

# **Bookham Neighbourhood Plan 2015-2026**

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

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## **Executive Summary**

- 1 I was appointed by Mole Valley District Council in July 2016 to carry out the independent examination of the Bookham Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 28 July 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 to safeguard and consolidate the retail centre.
- 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 Bookham 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**  
**4 October 2016**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Bookham Neighbourhood Plan 2015-2026 (the Plan).
- 1.2 The Plan has been submitted to Mole Valley District Council (MVDC) by the Bookham Vanguard 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. The Bookham Vanguard is an appropriate title for one of the initial tranche of communities to start work on preparing a neighbourhood plan.
- 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 Bookham Vanguard, to conduct the examination of the Plan and to prepare this report. I am independent of both the MVDC and the Bookham Vanguard. 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. The conclusion of the draft screening report was that there were no significant environmental effects or only local effects which can be mitigated. None of these effects individually or cumulatively

indicated 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. The three responses are captured within the screening opinion. This is best practice.
- 2.8 MVDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site. Natural England has agreed with the conclusions of the HRA screening. The Screening report is exemplary in terms of how it addresses the various issues covered by the Habitat Regulations and assesses the likely effects of the policies in the submitted Plan. Information that I have received during the examination indicates that some important text from the draft Plan, and as previously agreed by both MVDC and Natural England has been omitted from the submission Plan. Given the importance of the required mitigations that are required to Policy BKH4 I have recommended addition by way of a modification to the supporting text to this policy in Section 7. This will remedy the matter and provide full clarity to potential developers on this important matter.
- 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 Habitats Regulations Assessment
- 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 28 July 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.

3.4 I made early observations to the Bookham Vanguard and MVDC during the examination on the evidence base for the proposed local green space. It was agreed that a clarification meeting on the matter would be helpful. That meeting took place on 5 September and involved MVDC, the Bookham Vanguard and myself. It explored the extent of the evidence that had underpinned the policy concerned.

## 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 Bookham Vanguard 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 June and July 2015. The Statement sets out how the emerging plan took account of the various comments and representations.
- 4.3 Appendix 1 set out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- the series of e-mail newsletters
  - the High Street shopping events
  - the production of videos
  - The stands on village days
  - The Green Belt walk

The various photographs in Appendix 1 clearly demonstrate the hard work that went into the consultation events. They also show clearly that the community enjoyed the consultation process. It appears from the Statement that the sun always shines in Bookham, that all ages were embraced within the process and that local residents genuinely care about their community. I also saw that three distinguished historic characters played a major and visual role in securing local comments on the draft plan at the village day in June 2015.

- 4.4 The Consultation Statement provides very useful information on press cuttings and publicity materials used. It also provides copies of key letters and representations received at the pre-submission phase.
- 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 6 April 2016. This exercise generated 62 comments from a wide range of persons or organisations. Comments were received from the following statutory bodies:
- Southern Water
  - Thames Water
  - Surrey Wildlife Trust and Nature Partnership
  - Surrey County Council
  - Historic England
  - Effingham Parish Council
  - Environment Agency
  - Natural England
- 4.9 As part of my examination of the Plan I have taken account of all the 62 comments received.

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

### *The Plan Area*

- 5.1 The Plan area covers the wards of Bookham North and Bookham South. It was designated as a neighbourhood area on 25 September 2012.
- 5.2 The Plan area is located to the west of Leatherhead and to the north west of Dorking. The context and setting of the Plan area is heavily influenced by the Metropolitan Green Belt to its north, west and south.
- 5.3 The built development itself sits comfortably within the surrounding rolling countryside. It displays an interesting range of buildings of different ages and sizes. It has strong associations in building type and design to its historic and agricultural context. The village has a compact heart and in which its various retail and community facilities are located. Whilst its context is primarily residential it also enjoys a range of commercial premises.

