

# **Elmbridge Local Plan 2037**

## **Examination of the Local Plan**

**The spatial strategy and the distribution of growth over the Plan period, including the approach to the Green Belt and site allocations.**

### **Schedule of Matters, Issue and Questions for Stage 2 of the Examination**

**Inspector**

C Masters MA (Hons) FRTPI

**Programme Officer**

Charlotte Glancy

**Email:** [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

**Mobile:** 07519 628064

## Stage 2 Hearings

### Introduction

Following the completion of the stage 1 hearings, the Inspector will confirm whether she is satisfied that the Council has complied with all legal and procedural requirements. Subject to the conclusion to be reached in relation to the stage 1 hearings, this document sets out the Matters, Issues and Questions (MIQs) for stage 2 hearings relating to the spatial strategy and the distribution of growth over the Plan period. The MIQs do not intend to cover every issue raised by representors. They are based on the main issues identified by the Inspector, taking into account the views of the Council and other representors. This note should be read in conjunction with the Inspector's Guidance Note for Stage 2 which sets out further information regarding how the Examination hearings will be run.

As the hearing sessions will take place across a number of weeks, matters have been grouped together and the deadline for the submission of statements is set out in the guidance note. As highlighted within the guidance note, participants should be aware that the Council have published a number of additional documents to their evidence base which are located on the examination website and which representors may wish to take into account in their responses below. The Council have also produced a schedule of modifications (document reference CD009) as well as the Council's response to the Inspectors initial comments and questions (document references COUD001 and COUD002). Agendas for the individual hearing sessions will be issued before the hearings commence.

The questions identified below concerning soundness are primarily focussed on the Plan's policies. Insofar as they relate to the Plan's soundness other elements of the Plan, including the supporting text, will be considered as part of the discussion of the relevant policies. Apart from the Council, there is no obligation for participants to produce hearing statements. You should only do so if there is something to add to your original representation, do not repeat what is in your original representation, just provide a cross reference to it where necessary. Please indicate clearly in your statement the question(s) you are answering. The Inspector will determine the manner in which discussions take place at the hearings.

A number of representors seek to promote sites that have not been allocated in the submitted Plan. I should reiterate that it is the purpose of the Examination to consider the soundness of the submitted Plan, not to assess the soundness or otherwise of sites that have not been allocated (omission sites). As a result, no time will be allocated within the hearings to omission sites. Nevertheless, the overall soundness of the spatial strategy will be assessed.

Since the Plan was submitted for examination, a new version of the Framework has been published. In accordance with paragraph 230 of the December 2023 Framework, the Elmbridge Local Plan is being examined under the previous version of the Framework.

## **Matter 2 The approach to housing need**

*Issue 4: Is the approach to calculating the level of housing need over the Plan period justified, effective and consistent with national policy?*

*Questions:*

- 1.1 In establishing the amount of housing to be planned for, paragraph 61 of the Framework advises that strategic policies should be informed by a local housing needs (LHN) assessment, conducted using the standard method unless exceptional circumstances justify an alternative approach. The Council has followed this guidance and calculated the LNH to be a figure of 647 dpa or 9705 dwellings over the Plan period . Are there any exceptional circumstances which would justify an alternative approach?
- 1.2 Paragraph 61 of the Framework goes on to states that in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. Has the Council done this?
- 1.3 A number of the Statements of Common Ground (SoCG) with neighbouring authorities have raised concerns regarding the intensity of housing need within Elmbridge and its wider housing market area, and the implications of the spatial strategy adopted which may exacerbate unmet need across the areas and place additional pressures on other areas. Is this a legitimate concern and are these concerns supported by evidence?

## **Matter 3: The vision, spatial strategy and the distribution of growth over the Plan period**

*Issue 5: Whether the vision and proposed spatial strategy is justified, effective, positively prepared and consistent with national policy including the proposed distribution of development across the Borough.*

*Questions:*

- 2.1 What is the Plan Period? It is expressed within the Plan as both 2021-2037 and 2022-2037.
- 2.2 Paragraph 22 of the Framework requires that strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities. This was raised as an issue in the initial letter of 14 September 2023 (ID-001). The Council are requested to extend the Plan period to 2039.

