
Examination Statement

Prepared by Savills on behalf of Taylor Wimpey UK Limited

Guildford Borough Council Development Management
Plan Examination in Public – **Matter 7: General & Policy
P8/P9: Protecting Important Habitats and Species**

Regulation 19 Comment ID: LPDM21A/43

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 acknowledge that Matter 7 is in respect of all policies within the DMP. On this basis, TW wish to highlight that they raised a number of key comments and objections to the policies as worded, as included in TW’s Regulation 19 representations. These still stand. The main policies TW **comment** on or **object** to, include:
- **Policy H7: Review Mechanisms:** The evidence base prepared by Dixon Searle is noted re: viability. TW reserves its position, for any necessary comment on this evidence base in light of the progress on discussions on Wisley Airfield, the approach to affordable housing and infrastructure delivery. *No additional Hearing Statement has been drafted.*
 - **Policy H8: First Homes:** the homes are required to be no higher than £250,000 which will lead to a high proportion of 1 bed units. This should be adapted to ensure that there is flexibility allow for the scenario where there is no demand for the likely 1 bed first homes. *This is amplified in TW’s Matter 2 Hearing Statement.*
 - **Policy P6/P7: Biodiversity in New Developments:** adaptations to make the policy clearer and more robust, better aligned with National guidance, and ensuring the policy has realistic expectations for developments in the borough. *This is amplified in TW’s Matter 3 Hearing Statement.*

- **Policy P8/P9: Protecting Important Habitats and Species:** overall, TW's view is that elements of the current policy wording and supporting text have the potential to result in the incorrect evaluation of irreplaceable habitats, the incorrect application of biodiversity policy, which in turn has the potential to significantly constrain the delivery of sustainable development within the borough. On this basis the policy is not justified or consistent with national policy. *This is amplified in this Matter 7 Hearing Statement.*
- **Policy P10: Land Affected by Contamination:** alterations to the policy to request the requirements can be a condition attached to a decision notice. *No additional Hearing Statement has been drafted.*
- **Policy P11: Air Quality and Air Quality Management Areas:** alterations to the policy to make it appropriate and less onerous. *No additional Hearing Statement has been drafted.*
- **Policy P12: Water Quality, Waterbodies and Riparian Corridors:** altered wording so that the policy is less restrictive and positively prepared. *No additional Hearing Statement has been drafted.*
- **Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness:** question the need for another policy to address the same issues as Local Plan Policy D1 and the Strategic Development Framework (SDF) Supplementary Planning Document (SPD) and TW do not feel this policy should be applicable to strategic sites. *No additional Hearing Statement has been drafted.*
- **Policy D5: Protection of Amenity and Provision of Amenity Space:** encourage a balance between private and public amenity spaces. *No additional Hearing Statement has been drafted.*
- **Policy D8: Public Realm:** alterations to the policy to include reference to Design Codes for strategic sites and to ensure there is enough flexibility that the public realm is appropriate for each individual site. *No additional Hearing Statement has been drafted.*
- **Policy D9: Residential Infill Development:** add clarity to the policy to ensure that it is clear which sites the policy is directed at, i.e. not strategic sites. *No additional Hearing Statement has been drafted.*
- **Policy D12: Sustainable and Low Impact Development:** policy should be altered to refer to the Climate Change, Sustainable Design, Construction and Energy SPD. *No additional Hearing Statement has been drafted.*
- **Policy D13: Climate Change Adaptation:** policy should be altered to refer to the Climate Change, Sustainable Design, Construction and Energy SPD. *No additional Hearing Statement has been drafted.*
- **Policy D16: Designated Heritage Assets:** seeks minor amendment to the Policy and that policies D17 to D20 are incorporated within this policy concisely. *No additional Hearing Statement has been drafted.*

