

# Thorpe Neighbourhood Development Plan 2015- 2030

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## Submission Version

A Report to Runnymede Borough Council on the Examination of the  
Thorpe Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

[johnslaterplanning@gmail.com](mailto:johnslaterplanning@gmail.com)

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## Executive Summary

My examination has concluded that the Thorpe Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Removing reference to Thorpe being inset from the Green Belt and the section stating what policies apply to development inside and outside the Green Belt.
- Amending the access requirements for the Coltscroft site to be served by a suitable access to the satisfaction of the Highway Authority rather than specifying where development should or should not be accessed from and the inclusion of the requirement for a shared space as the sole access to the site.
- Introducing the requirement for a phasing and implementation plan in respect of the site allocation at Ten Acre Lane, north of Coldharbour Lane to ensure that the development of the housing site is delivered in conjunction with the proposals for community facilities in the Green Belt.
- That support for the TESIS school should relate to development at the school when judged against the three criteria, rather than referring to what are unspecified plans and objectives of the school. Some requirements to improve pedestrian and cycle access, as well as a requirement to assess the impact of any development on traffic should only relate to development which will facilitate increases in school pupil numbers.
- Removing protection from incidental open space in the high-quality design policy due to uncertainties after which spaces are protected by the policy. Removing requirements which impose additional technical requirements on new housing but also introducing reference to the development meeting the expectations of the National Design Guide.
- Deleting the Frank Muir Memorial Field as a local green space as it is already designated as such in the Local Plan.
- Removing Thorpe Park Resort, TESIS school and Thorpe Lakes from the list of community facilities.
- Deleting the policies on mitigation of the impact of development on European protected sites and the policy relating to Water Infrastructure and Flood Risk on the basis that the policies only duplicate existing policy in the adopted local plan

The referendum area does not need to be extended beyond the plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Runnymede 2030 Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the auspices of the Thorpe Neighbourhood Forum. A Steering Group was appointed to undertake the plan's preparation.
3. This report is the outcome of my examination of the Submission Version of the Thorpe Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Runnymede Borough Council.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021. However, upon Runnymede Borough Council issuing of the Decision Statement, under Regulation 18 of the Neighbourhood Planning Regulations, indicating how it intends to respond to my recommendations, the plan as modified can be accorded *significant weight* in development management decisions, until such time as a referendum is held.

## The Examiner's Role

5. I was appointed by Runnymede Borough Council in August 2020, with the agreement of Thorpe Neighbourhood Forum to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 42 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Runnymede Borough Council and Thorpe Neighbourhood Forum and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
7. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the plan should proceed to referendum, if modified.
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Thorpe Neighbourhood Plan area.
  9. In examining the Plan, the Independent Examiner is expected to address the following questions
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
  10. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Runnymede Borough Council, for the Thorpe Neighbourhood Plan, on 24<sup>th</sup> August 2016.
  11. I can also confirm that it does specify the period over which the plan has effect namely the period from 2015 up to 2030.
  12. I can confirm that the plan does not cover any “excluded development”.
  13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  14. I am satisfied that the Thorpe Neighbourhood Forum is appropriately constituted to act as a qualifying body under the terms of the legislation. The Borough Council has designated the Neighbourhood Forum on 24<sup>th</sup> August 2016, which in line with legislation would last for 5 years.

## **The Examination Process**

15. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

17. Firstly, I am satisfied that I can properly examine the plan without the need for a hearing.
18. I carried out an unaccompanied visit to Thorpe on Thursday 10<sup>th</sup> September 2020. I drove around the village and the surrounding area and walked a number of the sites as well as seeing the relationship with the M25 and the neighbouring towns.
19. Following my site visits, I prepared a document seeking clarification on a number of matters from both the Neighbourhood Forum and Runnymede Borough Council entitled Initial Comments of the Independent Examiner dated 14<sup>th</sup> September 2020. I received responses from both the Neighbourhood Forum and Runnymede Borough Council on 9<sup>th</sup> October 2020. There has also been an exchange of emails seeking clarification on a small number of points that arose during the preparation of this report. All these documents have been put on the council's website.
20. In line with my usual practice, I issued a fact version of my draft report to the Forum as well as the Borough Council. The purpose of a fact check is to pick up errors, such as wrong road names, policy numbers as well as typographical issues. The Forum at that stage, picked up that their highway's consultant report, which was included with their response to my Initial Comments had omitted a map showing a possible two-way northern access to the Coltscroft site. Whilst somewhat unusual, I consider in the interest of the proper consideration of the full case, that it would be still possible for me to have regard to that information, which whilst received late in the examination process, was nevertheless submitted before the examination closed. I will refer to that document in the relevant section of my report.

## **The Consultation Process**

21. Interested parties initially came together to discuss the possibility of forming a neighbourhood forum in order to produce a neighbourhood plan, on 11<sup>th</sup> April 2016.
22. Once formally established, the Forum firstly issued a questionnaire to all residents and following a six-week consultation period, 137 responses were received.
23. The first public event was held over 31<sup>st</sup> March to 1<sup>st</sup> April 2017. Following that, various meetings were held and AECOM were commissioned during the summer of 2017 to prepare a Heritage and Townscape Report, Masterplan and Design Guidance and a Housing Needs Assessment. They were subsequently commissioned to conduct the Strategic Environmental Assessment and Habitat Assessment.
24. The second public open event was held in March 2018. A third open event held in June 2018 focused on three different site options within designated areas to meet the housing requirements of the emerging local plan Policy SD2.
25. All this consultation informed the preparation of the Pre-Submission Version of the plan. This was subject to a six-week consultation, known as the Regulation 14 consultation, which commenced on 8<sup>th</sup> November 2019. This resulted in 38 responses, which are set out in Appendix 11 of the Consultation Report which also sets out how the plan was amended as a result of the comments made.