### *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 Bookham 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 Bookham 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 CS9 sets out to safeguard and consolidate the retail role and function of Bookham 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 28 July 2016. I parked in the Lower Shott car park and saw the collection of retail units as set out in Policy BKEC2. I saw their relationship to the imposing Bookham Grove to the immediate south.
- 5.10 I continued my visit by walking along Guildford Road, into Hawkwood Rise and The Lorne and then onto Lower Road and then into the village centre.
- 5.12 I then spent some time looking at the identified retail centre (BKEC1) based on High Street and Church Road. I saw first-hand the varied and inviting mix of retail and other commercial uses. There was a good interplay between the commercial buildings and the remaining residential properties. Whilst many of the shops and commercial facilities were clearly responding successfully to modern needs and demands the historic character of the retail centre was immediately obvious. It is clearly an attractive heart to the village and which is highly valued by local residents.
- 5.13 I then walked along Church Road to the northern extremity of the retail core. I saw two modern residential developments under construction, together with The Granary and Mill House which give a clear context to the agricultural heritage of the Plan area.
- 5.14 I then continued my visit by looking at several of the community facilities as set out in Policy BKIN5.
- 5.15 At various points during my visit I looked at the range of local green spaces identified in the submitted Plan.
- 5.16 In order to get a full impression of the Plan area I drove around a selection of residential streets to understand the design and car parking issues addressed in the Plan. In doing so I also looked at the schools in the Plan area and at Beckley Parade (as set out in Policy BKEC3). I saw the greenness and openness of the Plan area. It helped me to understand more fully the context to policy BKEN2.

## **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.
- 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 Bookham 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 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 rich built and natural heritage and to safeguard and consolidate its strong and dynamic retail core. Section 3 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

- 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 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.
- 6.9 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*

- 6.10 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 safeguard the retail centre and to safeguard and consolidate commercial land. 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 natural, built and historic environment of the neighbourhood area. In particular, it proposes an innovative policy on design and local character.

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

- 6.11 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.
- 6.12 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 Bookham Vanguard have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their 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 photographs add value and depth to the text in these sections of the Plan. 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. The regulations require that the Plan specifies the period to which it has effect. This is indicated on the front cover. Nevertheless, it is important that the Plan itself addresses this matter. This can be remedied by including a new sentence at the end of the sixth paragraph of the introductory text on page 1

*Add the following sentence at the end of the sixth paragraph on page 1:*

*The Plan covers the period from 2015 to 2026.*

- 7.9 The 'Our Village' section provides a very clear context to the Plan area and some historic background to the Plan area. It describes earlier work on the preparation of a community-led plan.
- 7.10 The 'How Bookham's plan evolved' section sets out the purpose of neighbourhood planning and the designation of the neighbourhood planning area. It also sets out the key elements of the evolution and the preparation of the Plan itself.
- 7.11 The 'Context of the Plan' section sets out the Bookham vision for the Plan. It helpfully describes the demands that the community faces and key constraints such as the green belt and the availability of infrastructure.

#### *Policies in General*

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

Environmental  
Housing  
Infrastructure  
Retail and Employment

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.

#### Environmental Policies

##### *BKEN1 – Local Green Spaces*

- 7.13 This policy provides a context for the identification and protection of local green spaces. I saw from my visit to the Plan area the role that these areas play in the wider built and natural environment.
- 7.14 The Plan proposes sixteen local green spaces. Two of these proposed local green spaces are located within the Green Belt. A further five are areas of Strategic Open Land as defined by MVDC.
- 7.15 The policy appropriately refers to the criteria for the designation of local green spaces as set out in the NPPF. Appendix 6 of the Plan largely repeats the schedule in the policy itself. There is however no commentary within either the Plan or the appendix that identifies the way in which each of the proposed sites meets the NPPF criteria. This point is raised by several of the representations made to the Plan both in general terms or in terms of suggesting that particular sites do not fully meet the NPPF criteria. It is not within my gift to make my own assessment of the extent to which each of the sites meet the NPPF criteria.

- 7.16 The Plan also lacks any commentary on the extent to which there would be any demonstrable benefit from the designation of parcels of land as local green space that are already protected by Green Belt policy or by District Council planning policies. The former is addressed in Planning Practice Guidance (37-010-20140306)
- 7.17 The absence of the information set out in paragraphs 7.15 and 7.16 above is a significant factor in the examination process. Neighbourhood Plans need to be underpinned by transparent and robust evidence. As such I recommend the deletion of the policy. Whilst I saw the potential importance of the various proposed local green spaces within the Plan area on my visit to Bookham the deletion of this policy needs to be seen within the context of the existing safeguards that apply to several of the largest and most important of the proposed local green spaces by virtue of development plan policies or by virtue of their location within the Green Belt. For clarity my recommended deletion of this policy should not be taken to suggest that the proposed local green spaces would not necessarily meet the tests set out in the NPPF. The modification simply reflects a lack of evidence.

