

INDEPENDENT EXAMINATION OF FARNHAM NEIGHBOURHOOD PLAN

EXAMINER: DEREK STEBBING B.A. (Hons), Dip. E.P., MRTPI

Iain Lynch
Farnham Town Council

Alice Knowles
Waverley Borough Council

Via email

Examination Ref: 03/DAS/FNPR

21 June 2019

Dear Mr Lynch and Ms Knowles

FARNHAM NEIGHBOURHOOD PLAN REVIEW (MODIFICATION PROPOSAL)

As you know, I have been appointed to undertake the independent examination of the Farnham Neighbourhood Plan Review (Modification Proposal). Accordingly, I requested in my letter of 2 April 2019 the Borough Council's statement under Regulation 17e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended), which had been previously omitted from the submission documentation.

Upon receipt of Farnham Town Council's (FTC) letter of 4 April 2019, and Waverley Borough Council's (WBC) letter of 8 April 2019 which enclosed the requisite statement, I gave very careful consideration to the points made in FTC's letter and in WBC's Regulation 17e)(ii) statement. I also considered the 233 representations that were made at the Regulation 16 consultation stage held in February/March 2019.

Determination under Paragraph 10(1) of Schedule A2

1. In accordance with paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ('Schedule A2'), I must first determine whether the modifications contained in the draft Plan "**are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace**". Taking account of the Town Council's response dated 4 April 2019, the Borough Council's Regulation 17e)(ii) statement and the representations that were received, I was initially unable to arrive at a determination on whether the modifications are not so significant or substantial for the examination of the draft Plan to proceed under Schedule A2.
2. Therefore, in order to fully explore the issue further and come to a determination, I considered it would be necessary to hold a Procedural Exploratory Meeting to enable me to hear further oral submissions on whether or not the modifications contained in the Neighbourhood Plan Review are so significant or substantial as to change the nature of the Farnham Neighbourhood Plan.
3. The Procedural Exploratory Meeting was held on 4 June 2019 at the Town Council's offices, South Street, Farnham, and I am grateful to the Town Council for making the necessary arrangements for that meeting. I am also grateful to those parties including the Town Council and the Borough Council who attended the meeting and who made oral statements to me on this matter.

4. Following the Procedural Exploratory Meeting, I have now had the opportunity to carefully consider all of the points that have been made to me, through representations made at the Regulation 16 consultation stage, through the responses from the Town Council and the Borough Council to my procedural letter of 2 April 2019 and through the oral submissions made at the meeting on 4 June 2019.
5. In order to reach my determination on this matter, I must reach a conclusion on whether the modifications are so significant or substantial as to change the nature of the made Farnham Neighbourhood Plan. I have noted from the submissions made to me that there are no authorities which can be relied upon to provide guidance on the meaning of “*so significant or substantial*” in the context of proposed modifications to a made Neighbourhood Plan.
6. I have, however, taken particular note of a recent change to the Planning Practice Guidance which introduced the following new paragraph on 9 May 2019. I have highlighted in bold the guidance which is pertinent to my specific consideration of this Plan Review:

“In what ways can a neighbourhood plan or order be changed?”

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- *Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.*
- ***Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.***
- ***Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.”***

Paragraph: 106 Reference ID: 41-106-20190509

Revision date: 09 05 2019.

7. The made Farnham Neighbourhood Plan covers the entire area served by Farnham Town Council within the Borough of Waverley. It covers the period from 2013 to 2031. The Plan area has a population of around 40,000 persons living in 16,050 households (2011 Census). Farnham is one of the principal settlements within Waverley Borough and fulfils important roles in the Borough’s economic, retail, educational and leisure sectors. The Plan area also contains important heritage and landscape designations. In my assessment, the Farnham Neighbourhood Plan is therefore an extremely important part of the statutory Development Plan for both the Plan area itself and for the Borough of Waverley, addressing many issues that are not typically covered by Neighbourhood Plans for smaller settlements.
8. The principal modifications proposed in this Neighbourhood Plan Review are summarised as follows:
 - The Plan period is to be extended from 2031 to 2032 (to align with the adopted Waverley Local Plan – Part 1).

- The Built Up Area Boundary of Farnham is proposed for extension in two areas (to take account of two planning consents granted on appeal since the Plan was made).
 - Map E showing Areas of High Landscape Value and Sensitivity is proposed for amendment (based on the Farnham Landscape Character Assessment, July 2018).
 - The section of the Plan addressing Suitable Alternative Natural Greenspace (SANG) capacity is proposed to be updated to include two additional sites (with a new Map G).
 - The addition of five new housing sites within the scope of Policy FNP14.
 - The removal of the Surrey Sawmills site as an allocated site for business use (within Policy FNP17) and its allocation for residential use as one of the five additional housing sites.
 - The proposed recalculation of sources of housing supply during the extended Plan period up to 31 March 2032.
 - The introduction of a new sub-section in the Plan addressing student accommodation at the University for the Creative Arts.
9. In my assessment, the adopted Proposals Map 2017 will also require amendments to reflect some of the above-listed modifications.
10. In addition, to the principal modifications summarised above, there are a number of proposed minor amendments to the Plan, a number of which are consequential upon other modifications.
11. I have assessed each of the proposed modifications individually and then in combination with the other modifications. Whilst I am clear that in certain cases, taking an assessment of the individual implications of a proposed modification, they do not constitute a matter that can be considered to be so significant or substantial as to change the nature of the made Plan, it is the totality of the proposed modifications that leads me to the conclusion that, in the case of this Plan, they do constitute matters that are significant or substantial and which do change the nature of the Plan.
12. In reaching that conclusion, I have noted that the addition of five new housing sites; an increase in potential housing supply from a number of sources including windfalls; the de-allocation of an existing employment site and its allocation for residential use; the identification of two new SANG sites; and amendments to areas of high landscape value and sensitivity are matters which, in combination, do represent a significant change to the existing made Plan, which was the subject of a Referendum in May 2017.¹
- 13. Accordingly,**
- (i) my determination under paragraph 10(1) of Schedule A2 is that the modifications contained in the draft Plan constitute material modifications which do change the nature of the Plan and, if to proceed, would require an examination and a referendum;**
 - (ii) this letter constitutes notification under paragraph 10(3) of Schedule A2 of my determination, and the reasons for that determination, as set out in paragraphs 1-12 above; and**
 - (iii) I invite Farnham Town Council as the Qualifying Body to decide whether to proceed with an examination of the draft Plan under Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('Schedule 4B') or withdraw the draft Plan.²**

I do of course appreciate that much hard work has gone into the production of the draft Plan and the Town Council will be disappointed that I was not persuaded that the examination could proceed

¹ Whilst not material to my determination, I note in passing that paragraph 1.02 of the Regulation 15 Submission Plan (January 2019) states that *"If passed at a local referendum, the Neighbourhood Plan Review will be adopted by Waverley Borough Council"*.

² Paragraphs 10(4) to 10(6) of Schedule A2.

further under new Schedule A2. I also appreciate that if the draft Plan is to be examined under Schedule 4B, there will potentially be additional costs arising for WBC through the holding of a referendum (should the draft Plan proceed to that stage successfully).

I shall await the Town Council's decision.

I would be grateful if you could ensure that a copy of this letter is placed on the Farnham Town Council and Waverley Borough Council websites.

Your sincerely

Derek Stebbing

Examiner