26. I am satisfied that the Neighbourhood Forum has actively sought the views of local residents and other stakeholders and this input has helped shape the plan.

## **Regulation 16 Consultation**

27. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 7<sup>th</sup> July 2020 and 18<sup>th</sup> August 2020. This consultation was organised by Runnymede Borough Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

28. In total, 12 responses were received, from Natural England, Highways England, Thames Water, National Grid, Runnymede Borough Council, Surrey County Council, Lichfields on behalf of Thorpe Park resort, Woolf Bond Planning on behalf of Burwood Rumsby, St Mary's Church PCC, Barton Willmore on behalf of Cemex UK Operations Ltd, Urbana on behalf of Simco Homes Ltd and Heatons on behalf of Tarmac Trading Ltd. The response from Surrey County Council was subsequently clarified by correspondence between Runnymede Borough Council and the County Council and I have noted their revised position.

29. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

## **The Basic Conditions**

30. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

31. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

## Compliance with the Development Plan

32. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is primarily the Runnymede 2030 Local Plan which was adopted on 16<sup>th</sup> July 2020. There are other documents which also form the development plan, namely the Surrey Minerals Plan Core Strategy DPD, Surrey Minerals Plan Primary Aggregates DPD, Aggregates Recycling Joint DPD, Surrey Waste Plan. All these matters relate to essentially “excluded development” being “County Matters” which cannot be within the scope of a neighbourhood plan. In addition, there is still, in place the saved Policy NRM6 of the South East Plan, which deals with the protection of the Thames Basin Heath Special Protection Area (SPA).
33. Of particular relevance to this plan is the fact that the Local Plan Policies Map takes the village settlement of Thorpe out of the Green Belt.
34. Policy SD1 of the Runnymede 2030 Local Plan sets a requirement for a minimum of 7,507 net additional dwellings to be built over the plan period. Table 3 shows the spatial distribution of that growth and specifically shows the expected net number of new homes to be delivered in Thorpe as 89 additional dwellings (including 11 completions and 28 dwellings from the provision of C2 older person accommodation). No sites are allocated in Thorpe in Policy SD2 – Site Allocations.
35. Policy SD5 deals with Infrastructure Provision and Timing which includes provisions for collecting contributions to critical infrastructure projects and requires appropriate phasing of development linked to infrastructure delivery. Policy SD6 addresses the retention of social and community infrastructure. Policy SD7 deals with Sustainable Design and includes setting water efficiency targets for new dwellings. Policy SO1 supports healthy lifestyles in the policy dealing with health and well-being.
36. Policy SL20 sets affordable housing targets, which are also broken down into different tenure requirements. Policy SL25 seeks to protect and where possible enhance existing open space and welcomes proposals to maintain or increase the quality of open space and Policy SL26 requires new open space to be provided on schemes of 20 dwellings net or more. Policy SL27 sets out the policies for designated local green space.
37. Policy E1 addresses townscape and landscape quality and Policy EE3 is a strategic heritage policy which encourages the sympathetic and creative reuse and adaption of heritage assets and supports, where appropriate, “enabling” development. Policy EE4 covers listed buildings and Policy EE5 relates to conservation areas which includes protecting views in and out of these areas. Policy EE8 addresses locally listed and other non-designated heritage assets.
38. Policy EE9 covers biodiversity, geodiversity and nature conservation area, particularly covering Ramsar sites, SPAs and SACs, as well as SSSIs. Policy EE 10 specifically has policies covering any development that affects the Thames Basin Heath SPA and Policy EE11 deals with development avoiding future habitat fragmentation. Blue Infrastructure is covered by Policy EE12 and Policy EE13

addresses managing flood risk. Policies for dealing with development in the Green Belt are the subject of Policies EE14 through to Policy EE19.

39. My overall conclusion is that the neighbourhood plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Runnymede 2030 Local Plan.

## **Compliance with European and Human Rights Legislation**

40. Thorpe Neighbourhood Forum took a decision, on its own volition, rather than in response to a screening determination, to produce both a Sustainability Appraisal, which would include a Strategic Environmental Assessment, and a Habitat Regulation Assessment, in view of the plan area's close proximity to European protected sites. It commissioned AECOM to produce these assessments and it consulted the relevant consultee bodies on the scope of the Sustainability Assessment and Natural England in respect of the draft HRA. A full Sustainability Appraisal was prepared at the stage of the Pre-Submission document and this was updated in respect of the Submission Version of the plan.
41. The Sustainability Appraisal followed the accepted methodology including assessing the proposals against a range of sustainability indicators, considering reasonable alternatives, different growth scenarios, before coming forward with the preferred options.
42. The consultant's appraisal concluded that the neighbourhood plan would have significant positive effects in respect of population and communities in terms of meeting housing need and providing access to open space and other community upgrades with minor positive benefits in respect of biodiversity and climate change. Minor negative effects were predicted in respect of landscape impacts, safe walking and cycling and traffic congestion. I have received no representations challenging the objectiveness of that assessment process and I have no reason to disagree with its conclusions or the evaluation process.
43. Therefore, I am satisfied that the requirements of EU Directive 2001/42/EC, which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004", have been met in an appropriate manner.
44. AECOM, on behalf of the Neighbourhood Forum, carried out the Habitat Regulation Assessment in accordance with the requirements of the Conservation of Habitat and Species Regulations 2017. This report concluded that the neighbourhood plan would ensure that no adverse effects would affect the integrity of the following nearby European sites; South West London Waterbodies SPA and Ramsar, Windsor Forest and Great Park SAC, Thursley, Ash, Pirbright and Chobham SAC and the Thames Basin Heaths SPA.
45. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