- **Policy D17: Listed Buildings:** question the need for the policy and suggest an additional line which could be added to Policy D16 to cover the thrust and aims of this policy. *No additional Hearing Statement has been drafted.*
- **Policy D18: Conservation Areas:** question the need for the policy and suggest an additional line which could be added to Policy D16 to cover the thrust and aims of this policy. *No additional Hearing Statement has been drafted.*
- **Policy D19: Scheduled Monuments:** question the need for the policy and suggest an additional line which could be added to Policy D16 to cover the thrust and aims of this policy. *No additional Hearing Statement has been drafted.*
- **Policy D19a: Registered Parks and Gardens:** question the need for the policy and suggest an additional line which could be added to Policy D16 to cover the thrust and aims of this policy. *No additional Hearing Statement has been drafted.*
- **Policy D20: Non-designated Heritage Assets:** question the need for the policy and suggest an additional line which could be added to Policy D16 to cover the thrust and aims of this policy. *No additional Hearing Statement has been drafted.*
- **Policy ID6: Open Space in New Developments:** adequate weight should be given to relevant SPD's and Policy D1 in the Local Plan (2019) and request for further clarity to the policy. *No additional Hearing Statement has been drafted.*
- **Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network:** some of the suggested routes are not within the public highway and take a different alignment to the routes agreed with Stakeholders TW have consulted. *This is amplified in the Matter 5 Hearing Statement and TW has requested to attend the Hearing.*
- **Policy ID11: Parking Standards:** concern regarding the visitor parking requirements and the effects on sustainability and the overall masterplan. *This is amplified in TW's Matter 6 Hearing Statement.*

- 1.4. In this Statement TW wish to focus on Policy P8/P9: Protecting Important Habitats and Species. TW's representation to Guildford Borough Council (GBC) Regulation 19 DMP consultation (relevant to this policy) has been given the following reference Policy P8/P9: Protecting Important Habitats and Species, comment ID: LPDM21A/43. **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 7: Other Policies - Policy P8/P9: Protecting Important Habitats and Species

Main Question: Whether the other policies in the DMP are positively prepared, justified, effective and consistent with both national policy and the LPSS.

- 2.1. TW support the overarching principles of emerging policy P8/P9, although raise a number of concerns with the policy as presently worded. As worded the policies are ineffective.
- 2.2. In paragraphs 3.23-3.32 of TW Representation to the Regulation 19 consultation detailed commentary is provided on the technical flaws of this policy, which must be updated to ensure the policy meets the tests of the National Planning Policy Framework (2021) (NPPF).
- 2.3. Ultimately, TW supports the first part of policy P8/P9 criterion 3) to the first comma, but Local Nature Recovery Strategy (LNRS) and inventory should be seen as a guide, not to pre-determine the outcome of detailed, site-specific, evidence-led ecological assessment. On this basis TW propose the following changes:

“3) A habitat will be considered to be irreplaceable if it meets the definition in the NPPF glossary or guidance issued by the Surrey Nature Partnership, in addition ~~or if it is identified as irreplaceable in the Local Nature Recovery Strategy, or it is on land identified in an established inventory, such as the Revised Ancient Woodland Inventory (RAWI),~~ should be seen as a guide to inform the assessment of potentially important ecological features.”

- 2.4. At paragraph 3.29 of TW's Regulation 19 Representation, TW noted that the supporting text sets out the NPPF definition of 'irreplaceable habitats' but the text goes on to wrongly conflate truly ancient irreplaceable hedgerow habitat with 'important' hedgerows, as per the GOV.UK definition.
- 2.5. TW suggest that the following alterations are made to DMP paragraph 4.66,

“Irreplaceable habitats include, but are not limited to, the following habitats.

- a) *Ancient woodland and replanted ancient woodland.*
- b) *Ancient and veteran trees.*
- c) *Ancient wood pasture and historic parkland (including the open space between trees).*
- d) *Unimproved grassland.*
- e) *Stretches of river that have had little historic modification.*
- f) *Heathland and associated mires (including bogs).*
- g) *Ancient hedgerows, ~~and 'important' hedgerows that contain support an established population of protected, endangered, vulnerable or rare species.~~*

2.6. TW request that this amendment is made to the supporting text of Policy P8/P9. This wrongly conflates the potential importance of hedgerow vegetation with the legal protection or rarity of associated fauna, which are afforded legal and policy protection in themselves.

2.7. Overall, TW's view is that elements of the current policy wording and supporting text have the potential to result in the incorrect evaluation of irreplaceable habitats, the incorrect application of biodiversity policy, which in turn has the potential to significantly constrain the delivery of sustainable development within the borough. TW's view is that there should always be scope for review of relevant evidence in interpreting whether a habitat is truly irreplaceable, as defined by the NPPF. On this basis the policy is not justified nor consistent with national policy.

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Director
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