### **Delete policy**

#### *BKEN2 Trees and hedgerows*

- 7.18 This policy sets out to safeguard existing trees and hedgerows in the Plan area. I have already commented on the importance of these and other natural habitats to the character and appearance of the neighbourhood area.
- 7.19 The first part of the policy comments that development proposals should ensure the retention of trees and hedgerows. Where this may not be possible the policy provides a degree of flexibility on the planting or replacement habitats either on or off site. This element of the policy is well-constructed and meets the basic conditions.
- 7.20 The first part of the second paragraph of the policy adopts a far more onerous approach in requiring planning applications to provide details of any trees or hedgerows removed within the previous 12 months and to set out proposals for their replacement. This approach is both unreasonable and impractical to monitor. In effect it seeks to introduce additional controls in this matter beyond current national legislation. On this basis I recommend that this element of the policy is deleted.
- 7.21 The second part of the second paragraph of the policy addresses how retained trees will be protected during the construction period associated with any new development. This element of the policy is entirely appropriate. The final sentence of the policy is more a principle of a development management rather than a policy as such and I recommend that it is deleted

### **Delete the first and last sentences of the second part of the policy**

#### *Delete the second paragraph of supporting text*

*BKEN3 – Design and local character*

- 7.22 This policy is at the heart of the Plan. It reflects the community's wish to retain and where possible enhance the distinctive and attractive nature of the neighbourhood area.
- 7.23 Good design is also at the heart of the NPPF. This policy clearly reflects and provides a local interpretation of national policy. In particular it sets out the type of robust and comprehensive policy that is expected by paragraph 58 of the NPPF. In addition, it does not attempt to impose architectural styles or particular tastes but seeks to promote and reinforce local distinctiveness. In this regard it is entirely consistent with paragraph 60 of the NPPF.
- 7.24 However as drafted the policy is a combination of policy, supporting text and general statements on design principles. I recommend a series of linked modifications to bring the clarity to the policy as required by the NPPF.

**Replace second sentence with:**

**New development should respond to and integrate with....**

**Replace third sentence with:**

**New development should demonstrate how it would:**

- a) **Use good quality.....: and**
- b) **Use hedges.....: and**
- c) **Respect.....; and**
- d) **Ensure.....; and**
- e) **Incorporate the principles of sustainable urban drainage where necessary; and**
- f) **Provide adequate.....within the scheme; and**
- g) **Introduce innovation....**

Housing Policies

*BKH1 – Smaller homes for downsizing and new families*

- 7.25 This policy sets out to ensure that the delivery of new housing in the Plan area reflects the demographic characteristics of the local population. The Plan presents a compelling case for the delivery of smaller houses to cater for older persons downsizing and to attract younger families into the village. The policy makes a distinction between expectations within an identified Central Area and elsewhere. This reflects the greater opportunities for a sustainable lifestyle experience closer to the comprehensive range of local facilities in the village centre.
- 7.26 From my site visit to the Plan area I am satisfied that the defined Central Area is appropriate and the differences in the policy serve a practical and evidenced purpose. The policy has three separate components: the first sets out different policy

requirements for the numbers of bedrooms within and outside the central area; the second sets out proposed maximum floor areas for two and three bedroomed houses; the third sets out policy requirements for the accessibility of dwellings. I address these three areas in turn.