## The Neighbourhood Plan: An Overview

46. I must firstly commend Thorpe Neighbourhood Forum on the quality and quantity of the supporting evidence that lies behind the submission documents. It has, in the vast majority of cases satisfied me that the policies are based on proportionate and compelling evidence.
47. Too many neighbourhood plans choose to work just within the parameters of local plan housing figures. However, in the case of Thorpe, the Forum has actually sought to plan for higher housing growth, based on the evidence of its own commissioned Housing Needs Assessment, notwithstanding the constraints that apply to this part of Surrey.
48. The allocation of a further area of land to come out of the Green Belt for housing will ensure, through the Forum's proactive negotiations with this major landowner, CEMEX, the delivery of a comprehensive package of measures which address current deficiencies in the village, such as the lack of parking for users of the church and the Village Hall. It will also provide for the much-needed expansion of the village cemetery and the creation of a new country park, giving increased public access to the countryside on land which has been restored from a former mineral working. Collectively, this is a compelling case which justifies the changes proposed to the Green Belt. As such, I am satisfied that the threshold for making boundary adjustments, set by the Secretary of State in the Green Belt chapter of the NPPF and especially paragraph 136, have been met. Paragraph 138 of the Framework states, in the last sentence, that plans "should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land". The allocation in Policy TH2(iii) does exactly that. The bar is set high for allowing changes to the Green Belt and I am satisfied that the exceptional circumstances case has been fully justified.
49. It is apparent that the preparation of this neighbourhood plan has proceeded in parallel with the publication, consultation, examination and adoption of the new Runnymede Local Plan. There is plenty of evidence of the close collaboration between the Forum members and Runnymede's planners. This clearly has allowed the neighbourhood plan to respond to the changes that the new local plan has led at a strategic, boroughwide level, including importantly the inseting of Thorpe village from the Green Belt. Previously Thorpe was the only village in Runnymede Borough within the Green Belt. It is similarly clear that the Neighbourhood Forum, through preparing this plan has been able to influence, to some extent, the local plan process.
50. At the time the neighbourhood plan policies were being prepared, the local plan would have been proposing what would have then been emergent policy, which could have changed through the examination process, for example. However, now that the local plan has been adopted, all its policies equally apply to Thorpe, as to other parts of the borough. In line with Secretary of State guidance in paragraph

16 f) of the NPPF, I see no value in including policies which effectively duplicate already existing development plan policy. I believe that the Forum have acknowledged this, by suggesting, in response to my Initial Comments document, that a number of policies in the submission version of the neighbourhood plan have been effectively superseded and can now be with deleted. The recent adoption of the Local Plan has allowed me, in some cases, to recommend cross referencing policies in the local plan, especially where sites and buildings etc. have been identified in the neighbourhood plan. This adds a local dimension to the local plan policy, specifically protecting “assets” which are have been identified by the local community as important to them.

51. One area I had a particular concern, in terms of the presentation of the plan, related to the usability of the maps, due to the relatively small scale and size of the maps which impacted on their clarity and their utility for decision makers. I raised this at my Initial Comments stage and the Forum, working with Runnymede’s GIS team has resolved the issue to my satisfaction. The new plans that have been prepared are clear and unambiguous and I will recommend that these be inserted into the document on a like for like basis and, ideally, at an A4 size. I will make this a general recommendation at the end of this section rather than referring to individual plans being updated under each policy recommendation.
52. I have had to recommend specific changes to ensure the plan has regard to the Secretary of State policy and advice, which is one of the basic conditions. I have also addressed where necessary, issues of general conformity with the strategic policy set in the local plan.
53. There is also a basic condition requirement that neighbourhood plans should assist the delivery of sustainable development. In this respect, I find that the plan has proactively allocated land for residential development to meet the housing needs of the area, and furthermore it stipulates a need for that new housing to help address the specific housing requirements of the local community which are not being met by the housing market. The plan provides protection and possible enhancement to social facilities that the village enjoys. It sets high design expectations and seeks to protect, to an appropriate extent, heritage buildings as well as the plan area’s green and blue infrastructure. Whilst there are no specific policies which relate to business uses, beyond supporting TESIS’s status as a major employer in the village, nevertheless the plan recognises the need for economic viability to be taken into consideration, when considering proposals against the plan’s policy expectations. Overall, I am satisfied that the plan, as a whole, will deliver the three strands of sustainable development, as set out in paragraph 8 of the NPPF.
54. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are likely as a result of my recommendations, so that the plan will still read as a coherent planning document. I would particularly highlight the need to update the supporting text to reflect the adoption of the local plan.

