

# **Ashtead Neighbourhood Plan 2015-2026**

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

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by Mole Valley District Council in September 2016 to carry out the independent examination of the Ashtead Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 23 September 2016.
- 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 developing smaller homes to cater for the demographic needs of the area. The Plan also sets out a series of policies to facilitate existing community facilities and to extend the range of infrastructure provision in the neighbourhood area.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Ashtead 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**  
**2 November 2016**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Ashtead Neighbourhood Plan 2015-2026 (the Plan).
- 1.2 The Plan has been submitted to Mole Valley District Council (MVDC) by the Ashtead Neighbourhood Forum in its capacity as the qualifying body responsible for preparing the neighbourhood 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 the Ashtead Neighbourhood Forum, to conduct the examination of the Plan and to prepare this report. I am independent of both MVDC and the Forum. 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.

### *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 on behalf of the Ashtead Community Vision in April 2016. 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 MVDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan as part of the Screening Report. This concluded that the Plan was not likely to have any significant effect on a European site. The Report helpfully summarises the reasons underpinning this judgement in its paragraph 12.
- 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 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 23 September 2016. 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised MVDC of this decision early in the examination process.

## 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 Ashtead Forum has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It provides an exemplary level of detail and presentation. It also provides specific details on the consultation process that took place on the draft version of the Plan in January and February 2016. The Statement sets out how the emerging plan took account of the various comments and representations. The timeline in Appendix 1 was particularly useful to me in understanding the scale and type of consultation that was undertaken during the phases of the development of the Plan.
- 4.3 Section 5 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 preparation of newsletters
  - The preparation of monthly articles in the Ashtead and Leatherhead Local magazine
  - An open morning in the Peace Memorial Hall
  - The creation of a dedicated neighbourhood plan website
  - The extensive use of social media
- 4.4 The Consultation Statement provides very useful information on press cuttings and publicity materials used. This gives a useful flavour of the approaches taken and the responses received.
- 4.5 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. MVDC has carried out its own

assessment that the consultation process has complied with the requirements of the Regulations.

*Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 5 August 2016. This exercise generated 24 comments from a wide range of persons or organisations. Comments were received from the following statutory bodies:

- Surrey County Council
- Elmbridge Borough Council
- Thames Water
- Highways England
- Network Rail
- Environment Agency
- Historic England
- Natural England
- Ashtead Residents Association
- Jockey Club
- Surrey Wildlife Trust
- Trinity College

4.9 As part of my examination of the Plan I have taken account of all the 24 comments received.

## **5 The Plan Area and the Development Plan Context**

### *The Plan Area*

- 5.1 The Plan area sits in the north-eastern corner of the Mole Valley District. It consists of the wards of Ashted Common, Ashted Park and Ashted Village. It was designated as a neighbourhood area on 30 July 2013.
- 5.2 The Plan area is located to the west of Epsom and to the east of Leatherhead. It is bounded to the north by the landscape setting of Ashted Common and to the south by rolling landscape consisting of pasture, hedgerows and woodland. The context and setting of the Plan area is heavily influenced by the Metropolitan Green Belt.
- 5.3 The Plan area is predominantly urban in character. Nevertheless, this built development sits comfortably within the surrounding landscape as described above. It displays an interesting range of buildings of different ages and sizes. The village has a compact heart in which its various retail and community facilities are located. Whilst its context is primarily residential it also enjoys a range of commercial premises. The Plan at section 3.2 acknowledges the scale of the built development and then identifies that many of its residents believe that it is still a village. I saw this first hand on my visit.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the 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 Ashted Neighbourhood Plan has been designed to respect this period.
- 5.5 The Basic Conditions Statement has very helpfully listed 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 Policy CS1 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. The submitted Plan responds to this policy as set out in the Core Strategy.
- 5.7 Policy CS2 identifies Ashted as one of a series of settlements where priority will be given towards the location of new residential development to meet the strategic figure

identified at that time. Policy CS8 sets out to safeguard and consolidate the retail role and function of Ashtead Village Centre.