- 7.27 The first element of the policy sets out that within the central area new homes should have no more than three bedrooms. In developments of four or more houses at least 50% should have only two bedrooms. Outside the central area the policy indicates that priority should be given to homes with two or three bedrooms. For all developments of more than five homes at least 50% of the homes should have two or three bedrooms. I am satisfied that the policy within the central area meets the basic conditions in principle. It serves a clear purpose in restricting the size of dwellings within the village centre. I recommend a modification to ensure a consistency of wording on the number of bedrooms to bring clarity to the development management process. The policy relating to the remainder of the Plan area is less clear. It gives priority to two and three bedroomed houses without being clear on what will and will not achieve a grant of planning permission. I recommend a modification to identify that there will be a particular support for proposals that include two or three bedroom houses. The remainder of this element of the policy does however serve a clear purpose and will ensure an adequate range and mix of new dwellings throughout the Plan period.
- 7.28 The second element of the policy sets out maximum floor areas for two and three bedroom houses (75 and 90sq metres respectively). It also indicates that in granting permission for such proposals MVDC would be expected to remove permitted development rights for such dwellings. Having sought clarification on the size point I was advised that there was no specific information to justify these figures other than a reference to these sizes in the MVDC Explanatory Document for the community infrastructure levy.
- 7.29 Government policy on the delivery of new housing is set out in Section 6 of the NPPF. The key policy driver is to boost significantly the supply of housing. The use of an evidence base to meet local need is an important element of this policy approach. As drafted however the Plan produces no evidence to support the need for, or the impact of, these size restrictions on the deliverability of housing sites. On this basis I recommend that this aspect of the policy is deleted. Similarly, there is no evidence to the effect that the blanket removal of permitted development rights for such houses would serve any particular purpose. In any event the District Council has indicated that such an approach would not be reasonable. In these circumstances I also recommend the deletion of this element of the policy. In addition, it becomes unnecessary with the deletion of the initial component.
- 7.30 The third part of the policy sets out that new dwellings should be designed to be accessible and adaptable. This is entirely appropriate. I recommend a modification to this aspect of the policy to reflect that dwellings should be accessible to all rather than as set out in the policy specifically to existing local residents looking to downsize.

### **Second paragraph**

**First sentence – replace ‘only two bedrooms’ with ‘no more than two bedrooms’**

**Second sentence – replace ‘priority.... bedrooms’ with ‘particular support will be given to proposals for homes with two or three bedrooms’.**

### **Third paragraph**

**Delete**

### **Fourth paragraph**

**Delete ‘that are.... downsize’**

### *BKH2 – Infill and garden development*

7.31 This policy sets out a policy approach for infill development. It reflects the green and leafy character of the Plan area. I saw this character clearly on my visit to the Plan area.

7.32 The policy reads well and establishes a clear set of guidelines for new development of this nature. However, there are some matters that require detailed modification to ensure that the basic conditions are met. In the first criterion the policy indicates that gaps between new or extended dwellings and side boundaries could be as little as one metre. This approach is overly prescriptive and may have unintended consequences. I recommend a modification to allow design discretion to reflect individual local circumstances and site layouts. I also recommend that the use of the word permitted be replaced with supported. This will recognise that MVDC will need to make decisions on each application taking into account all relevant material considerations. The final criterion in the policy should sit as a bullet point rather than as a separate part of the policy. Finally, the policy should be clear that all the criteria (where applicable) need to be met in order to achieve support

### **First criterion**

**Replace ‘be a minimum of 1 metre or.... existing gaps’ with ‘respect the character, layout and design of the dwellings in the immediate locality’.**

**In second sentence delete the word ‘however’ and replace ‘permitted’ with ‘supported’.**

### **Final criterion**

**Include with a bullet point**

### **First to fourth criteria**

**End each criterion with ‘; and’**

### *BKH3 – Parking Standards*

- 7.33 This policy sets out car parking standards for the Plan area. It relies on extensive evidence for car ownership in the Plan area. It also sets out to require that provision is made to park and store bicycles at all new developments and for the permeability of parking areas. These aspects of the policy meet the basic conditions.
- 7.34 The policy indicates that garages are frequently used for storage and should not be counted as contributing to the identified minimum standards. However, no evidence is provided to this effect and as such its imposition is unreasonable. On this basis I recommend the deletion of this element of the policy.

