

Response to Stage 1 Matters Issues and Questions in Relation to the Elmbridge Local Plan Examination: Hearing Statement submitted by Inspired Villages

Matter 1: Legal Compliance and Procedural Requirements (including Duty to Cooperate)

Issue 1: Have the relevant legal requirements been met in the preparation of the Plan and is the Plan legally compliant?

Questions:

1.1 Has the DtC under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the National Planning Policy Framework (NPPF) and the PPG?

The submitted Duty to Cooperate (DtC) Statement of Compliance Update (Ref: CD014) sets out at paragraph 2.6 that relevant Local Authorities have signed Statements of Common Ground (SoCG) including the London Borough of Richmond upon Thames, Mole Valley District Council, Runnymede Borough Council, Spelthorne Borough Council and the Royal Borough of Kingston upon Thames. Many of these Local Authorities highlight in these SoCGs that meeting local housing need is a cross-boundary strategic matter. Elmbridge also acknowledge housing as a strategic matter, as set out in paragraph 3.3 of CD014 'Housing (including Affordable Housing)'. Strategic Matter 1: Housing (including affordable housing) sets out that the key issues identified in the representations received felt that Elmbridge Borough Council (EBC) should reconsider its position on Green Belt release and that Exceptional Circumstances may exist given unmet housing need in the Borough. The activities set out in CD014 do not provide sufficient evidence that the issues identified have been resolved via the activities set out, many of the Local Authorities involved are at various stages of preparation of their own Local Plans and having similar physical and policy constraints, will also be unable to meet their housing needs over relevant plan periods.

Further, the needs of 'Roma, Gypsies, Travellers and Travelling Showpeople (Travellers) and Houseboats' are identified as a strategic matter to be covered by the DtC as set out in paragraph 3.3 of CD014. Whilst the Elmbridge Local Plan will not be examined under the new, December 2023, NPPF, both the new and older version of the Framework identify the needs of older people at Paragraphs 62 and 63 respectively, with the 2023 version of the

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NPPF stating that Local Plans should establish the need of older people “(including those who require retirement housing, housing-with-care and care homes)”, given the same weight as travellers. CD014 does not identify why older people are not considered as a strategic matter in the DtC Statement of Compliance. We would argue that given Adult Social Care budgeting and housing allocation is made on a county-wide basis, the provision of housing for older people should be considered a Strategic Matter in the DtC Statement of Compliance and given equal weight to this as travellers who are identified in Strategic Matter 1. The regulation 19 representations from relevant parties expressed concerns that EBC is not identifying a target for travellers and houseboats nor making any allocations. The position is the same for older persons housing in the emerging plan, no allocations nor targets have been made for this strategic and cross-boundary issue.

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

Questions

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? (This issue relates to the legal compliance of the SA and HRA only and questions concerning the detail of the SA, outcomes and how it has informed the selection of the spatial strategy will be considered under matter 2).

Within the submitted Sustainability Appraisal (Ref: CD002) Section B2, refers to housing need in the context of number of homes but crucially, the type of homes needed. Paragraph 3.26 of CD002 describes ‘affordable housing, smaller homes and specialist accommodation such as pitches for Gypsies and Travellers’. The sustainability appraisal does not reference the needs of older people when reviewing the level of housing need in Elmbridge. When assessing the level of housing need in Elmbridge, there has been a failure to set out a methodology and target for housing need which therefore discredits the ability of the options assessed, as housing for older people has been excluded. Therefore, sustainability assessment is not adequate in its assessment of the likely effects of the Plan’s policies and allocations given the needs of this group have been excluded from the review.

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Furthermore, there are various proposed allocations for Local Green Space (as set out in proposed Draft Elmbridge Local Plan 2037, Ref: CD001, Policy ENV3 – Local Green Spaces) such as Land at Moore Place Golf Course identified as site reference SA50 within the Green Belt Assessment (Ref: OTH006). The Sustainability Appraisal does not provide sufficient evidence regarding the assessment of Option 5A in relation to the Green Belt Assessment (Ref: OTH006) set out in the Sustainability Appraisal. The designation of Local Green Space is undeliverable as many such sites proposed for Open Green Space are in private ownership and cannot be accessed by the public, except via Public Rights of Way. The NPPF states that the designation of Local Green Space should only be used when it is demonstrably special to a local community. We believe that this threshold has not been met for the proposed sites within the Plan. This is a further example of how the Sustainability Appraisal has not assessed the likely effects of the Plan’s policies and allocations including ownership and access constraints.

2.3 The HRA and Suitable Alternative Natural Greenspace (SANG) Options Assessment (ENV010) advises that there is enough SANG capacity for the first 10 years of the Plan however an additional 7.5ha of land provision will be required for years 11-15. Reference is made to the possibility of two feasibility options – the extension of Esher Common SANG and the Effingham Common SANG (within Guildford Borough Council).

- **What is the status of both of these options? Are these conclusions now superseded by the SANG Options Assessment, September 2023 (ENV011) which refers to the identification of Land at Field Common, Hersham?**
- **How does the Council intend to address this shortfall ?**
- **Overall, does the Plan provide for an acceptable approach to the provision of SANG for the Plan Period?**

Assessing the SANG Options Assessments, ENV010 and ENV011, the shortfall in the ability to provide SANG after the first 10 years of the plan period and a lack of windfall SANG sites, is a significant concern and if further SANG is not established, the deliverability of achieving the identified housing need is called into question. No information has been provided within the SANG Options Assessments regarding the status of the planning applications for the redevelopment of Brooklands College or Hersham Golf Club, and it appears there are technical issues such as flooding on other remaining sites. The deliverability of additional SANG over and above the first 10 years of the Plan period, and for windfall sites, cannot be relied on.

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Issue 3: Whether the Council has complied with the other relevant procedural and legal requirements

Questions

3.2 In what ways does the Plan seek to ensure that due regard is had to the aims expressed in s149 of the Equality Act 2010 in relation to those who share a 'protected characteristic'?

Under the Equality Act 2010 the following characteristics are protected;

- Ages
- Disability
- Gender reassignment
- Marriage or civil partnership (in employment only)
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Age is a protected characteristic. We believe that the Plan has not had due regard to this protected characteristic. Within Local Housing Needs Assessment 2020 (Ref: HOU005) there is an identified need for older persons housing as set out at paragraphs 28-30. Therefore, whilst there is an established need for Housing with Care and a duty upon the decision-maker to advance equality opportunities between the elderly and younger members of society as set out in the Public Sector Equality Duty created under the Equality Act 2010, these needs have not been taken into account during the preparation of the Plan. The Public Sector Equality Duty also requires Local Authorities to *"Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people."* We believe that this duty has not been met as demonstrated in the policies proposed in relation to older persons housing.

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