- 2.3 What are the implications for the above change in terms of the level of planned growth across the borough? The Council are requested to address this point with reference to an update in terms of the planned level of growth proposed for housing, employment and other uses and what (if any) implications this may have for the IDP and housing trajectory which should also be updated (see questions 4.1 and 4.10 regarding the housing trajectory).
- 2.4 The Vision for Elmbridge specifies, amongst other things, that good growth will be supported by the right infrastructure in the right place, at the right time. Reference is made to the use of innovative solutions to be used to improve transport interchanges, to manage the highway network for all users and foster a shift in travel behaviour towards more people walking and cycling, particularly for short journeys. Principle 5 (page 18 of the Plan) goes further to reference reducing reliance on the car, supporting modal shift in the way people live and access local services, workspaces and facilities, coordinating the delivery of the right infrastructure in the right place and at the right time. Which policies will deliver this principle?

### **General Questions**

- 2.5 The transport assessment (INF001) states that it has assessed the impact of 5480 new homes and 2167 new jobs growth. What employment floorspace provision does this jobs growth relate to?
- 2.6 How does the 5480 new homes relate to the 6785 (at least) net new homes identified in policy SS3?
- 2.7 The modelling work undertaken highlighted that Elmbridge has the second highest public transport usage in the county. Despite this, the transport assessment makes no detailed assessment of bus/rail accessibility and the modelling work assumes all travel is by car. What is the rationale for this approach? In what way does this approach support the vision objectives identified above?

### **The Sustainability Appraisal (SA)**

- 2.8 In terms of the SA, what is the reasoning for the scoping in relation to affordable housing (policy HOU4) and Specialist accommodation (policy HOU6) as set out at pages 148 -152? Is this a reasonable approach to take?
- 2.9 Has the SA considered all reasonable options for a spatial strategy that would secure a sustainable pattern of development in the borough?

- 2.10 What information has been used to inform the Flood Risk scoring allocated within the SA to the options considered and are the assumptions used reasonable in light of the representations made by the Environment Agency in relation to the SFRA work completed to date?
- 2.11 To what extent have the Council taken into account the need for new development to deliver at least 10% biodiversity net gain and how has this been reflected in the SA scoring system used?
- 2.12 Is it clear how the SA has assessed employment needs arising from the Plans overall approach? In particular, how have the economic growth (6) and employment (7) scores been arrived at (see tables 7 and 11 of the SA) and what is the rationale behind the difference of approach in relation to these two sets of scoring? Paragraph 3.71 states that unknown scores are also given to SA objective 6: Economic growth as all three-options support economic growth but do not allocate land due to the uncertainty in the market for premises. Is this correct? Why is this different from the options assessed at table 7?
- 2.13 Is the scoring attributed to 'homes' within the SA accurate? In particular, are the scorings between option 4a and 5a in terms of homes accurate?
- 2.14 Table 16 of the SA (page 59) summarises the total Plan impacts. What are the 197 allocated sites referred to under Economic Growth?
- 2.15 Under the heading 'Access and Equality' (page 13) what is the reason that boat dwellers have been excluded from this list provided?
- 2.16 The SA scores option 5a as a negative against the homes objective as it would fall short of the LHN figure by some 500 units. Is this correct?
- 2.17 What is the rationale behind the Plans approach to supporting economic growth but not allocating land due to the uncertainty in the market for premises (paragraph 3.71 of document CD002) *(Please note this question refers specifically to how the SA has assessed economic growth only , meeting employment needs in detail is set out under matter 8 below)*
- 2.18 Is the distribution of housing growth across the borough supported by the SA and will it deliver an appropriate pattern of housing growth?
- 2.19 Is it clear how alternative development options within the SA which would meet the local housing need have been assessed and is it clear how the conclusions have been reached? In particular, is it clear how the scoring of options 4a,5a and 6 have been arrived at and will the proposed strategy promote a sustainable pattern of development that seeks to meet the development needs of the area (paragraph 11a of the Framework).