- 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 provides a very robust local dimension to these strategic policies.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 23 September 2016.
- 5.10 I initially parked in St Giles' Drive. I stumbled across the group of trees planted to celebrate the centenary of the Ashtead Mothers' Union in 1991. They had clearly been skilfully planted. I then called into St Giles' Church. It was being decorated for the harvest festival services that coming weekend. Both the church and its decorations looked beautiful. I was given a guided tour of the Church by one of the ladies responsible for its decoration.
- 5.12 I then walked down to The Street and spent some time looking at its retail function. I looked in particular at the site addressed in policy EC3.
- 5.13 I then walked back to my car and then drove to the Barnett Wood Lane shops to understand the basis of policy EC1. I saw that it was a vibrant area within the wider community.
- 5.14 I then continued my visit by looking at the Murreys Court housing site and its wider setting in Agates Lane and Skinners Lane.
- 5.15 At various points during my visit I saw the various community facilities (INF 3) and the existing public houses (EC2).
- 5.16 In order to get a full impression of the Plan area I drove around a selection of residential streets to understand the nature of the various policies in general, and those relating to its distinctive character in particular. As I have mentioned earlier in this report the Plan area has a strong village character. There are a variety of housing types set within very pleasant open green spaces and with significant extents of trees and other vegetation.

## 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, informative and very professional 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 exemplary.

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 Ashtead 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.
- 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 The Plan is being developed in advance of the preparation of the Mole Valley Local Plan. This is not an unusual scenario and is one that is permissible. In February and May 2016 Planning Practice Guidance was updated to address the relationship between a local plan and a neighbourhood plan in a designated neighbourhood area. I am required to assess the submitted Plan against this element of national policy. It also overlaps with one of the representations made on the Plan. Within the context provided by the submitted Ashtead Plan the key matters to be addressed are the extent to which the submitted Plan has taken account of up-to-date evidence on housing need (PPG41-009-20160211), and the extent to which the District Council and the Ashtead Forum have discussed and agreed the relationship between the policies in the adopted local plan, the emerging local plan and the emerging neighbourhood plan (PPG41-009-20160211). I have sought clarification from MVDC and the Ashtead Forum on these matters.
- 6.8 In relation to the first point evidence on housing need is set out in the Housing Report of February 2015, which is one of the background documents to the submitted Plan. It analyses local population trends and makes an assessment of housing need, to the extent that this can be carried out at neighbourhood area level. At the time of submitting the Plan, MVDC had not yet published an updated SHMA. On this basis the Housing Report and the Plan were based on the most recent evidence of housing need available at the time of preparing and submitting the Plan.
- 6.9 The Housing Report recognises that a future Local Plan is likely to plan for a higher level of housing growth than the current Core Strategy figure. However, it also recognises that the neighbourhood plan's ability to respond to housing need is constrained by the availability of sites within the existing built up area boundary. The extent to which land should be released from the Green Belt to meet housing need is considered to be a matter for the District Council to consider through a new Local Plan. This reflects paragraph 83 of the NPPF to the extent that the Green Belt boundary can only be reviewed as part of a Local Plan. MVDC published a new Strategic Housing Market Assessment in August 2016. This will form part of the evidence which will be used to inform the preparation of a new Mole Valley Local Plan. This confirms that the level of housing need is higher than the residual Core Strategy housing requirement. However, this evidence was not available at the point when the Ashtead Plan was submitted to MVDC. In these circumstances I conclude that its authors have submitted the Plan in a responsible way based on the information available at that time.
- 6.10 In relation to the second point I am advised that the relationship between the neighbourhood plan, the adopted Local Plan and the emerging local plan has been discussed throughout the neighbourhood plan process. The Ashtead Forum has been aware that the date of the Core Strategy and its reliance on an RSS housing target mean that a Local Plan review is required. This is recognised in the Housing Report (section 1.1) and in section 3.6 of the submitted Plan.