**Delete second aspect of policy (garages)**

*BKH4 – Large Scale housing developments*

- 7.35 This policy addresses the likelihood of ongoing pressures for housing development of a scale beyond those addressed specifically in Policy BKH2. It is a positive policy that accords with the approach set out in the NPPF paragraph 47. It will assist in boosting significantly the supply of housing land in the Plan area.
- 7.36 Nevertheless its structure and design is complicated. It contains three size thresholds, it sets out a series of criteria that need to be met and properly addresses potential impacts that new residential developments may have on identified habitats.
- 7.37 In order to bring the type of clarity required by the NPPF I recommend a series of modifications to this policy. The first simplifies the size of scheme issue. In practical terms there would be little difference in terms of the requirements of different schemes to contribute towards on and off site infrastructure. This will best be achieved by making reference to adopted or emerging MVDC policies in this regard. The second strengthens the requirement of any such proposals to meet the requirements of other development plan policies in general, and green belt policy in particular. The third strengthens the environmental and habitat issues to accord with national policy. This will build appropriate and strong links to the related assessments that have been prepared as part of the submission of the Plan. In doing so the Plan will properly meet the basic condition on European legislation.

**Replace opening paragraph with the following:**

**Proposals for residential development will be supported where they meet the requirements of other development plan policies and deliver a wide choice of homes.**

**In second paragraph replace ‘and be protected.... or more’ with ‘on site, and be protected from future built development’**

**Replace third paragraph with:**

**‘All new residential developments should contribute as appropriate to the mitigation of their impacts in accordance with Mole Valley District Council**

**standards at the time of the submission of the planning application concerned and with other policies in this neighbourhood plan’.**

**Replace fifth paragraph with:**

**Where appropriate planning applications should include measures to mitigate the impact of the residential development proposed on the Thames Basin Heaths Special Protection Area and the Bookham Common Site of Special Scientific Interest.**

*Replace second and third sentences of the first paragraph of the supporting text with: However past experience demonstrates that proposals for larger housing schemes could come forward within the existing built up area of the village. Policy BKH4 sets out the context within which such proposals would be determined. The policy would apply in the longer term in the event that the emerging local plan identifies a requirement for new residential development in the Plan area.*

*Replace first sentence of second paragraph of supporting text with:*

*It is important that planning applications for new residential development meet the requirements of the wider development plan in place at the time of their determination. This includes local plan policies produced by Mole Valley District Council and other policies in this neighbourhood plan. In particular development will not be supported that conflicts with Green Belt policies.*

*In the second sentence of the second paragraph of supporting text replace ‘They’ with ‘Planning applications’.*

*Insert the following additional text immediately before the final paragraph of supporting text:*

*‘Part of the north west of the built up area is within 5 kilometres of the Thames Basin Heaths Special Protection Area (SPA). Within this zone new residential development is considered to have an impact on that area. Most of the rest of the built up area is within a 5 - 7km buffer where development of 50 or more (net) dwellings may be considered to have an impact on the SPA.’. The impact of planning applications for housing development within the 5km zone and 5-7km buffer will be assessed, in consultation with Natural England, on a case by case basis.*

*Immediately north of the built up area of Bookham is Bookham Common Site of Special Scientific Interest (SSSI) and this is an important habitat for certain species of birds.*

*Bookham Common itself is popular for informal recreation, including dog walking. However additional housing development, with more residents and their pets, could adversely impact on this SSSI (including by cat predation; impacts on pond margins; and impacts on the quality of the network of paths).*

*Where relevant, developer contributions will be sought to provide mitigation to offset the impact of additional visitors on the SSSI, especially where this could also help to deflect potential visits to the SPA.’*

### *BKIN1 – Highways*

- 7.38 This policy has been designed to reflect the historic nature of the local road network. It is considered locally that the highway network has not kept up with the recent pace of housing and commercial development. The policy makes reference to the rolling programme of highway improvements addressed by the Mole Valley Local Committee of Surrey County Council
- 7.39 I can see that this matter is important to the local community. Nevertheless, highway improvement schemes are not specifically land use matters and there is no guarantee in any event that the schemes identified in Appendix 11 will be agreed for implementation by that Committee. On this basis I recommend that the policy is deleted and that its contents are included (without change) in the supporting text.