55. Following the publication of this report, I would urge the Neighbourhood Forum and Runnymede planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

***Recommendation***

***Insert the replacement maps provided during the course of the examination to replace the equivalent maps included in the submission version of the plan, ideally at A4 size.***

## **The Neighbourhood Development Plan Policies**

### **Policy TH1: Thorpe Village Boundary**

56. Under the terms of the 2001 Runnymede Local Plan, all of the plan area was washed over by the Green Belt, apart from the residential areas to the west of Chertsey Lane. The adoption of the new local plan this summer, changed that by taking Thorpe village out of the Green Belt. Whilst on the face of it this marked a significant shift in planning policy, however, under the 2001 Local Plan there was a strong presumption against development which conflicted with Green Belt policy, *except within the settlement of Thorpe.*

57. National policy is that Green Belt boundaries should only be altered in exceptional circumstances and it is evident that the case for taking Thorpe village out of the Green Belt was addressed in the then emerging local plan and the issue was closely examined by the Local Plan Inspector in her report. Having justified the need for revisions to the Green Belt boundary, in the local plan, as previously mentioned, paragraph 136 of the NPPF (2019) goes on to allow detailed amendments to be made to Green Belt boundaries through non-strategic policies, including a neighbourhood plan. I am therefore satisfied that in respect of Thorpe, the strategic case for changes to the Green Belt Boundary have been established by the new local plan and accordingly it is entirely appropriate for the neighbourhood plan to be able to make further adjustments on a non-strategic basis.

58. The neighbourhood plan is proposing a particular change to the boundary, by identifying 1.76 ha of land, to the east of Ten Acre Lane and north of Coldharbour Lane, which is to be taken out of the Green Belt and put into the settlement. The scope for the Thorpe Neighbourhood Plan to make further amendments to the Green Belt, is explicitly acknowledged in paragraph 5.27 of the Local Plan document.

59. The purpose of this boundary change is to facilitate a residential development, which will contribute to meeting locally identified housing requirements, as well as delivering community facilities on adjacent land which is to remain within the Green Belt. These community facilities will be appropriate development in the Green Belt. The additional housing land is a recognition that the housing needs of the village, identified through the Forum's housing needs assessment, are higher

than those set out in the local plan. The NPPF explicitly permits neighbourhood plans to be able to plan for a level of housing in excess of the Local Plan housing figures.

60. The purpose of Policy TH1 is to confirm that the proposed Green Belt boundary is different to the Green Belt defined in the newly adopted local plan. I am satisfied that the supporting evidence, which accompanied the neighbourhood plan, has included a rigorous site selection process, which is described in the Site Selection Report as well as the Sustainability Appraisal which justifies the release of this particular area of Green Belt, over other alternative sites.
61. The requirement to demonstrate that the policy threshold of “exceptional circumstances” has been articulated in the submitted Green Belt Exceptional Circumstances Note. The package of community benefits, the creation of the country park, providing public access to an area where there is a deficiency of open space, the provision of additional village car parking, needed for the Village Hall and the Church, the extension to the cemetery, as well as the ability to influence the type of housing being provided so as to meet the village’s needs, justifies the scale of land being released, namely for approximately 40 units on this 1.76 ha site, collectively make a compelling case to satisfy the exceptional circumstances test. I am also satisfied that the location of the land being taken out of the Green Belt is a logical extension to the village, being close to village facilities and its development will not undermine the strategic function of the Green Belt in this area.
62. Once the policy has established the change in the Green Belt designation, the policy goes on to define the basis of how planning applications will be considered. In essence, the policy provides that planning applications for both within and outside the village boundary, that the relevant provisions of the development plan will apply. There is no benefit in merely repeating the legal position, which are set out in Section 38(5) of the Town and Country Planning Act 1990, namely the applications should be determined in accordance to the development plan, unless material circumstances dictate otherwise. Similarly, the inseting of the village of Thorpe from the Green Belt has already been achieved by the adoption of the Local Plan. I will therefore be proposing that the first and third paragraphs be deleted as they are superfluous.

### ***Recommendation***

***Delete the first and third paragraph of the policy.***

### **Policy TH2 (i) – Land off Rosemary Lane, Coltscroft**

63. Now that the village has been removed from the Green Belt, the principle of residential development on this site becomes acceptable. This is recognised by the plan’s proposals to allocate the site for housing and open space. The proposed layout, as shown on the Concept Layout, provides for access to be along the line of driveway to a large property, Coltscroft, which will have to be demolished, and for the residential development to take place on the site, part of which used to be a former builder’s yard. I understand that a Certificate of Lawfulness was issued for the use. These parts of the site can be considered to be previously developed land served by the current access on the north side of the site. The proposal

includes the allocation of a new green amenity space, on the paddock on the western side of the site, which forms an important setting for the Grade 2 listed West End Farmhouse.

64. I have no objections to the principle of this allocation. A positive allocation of approximately 24 units, plus accompanying green space shows the value of a planned approach and is a positive strength of the neighbourhood plan process. I have had regard to the representations made on behalf of Simco Homes Ltd, which made comments regarding the access arrangements, the inclusion and extent of the open space, potential restrictions on occupancy and the capacity of the site. Their representation predated the Inspector's decision letter. On my site visit, I was aware of the high level of traffic noise as one got closer to the western boundary and I believe the disposition of land uses as shown on the Concept Plan, whilst illustrative, is an appropriate form of development. There is a degree of flexibility in housing numbers resulting from the use of "approximately". I also place significance of protecting the setting of the listed farmhouse. I address the access and the occupancy issues further on in this section.
65. Part of the Inspector's decision to dismiss the recently determined planning appeal, which was for a larger scheme of up to 83 dwellings, related to the prematurity of that proposal in advance of this neighbourhood plan. Other issues that he was concerned about was the lack of an acceptable scheme for surface water disposal and the absence of measures to mitigate the impact of the development on the Thames Basin Heath SPA.
66. That application proposed an access onto Thorpe Bypass. The Inspector noted that the County Highway Authority had no in-principle objection to that scheme. In paragraph 24 of his letter, the Inspector noted that "on access the HA makes it clear that Rosemary Lane is substandard and the junction with Green Road, currently the only way out to the south, is severely substandard such that .....any additional transport load at that point will be unacceptable".
67. It is enlightening to note that the County Highway Authority's response to a question raised at my Initial Comments stage:
- "The CHA's primary concern has been related to any increase in traffic utilising the Rosemary Lane /Green Road junction. From this perspective, a new access from Thorpe bypass has previously been supported, subject to an access been designed and constructed to appropriate standards. In relation to the access is to the site from Rosemary Lane itself, the CHA considers that there is no "in principle" objection to either of these as long as appropriate design and construction standards can be met.
- The south eastern access is relatively narrow and ideally would be widened to allow for separate pedestrian and vehicle services (carriageway and footway), the northern access appears less limited at present in terms of the width and it is expected that this would be the easier option to explore in terms of opening up the site
- If a new access were to be created on to the Thorpe Bypass, the CHA would expect measures to be put in place in order to limit the vehicular access from the development site down Rosemary Lane, and all vehicular traffic from the development site should be entering and exiting via the new access, or The