- 6.11 I am also advised that the extent to which the submitted Plan could reflect the likely direction of a new Local Plan was limited by two factors. The first is the fact that key parts of the evidence base – including the SHMA – were not yet available at the point when the Plan was submitted to MVDC. The second is the highly constrained nature of the neighbourhood area and that any changes to the Green Belt boundary could only come forward as part of a new Local Plan. As such it was considered to be impractical to predict potential conflicts between the submitted Plan and a new Local Plan. It is recognised that there is a potential need to review the neighbourhood plan after the emerging local plan is adopted. Nevertheless, it is contended that the emphasis within the submitted Plan on bringing forward smaller dwellings will make a contribution towards maximising supply within the built up area and is highly unlikely to be inconsistent with the objectives of a new Local Plan.
- 6.12 I am satisfied that a proportionate and practical approach has been adopted to the position that exists between the adopted Local Plan/Core Strategy, the submitted Plan and the emerging Local Plan. The target date for the submission of the emerging Local Plan is March 2018. Whilst this is some time away it is within the context of a current healthy 6.8 years supply of housing land. I am also satisfied that there is no practical context within which the submitted Plan could have considered alternative or additional housing sites beyond those already identified within the adopted development plan as detailed in paragraph 41-044-20160519 of Planning Practice Guidance (and as updated in May 2016). In all these circumstances however it would be appropriate for the neighbourhood plan to be reviewed as quickly as practicably possible after the adoption of the emerging Plan. I propose a modification to this effect in Section 7 of this report.
- 6.13 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 meet local needs, to safeguard its inherent character and to identify and safeguard valued community facilities.
- 6.14 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. The majority 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*

- 6.15 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, to bring forward new retail development at 53-57 The Street, and to identify the Barnett Wood Lane shops as a Local Shopping Centre. In the social role it includes policies to promote smaller housing, to support the extension of local schools and to promote healthcare and community facilities. In the environmental dimension the Plan positively seeks to protect the distinctive character of the neighbourhood area. In particular, it proposes a policy to safeguard this character and to retain amenity spaces.

*General conformity with the strategic policies in the development plan*

- 6.16 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.
- 6.17 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. Section 4 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. 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 Ashtead Neighbourhood Forum 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 concise and proportionate way. The Plan is well-presented and arranged and it is supported by well-chosen photographs and diagrams. The theme continues throughout the Plan and makes it interesting both to local residents and others who may be using it as a planning document throughout its lifetime. Whilst the Plan does not feature a traditional proposals map it includes specific details on a policy-by-policy basis. This adds to its legibility.
- 7.9 The Introduction provides a very clear context to the Plan area and the neighbourhood plan process.
- 7.10 Section 3 sets out the key information, demands and constraints in Ashtead that have influenced the preparation of the Plan.
- 7.11 Section 3.6 describes the relationship between the adopted development plan and the submitted Plan. It also sets out how the submitted Plan has addressed the matter

of the emerging Local Plan. I have addressed these matters in detail in paragraphs 6.7 – 6.12 of this report. Plainly the context to the delivery of the emerging neighbourhood plan has been challenging. Whilst I am satisfied that the Plan as submitted complies with national policy in terms of these relationships it also needs to address how it will be reviewed and updated in changing circumstances. The adoption of the emerging local plan will represent an important change in development plan circumstances. Planning Practice Guidance (at 41-084-20160519) indicates that there is no requirement to review or update a neighbourhood plan. Nevertheless, it indicates that circumstances may cause the policies in a neighbourhood plan to become out of date. Taking account of all the circumstances surrounding the Plan, and the issues to be addressed in the emerging local plan I recommend that the issue of the potential updating of the Plan is addressed at this point in the Plan.