*Issue 6 : Does the Plans spatial strategy expressed within policy SS3 present an appropriate strategy, taking into account the reasonable alternatives?*

Questions:

### **Spatial Strategy – General**

- 2.18 Does the Plan present an appropriate spatial strategy and in what way is this supported by the evidence base? In particular, will the proposed distribution of housing help to ensure that sufficient land will be available in the right places to meet the housing needs of present and future generations (paragraph 8 of the Framework).
- 2.19 In what way will the spatial strategy address the Council's priority of addressing the acute affordable housing need within the Borough?
- 2.20 Noting that the proposed strategy would not meet the Borough's objectively assessed housing need, in what way will the proposed spatial strategy support the Government's objective of significantly boosting the supply of homes (paragraph 60 of the Framework) by providing a sufficient amount and variety of land to come forward? In particular, in what way will the proposed strategy deliver the mix of homes needed? Is the Plan positively prepared in this regard?
- 2.21 Document TOP001 outlines a number of key principles behind the scale and location of growth within the borough (paragraph 7.16). The last bullet point refers to, amongst other things, avoiding areas at high risk of flooding. In light of the representations received from the Environment Agency<sup>1</sup>, does the spatial strategy accord with this principle?
- 2.22 In responding to this question, it is not clear to me how the screening of sites, flood risk and the need to apply the sequential test have been taken into account in terms of the spatial strategy. The Council are therefore requested to set out clearly how it has carried out its site selection process including at the initial screening stage. Given the advice contained within the Planning Practice Guidance that reasoned justifications should be provided where other sustainability criteria are considered to outweigh flood risk, I will need to understand how flood risk informed the site selection process and the spatial strategy outlined within the Plan.
- 2.23 Is the IDP sufficiently clear regarding the infrastructure requirements to deliver the spatial strategy over the Plan period and how these will be delivered? There appears to be a general policy support and emphasis on sustainable transport measures however it is not clear to me what these measures will be? Does the Plan need to be more precise in this regard?

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<sup>1</sup> See Regulation 19 representation for full list of sites effected

- 2.24 Surrey County Council representations refer to a requirement for a SEND school within the County and an application by Elmbridge to provide such a facility. What site is identified for this use and should it be reflected in the Plan?
- 2.25 Representors have raised concerns regarding document ENV012 Playing Pitch Strategy 2019 and the conclusions drawn. Has this document been updated? What are the requirements for the Period and are the concerns raised by Esher Rugby Club regarding this part of the evidence base valid?

### **Policy SS1 – Responding to the Climate Emergency**

- 2.26 As currently drafted, policy SS1 requires development must (f) avoid demolition by repurposing existing structures and (g) promote the retrofit of existing buildings, including incorporating measures to reduce energy consumption. These requirements of the policy do not appear to have been taken into account in relation to the viability, capacity or density evidence which supports the Plan. Without these assessments, how can these policy requirements be justified and deliverable?
- 2.27 What are the implications of these policy requirements for the Council's site allocations in terms of the capacity and density requirements? In responding, the Council should be explicit with reference to: (i) the site allocations which would be affected by this policy requirement (ii) the extent to which this policy requirement has been taken into account (iii) the implications in terms of capacity to accommodate development (if relevant). I suggest a table format is used utilising the Local Plan references for the individual sites listed at chapter 9 of the Local Plan.
- 2.28 Is there an inherent conflict between policy SS1 parts (f) and (g) and policy HOU2 (d) which seeks comprehensive development that leads to more efficient and effective site layouts? If this is the case is it clear how a decision maker should respond to the policies?