Bence. The latter would require limits put in place on Rosemary Lane for existing residents which may not be appropriate.”

68. In its response to my Initial Comments document, the Neighbourhood Forum commissioned its own highway consultants, Vectos, to prepare a report on Site Access Options. The report suggests a minimum width of 4.8m would allow a goods vehicle and car to pass each other. The report in the section dealing with the Access Strategy, refers to Drawing 205616/PD01 Rev A which only shows the proposed access to be from the south. This covers two possible scenarios, one with two-way traffic and another for one-way traffic, which implies the continued use of the northernmost access to the site which would be a departure from the access arrangements shown on the Concept Plan. However, only the one-way southern access proposal, includes a separate pedestrian footway and the swept path analysis on the two-way configuration relies on vehicles waiting at the entrance for a large commercial vehicle such as a refuse truck to exit, as this will fill the full width of the carriageway. At the very least this is a very tight access situation for a scheme of 24 units and would be far from ideal, in my experience. The latest plan is numbered 205616/ PD02 and shows a junction at the northern side of the site, contrary to the arrangements set down in the Concept Plan, which expects this to be a pedestrian access only. This plan provides for a northern 2-way access, although again the swept path analysis for a refuse vehicle would require other vehicles to have to wait whilst the lorry negotiates the bend. That access configuration nor that plan drawing is not referred to in the Vectos report.
69. I am also aware that the alignment of the southern access includes a public right-of-way. The northern access appears to have a footpath to one side and appears not to be directly affected by the highway improvements.
70. On the basis of the information before me I am not convinced that the requirements of (iii) and (iv) set out in the policy could be met. These seek a fully accessible made up pedestrian access in the form of a shared space (which will be the sole vehicular access to what is a significant development). It goes on to say that the vehicular access should be provided by Rosemary Lane, to the satisfaction of the Highway Authority, *with no vehicular access to be created onto the bypass.*
71. Having read about the Highway Authority’s concerns regarding what is described as the substandard Rosemary Lane and its junction with Green Road, as well as the fact that it did not object to access coming onto the bypass, I am not satisfied that, even on the basis of the Forums consultant’s report, (which did not discuss or discount the option of an access on to the Bypass), that this site could necessarily be satisfactorily developed, if it were to meet the terms of the submitted policy and as set out in the Concept Plan. I also considered it telling that the Inspector did not dismiss the previous scheme on the basis of its possible access onto Thorpe Bypass. I am reinforced in my reservations, as to the acceptability of the Forum’s access proposals, as enshrined in the policy wording, because the Vectos report is qualified, due to the absence of confirmed highway boundary details, which could be determinant as to whether a site with such tight geometry, could or could not be developed.

72. Whilst I understand there are strong local feelings regarding the access arrangements for this site, the plan document has not convincingly articulated why the access onto the by-pass is opposed. I need to be satisfied that the site is deliverable in a way that could meet the requirements set by paragraph 108 of the NPPF, which states that “in assessing sites that may be allocated for development in plans... it should be ensured that:
- ...b) safe and suitable access for the site can be achieved for *all users*.”
73. The requirements of the submitted policy on the access issue which could affect the deliverability of the site and this leads me to conclude that this is a basic conditions issue. I will therefore recommend the removal of the reference to the creation “of a shared space” in view of the limited width available to serve this number of units which could be used from delivery lorries to users of the footpath including children accessing the local school and the stated view of the Highway Authority that there should be a separate footway. I will recommend removing the stipulations regarding vehicular access and replace it with a requirement that the site should be served by an appropriate vehicular access to the satisfaction of the Highway Authority, which I consider should be the authoritative party on this access question. These matters can then be fully addressed at the development management stage. In the light of this the Forum may either wish to no longer show the Concept Plan or amend it to clearly state that access is to be determined at planning application stage.
74. Beyond the access issue, criteria (i) refer to the contents of the scheme having an emphasis on two and three bed homes. That supports the conclusions of the housing needs assessment and I consider it to be an appropriate requirement to be included within the allocation policy. I have reservations with regard to the practicality of the policy requirement that “primary consideration given to first-time buyers and those looking to rent their first homes”. Whilst the Forum, in its Initial Comments response relating to the requirements of Policy TH4, recognise the need for a flexible approach. I will therefore adjust the policy so that the type of housing would be *suitable* for these sections of the local housing market.
75. Any scheme which will be in excess of 10 units will be required to comply with Local Plan Policy SL20 which deals with affordable housing. That requires 35% of dwellings to be “affordable” which will include 10% as affordable home ownership i.e. starter homes, discounted market sales housing to provide affordable route to home ownership. I consider the policy only needs to refer to the scheme meeting the requirements of Policy TH4, as well as Policy SL20 of the Runnymede Local Plan.
76. Finally, in terms of the requirements relating to the design and development I consider the criteria (vi) could be open to ambiguity, as to which “building materials and detailing” are “*common*” to the area. My recommendations are that features should reflect those materials and detailing which are “characteristic” of the area.

