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Report: Planning Adviser's Annual Report 2018/2019

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Purpose of Report

To report on the work of the Board's Planning Adviser during the 2018/2019 financial year.

Summary

This is a report of your Planning Adviser's tenth year of appointment. It sets out the national and emerging local planning policy context affecting the Surrey Hills AONB and the main risks to the future integrity of the AONB. It updates Board Members of the latest local plan positions of constituent Surrey Hills planning authorities. The Adviser's workload responding to local authority consultations on planning applications and local plans slightly exceeds the already higher level of recent years. This is an opportunity for Members of the Board to comment on any issues arising.

Recommendation

Members are asked to note the report and to agree broadly the approach to future local plan consultations as set out in paragraphs 1.2 to 1.10.

Background papers: Surrey Hills AONB schedule of planning consultations.

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1. National Planning Policy.

1.1 Last year's annual report explained to Board members those aspects of the Government's revised National Planning Policy Framework (NPPF) driven mainly by the need to provide more homes for the nation. That Government planning policy has remained the same this year. However the Government has issued Planning Guidance Notes on some topics to elaborate upon the NPPF policy document and to assist in its interpretation and application.

1.2 The most relevant Planning Guidance for AONBs has probably been one entitled "Natural environment" published in July this year. The document raises the profile of bio-diversity especially in the determination of planning application and formulation of planning policy. Reference is made to "net gain" in planning which describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain.

1.3 The Guidance refers to the aim of environmental net gain being to reduce pressure on and achieve overall improvements in natural capital, ecosystems services and the benefits they deliver. The Surrey Hills AONB is a valuable component of natural capital. Further, the advice plans, particularly those containing strategic policies, can be used to set out a suitable approach to both bio-diversity and wider environmental net gain.

1.4 At the same time the new Environment Bill is going through its various stages in Parliament and has reached the committee stage. It is understood in its present form the Act will make it a legal requirement for those seeking planning permission to demonstrate that the proposed development would result in bio-diversity net gain.

1.5 Consequently, it is proposed that responses made on behalf of the Board to emerging local plan consultations will seek the plans apply this Government advice not just in the wording of any bio-diversity plan policies but to be part of the overarching strategy of the plan.

1.6 Planning authorities are required in their local plans to meet objectively assessed needs for housing needs which in most of Surrey results in some green field, and probably Green Belt, sites being allocated for housing. With mitigation measures, these sites may be regarded by the Councils as being the least environmentally damaging. Whilst the plan would likely require on site bio-diversity net gain measures there would still be some residual environmental damage, largely to the landscape. Under this Government guidance it would seem the Council would need to demonstrate how environmental net gain would be achieved.

1.7 Under the planning principle of firstly to avoid harm, if not to mitigate the harm, and then to compensate for any residual harm, this can be achieved by means of a developer compensation payment towards an off-site landscape enhancement project. In Surrey the substantial uplift in land values from undeveloped sites being allocated for development provides the scope for local plans to require developer landscape enhancement payments. These would be in addition to CIL, affordable

housing or any other S106 payments. Provided developers know this at the outset the cost would be offset against the land acquisition cost rather than developer profit. A local plan requirement for the landscape enhancement payment would not affect the viability of the development as it would be taken into account in determining the site acquisition cost. The landowner would still enjoy substantial payment for the site well in excess of the existing use value because of the substantial uplift in value arising from the housing allocation.

1.8 Such payments may be directed towards enhancing the landscape of a part of the AONB under threat or declining in natural beauty. Others may be to enhance areas just outside the AONB, possibly in the AGLV, to bring them up to AONB landscape quality. Payments might best be channelled through the Surrey Hills Trust Fund for decisions on the most deserving landscape enhancement project cases to be made jointly with the relevant District or Borough Council.

1.9 As Local Plan housing allocations in the AONB are unlikely to be justified this requirement would apply to green field housing allocations outside the AONB.

1.10 Board members are asked to indicate whether they broadly agree that this above approach be pursued in future local plan consultations.

1.11 The Glover Review that will influence Government policy and the future direction of AONBs and National Parks is reported elsewhere on this agenda.

1.12 The Surrey Hills AONB seems to continue to have a high profile in the opinion of many Surrey residents which is generally reflected in Councils' policies and decisions.