### **Policy SS2 – Sustainable place-making**

- 2.29 The Council's approach to sustainable place making is set out at policy SS2. Is the approach reflective of paragraph 7 of the Framework? Part 2b of the policy refers to delivering homes for all. However the Council's approach to housing will only provide for approximately 69% of the borough's housing needs over the Plan period. Is the policy justified and effective as a result?

2.30 Policy SS2 2 (a) i refers to 'minimising flood risk' however paragraphs 3.6 and 4.5 of the Plan refer to 'delivering improvements to flood risk'. What improvements are being referred to here and how will the Plan achieve this?

### **Policy SS3 – Scale and Location of Good Growth**

2.31 The Council's spatial strategy relies entirely on brownfield sites within urban areas and is set out at policy SS3 which identifies the scale and location of good growth. Part 4 of the policy identifies the individual settlements within the borough and the number of units to be delivered. For each of the settlements identified, could the Council provide in a table a breakdown as to how the individual number of units have been arrived at.

2.32 Do these numbers correlate with the site allocations contained within chapter 9 of the Plan?

2.33 Where in the evidence base does it set out which sites are included within these numbers?

2.34 According to the footnote, the figures do not include a non-implementation rate or windfall allowance – is this correct? How do these figures relate to those presented within the housing trajectory?

2.35 Part 5 of the policy identifies 3 further locations for development within the borough as follows: Brooklands College for higher education, further education and vocational training/upskilling, Lower Green for community regeneration, Whiteley Village for specialist care facilities. Are there corresponding site allocations associated with these locations?

2.36 What precisely is meant by 'community regeneration' at Lower Green?

2.37 How do these locations relate to the spatial strategy identified at TP001 which seeks to focus development within the urban areas?

2.38 Where in the evidence does it set out the approach to these 3 locations for development?

2.39 Are the sites at Brooklands College and Whiteley Village Green Belt sites (TP001 appears to suggest that these sites offer elements of previously developed land in Green Belt terms?)



- 2.40 If this is the case how does the identification of these sites within policy SS3 fit with the overall spatial strategy identified? Is this approach justified and is the spatial strategy positively prepared in this regard?

#### **Matter 4: The Housing Requirement**

*Issue 7: Whether the Local Plan has been positively prepared and whether the approach is justified, effective and consistent with national policy in relation to the housing requirement*

##### *Questions*

- 3.1 The housing requirement for Elmbridge has been calculated at 9705 homes. Policy SS3 sets out that the Plan will deliver at least 6785 net additional homes over the Plan period. This equates to some 453 dpa and will leave an unmet need of some 2920 dwellings over the Plan period. This is a significant shortfall. Is the Plan justified in not meeting the full LHN?
- 3.2 Does the approach demonstrate that the Plan has been positively prepared in accordance with paragraph 35 of the Framework and will it be effective?
- 3.3 Part 1a of policy SS3 advises the Plan will make provision for the delivery of at least 30% affordable homes. This would equate to some 2035 affordable dwellings over the Plan period. The Local Housing Needs Assessment (HOU005) sets out a net annual requirement for affordable housing of 269 units, which equates to 4035 units over the Plan period. How does the Plan propose to address this shortfall? Does this approach accord with the Framework?

#### **Matter 5: Housing Delivery**

*Issue 8 – Whether the approach towards the delivery of housing land is justified, effective, consistent with national policy and positively prepared.*

##### *Questions*

- 4.1 Please can the Council update the housing trajectory (Appendix A5 of the Plan) with the latest figures from the AMR and to reflect the updated Plan period (see Inspector's initial letter ID-001).
- 4.2 The spatial strategy focus is on brownfield sites, with a significant component of the supply coming forward on small sites. In accordance with paragraph 60 of the Framework, in what way would this approach ensure that there is a sufficient variety of land to come forward?

