpose of this policy at the hearing. I was advised that the intention is to implement traffic calming measures both within the highway and within new residential layouts.
- 7.84 The need or otherwise for general traffic calming is not a land use matter. It is one that falls to be addressed by Surrey County Council in its capacity as the highways authority. The design and layout of new residential development is however a planning and land use matter. On this basis, I recommend a modification to the policy so that it addresses this point. I also recommend the replacement of paragraph 4.8.50 so that it corresponds to the recommended modifications to the policy.

Replace the policy as follows:

Within new residential developments streets should be designed with traffic calming measures appropriate to the site concerned to reduce vehicle speeds, and provide discreet car parking within a landscape setting.

Replace paragraph 4.8.50 to read:

Policy C-ESDQ14 sets out guidance for the design of new streets. The Plan aims to achieve a high quality public realm. It also has an ambition to provide a better balance between pedestrian safety and vehicular movements.

Village Specific Policies

Policy C-BGPO1

- 7.85 This policy addresses extensions and alterations to existing dwellings in Beare Green. Its approach is appropriate to the characteristics of the village.
- 7.86 I recommend two modifications so that the policy has the clarity required by the NPPF.

In the first sentence replace 'shall' with 'should'

In the second sentence replace 'shall maintain' with 'should respect'

Policy C-BGPO2

- 7.87 This policy requires that development should meet car parking standards and for the retention of hedgerows and trees.
- 7.88 These issues are adequately addressed elsewhere in the Plan. In addition, the policy does not offer any specific advice that is unique to Beare Green. On this basis, I recommend the deletion of the policy.

Delete policy

Policy C-BGPO3

- 7.89 The policy sets out to support farm diversification and to promote sustainable economic growth in this part of the Plan area. The approach has regard to national policy. I recommend a series of modifications to the format of the policy so that it has the clarity required by the NPPF. In particular as submitted the policy supports such proposals where they are 'justified' without providing any information that could be applied either by a developer or by a decision maker. I also recommend that the policy becomes criteria-based. This will ensure that proper environmental controls can be applied within the context of the policy. It will also ensure that it takes a similar approach to that set out in Policy RUD19 of the Local Plan.
- 7.90 The second and the third paragraphs of the policy provide further advice on such proposals. However, as MVDC advises their contents do not take account of permitted development rights. On this basis, the controls envisaged are beyond the remit of planning policies and I recommend that they are deleted.

Replace the first part of the policy with the following:

'Proposals for the use of existing agricultural buildings on farmsteads for employment purposes will be supported subject to the following criteria:

- **the employment use can be contained within the building concerned without extension or external storage;**
- **any conversion works are carried out in a manner appropriate to the character of the building and have no adverse impact on its surroundings; and**
- **the use concerned does not generate any unacceptable traffic impacts or detrimentally affect the character of the rural road network.**

Where the property is within the Green Belt the proposal should not have a materially greater impact than the present use on the openness of the Green Belt and the purpose of including land within its boundaries.

Proposals that provide starter business uses will be particularly supported'.

Delete the second and the third paragraphs of the policy.

Add the following to the supporting text:

The policy sets out a positive criteria-based approach towards the provision of new employment opportunities. The second part of the policy applies specifically to land in Beare Green within the Green Belt. In the case of proposals within the Green Belt both the first and the second parts of the policy apply.

Policy C-BGPO4

- 7.91 This policy effectively repeats policy BG01 that appears later in the Plan. That policy addresses the recreational use of the site in far greater detail. As such I recommend the deletion of the policy.

Delete Policy

Policy C-BGPO5

- 7.92 This policy refers to the land north of Breakspear Farm addressed in more detail in Policy BG02. Whilst the policy refers specifically to the part of the site that would be used for informal recreation it adds no value to that more detailed policy and will detract from the overall clarity of the Plan. On this basis, I recommend that it is deleted.

Delete policy

Policy C-BGPO6

- 7.93 This policy refers to the need for development to provide play spaces. It is addressed in more detail in Policy C-CLW2. The policy adds no value to that more detailed policy and will detract from the overall clarity of the Plan. On this basis, I recommend that it is deleted.