#### ***Recommendations***

***In (i) replace “with primary consideration given to” with “in line with the requirements of Policy TH4 and Policy SL20 of the Runnymede 2030 Local Plan, suitable for***

***In (iii) delete “in the form of “shared space”***

***In (iv) replace with “The site should be served by an appropriate vehicular access to the satisfaction of the Highway Authority”.***

***In (vi) replace “common to” with “characteristic of”***

### **Policy TH2 (ii) Land Off Green Road, Woodcock Hall Farm**

77. The policy acknowledges the possibility of either the conversion or the redevelopment of the existing farm buildings on the site. The policy in the next sentence refers to proposals that “maximise the potential to convert the existing agricultural buildings for residential use” will be supported. However only one of the buildings is a heritage asset, albeit a non-designated heritage asset, which is protected by Policy TH6. The designation establishes a higher threshold in favour of the building’s retention than the other agricultural buildings, which are not recognised as being worthy of protection and I note the site is not in a conservation area.

78. I consider that the policy should be explicit by stating that the expectation will be that the locally listed building should be retained and converted unless the tests of Policy TH6 are met, to differentiate that building from the others where the choice of conversion or redevelopment to provide between five and 10 dwellings on the site will be supported. Policy TH4 will give guidance as to the type and size of dwellings expected.

79. I consider it would improve the understanding of the policy for the amenity of Woodcock Hill Farmhouse should be “protected” rather than “maintained” as that implies that it will not be altered. My recommendations regarding materials referred to in respect of the Rosemary Lane site apply equally to requirement (vi).

#### ***Recommendations***

***In the first sentence delete “conversion/ redevelopment”***

***In the second sentence after “supported” insert “especially the building identified as a non- designated heritage asset on Policies Inset Map 3, shown as Woodcock Farm, where the presumption will be in favour of its retention and sensitive conversion unless the tests in Policy TH6 are met. If it demonstrated that it is impractical to convert the remaining buildings surrounding the farm yard then their redevelopment will be allowed...”***

***In a) replace “with primary consideration given to” with “in line with the requirements of Policy TH4 and Policy SL20 of the Runnymede 2030 Local Plan, suitable for***

***In b) replace “maintained” with “protected”***

***In f) replace “common to” with “characteristic of”***

### **Policy TH2 (iii) Land East of Ten Acre Lane/North of Coldharbour Lane**

80. This policy is an allocation that results from the Green Belt change set out in Policy TH1. I believe the suitability of this site have been fully supported by a comprehensive set of evidence documents produced by Barton Wilmore.

81. The basis of this special case is that it facilitates the delivery of a mix of uses which are supported but are dependent on this residential allocation. I am confident that

the intentions of the landowners are to deliver what will be a comprehensive package but there are possible scenarios whereby residential elements having been taken out of the Green Belt could then proceed as policy compliant, in isolation, as this site will now fall within the settlement boundary. I raised this with the Neighbourhood Forum and they have acknowledged this possibility and they have suggested that this matter could be covered by “a phasing and implementation plan... to ensure the timely provision of non – residential uses, open space and supporting infrastructure”. Some matters can be dealt with by a planning condition but that would not necessarily cover such matters as the transfer of land ownership or arrangements for the future management of the sites. These aspects of the package would be better covered by a planning obligation and I will recommend accordingly.

#### ***Recommendations***

***In b) after “assessment” insert “and in line with the requirements of Policy TH4 and Policy SL20 of the Runnymede 2030 Local Plan.”***

***In c), at the end of the first sentence add “shall be provided in accordance with a phasing and implementation plan to be submitted for approval at planning application stage, to ensure the timely provision of the non-residential uses, open space and supporting infrastructure alongside the residential development of the site. This plan may require appropriate legal agreements through, for example, a planning obligation to address issues of land ownership and on-going management of the sites.”***

***In d) insert at the end” and the requirements of Local Plan Policy EE13 are met”***

#### **Policy TH3: TESIS School**

82. This private school occupies a large proportion of the centre of the village and contains a mixture of listed buildings as well as being within the conservation area. Part of the school’s estate also falls within the Green Belt. My only concern regarding the policy is that it implies there should be support for the *objectives and plans* of the school, but the plan is not explicit as to what those objectives and plans are. The aspirations of any future masterplan which may be put forward by the school, should be considered against the provisions of the development plan, which includes the Local Plan, as well as this neighbourhood plan. Equally, the school’s objectives and plans may well change and it is inappropriate to express support in isolation. I propose to recommend that *development* at the school will be supported so long as the proposals are consistent with the policies which sustain and enhance the heritage buildings on the site, as well as the conservation area and which protect the openness of the Green Belt.
83. The associated requirements to increase pedestrian and cycle access and the need to demonstrate any impact on traffic imposed by this policy, should only be triggered by development that will actually generate additional traffic movements. Some proposals may not have implications for pupil numbers and therefore are unlikely to have traffic generation consequences. The policy should be qualified as such otherwise it is unreasonable to require improvements which are not actually generated by the development being proposed by the school.