- 4.3 Is there any other non-green belt land which could contribute towards meeting the boroughs housing and employment needs in a sustainable manner? I note that Appendix 6 of the Land Availability Assessment 2022 (HOU002) lists a significant number of discounted urban sites however the reasoning is not clear as to why they have been discounted. For example – ‘site with Planning permission’ (for what?) or ‘owner has not confirmed availability’ is also applicable to a number of sites which have been included within the housing land supply. Given the significant shortfall in housing numbers to be provided by the Plan, is the Council satisfied that all sites within the urban area have been fully explored? Please could the Council clearly explain the rationale for the sites which have been discounted.
- 4.4 Will the Plan provide for a five year supply of deliverable housing sites upon adoption with particular reference to the definition of deliverable contained within Annex 2 of the Framework?
- 4.5 HOU002 states that the five year housing supply position is 4.36 years. How does this accord with paragraph 74 of the Framework which requires Local Planning authorities to identify and maintain a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirements? Is the Plan positively prepared in this regard?
- 4.6 Is the identified housing supply contained within the Plan and set out in the trajectory based on a sound understanding of the evidence? In responding to this question, the Council should provide an updated housing response which identifies the completions, existing commitments, site allocations and any other sources of supply it is seeking to rely upon.
- 4.7 In addition to the trajectory required by the Framework, the Council should prepare a spreadsheet to support the trajectory which confirms how many dwellings each site allocation is expected to deliver in each year of the Plan period, and identify any windfall allowance which is being relied upon. This information should be supported by cross references to the evidence base where necessary.
- 4.8 The Planning Practice Guidance provides advice in relation to the preparation of housing and economic land availability assessments, and sets out that when carrying out a desktop review, Plan-makers need to be proactive in identifying as wide a range of sites and broad locations for development as possible. It goes on to note that identified sites, which have particular constraints (such as Green Belt), need to be included in the assessment for the sake of comprehensiveness but these constraints need to be set out clearly, including where they severely restrict development. An important part of the desktop review, however, is to identify sites and their constraints, rather than simply to rule out sites outright which are known to have constraints. Is

the approach adopted by the Council in terms of the Land Availability Assessments completed consistent with this and if not why not?

- 4.9 The Housing Needs Assessment (HOU005) notes the greatest demand is for 2 bedroomed units (50%). Are there any implications for the spatial strategy adopted and the dwelling types which will be delivered?

### **Policy HOU1 – Housing Delivery**

- 4.10 Policy HOU1 cross references to appendix 5 of the Plan however appendix 5 lists two alternative indicative approaches to the housing trajectory. Which is the trajectory the Council is relying upon and is this a justified approach?
- 4.11 What is the justification for the dpa figure to be included within the policy wording? Is this approach positively prepared and consistent with national policy? Should the policy refer to the homes to be delivered across the Plan period and if so what should this figure be? (noting the actions raised under question 2.2 for the Council in relation to the Plan period).
- 4.12 Is it clear what the 30% affordable homes in part 2 of the policy relates to?

### **The Green Belt**

*These questions relate to the Council's consideration of the release of green belt land to meet their housing and employment needs in the context of the overall spatial strategy. In addition, it does not address the wording of policy ENV4: Development within the Green Belt which will be addressed under the stage 3 hearings. It will not address specific sites and this is not an opportunity for those seeking to promote omission sites to make specific reference to them.*

There is a significant amount of evidence concerning the existing Green Belt and how this land performs against green belt purposes including a Green Belt boundary review. An assessment has been made as to the potential contribution the release of some areas of green belt could have towards meeting housing need over the Plan period. The Council do not agree that there are exceptional circumstances which would warrant the release of any green belt land. The Council also disagree with the assessment made in relation to a number of areas which ARUP have identified as weakly performing areas of the Green Belt.

- 4.13 Do the exceptional circumstances identified at paragraph 6.18 Topic Paper 1:How the Spatial Strategy was formed ( TP001) represent all of the exceptional circumstances which the Council have taken into account?