Delete policy

Policy C-BGPO8

- 7.94 This policy reads as an objective rather than as a policy. It addresses the creation of safe walking and cycle routes. In the event that the policy was intended to be a policy it is already addressed in policy C-GA1. On this basis, I recommend the deletion of the policy.

Delete policy

Policy C-BGPO9

- 7.95 I have already made detailed comments about the proposed residential allocations in the village in paragraphs 7.14 to 7.24 of this report. On this basis, I recommend the deletion of this policy for the same reasons.

Delete policy

Policy CA-PO1

- 7.96 The policy comments that the residential allocations in Capel should include a variety of provisions including affordable housing and open space. The policy adds no value to the more detailed site-specific policies and will detract from the overall clarity of the Plan. In any event those policies are recommended for deletion. On this basis, I recommend that this policy is deleted.

Delete policy

Policy CA-PO2

- 7.97 The policy comments that employment starter units should be provided to encourage sustainable development. The approach is commendable and has regard in principle to national policy. Nevertheless, as submitted the policy is very vague. No sites are identified nor are general criteria established indicating the types of location that will be acceptable. In addition, 'starter units' are not defined. In summary, the policy does not have the clarity required by the NPPF and on this basis, I recommend that it is deleted.

Delete policy

Policy CA-PO3

- 7.98 This policy raises parallel issues to those that I have highlighted in relation to CA-PO2. In any event the matter is already covered in policy C-CLW2. On this basis, I recommend that it is deleted.

Delete

Policy CA-PO4

- 7.99 This policy addresses specific matters in relation to the Old Kiln Farm development (CA03). I have recommended elsewhere in this report that policy CA03 is deleted. As such I also recommend that this policy is deleted.

Delete

Policy CA-PO5

- 7.100 This policy seeks to resist the loss or alteration to footpaths and bridleways. Its underlying ambition is to safeguard the footpaths that make a significant contribution to the character of Capel.

7.101 As drafted the policy does not directly relate to the development management process. It simply sets out to resist their loss or alteration. I recommend a modification to remedy this matter. Whilst I am satisfied that this is a land use matter, proposals for the alteration of footpaths are also covered by the Highways Act. The recommended modification ensures that the policy applies to the planning process. I also propose a modification to the supporting text. As submitted it is very absolute.

**Insert the following at the start of the policy:
'Proposals for development that would involve'**

In the supporting text (to the left of the policy) replace 'must' with 'should'.

Policy CA-PO6

7.102 This policy is a repeat of the second and third paragraphs of Policy C-BGPO3. I recommend that it is deleted for the same reasons.

Delete policy

Policy CA-P07

7.103 I have already made detailed comments about the proposed residential allocations in the village in paragraphs 7.14 to 7.24 of this report. On this basis, I recommend the deletion of this policy for the same reasons.

Delete policy

Policy C-COP01

7.104 This policy proposes the extension of the Coldharbour Conservation Area to include the Anstiebury scheduled ancient monument. However, the designation or extension of conservation areas is covered by separate legislation. It cannot be addressed in a neighbourhood plan. For this reason, I must recommend the deletion of the policy.

Delete policy

Policy C-COP02

7.105 This policy reflects on the landscape report and its specific findings about Coldharbour. It seeks to afford the highest levels of protection to the natural and historic environment of the village.

7.106 The village is within a conservation area, the Surrey Hills AONB and the Green Belt. To this extent it enjoys the form of protection that the policy has in mind. Nevertheless, I am satisfied that with modifications the policy meets the basic conditions. The modifications recommended are designed to ensure that the policy

has the clarity required by the NPPF. They will also ensure that it is capable of being applied through the development management process.

Replace ‘must’ with ‘should’ and might cause.... sensitive environment’ with ‘would detrimentally affect its character or appearance’

Policy C-COP03

- 7.107 This policy comments that proposals for the exploration of minerals should not generally be supported. I must recommend the deletion of this policy as minerals and waste matters are excluded development for the purposes of neighbourhood plan preparation.