### **Delete policy**

*Reposition the wording within the submitted policy to the end of the supporting text under the Highways heading on page 17.*

### *BKIN2 – Drainage*

- 7.40 The policy sets out the Plan's requirements for drainage in general, and sustainable drainage systems in particular. The policy reflects proportionate evidence on this matter.
- 7.41 The policy has three parts. The first requires the implementation of sustainable drainage systems. The second and third elements refer to drainage improvement schemes identified in Appendix 12 and provides encouragement to drainage authorities to implement these schemes and the use of the local part of the community infrastructure levy to assist financially with their implementation.
- 7.42 The first element is a land use issue and has relevance and purpose in the Plan area. However as drafted it would apply to all development proposals, some of which would have no drainage implications. I recommend a modification that would identify the need for SUDs for developments that proposed a new dwelling or new commercial, retail or leisure floorspace.
- 7.43 The other elements of the submitted policy are not land use issues. They refer to the spending decisions of commercial operators or the willingness of the local community to use part of its local CIL monies to assist in implementation. As such I recommend the deletion of these elements of the policy and their transfer into the supporting text.
- 7.44 Thames Water has made a detailed representation on the policy. In summary it provides commentary on national policy in the NPPF to the extent that plan making

bodies should work with other bodies to ensure adequate supply of water and the disposal of waste water. The effect of this is to require that developers will be required to demonstrate that there are adequate water supply and waste water capacity to serve proposed developments. I recommend an addition to the policy to address this point to ensure compliance with national policy.

**Insert new opening paragraph to the policy to read:**

**Developers will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users.**

**Include the following at the end of the first paragraph of the policy:**

**'for developments that propose one or more dwellings and any new commercial, retail or leisure floorspace**

**Delete second and third paragraphs of the policy.**

*Insert the following supporting text at the beginning of the supporting text under the Drainage heading on page 17:*

*Policy BKIN2 sets out two matters that developers will need to address. The first matter is that of adequate water supply and waste water capacity and surface drainage. The second matter relates to sustainable drainage systems. The first of these two elements reflects paragraphs 156 and 162 of the NPPF. It will be important that developers adequately address these important strategic drainage matters.*

*Relocate the two paragraphs of deleted policy to the end of the supporting text under the Drainage heading on page 17.*

*BKIN3 Education*

- 7.45 This policy addresses issues around the relocation, extension and/or improvement of a variety of schools both in the Plan area and elsewhere. The supporting text helpfully explains the relationship between the various schools and which levels of education provision are located in the Plan area and which are located elsewhere.
- 7.47 Whilst this information is of particular significance to the local community a neighbourhood plan can only address matters within its geographic area. Similarly matters such as school catchment areas and other administrative issues are not land use matters. On this basis I recommend the deletion of the second paragraph of the policy (and which refers to a secondary school outside the Plan area). I also recommend the deletion of the third part of the policy (and its relocation into the associated supporting text) as the matter of using the local element of CIL funding is not directly a land use issue. I also recommend that the first part of the policy is made

more general. This approach would provide appropriate flexibility for other school to be established and extended within the Plan period

**Replace ‘the Eastwick...Lacey School’ with ‘schools’**

**Delete second and third paragraphs of the policy**

*Reposition the third paragraph of the policy into the supporting text*

*Delete third, fourth and fifth paragraphs of the supporting text*

*BKIN4 Local Health Care*

7.48 The policy supports proposals to improve or to redevelop health care facilities. The policy reflects the age profile of the community.

7.49 As submitted the policy offers support for practice improvements in nearby Fetcham and Effingham. Plainly these improvements would be welcomed. However, for the same reasoning as I have applied to the previous policy with regard to schools I recommend the deletion of this element from the supporting text. For complete clarity I also recommend the addition of additional wording in the policy itself.

**Insert ‘in the Plan area’ between ‘provision’ and ‘will’.**

*Delete second and third paragraphs of supporting text*

*BKIN5: Community Facilities*

7.50 The policy sets out to support proposals to extend or improve identified community facilities or to develop new facilities. A policy of this nature is entirely appropriate.

7. 51 I recommend a modification to the policy to make its approach on new facilities absolutely clear.