- 4.14 What is the relevance of the fact that the current housing need is significantly higher than the existing target set within the Core Strategy (Paragraph 6.24 of TP001)?
- 4.15 The Council have stated that the need in Elmbridge is no more acute/intense than in neighbouring boroughs. However, a majority of neighbouring boroughs (Guildford, Waverley, Runnymede, Spelthorne) have progressed a strategy with an element of Green Belt release and/or are able to meet their housing need in full. If the Council consider the need to be no more acute than these neighbouring boroughs, what is the rationale for Elmbridge not following this approach?
- 4.16 In general terms, the Framework seeks to support the Governments objective of significantly boosting the supply of homes. Paragraph 35 states that Plans should provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. Paragraph 11 of the Framework sets out the approach to Plan making. In what way does the Green Belt in Elmbridge provide a strong reason for restricting the overall scale, type or distribution of development?
- 4.17 CD034a which was updated in November 2023 states that the Council consider the release of land from the Green Belt for housing purposes would negatively effect the boroughs existing settlement pattern and thus cause harm to the character of Elmbridge's existing communities. Where in the evidence base is this assessment undertaken which explains how this conclusion has been reached?
- 4.18 Paragraph 145 of the Framework advises, amongst other things, that local Planning authorities should Plan positively to enhance Green Belt use. Such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity or to improve damaged and derelict land. In what way does the Plan address this?
- 4.19 With reference to paragraph 143 (e) of the Framework, are the Council able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period?

## Windfall Allowance

*Issue 9: Is the approach to the windfall allowance justified and consistent with national policy?*

### Questions

- 4.20 Paragraph 71 of the Framework advises that where an allowance is made for windfall sites as part of the anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 4.21 The Housing trajectory includes a windfall allowance of 987 dwellings over the Plan period, 15% of the overall housing land supply. As 32 of the proposed site allocations contained within the Plan are on sites of 5 units or less, is this approach justified?
- 4.22 Does the approach to windfall sites take account of the recommendations contained at paragraph 4.2.10 of the SFRA (INF009)?

## Matter 6 Affordable Housing

*Issue 10: Does the Plan set out a justified and effective approach to the provision of affordable housing?*

### Questions:

- 5.1 The evidence identifies an affordable housing need of 269dpa. HOU005 sets out that there is a backlog need for affordable housing of 1434 units. The Plan proposes to address this backlog need over a period of 20 years. The evidence states that in the context of a high demand area such as Elmbridge, an extended period is likely to be necessary. What is the reason for this and does it present a justified approach? Will it prove effective in addressing the need?
- 5.2 What would be the affordable housing need if the backlog were to be addressed over the Plan Period?
- 5.1 The Planning Practice Guidance states that an increase in the total housing figures included in the Plan may need to be considered where it could help deliver the required number of affordable homes. Have the Council considered this?

5.2 In pursuing a strategy which fails to meet the boroughs affordable homes needs over the Plan period, what are the likely implications of this strategy for affordability ratios?

5.3 My initial letter (ID-001, notably paragraphs 11-17) raised some concerns and questions regarding the Council's approach to affordable housing delivery. These concerns can be summarised as follows: The spatial strategy and the impact of this in terms of affordable housing delivery, with particular reference to the reliance on sites within existing urban areas as well as the requirement set out at policy HOU4 for affordable housing to be sought on sites which are not major development, which is contrary to paragraph 64 of the Framework. The Council have responded to these concerns through the preparation of a Topic Paper (TOP002). Having reviewed this document, the following questions arise:

- Document TOP002 states that without the ability to collect affordable housing contributions on small sites, the ability of the Council *to provide affordable homes* will be highly restricted. However, the Statement on Affordable Housing provision on Small Sites (October 2021) states that between April 2011 to March 2021, there have been the delivery of 87 affordable homes over this 10 year period. This is less than 9dpa. The funding secured through the Section 106 Agreements has resulted in a total fund of £17.8m for this period. Are these figures correct? If these figures are correct, in what way does this demonstrate that the policy approach to collecting affordable housing payments on small sites is resulting in the delivery of affordable homes?
- The evidence states that for the period 2011/2012-2021/2022, a total of 771 affordable units have been delivered across the Borough. The small sites contribution equates to 11% of this overall supply. In what way can this be described as an important component of the overall affordable housing supply?
- Paragraph 2.26 of document TOP002 states that policy HOU4 would result in the delivery of 1057 affordable housing units from years 1-15. Policy SS3 states that the Plan will delivery 6785 homes of which at least 30% will be affordable. How are the remaining 978 (minimum) affordable dwellings to be delivered and in what way will the Plan achieve this?
- Paragraph 2.27 of document TOP002 states that the financial contribution expected from small sites would be subject to a contribution methodology. However, this approach is not reflected in the policy wording. Indeed, paragraph 6.34 confirms that there should be no need for further viability assessments to be undertaken at the decision making stage. Is this a justified approach?