Delete policy

Policy C-COP04

- 7.108 This policy continues the approach of safeguarding the character of the village. In this case it seeks to prevent all types of housing development.

- 7.109 The effect of the normal application of Green Belt and AONB policies may well achieve this objective. However as submitted the policy is onerous and restrictive. Neither Green Belt nor AONB policies place a complete ban on new residential development. On this basis, the policy does not have regard to national policy. As such I recommend its deletion.

Delete policy

Policy C-COP05

- 7.110 This policy proposes that new housing with restricted tenancy use will be supported.
- 7.111 I recommend the deletion of this policy. As submitted it would support a restricted tenancy use building without any direct reference to the needs of particular workers. In the event that there are genuine cases for such dwellings they can be addressed by existing development plan policies.

Delete policy

Policy C-COP06

- 7.112 The policy seeks to ensure that proposals for alterations and extensions to dwellings should retain their character by the use of appropriate materials.
- 7.113 The policy is entirely appropriate. I recommend a modification to ensure that the policy provides the necessary flexibility for MVDC to address all material planning considerations that apply to any proposal.

Replace 'must' with 'should'.

Policy C-COP07

- 7.114 The policy seeks to resist proposals to increase the size and scale of dwellings.
- 7.115 The supporting text highlights that the balance of accommodation is important to the structure of the community. Nevertheless, the policy is onerous in its application. In any event some changes of the type envisaged in the policy may be beyond planning control. For these reasons, I recommend the deletion of the policy.

Delete policy

Policies for the proposed site allocations

- 7.116 This section of the report addresses the proposed site allocations. Other than BG01 the proposed allocations are for residential development. Where appropriate I refer to paragraphs 7.14 to 7.24 of this report on the proposed housing allocations.
- 7.117 Paragraphs 5.1 to 5.14 provide a context to the details of the site allocations contained in the bulk of this part of the Plan. Plainly this context to the allocated sites is significantly affected by the modifications that I have recommended to policy C-H1 and to the site-specific policies. For complete clarity, I recommend that paragraphs 5.1 to 5.14 are either retained or modified as follows:

- | | |
|------------|---|
| 5.1 to 5.6 | Retain unchanged |
| 5.7 | <i>Modify to include only those sites set out in the modified policy C-H1 in paragraph 7.24 of this report.</i> |
| 5.7 | <i>Delete the repeated Policy C-H1</i> |
| 5.8 | <i>Delete</i> |
| 5.9/5.10 | Retain unchanged |
| 5.11 | <i>Replace to read:
The site allocations proposed take account of the extensive Green Belt within the Plan area. It is not the role of a neighbourhood plan to amend Green Belt boundaries. The broader issue of the identification of housing land both in the District and in the Capel Plan area will be addressed in the emerging Mole Valley Local Plan.</i> |
| 5.12-5.14 | <i>Delete</i> |

Policy BG01 – Land off Highland Road, Beare Green

7.118 This policy allocates land off Highland Road for formal and informal sport and recreation purposes. It has the potential to make an important contribution to the facilities of such use in Beare Green. It also has the associated ability to contribute towards the achievement of the social dimension of sustainable development in the Plan area.

7.119 The site is wholly within the Green Belt. Its potential use for sport and recreation presents an opportunity to keep the land permanently open. I recommend a modification to the wording of the policy to bring the clarity required by the NPPF. It largely follows that proposed in the representation made by MVDC. I also recommend a modification to the final sentence of the supporting text under the heading 'Key Considerations'. It is not the role of a neighbourhood plan to comment on the contribution that this or any other site makes to the Green Belt.

Replace the policy with:

Land off Highland Road as shown on the plan on page 71 is allocated for outdoor sport and recreation use. The provision of the following ancillary facilities will be supported on the site:

- **A pavilion/changing room;**
- **An associated car park; and**
- **A children's play area**

In the final sentence of the supporting text under the heading 'Key Considerations' delete 'and is.....Green Belt'

Policy BG02 – Land at Breakspear Farm, Beare Green

7.120 This site is located to the immediate north of Breakspear Farm off Old Horsham Road. The site consists of fields intersected with hedgerows.