Include additional text at the end of section 3.6 of the Plan to read:

*The neighbourhood plan will be reassessed at the time of the adoption of the emerging Mole Valley Local Plan. At that time an assessment will be made of the extent to which the policies in that Plan may make the policies in the Ashtead Neighbourhood Plan out of date. That process will then inform a decision on the need or otherwise to update the Plan or those parts of it most directly affected by the adoption of the Local Plan.*

Policies in General

- 7.12 The Plan policies are helpfully set out in following major blocks which follow the key local issues. 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.

Policy AS H1: Land at Murreys Court

- 7.13 This policy addresses a series of matters that will shape the future residential development of a parcel of land of approximately 1.85 hectares. Whilst it was initially allocated for residential use in the Mole Valley Plan 2000 no development has yet come forward. In particular it comments on the neighbourhood plan's ambition to see the development of a footpath connecting the site with the existing footpath between Agates Lane and Skinners Lane, the potential links between the site and The Street, the need to comply with the MVDC Designing Out Crime SPD and design requirements that may be imposed by the highways authority.
- 7.14 Plainly these and other matters will contribute towards the successful development of this important and sensitive site. Nevertheless, there is no need for the neighbourhood plan to repeat existing policy approaches in the body of this new policy. Its focus should be on the new elements required for the layout of the site. This will bring the clarity required by the NPPF. I recommend a modification to the policy on this basis. I also recommend associated modifications to the supporting

text. In particular, the reader of the Plan would be assisted if there was convenient access to Appendix 11 of the adopted Local Plan.

**Replace the policy with the following:**

**Residential development of the Murreys Court site should include the provision of a new public footpath that will connect the site with the existing footpath between Agates Lane and Skinners Lane.**

*Include at the end of the third paragraph of the text in 4.1.3: These design criteria remain applicable and should be addressed as part of the development of future planning applications. The Local Plan appendix is reproduced as Appendix (insert number) of this Plan*

*Include the following additional supporting text at the end of that currently set out at 4.1.3:*

*Policy AS-H1 provides a policy context to secure this new footpath connection. Once established it will provide a convenient route between the new development on the site and The Street. The footpath and any associated lighting should take account of the MVDC Designing Out Crime Supplementary Planning Document (December 2011) and any specific design requirements requested by Surrey County Council with regards to a safe crossing point across Agates Lane.*

Policy AS H2: Balancing the housing mix

- 7.15 This policy seeks to apply specific guidance to the delivery of new housing types. It reflects information in the adopted Core Strategy and the associated East Surrey Strategic Housing Market Assessment. In relation to Ashted the evidence of demand and housing stock indicates that there is an equal need for both two and three bedroom houses. In effect there is an imbalance in the housing market – almost 50% of housing in the Plan area falls within low-density detached properties and 40% of all homes have four or more bedrooms but the greatest demand is for two and three-bedroom accommodation. On this basis the policy sets out a percentage breakdown for houses with a defined number of bedrooms on sites of five or more dwellings. It also indicates that proposals that increase the proportion of 1/2/3 bedroom houses from the standards set in the initial part of the policy will be encouraged.
- 7.16 This policy has been designed and submitted to address a particular need in the Plan area. In doing so it is in general conformity with strategic policies of the development plan. The policy also needs to be assessed against national policy which post-dates the development plan. The overarching ambition of national policy is to boost the supply of housing (paragraph 47 of the NPPF). At the same time paragraph 50 of the NPPF encourages the delivery of a wide choice of high quality homes through planning for market trends and identifying the size and type of housing to reflect local

demand. Plainly these matters have the potential to be in conflict one with another, particularly if the policy approach adopted to the size of dwellings is overly-prescriptive or where it might hinder innovation in delivery.

- 7.17 I have taken account of the very specific housing needs identified within the Plan area and the flexibility that the policy seeks to build into its operation in examining this policy. This flexibility will be particularly important given that the policy will be applied to development sites that could potentially yield a minimum figure of five dwellings. In order to encourage the ongoing supply of appropriate housing in the Plan area I recommend a modification to the policy that provides clarity on the flexibility issue and makes reference to the circumstances and location of the site concerned. I also recommend an addition to the supporting text to identify that there may be circumstances in which certain sites may not be able to deliver housing to such prescriptive standards due to viability issues. In such circumstances development will not proceed. I also recommend a modification to the second part of the policy to make it absolutely clear that the increase in proportion of smaller dwellings to be supported is over and above that set out in the first part of the policy.