- Whilst the Council have confirmed that 98 of the proposed site allocations contained within the Plan are small sites, it is not possible to provide information concerning how many affordable dwellings the policy approach would deliver – is this correct? If this is correct how is this approach justified and effective?
- 5.4 Given the Council's acceptance that one of the biggest opportunities the Council has to meet its affordable housing need is through the development of larger sites (paragraph 5.66 of Establishing Local Housing Need, May 2022) what are the implications of the Council's spatial strategy in terms of affordable housing delivery?

### **Matter 7: Other Housing Matters**

*Issue 11: the approach to housing mix, density and specialist accommodation including providing for gypsy and travelling show people accommodation as well as that of boat dwellers justified, positively prepared and effective?*

HOU011 is a Density Study for the Borough as a whole. It states that the evidence collected will assist with the formation of a new density policy. The report concludes that existing densities in urban areas are low ( below 30dph). Permissions for new development are exceeding existing densities with the highest densities achieved in an around town centres and station locations and with the exception of Walton on Thames, most of the borough is characterised by low rise development. The report recommends that high densities should be encouraged within town centres, and around train stations.

*Questions:*

#### **Policy HOU2: Optimisation of sites**

- 6.1 In accordance with paragraph 125 of the Framework, should density standards be expressed as a minimum within the Plan and policy HOU2? If not why not?
- 6.2 Does the Urban Capacity Study (HOU012) present a robust assessment in terms of the conclusions drawn in relation to urban capacity?
- 6.3 The Urban Capacity Study (HOU012) refers to the possibility for an area wide master planning approach to areas of opportunity and lists a number of these areas at paragraph 7.9 of the report (Rydens, along Hersham Road, land around the junction of the A224 and Molesey Road, the Molesey Industrial Estate SEL located along Central Avenue, Island Farm Road and Moseley Avenue). Has any further work been completed in this regard?

- 6.4 To what extent does the approach to density outlined in policy HOU2 take into account policy SS1 (f) and (g)? Is the approach outlined at policy SS1 consistent with paragraph 152 of the Framework?
- 6.5 Part 2a of the policy refers to the provision of 'higher density housing'. In the context of paragraph 16(d) of the Framework, in what way does the policy define what is expected in terms of higher density? Is the Plan sufficiently clear in this regard?

### **Policy HOU3 – Housing Mix**

- 6.6 Will the policy as drafted deliver the right homes to address local need as envisaged by the Framework?
- 6.7 Is the policy wording effective in terms of securing an appropriate mix of units to meet housing needs within the Borough?
- 6.8 Is part 4 of the policy justified and is it clear what 'other less conventional' housing types' means?

### **Policy HOU6- Specialist Accommodation**

- 6.9 The policy states that specialist accommodation will only be permitted where there is clear and robust evidence demonstrating a local need. Is this approach consistent with the Framework?

### **Policy HOU7- Gypsy, Roma, Traveller and Travelling Showpeople accommodation**

- 6.10 Paragraph 62 of the Framework advises that the size, type and tenure of different groups on the community should be assessed and reflected in planning policies. This includes meeting the needs of travellers. The evidence base in this regard consists of a Gypsy Roma and Traveller Site Assessment, March 2022 (HOU007) and a Gypsy and Traveller Accommodation Assessment, October 2020 (HOU008). These reports conclude that there is a net need for 10 pitches for 'travelling' Gypsies and Traveller pitches and a net need for 7 further pitches for 'non travelling' households over the Plan period. COUD002 confirms that the 4 pitches needs during the first five years of the Plan will be provided on existing sites. Where are these sites and what evidence is there to support the statement that these additional pitches can be accommodated on these sites?