7.121 Based on the findings of paragraphs 7.14 to 7.24 of this report I recommend that the proposed housing allocation is deleted.

Delete the policy

Delete the supporting text

Policy BG03 – Land at Old Horsham Road, Beare Green

7.122 The site consists of a collection of traditional and more modern farm buildings. It sits in the northern part of the village and to the immediate north of the railway line and Breakspear Gardens.

7.123 The site sits wholly within the Green Belt. Nevertheless, its proposed allocation for residential development is not necessarily inconsistent with national green belt policy. Paragraph 89 of the NPPF identifies certain exceptions where new residential development may be appropriate in the Green Belt. One such exception is for the partial or complete redevelopment of previously developed sites which would not

have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is on this basis that I will assess the policy against the basic conditions.

- 7.124 The policy takes a sensitive approach towards its potential redevelopment. It addresses access requirements and the mix of dwellings on the site. A carefully designed scheme has the ability to reduce the impact of built development on the Green Belt. The fourth criterion helpfully requires the use of high-quality external materials. The fifth criterion identifies that only two additional dwellings will be supported.
- 7.125 I recommend a series of modifications to ensure that the policy meets the basic conditions. Firstly, I recommend that the site is allocated rather than simply identified for residential development. Secondly, I recommend that the vehicular access criterion is simplified. As submitted it forces a proposal for the comprehensive redevelopment of the site to gain access through third party land. Thirdly I recommend that the third criterion is deleted. In the event that affordable housing is required it would fall to be delivered to MVDC standards. Finally, I recommend that the policy is modified in its format so that a developer needs to meet all five criteria.
- 7.126 I also recommend a modification to the supporting text to take account of my recommended deletion of proposed allocation BG02.

In the opening part of the policy replace ‘identified’ with ‘allocated’.

Replace criterion (a) with ‘the provision of a satisfactory vehicular access’

In criterion (b) replace ‘Insofaris provided with ‘Other than to provide a safe vehicular access’ and ‘must’ with ‘should’

Delete criterion (c)

In criterion (d) insert ‘the development should be constructed using’ at the start and delete ‘shall be....materials’

Insert ‘; and’ at the end of criterion (e)

In the supporting text under the heading ‘Key Considerations’ delete ‘and BG02’

Policy BG04 – Surrey Hills Hotel, Horsham Road, Beare Green

- 7.127 This site lies to the east of Horsham Road and is triangular in shape. The majority of the site is occupied by a two-storey hotel building. It is surrounded by residential development to the north and to the south.
- 7.128 The site sites wholly within the Green Belt. Nevertheless, its proposed allocation for residential development is not necessarily inconsistent with national green belt policy. Paragraph 89 of the NPPF identifies certain exceptions where new residential development may be appropriate in the Green Belt. One such exception is for the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is on this basis that I will assess the policy against the basic conditions.

- 7.129 The policy takes a sensitive approach towards its potential redevelopment. It addresses access requirements and the mix of dwellings on the site. A carefully designed scheme has the ability to reduce the impact of built development on the Green Belt. The fifth criterion helpfully requires the use of high quality external materials and landscaping.
- 7.130 I recommend a series of modifications to ensure that the policy meets the basic conditions. Firstly, I recommend that the site is allocated rather than simply identified for residential development. Secondly, I recommend that the first criterion actually requires the submission of the intended access. Thirdly I recommend that the policy is modified in its format so that a developer needs to meet all five criteria. I also recommend changes to the wording of some of the criteria.
- 7.131 I recommend that the third paragraph of the Access/highways section of the supporting text is deleted from the Plan. It refers to matters that are addressed separately in the Building Regulations.

In the opening part of the policy replace ‘identified’ with ‘allocated’.

In criterion (a) insert ‘the provision of’

In criterion (b)/(c)/ replace ‘shall’ with ‘should’

Replace criterion (d) with ‘Car parking should be provided to meet the standards set out in Policy C-GA3; and’

Delete the third paragraph of the supporting text under the Access/highways section

Policy CA01 – Capel House Farm

- 7.132 This site is located to the immediate east of the Street in the heart of the village of Capel. Its western part sits within the village boundary. Its eastern part sits within the Green Belt.
- 7.133 Based on the findings of paragraphs 7.14 to 7.24 of this report I recommend that the proposed housing allocation is deleted.