### *Recommendations*

***In the first sentence after “supports”, replace “the objectives and plans of” with “development at”***

***In the second paragraph after “proposals” insert “that could increase the pupil capacity of the school”***

### **Policy TH4: Housing Mix**

84. It is clear that the policy has drawn upon the evidence prepared in 2018 by AECOM in its Housing Needs Assessment.
85. The policy offers a balanced approach, recognising the need to take account of viability and other considerations on a case-by-case basis when considering the issue housing mix, whilst giving a strong steer as to the housing the village needs. The plan particularly demonstrates a requirement to build more 2 to 3 - bedroom units, which could be suitable for young persons and families as well as accessible purpose-built dwellings which would be suitable for older persons to occupy. The test of the policy points to the suitability of properties which will serve these sectors rather than implying the imposition of a strict occupancy condition.
86. In terms of tenure, the plan states the proposals should provide at least 10% of homes as a form of discounted market sales or other affordable routes to home ownership. I consider this is consistent with Policy SL20 of the adopted local plan and I note that the District Council specifically acknowledged this in its Regulation 16 comments. Such an approach is consistent with the Secretary of State’s recently published response to the First Homes consultation.
87. I consider this policy meets the basic conditions.

### **Policy TH5: High-Quality Design**

88. I initially was concerned that the policy requiring high-quality design was only covering parts of the plan area, namely the areas shown as Character Area A and Character Area B. I enquired of the Neighbourhood Forum what design policies would apply to the area outside the two-character areas. I was referred to Policy EE1 of the adopted local plan and I accept that provides adequate guidance.
89. I am satisfied that is appropriate for the plan to choose to focus on two particular areas to offer bespoke design policy for each. On my site visit, I was able to appreciate for myself the different characteristics of the respective areas.
90. In terms of the two areas, I did question in my Initial Comments whether the location of the particular viewpoints should be shown on a plan. It is important that a decision maker knows exactly which viewpoints are to be taken into account, when determining future planning applications. This map has now been provided in Policy Insert Map 2.
91. The Forum have taken the opportunity to provide greater clarity regarding views along Coldharbour Lane and address inconsistencies with the numbering of policies. In particular it has highlighted errors in the text that should read “South east view from Mill Lane” rather than “Green Road”. I am satisfied these are viewpoints which will be important to the local community and in particular reflect

the townscape and landscape context for the conservation area and deserve to be safeguarded.

92. I do have concerns regarding criteria (v) which relate to the retention or re-provision of “incidental open space”. Whilst the Green and Blue Infrastructure Assets Plan identifies “amenity green space” and “green corridors” as well as “local green space”, the neighbourhood plan does not identify which are the “incidental open spaces” that this policy seeks to protect. This matter was raised with the Forum and the response was that these spaces are too numerous to individually identify, even for the relatively small area within the plan area. I consider that this is a less than satisfactory position. The neighbourhood plan policy should, according to the Secretary of State in the Planning Practice Guidance, be “clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.”
93. The Forum’s intention is to protect all incidental open spaces, whether public, private or within a residential curtilage. If the areas are not mapped, then it is unclear whether a decisionmaker would know whether a particular piece of land, perhaps part of a garden of the dwelling or a strip of unused land would be classed as “incidental open space”. It should not be necessary for a landowner to have to contest whether the land has protection by this policy, say at the stage a planning application is being considered. If the land is to be protected it should be explicit that this land is identified and possibly challenged through the plan making process.
94. The Forum’s response was that such spaces have a role to play in terms of biodiversity, but paragraph 174 of the NPPF states that “plans should *identify, map* and safeguard components of local wildlife and habitat and wider ecological networks .... including wildlife corridors and stepping stones.”
95. Criteria (vi) and (ix) state of the development should “realise opportunities for integrated renewable energy technology include rainwater harvesting, water efficiency measures and vehicle electric charging points”. I do not firstly consider these matters respond to the specific character of the two character areas and I cannot see justification as to why they will not apply to all parts of the plan area. However, of more importance to the basic conditions test, is that it imposes an expectation, through the use of the term “development proposals *should*”. This is, in my opinion, contrary to the Secretary of State Written Ministerial Statement to the House of Commons dated 25<sup>th</sup> March 2015 which states that “neighbourhood plans should not set any additional local technical requirements or standards relating to the construction, internal layout or performance of new dwellings.” I also note that the number of these matters are already covered by the requirements of the Runnymede Local Plan and therefore will already be applied to the neighbourhood area.
96. A planning application will be considered against all relevant development plan policies and it is unnecessary for the design to be acceptable, so long as other plan policies are satisfied. I will recommend that part of the policy be deleted but I will, as suggested by the Forum, add reference to “the expectations of the National Design Guide”.

### ***Recommendations***

***At the end of the first paragraph add “and the expectations of the National Design Guide”.***

***In (ii) after views insert “as shown on Policy Inset Map 2 and described in the Key Views Paper which is attached as an Appendix to this plan”***

***In (ii)d) replace “Green Road” with “Mill Lane”***

***Delete (v) and (vi)***

***Delete (x) and (xi)***

***In the final paragraph delete all text between “comply” and “and”.***

### **Policy TH6: Local Heritage Assets**

97. I consider this policy satisfies basic conditions; however, the extent of the assets should be as set of Policies Inset Map 3. I will also cross reference the provisions of Local Plan Policy EE8 which deals with these heritage assets, as it makes positive comments of supporting development that will repair and retain such buildings.

