
Examination Statement

Prepared by Savills on behalf of Taylor Wimpey UK Limited

Guildford Borough Council Development Management
Plan Examination in Public – **Matter 3 Policy P6/P7:
Biodiversity in New Developments**

Regulation 19 comment ID: LPDM21B/26

October 2022

1. Introduction

- 1.1. This Examination Statement in regard to the Guildford Borough Council Development Management Policies (GBC DMP) has been prepared by Savills on behalf of Taylor Wimpey UK Limited (TW), who own land at Former Wisley Airfield (FWA). TW is broadly supportive of the Draft GBC DMP, however feel some further refinements need to be made in order to ensure that the Plan is sound.
- 1.2. A Hybrid planning application has been submitted at FWA (ref: 22/P/01175), for a residential-led mixed use development of the strategic site, allocated by Policy A35 of the Guildford Borough Local Plan (“GBLP”) Strategy and Sites 2015-2034 (adopted 2019). TW, in collaboration with Hallam and CBRE, are proposing one settlement, which comprises three neighbourhoods. The full application description and application document are available on the council's website.
- 1.3. TW’s representation to Guildford Borough Council (GBC) Regulation 19 DMP consultation (relevant to this matter) has been given the following reference Policy P6/P7: Biodiversity in New Developments, comment ID: LPDM21B/26. **On this Matter, TW has not registered to appear at the Hearing. Rather, this Statement has been prepared to amplify the Regulation 19 representations made.**

2. Response to Inspector's Matters and Questions

Matter 3: Policy P6/P7: Biodiversity in New Developments

Main Question: Whether Policy P6/P7: Biodiversity in New Developments is positively prepared, justified, effective and consistent with both national policy and the LPSS.

2.1. The policy it's not justified, effective or consistent with national policy. It seeks to go beyond the requirements of national policy. The Environment Act (2021) is in place, though the detailed Regulations are progressing. This process, and associated guidance, will determine the most appropriate requirements, although it is expected to be 10% Biodiversity Net Gain (BNG). It is not appropriate for the Local Plan to be setting requirements above this without specific local justification.

2.2. TW's view is therefore that the policy wording should be amended to require the following (changes in red and deletions in strikethrough):

~~"12) Qualifying development proposals are required to achieve a biodiversity net gain of at least 20 per cent, or the advised national minimum amount, whichever is greater, measured using the national biodiversity net gain calculation methodology.~~ Biodiversity net gain should be demonstrated by exceeding the national minimum amount in either quantitative and/or qualitative terms, evaluated on the basis of both the Defra metric output and robust ecological impact assessment undertaken in accordance with industry guidance (e.g. CIEEM's EclA guidelines, 2019), and taking account of site-specific circumstances including viability".

2.3. Overall, TW do not object to the concept of developers achieving a BNG greater than 10%. In fact, FWA will achieve at least 20% (likely more), however, it is not appropriate for policy to stipulate requirements beyond that of national policy, particularly where it can have implications on viability and deliverability of their allocated sites, and unduly impede any opportunity for additional biodiversity credits to benefit other development in the area. TW's suggested alterations to the policy will ensure that the policy is positively prepared, justified, effective and consistent with national policy. This on the basis that the GBLP will be delivered, alongside a network of biodiversity improvements, notably SANGS provision, all formulated prior to the implementation of national BNG requirements.

Supplementary Questions:

3.1 Is the requirement for a 20% increase in biodiversity justified in the case of Guildford?

- 2.4. No, it is not justified as per the National Planning Policy Framework (2021) (NPPF). As stated in response to the main question, this is likely to go beyond the requirement of the Environment Act and associated Regulations, which all stipulate a 10% requirement. As far as TW are aware, no further evidence or justification has been provided to explain why the requirement is likely to be double that of the Environment Act, nor has a viability impact been considered in detail.
- 2.5. In TW's response to the Regulation 19 consultation, a number of reasons were laid out as to why the proposed 20% BNG is not justified. See paragraphs 3.15-3.17.
- 2.6. Overall, the policy wording should be updated, in order to ensure that the policy is justified and does not risk conflict with the Environment Act.

3.2 What would be the implications of a 20% increase on development viability? Would there be any unintended consequences?

- 2.7. Yes, there would be consequences if there is a requirement for 20% BNG, as opposed to stating this is an aspiration.
- 2.8. There will undoubtedly be a number of sites which will encounter viability issues if required to deliver 20% BNG, as a consequence other public benefits will be lost, for example affordable housing. If there is a requirement for the BNG to be in line with the national requirement, developers are able to provide a BNG greater than that required nationally, but will have the flexibility to balance this against viability constraints and the other benefits for the specific site and locality. There will also be greater opportunity for biodiversity credits to be used to assist sites which might not be able to meet the 10% requirement. Any application is to be determined and weighed up with the determining authority, which is how the Council can maintain control.
- 2.9. This will be a particular issue for greenfield sites which have a higher biodiversity baseline. A number of GBC's allocated sites are on greenfield land, which may be problematic for their delivery, albeit as stated above this is not the case for the FWA which will provide in excess of 20% at TW's own discretion.
- 2.10. In summary, this policy needs to be updated in order to ensure that it does not impact on the delivery of

other important infrastructure and affordable homes. This requirement risks development sites becoming unviable and thus not being developed, impacting the supply of new homes. This update will ensure that the policy is effective and justified.

3.3 If viability is an issue on a site, how does biodiversity feature amongst other priorities?

- 2.11. Whilst TW agree that biodiversity is very important and should be a strong consideration for all developers, this needs to be balanced with a number of other planning considerations / policy requirements / benefits to ensure that, high levels of BNG on a site do not come at the expense of other benefits and mitigation. This is positive planning and will ensure the delivery of a well-balanced and sustainable schemes.

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Director
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