**Delete ‘or as near to them as possible’ and replace with ‘insofar as these proportions would be consistent with the size of the site and the development of a good layout and design in relation to the immediate locality’.**

**Modify the second part of the policy by replacing ‘will be encouraged’ with ‘over and above those set out in the first part of this policy will be supported’**

*Include additional supporting text at the end of 4.1.4 to read:*

*‘Policy AS -H2 sets out a policy approach towards addressing this matter. It attempts to strike a balance between allowing the market to deliver high quality housing for five or more dwellings in an innovative style and providing housing to meet the needs for smaller dwellings. Plainly a wide range of sites may be affected by this policy. As such it sets out to ensure that the developments concerned are consistent with their locations within the Plan area.*

*There may be circumstances where the viability of developing a site may conflict with the successful implementation of this policy. In these circumstances developers will be expected to adopt an open book approach with the District Council as part of the determination of the application.*

*The second part of the policy provides support for proposals that propose the provision of a greater number of 1/2/3 bedroom and a lesser number of 4 or more bedroom properties than those expected from the application of the first part of the policy.’*

Policy AS H3: Infill and smaller sites

- 7.18 This policy continues the approach taken in the previous policy and applies it to sites of between one to four dwellings. In particular the policy makes a distinction between previously developed and other sites. Both aspects of the policy set out to restrict the number of four or more bedroom properties.
- 7.19 This policy raises very similar issues to those addressed in the previous policy (and addressed in paragraphs 7.15 to 7.17 of this report). I recommend a similar set of modifications on specific site and viability issues. I also recommend a modification on the language used – the use of ‘will be sought’ does not bring the clarity required by the NPPF to either developers or to decision-makers.

**Modify the first and second components of the policy as follows:**

- 1. Replace ‘will be sought’ with ‘should be provided’ and ‘may’ with ‘should’.**
- 2. Replace ‘will be sought’ with ‘should be provided’, ‘previously undeveloped’ with ‘all other’ and ‘may’ with ‘should’.**

**Include a separate section to the policy to read:**

**In all housing developments of this size the mix of housing types should also be consistent with achieving a good layout and design in relation to the immediate locality.**

*Insert additional supporting text at the end of 4.1.4 (and to come immediately after that recommended above in relation to Policy H2):*

*Policy AS-H3 provides a similar approach for smaller housing sites to that adopted for policy AS-H2. The viability issues will also apply to these potential smaller sites.*

**Policy AS H4: Central Area Developments**

- 7.20 This policy identifies a central area for Ashted. Within this area it provides particular support and encouragement for smaller dwellings. This approach is entirely appropriate as the central area provides a high degree of accessibility to retail and other services. This will assist significantly in the promotion of sustainable development.
- 7.21 MVDC has clarified that the reference to smaller dwellings means 1/2/3 bedroom dwellings. I reflect this in recommended modifications and which also refine the policy language to relate it to the development management function.

**Replace ‘new dwellings.... wishing to downsize,’ with ‘1, 2 or 3 bedroom properties’, and ‘are particularly encouraged’ with ‘will be particularly supported’.**

**Policy AS H5: Maintaining Built Character**

- 7.22 This policy seeks to ensure that new development is visually integrated into its immediate surroundings. This is entirely appropriate both in general terms and given the high quality of the environment in the Plan area in particular.
- 7.23 The policy is in general conformity with the development plan and indeed the policy in the submitted Plan refers to policies CS13 and CS 14 of the adopted Core Strategy. The geographic coverage of the policy is not clear in the submitted Plan. The supporting text refers to specific character areas. However, the Forum and MVDC have clarified with me that the policy has been designed to apply throughout the Plan area. It would be appropriate for it to do so. On this basis, I have recommended a modification to the supporting text of the policy. This modification will give certainty both to developers and the planning authority throughout the Plan period.

