

HEARING STATEMENT RESPONSE TO INSPECTOR'S STAGE 1 MATTERS, ISSUES & QUESTIONS

1.0 Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Burhill Developments Limited (the “client”) in respect of Matter 1, Issues 2 and 3 of the Elmbridge Local Plan Examination in Public.

2.0 Responses to the Matters, Issues and Questions Matter 2 – Sustainability Appraisal

Issue 2 – Are the likely environmental, social and economic effects of the Plan adequately and appropriately assessed by the Habitats Regulations Assessment (HRA) and the Sustainability Appraisal (SA)?

Question 2.1 Is the Sustainability Appraisal (SA) adequate in terms of:

- Its assessment of the likely effects of the Plan’s policies and allocations,
- The consideration of reasonable alternatives, and
- Giving clear reasons for the preferred approach, explaining why the preferred strategy and policies were selected?

- 1.2 We consider that the SA is clear in its assessment of the likely effects of the Plan’s policies and allocations, but in doing so it highlights the inadequacy of the Plan. The range and scope of the reasonable alternatives is inadequate, and no clear reasons are given for the preferred approach. It has not been demonstrated that significant adverse impacts on economic, social and environmental objectives would be unavoidable, and there is an absence of suitable mitigation or compensation measures. The effects of the Plan are therefore not adequately and appropriately assessed, contrary to NPPF paragraph 32¹.

- 1.3 NPPF paragraph 32, inter alia, states:

Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

- 1.4 With reference to document CD Ref. CD002, the SA clearly presents the significant negative impact of not delivering enough homes as the Plan does not meet the housing need in full and would not significantly boost the supply of housing. Table 17 confirms under objective 1, housing, that “there is no mitigation for not meeting housing need in full”. This means that the

¹ September 2023 NPPF.

Plan is plainly contrary to the NPPF because it has not been demonstrated that this significant adverse impact is unavoidable, in light of the alternatives.

1.5 The options presented as reasonable alternatives in the SA are too narrow in scope and have been too quickly dismissed. As the alternative options have been presented as variants of earlier options, they have been too readily dismissed without proper consideration given to how they could themselves be tested further to improve their assessment score, and therefore their reasonableness. This effectively means that the SA is inadequate in its consideration of reasonable alternatives because it does not properly consider alternatives that could eliminate such negative impacts, contrary to NPPF paragraph 32.

1.6 Alternative Option 5a (Urban area and 12 small parcels of Green Belt) is explained in paragraph 3.65 as a refinement of Option 5 (optimise urban area and small areas of Green Belt release) in which further work was undertaken to ensure that the final sites selected were the most sustainable. Paragraph 3.65 states:

To help determine which of the 33 sites in Option 5 are the least sustainable and so should be removed, all 33 sites were appraised using the scoring system described at appendix 5. Table 9 shows the SA results for all 33 sites and highlights the 12 sites that are now considered suitable for new option 5a. The detailed SAs are included in each site proforma in the Green Belt site selection evidence. Map 6 shows the location of 12 chosen sites, which are considered the most sustainable Green Belt sites with access to public transport and the potential to walk /cycle to local shops and services.

1.7 Under Table 11, alternative Option 5a is attributed a “positive” under the Homes SA Objective. Following a change to the Local Housing Need (LHN) figures in 2022, it was identified that a further 647 dwellings per annum would be required. Paragraph 3.72 states that “this has an impact on the 3 options and their ability to meet the LHN”. As a result of this, Option 5a is shown in Table 11a as scoring a negative impact for homes because this option would fall short of the LHN figure by over 500 units. Paragraph 3.74 states:

Although a greater mix of housing may still be delivered for this option, the shortfall in meeting the need is significant enough to warrant a negative impact unlike the previous SA which had a shortfall on 19 units for the same option.

1.8 Bearing in mind that Option 5a is a variation of the earlier Option 5 that considered a greater quantum of Green Belt sites, some of which were subsequently excluded, the SA should assess the effects of re-introducing further parcels of Green Belt land as previously assessed under Option 5, as doing so would result in LHN being met. This would present an alternative option that eliminates the significant adverse impacts on the SA objectives. Such parcels of Green Belt land included under Option 5 but were subsequently discounted include Site GB65 – Land at Chippings Farm, Cobham.

1.9 The SA does not provide clear or appropriate reasons for the preferred approach. It documents the approach to the development of Option 4A; Option 4A being the option that forms the basis of the Local Plan submitted for examination. The apparent justification provided for the development of Option 4A is provided at paragraph 3.63 which states that “*there is strong political and community support for this option*”. Indeed, paragraph 3.75 states that the selected Local Plan strategy is based on “*the recommendations made at the Local Plan Working Group*

(LPWG) on 13 January 2022". We have not seen any publicly available paper agenda or minutes to this LPWG and therefore the reasons provided for the preferred approach are not clear.

1.10 We seek to examine these matters further at the Stage 1 hearing session.



BIDWELLS