### ***Recommendations***

***After “structures” insert “as shown on Policies Inset Map 3”.***

***At the end insert “the provisions of Local Plan Policy EE8 apply to the above buildings***

### **Policy TH7: Green and Blue Infrastructure**

98. I have had regard to the Green and Blue Infrastructure Note and I am generally satisfied that the policy meets the basic conditions. There is one issue as regard to the clarity of the plan which the key refers to green corridors but these are not shown on the Infrastructure Policy Map, despite the green corridors being mentioned in the key. I raised this issue in an email to the Neighbourhood Forum and in its reply I was advised that Item A Monks Walk, Item J hedgerows, Cottage Farm Way and Village Road, Item Q Mead Lake Ditch and route of the proposed River Thames Scheme and the Moat should have been shown as green corridors on the Map. These features are already covered by this policy and I am satisfied that their absence was a cartographical omission which can be corrected and I will recommend they be shown on the Assets Map. The Forum put forward a suggestion as to how they could be displayed and but rather than include a lot of text in the key, I consider for ease of identification that Items A, J, Q and R be shown as Green Corridors on the Green and Blue Infrastructure Assets Map using the dark green colouring as per the key. Hopefully the Council’s GIS team will be able to assist, making these corridors clear for legibility reasons.

### ***Recommendation***

***That the 4 Green Corridors: A, J, Q and R be shown on the Green and Blue Infrastructure Assets Map***

## Policy TH8: Local Green Space

99. I am satisfied that both areas meet the criteria for designation as local green space as set out in paragraph 100 of the NPPF (2019). However, the Frank Muir Memorial Field is already designated as a local green space in the local plan. There is no benefit in duplicating its designation.
100. I consider it would be helpful for the policy to refer to how, in the unlikely event of a planning application affecting the remaining area, The Gower would be considered. The local plan already has Policy SL27 which sets out the basis for dealing with local green space and I will be recommending that this policy be cross referenced.

### *Recommendations*

**Delete (i) Frank Muir Field**

**Add at the end “The provisions of Local Plan Policy SL 27 will apply to this area of local green space”.**

## Policy TH9: Community Facilities

101. I enquired of the Neighbourhood Forum what criteria was used to include buildings or places as community facilities. I was referred to the definition of Social and Community Infrastructure Assets, set out in paragraph 5.67 of the Local Plan, but that, for example, include within the definition of social and community infrastructure, other social assets such as affordable housing. This question was prompted by the inclusion of a number of assets which I was surprised to see as being described as *community facilities*.
102. As part of its Regulation 16 representations, Thorpe Park Resort questioned whether this theme park was a community facility. I raised this with the Forum and it acknowledged that the theme park should be removed. Similarly, I do not consider Thorpe Lake which is part of Thorpe’s blue infrastructure and is already protected by Policy TH7, does not actually constitute a community facility in the accepted sense of what a community facility is. Again, the Forum agreed with my conclusions.
103. I would also question whether TISIS school, which is a private school for international students, some of which are boarders, whilst clearly part of the Thorpe community is not really a community facility serving the village. All the information I have seen is that this is a private school with a need for high security and I am not aware of the use of any of its facilities, being made available to residents in the village, on a substantive basis. I therefore propose to remove it from the list of community facilities.
104. Since the introduction of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, Class D1 has been revoked. Now clinics, health centres, creches, day nurseries and day centres fall within the new Class E and schools, non-residential education, alongside museums, public libraries, public halls, exhibition halls and places of worship and law courts are part of a new Use Class F1
105. The Borough Council’s response suggests that an amendment to the policy should remove reference to D1 use and instead refer to social community infrastructure

but for the reasons mentioned I do not consider this necessary. The purpose of the policy is to identify what is a community facility and thereafter development management decisions can be made having regard to existing Policy SD6 of the adopted Local Plan as well as the remainder of the policy.

***Recommendations***

***Delete (iii) Thorpe Park Resort, (vii) TESIS School and (ix) Thorpe Lakes In the second paragraph replace “relevant Local Plan policies” with “Local Plan Policy SD6” and also replace “land” with “building or land” and delete “D1”***

**Policy TH 10: Mitigating Effects on European Designated Sites**

106. Paragraph 16 f) of the NPPF (2019) states the plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework)”. I have examined this policy against the requirements of Policy EE9 which deals with the impact of development affecting RAMSAR sites, SPAs, SACs and SSSIs and especially Policy EE10 dealing with Thames Basin Heath Special Protection Area. These policies address issues regarding residential development leading to contribute to SANGS and SAMM. I consider these existing strategic policies provide ample protection to these European protected sites and include a mechanism for mitigating any impact from development and this neighbourhood plan policy presents no specific local dimension to the policy for Thorpe or does not add anything to the existing policy. I would therefore recommend the policy be deleted.

***Recommendation***

***That the policy be deleted.***

**Policy TH11: Water Infrastructure and Flood Risk**

107. I am aware that the Environment Agency has recently issued revised flood maps for the area.

108. However, now that the Local Plan has been adopted all the matters covered by this policy are already part of the development plan and there is no value in duplicating this policy.

***Recommendation***

***That the policy be deleted.***

**The Referendum Area**

109. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Thorpe Neighbourhood Plan as designated by Runnymede Borough Council on 24<sup>th</sup> August 2016 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

110. I congratulate Thorpe Neighbourhood Forum on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of work has gone into its production and the Forum should be proud of the final document. The plan will provide a sound basis for determining planning applications in Thorpe into the future.
111. This is an excellent example of using a neighbourhood plan to achieve, through “positive proactive planning”, the delivery of the community’s aspirations. In particular by adjusting its Green Belt boundaries and allocating new housing land it will deliver significant improvements to village facilities and allow residents greater access to the Green Belt, at the same time as meeting the housing needs of the plan area.
112. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
113. I am therefore delighted to recommend to Runnymede Borough Council that the Thorpe Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI  
John Slater Planning Ltd  
6<sup>th</sup> November 2020