*Insert an additional sentence of supporting text at the end of 4.1.5 to read:  
The policy applies throughout the Plan area.*

#### Policy AS H6: Off Street Parking

- 7.24 This policy establishes specific car parking standards for new residential development. It reflects that many roads in the Plan area have excessive on-street car parking that restricts the passage of traffic and pedestrians.
- 7.25 The policy is distinctive to the Plan area. It addresses specific issues relevant to the Plan area. It meets the basic conditions.

#### Policy AS EC1: Barnett Wood Lane shops

- 7.26 This policy identifies Barnett Wood Lane shops as a Local Shopping Area. In doing so it seeks to apply policies from the adopted local plan to this group of shops
- 7.27 I looked at the shops concerned on my visit to the Plan area. I can see that the policy has a clear purpose and that the shops identified fulfil a useful role in providing day to day services to the community in the immediate vicinity. The defined area as shown in the Plan is also appropriate.
- 7.28 I recommend two related modifications to the policy to provide the clarification required by the NPPF. The first deletes the reference to the existing shopping centres in the Plan area already designated as a Local Shopping Area. Their status is unaffected by the policy and their inclusion within the policy has the ability to create uncertainty. In any event the matter is already adequately explained in the supporting text at 4.2.2. The second relates to the impact of the policy itself – by referring to policies in the local plan and the Core Strategy the casual reader is unclear from reading the policy in the neighbourhood plan of its scale, extent and purpose. As with policy H1 I recommend that this matter is addressed by including an appendix that reproduces the policies concerned

**Delete ‘in addition to.... Proposals Map’. Insert ‘and as reproduced in Appendix (insert number) of this Plan’ at the end of the policy.**

Policy AS EC2: Existing Public Houses

- 7.29 This policy seeks to resist the loss of three identified public houses in the Plan area and which are considered to be valued community facilities. I saw each of the public houses on my visit to the Plan area. I could see their roles as community assets. At the time of my visit The Woodman looked particularly busy and popular on a pleasant Friday lunchtime. The policy is entirely appropriate. It will contribute significantly towards the achievement of sustainable development in the Plan area.
- 7.30 I recommend two modifications to the policy. The first provides clarity on the wording of the policy itself. The second transposes the reference to the relevant core strategy policy to the supporting text.

**Replace ‘be resisted’ with ‘not be supported’  
Delete ‘in accordance....CS17’**

*Insert after the first sentence of 4.2.3: ‘Policy AS- EC2 indicates that these facilities will be safeguarded in accordance with policy CS17 of the adopted Core Strategy’.*

Policy AS EC3: 53-57 The Street

- 7.31 This important site has been the subject of several planning applications in recent years. MVDC has advised me that a further planning application has been approved since the plan has been submitted. Its potential redevelopment will be important to the future vitality and viability of The Street.
- 7.32 In my judgement the policy is overly-prescriptive as submitted and follows the floorspace figures in an earlier application. Nevertheless, its general approach is clear and appropriate. I recommend modifications to make its approach more criteria-based and to address generic planning matters rather than repeating the conditions applied to earlier planning permissions.

**Replace the policy with the following:**

**Proposals for the redevelopment of 53-57 The Street for retail purposes will be supported subject to the following criteria:**

- **the proposal is of a scale appropriate both to the retail function of The Street and its design and townscape. Proposals should not have a net sales area greater than 700 square metres and a gross floor area of 1350 square metres; and**
- **no more than 10% of the net sales area should be used for the sale of comparison goods; and**
- **the customer access to the store should be from The Street only.**

Policy AS EN1: School Playing Fields

- 7.33 This policy sets out to safeguard school playing fields in circumstances where proposals are submitted for the expansion of the school premises. The supporting text highlights that several local sporting clubs are increasingly relying on the use of school playing fields outside school hours.
- 7.34 This policy is appropriate to the Plan area and will contribute significantly to the promotion of the social and environmental aspects of sustainable development. I recommend that the first sentence of the policy is modified so that it achieves the clarity required by the NPPF. I also recommend that the second sentence of the policy is modified so that it more clearly relates to the community's expectation that decisions on school expansion proposals demonstrate that they have addressed the value of the playing fields to the wider community.