Delete the policy

Delete the supporting text.

Policy CA02 – Land at Brook Cottage, Wolves Hill, Capel

- 7.134 This site is located to the south of the village and to the east of Wolves Hill. It is visually separate from the village. The proposed allocation of the site for residential purposes is not in general conformity with the strategic policies in the development plan. In particular policy CS1 of the Core Strategy directs development to Dorking, Leatherhead and other identified settlements. On this basis, I recommend that the proposed allocation is deleted.

Delete policy*Delete the supporting text*

Policy CA03 – Land at Old Kiln Farm, Capel

- 7.135 The proposed site is located at the south-western edge of Capel village. The site is entirely within the Green Belt.
- 7.136 Based on the findings of paragraphs 7.14 to 7.24 of this report I recommend that the proposed housing allocation is deleted.

Delete the policy*Delete the supporting text*

Policy CA04 – Land at 'Hurst', Vicarage Lane, Capel

- 7.137 The proposed housing allocation consists of a single large detached dwelling and its grounds. The house has not been occupied for around 20 years. Both the house and the garden reflect this lack of occupancy. The site is within the Capel Conservation area and includes several impressive mature trees.
- 7.138 Based on the findings of paragraphs 7.14 to 7.24 of this report I recommend that the proposed housing allocation is deleted.

Delete the policy*Delete the supporting text*

Section 6 – The villages, their architectural character and their identity

- 7.139 This part of the Plan provides specific information on the three villages. It does so to very good effect. Each village section includes a distinctive and well-crafted 'Character and Identity' component. I am satisfied that these specific elements of the Plan meet the basic conditions. My recommended modification to the design policies make direct reference to these character assessments.

General comments

- 7.140 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modifications to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. I have listed the obvious such modifications in paragraph 7.134 below. However, it will be appropriate for MVDCC and the Parish Council to have the flexibility to make any further necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

7.141 The recommended deletion of various policies within the Plan will affect the sequence of the policy numbers. It would be appropriate for the policy numbers to be re-ordered so that the Plan reads in a clear and consistent fashion. This process also applies to the proposed housing allocations that would remain in the Plan in the event that my recommendations are accepted.

7.142 There are several maps in the Plan showing the neighbourhood plan boundary. I recommend that the one on page 6 is retained and that the other two (on page 2 and 4) are deleted. The map on page 6 shows the neighbourhood plan area, the district boundary (insofar as it affects the Plan area), the Green Belt and the AONB. Nothing else is required in this initial part of the Plan.

Delete the two maps on page 2 and 4.

7.143 There are a series of consequential changes to the initial part of the Plan as a result of the recommended modifications to the various policies. I list them below. Where they relate directly to the recommended deletion of policies earlier in this report I do not make any further commentary. Where they are unrelated to those recommendations I provide separate commentary.

Paragraph 1.7: Its second sentence is an inaccurate description of how the planning process would work in the absence of a neighbourhood plan as part of the development plan

Delete the second sentence

Paragraphs 3.17.1

Delete BG02

Paragraph 3.17.2

Delete

Paragraph 3.17.3

Insert 'Capel and' between 'in' and 'Coldharbour'

Paragraph 4.2.1

Replace the first bullet point with 'sensitive residential infill and redevelopment proposals in Beare Green'

Delete the second, third and fifth bullet points

Paragraphs 4.2.2 to 4.2.4

Delete

Paragraphs 4.2.7 to 4.2.12

Delete

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2026. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Capel Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. However, in my view, the recommended deletion of several of the proposed housing allocations in the Green Belt does not affect the integrity of the policies that remain and the wider Plan.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Mole Valley District Council that subject to the incorporation of the modifications set out in this report that the Capel Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council in June 2015.

8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. I am particularly grateful to all those who took part in the hearing and contributed to the productive debate.

Andrew Ashcroft
Independent Examiner
28 June 2017