**Replace ‘ones’ with ‘community facilities’**

Retail and Employment Policies

*BKEC1: Safeguarding our Retail Centre*

7.52 This policy represents an important element of the Plan. It seeks to support proposals that would enhance and improve the vitality and viability of the retail centre and to resist the loss of retail floorspace. Its vibrant central shopping area consists of a variety of independent retailers and other service uses. I saw its attractive nature on my visit to the Plan area.

- 7.53 I recommend several detailed changes to the policy wording of the different components of the policy to provide the clarity required by the NPPF. I also recommend the deletion of the fourth element of the policy given that it is a more detailed repetition of the third element. I also recommend the inclusion of additional text to address how other types of planning applications would be addressed given the importance of other services industries to the vitality of the retail centre as already identified in the text within the submitted Plan.

**In first paragraph of the policy replace ‘should’ with ‘will’.**

**In the first sentence of the second paragraph of the policy insert ‘would’ between ‘which’ and ‘improve’.**

**Replace the second sentence of the second paragraph of the policy with: ‘Proposals that would improve and enhance local facilities and services to meet day to day needs of the community will be particularly supported’.**

**Delete the fourth paragraph of the policy**

*Include additional supporting text to read:*

*The third element of Policy EC1 sets out a policy basis for the determination of planning applications that would result in the loss of retail (A1) uses within the retail area. Planning applications that would result in the loss of A2 financial and professional services and A3 restaurant and cafe uses will be considered on their merits taking into account the proposed new uses and their overall impact on the vitality and viability of the defined Retail Centre. This approach reflects the overall contribution that such uses make to its attractiveness.*

*BKEC2: Lower Shott*

- 7.54 This policy sets out to provide a context in which redevelopment proposals for the redevelopment of the Lower Shott area can be promoted and supported. Whilst the site falls within the identified central area (Policy BKH1) it sits outside the retail centre (BKEC1) and is separated from it by the Guildford Road.
- 7.55 The policy wording as submitted is imprecise and I recommend a series of modifications accordingly. I also clarify that appropriate car parking provision will need to be provided for whatever redevelopment proposals that may come forward.

**Replace the policy with the following:**

**Proposals for the redevelopment of the site will be supported where they provide a mixed development including some or all of the following uses:**

- **replacement retail facilities,**
- **social facilities,**
- **healthcare facilities,**
- **cultural and community uses,**

- residential development,

**Redevelopment proposals should provide the required amount of car parking spaces in accordance with Mole Valley District Council standards at the time of the submission of the planning application concerned.**

*BKEC3: Developing and safeguarding other retail centres*

7.56 This policy is designed to develop and safeguard retail premises outside the identified retail centre in policy BKEC1. It identifies measures to test that retail uses are no longer viable and restricts new retail uses to a maximum size of 150 square metres. It also identifies controls generally to resist the change of use from retail to hot food take away uses.

7.57 I recommend some detailed modifications to the wording of the policy to ensure that it provides the clarity required by the NPPF.

**In the first paragraph of the policy insert ‘in retail use’ between ‘unit’ and ‘outside’, and replace ‘needed’ with ‘viable’.**

*In second paragraph of supporting text replace ‘is to be discouraged’ with ‘will be resisted’*

*BKEC4: Safeguarding land in industrial and commercial use*

7.58 This policy safeguards industrial and commercial uses in the Plan area and sets out support for a range of proposals. It is entirely appropriate for the Plan area and is a major part of the Plan’s contribution to the economic dimension of sustainable development.

7.59 I recommend a series of detailed modifications to the wording of the policy to provide clarity in general, and on the distinctive elements that would safeguard such uses and those that would encourage additional or consolidating development to take place. I also recommend a reduced marketing period given that the more onerous 18-month period as proposed is not justified.

**At the end of the first sentence delete ‘through:’**

**Before numbers 1-3 include:**

**Particular support will be given to proposals for:**

**In third paragraph replace ‘18’ with ‘12’, ‘considered’ with ‘supported’, and insert ‘wider’ between ‘the’ and ‘objectives’.**

## **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 Bookham 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 Bookham 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 25 September 2012.
- 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 Bookham Vanguard has produced an effective neighbourhood plan in a distinctive and attractive environment and which reflects much hard work in recent years.

**Andrew Ashcroft**  
**Independent Examiner**  
**4 October 2016**