**In the first sentence replace 'allow for' with 'include'.**

**Replace the second sentence of the policy with the following:**

**'Planning applications for the expansion of schools and associated facilities should also demonstrate that the retained playing field space has taken account of its potential for wider community use outside school hours'.**

Policy AS EN2: Amenity Space

- 7.35 This policy recognises that grass verges, tree-lined avenues and other areas of green space contribute significantly to the character and appearance of the Plan area. I saw clear evidence of this as part of my visit to the Plan area.
- 7.36 The policy is appropriate and distinctive to the Plan area. I recommend a modification to the policy to bring the clarity required by the NPPF. As a consequence of the recommended modification the policy will read in a simpler fashion.

**Replace 'must be.... that' with 'should' and 'retains' with 'retain'**

Policy AS EN3: Retaining Character

- 7.37 This policy sets out to safeguard the distinctive character of the village. It cross-refers to the MVDC Character Appraisal of Ashtead.
- 7.38 The policy is well-developed and presented. It meets the basic conditions.

Policy AS INF1: Improving Health Facilities

- 7.39 This policy sets a context in which primary care facilities in the Plan area can be extended. It recognises that many of the identified facilities in paragraph 4.5.1 of the Plan are close to capacity and are affected by rising demand due to an ageing population.

- 7.40 The policy is well-constructed and will assist significantly in the promotion of the social dimension of sustainable development in the Plan area. I recommend that the use of the word 'expand' in the policy is replaced with 'extend'. The latter is land use based. The former overlaps with the potential expansion of the services offered from the existing or extended facilities. Whilst such expansion of services would be welcomed they are beyond planning control.

**Replace 'expand' with 'extend'.**

Policy AS INF2: Pedestrian Access

- 7.41 This policy requires that the layout of new developments should improve and provide appropriate safe pedestrian routes. This approach is entirely appropriate
- 7.42 The policy meets the basic conditions.

Policy AS INF3: Valued Community Facilities

- 7.43 The supporting text in section 4.6 identifies a series of valued community facilities in the Plan area. The list is extensive and reflects the extent to which Ashted is seen as an attractive place in which to live. The policy then sets out to resist their loss and support their extension or improvement. The approach adopted is both appropriate and distinctive to the Plan area. The retention of the community facilities will contribute significantly to the achievement of the social element of sustainable development.
- 7.44 I recommend modifications to the policy to bring the clarity required by the NPPF.

**In the first part of the policy replace 'named above' with 'listed in section 4.6 of this Plan' and 'set out' with 'required by'.**

**In the second part of the policy replace 'that result in' with 'for', 'existing valued community' with 'these' and 'the' with 'their'. Delete 'of the proposals'**

Policy AS INF4: Infrastructure Priorities

- 7.45 This policy provides a schedule of local priorities for infrastructure improvements to be funded through the local element of the community infrastructure levy.
- 7.46 The approach adopted is best practice. The identification of these priorities will provide clarity to all concerned throughout the Plan period.
- 7.47 The schedule of priorities is distinctive to the Plan area and addresses a range of community and traffic issues. The policy meets the basic conditions.

## **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 thorough and 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 Ashtead 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. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *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 Ashtead 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 on 30 July 2013.
- 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. The Ashtead Forum has produced a well-constructed neighbourhood plan in a distinctive environment. It reflects several years of hard work and perseverance.

**Andrew Ashcroft  
Independent Examiner  
2 November 2016**