2. Local Plans.

2.1 As last year, work on the complexity of the emerging local plans and in some cases, neighbourhood plans, can be time consuming but is important. Probably not just because of the work of this office, constituent Surrey Hills AONB planning authorities seem to give the AONB more protection from development than the Green Belt. Save for south of Haslemere all the Surrey Hills AONB also lies within the Green Belt. Other AONBs are subjected to much greater housing development proposals in local plans than here. Nearby these include the AONBs in Kent and The Chilterns.

2.2 The Guildford Local Plan has been formally adopted this year. There are some High Court challenges, mainly to the larger housing allocations. In making substantial provision for housing, the Plan has avoided any housing allocations within the AONB reflecting the Council's recognition of the importance of protecting the AONB.

2.3 The Waverley Local Plan Part 1 was also formally adopted early this year. High Court challenges against the Waverley Local Plan Inspector's requirement for the Borough to increase its housing provision in the Plan by taking half of the Woking

Local Plan's unmet housing need and also in relation to the new settlement at Dunsfold were dismissed last year. Mainly the Woking issue was taken to the Court of Appeal but that legal challenge has also recently been unsuccessful. The Court of Appeal concluded, amongst other matters, that the Inspector's requirement was a matter of planning judgement rather than erring in law. Unfortunately, as Woking now no longer has an unmet housing need, that judgement has proved in hindsight to be unfortunate. Consequently, the Plan still stands adopted.

2.4 The Waverley Local Plan Part 2 – Site Allocations and Development Management Policies Preferred Options Consultation, being more detailed than Part 1, was published in the summer of 2018. The submission made on behalf of the Board expressed concern at 4 AONB housing allocations in Milford near Godalming and 4 AONB housing allocations at Haslemere. Concern was additionally expressed that more AONB land had been identified than necessary in the Plan at Chiddingfold to meet the Part 1 allocation of 130 dwellings in the village. Further concern was expressed about an AGLV site at Red Court, Haslemere, also affecting the setting of the adjacent AONB being allocated for housing. The Landscape Character Assessment carried out in connection with Natural England's forthcoming Surrey Hills AONB Boundary Review identified this part of the AGLV as an AONB candidate area recommended for inclusion in the AONB.

2.5 It seemed as though the Borough Council was largely heeding the AONB concerns when several of these above AONB housing allocations were proposed to be dropped in an Officer report to the Council about a year ago. However, the Council decided to carry out further consultations and consider the infrastructure requirements before publishing the Plan, now expected to be in February 2020.

2.6 The Reigate and Banstead Core Strategy 2014 was reviewed and the Council decided in July this year there was no need for it to be updated. In September the Council's more detailed Development Management Plan was formally adopted. There were no proposals in either plan adversely impacting upon the Surrey Hills AONB.

2.7 No major AONB issues have arisen in relation to the Tandridge Local Plan that has recently been subject to Local Plan Inspector hearings.

2.8 The Draft Mole Valley Local Plan is expected to be published in February 2020 having originally been expected in June and then in October 2019. The postponement from October was because of the General Election. Whether the proposals will have any implications for the AONB will only be known once the draft Plan is published. Subject to the Board's views in paragraph 1.10 above this Plan may present an opportunity to pursue the suggested approach to green field housing allocations being subjected to environmental net gain.

2.9 The Surrey Minerals and Waste Local Plan 2019-2033 has recently been subject to an Examination. No AONB concern has been expressed to the Plan.

2.10 Responses on behalf of the Board have been submitted to consultations on several emerging Neighbourhood Plans. No significant AONB concerns were expressed but some suggestions were offered.

3. Surrey Hills AONB Boundary Review.

3.1 In 2013 Natural England included the Surrey Hills AONB Boundary Review in its work programme to be started after completion of the Suffolk Coast and Heaths Boundary Review. That Review is now with the Secretary of State for formal modification. However, Natural England officers have indicated they have been involved in the Glover Review.

3.1 An announcement about the Surrey Hills AONB Boundary Review is expected to be made by Natural England after the General Election. Any further postponement of a commencement beyond 2020 would be most disappointing.

4. Planning applications.

4.1 The Planning Adviser responded to 324 planning application consultations in the financial year 2017/18, slightly more than the preceding year. Since April the consultations have been running at a similar rate. There is a little variation in the degree to which Councils consult on applications. Some, like Guildford, consult on nearly all applications in the AONB while others only consult on the more significant proposals. The geographical extent of the AONB in Reigate and Banstead and Tandridge is also less than the other constituent authorities. Some authorities consult on applications in the AGLV as their local plans apply similar protection to the AONB until such time as the AONB Boundary Review has been carried out. In a recent appeal decision in Guildford the Inspector placed considerable weight upon the harm to the AGLV from 3 proposed houses within Shalford's village boundary where the site had been removed from the Green Belt in the new Local Plan.

4.2 Site visits in all cases are not always possible. Where none has been made the advice refers to it being based upon a desktop exercise. A particular regret is there is not usually the considerable time to prepare for and attend Planning Inquiries and Hearings to support Council's AONB or AGLV reasons for refusals. Inspectors will still have before them to take into account the original reports submitted on behalf of the Board.

4.3 The Statutory Members Group agreed in 2017 a charging schedule for pre-application consultations just as the constituent planning authorities do, except for Mole Valley that has not recently offered pre-application advice. The income in 2018/19 was £1320. So far this year since the end of March payments of £1645 have been received.

4.4 Liaison with officers in Planning Departments continues to be good. In a few cases, revisions have been made to planning applications to improve mostly the design proposal in accordance with the AONB advice provided. Sometimes, the need for AONB views is only picked up by officers at a late stage in the determination of the application. These cases are few and the reasons for late consultation are understood. Where this occurs AONB advice is normally submitted quickly so as not to delay the Council's decision making. It is thought that consultation on just a few proposals having a possible impact upon the AONB are overlooked altogether, but the decision to consult rests with Planning Case officers.

4.5 Visits to all the constituent Planning Department Development Management Teams Plans are planned for 2020 to introduce the new Surrey Hills AONB Management Plan 2020-2025 and to discuss the planning consultation arrangements. Case Officers will be asked whether the less significant proposals, such as smaller extensions especially in villages, require consultation. This should free up more time to concentrate on the more important proposals affecting the AONB.

4.6 As has previously been drawn to the Board's attention probably the greatest threat to the integrity of the Surrey Hills AONB is the cumulative effect over the years of many smaller developments such as large unsympathetically designed replacement dwellings, their further extension, the redevelopment of rural buildings for housing and large house extensions. The threat does not seem to be so much from larger developments on green field AONB sites as developers tend to avoid them because of the clear policy restrictions. That is not the case in some other AONBs in the country subject to substantial housing proposals.

4.7 Government permitted development provisions are generally more restrictive in AONBs and National Parks compared to elsewhere, including the AGLV. However, some possible loopholes in permitted development in the AONB are being taken advantage of in seeking permission for a development that would otherwise have been refused. Mostly planning consultants and sometimes architects, acting for applicants, demonstrate in planning applications that their proposals result in a better form and design of development, usually large extensions, than could take place under permitted development.

4.8 Property values in the Surrey Hills, being amongst the highest in the country outside Central London, create substantial economic incentive to gain planning permission to enlarge houses or convert or redevelop rural buildings to residential use. The vigilant exercise of development management powers of Councils and Inspectors is therefore important for the short term, and especially collectively over the longer term, integrity of the Surrey Hills.

4.9 Farmland contributing to the character of the AONB is being reduced in area by equestrian developments. Whole farms are beginning to be lost to equestrian centres which command a higher value. A continuation of this trend of losing the attractive changing patchwork of farmland over the seasons to horsiculture that can be untidy and result in some loss of landscape character, is worrying. The new Management Plan therefore seeks to control developments resulting in the loss of farmland. As is also beginning to be seen, just a few equestrian centres with their extensive development are being proposed for housing development. The economic incentive to convert or redevelop rural buildings in the Surrey Hills to provide desirable homes is substantial and is driving progressive changes to the appearance and character of this landscape.

4.10 The following table sets out the number of application responses by each Authority.

Table of planning application numbers by Authority in 2018/2019 with also those for 2017/2018 and 2016/2017.

Authority	Number of planning application consultations in 2018/2019	2017/2018	2016/2017
Guildford	155	135	73
Mole Valley	38	38	46
Reigate and Banstead	33	27	35
Tandridge	34	29	55
Waverley	44	43	48
Surrey	5	13	18
Pre-application and other consultations	15	7	7
Total	324	292	293