- 6.11 How does the Council propose to address the additional pitches needed over the remainder of the Plan period?
- 6.12 Is policy HOU7 justified and effective in meeting the needs of these groups?
- 6.13 In relation to Houseboats, the evidence has identified the need for 10 licensed permanent moorings. The Council have stated they are unable to accommodate this need. In light of this, is the Plan positively prepared in this regard and is it consistent with national policy?

### **Matter 8 Meeting Employment Needs**

*Issue 13 : Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to establishing the scale of employment floorspace needed over the Plan period.*

#### *Questions:*

- 7.1 The evidence base identifies that the borough requires an additional 58,000 sqm of employment floorspace between 2015 and 2035. What is the total employment floorspace requirement to 2039?
- 7.2 The evidence base refers to the pattern of prior approvals within the borough and the loss of employment floorspace which has taken place as a result. Does the employment floorspace requirement for the Plan period to 2039 take this position into account?
- 7.3 Paragraph 82 of the Framework sets out that planning policies should set out a clear economic vision and strategy. Part B goes on to states that planning policies should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the Plan period. In light of this, should the employment floorspace requirement over the Plan period be defined within policy SS3 which has been identified as a strategic policy and purports to identify the scale and location of good growth?
- 7.4 The Strategic Employment Land Review Addendum, November 2021 (ECO001) contains appendix 6 draft SEL proformas however these do not appear to be attached – please could the Council provide these.
- 7.5 Document ECO03 recommends a more flexible approach to employment uses on SEL sites to take account of changing future uses of employment accommodation. Has the Council taken this recommendation into account in terms of the Plan policies and if not why not?

### **Policy ECON1 – Supporting the economy**

- 7.6 How does policy ECON1 which seeks to protect sites in existing employment use apply to the proposed site allocations which are currently in employment use?
- 7.7 In relation to policy ECON1 3 part a, is it clear how this will be assessed? Paragraph 7.11 refers to a defined marketing period. Should these requirements be outlined within the policy?
- 7.8 Does the policy approach to protecting employment land outside of the Strategic Employment Areas provide an appropriate balance between protecting employment land and supporting economic growth?

### **Policy ECO2 – Strategic Employment Land**

- 7.9 Policy ECO2 seeks to safeguard strategic employment land. These are listed within the supporting text as in the following locations:
- The Heights ,Weybridge,
  - Hersham Place Technology Park, Hersham
  - Brooklands Industrial Estate, Weybridge
  - Hersham Trading Estate, Walton-on-Thames
  - Molesey Industrial Estate, West Molesey

I understand the Plans strategy to meeting the floorspace requirement over the Plan period is through the intensification of the 5 Strategic Employment Land (SEL) sites. As far as I can see, the following allocations would contribute to this intensification strategy:

H14 – Hersham Technology Park	4350sqm
WEY10 – 8 Sopwith Drive, Brooklands Industrial Park	1404sqm
WEY26 – The Heights, Weybridge	9500sqm
WEY35 – Horizon Business Village, Weybridge	6000sqm

Is this correct? How does this provision related to the overall requirements for employment floorspace for the Plan period and how does the Plan propose to address any shortfall?

- 7.10 In light of the representations received from the Environment Agency, are sites WEY10, WEY26 and WEY35 effective and deliverable over the Plan Period? Does the SFRA work in relation to these sites support their inclusion within the Plan?

- 7.11 In relation to part 2 (a) how will this capacity be assessed? Is the policy effective in this regard?
- 7.12 Is the policy justified by the evidence base? Should alternative uses be permitted within these SEL areas?

## **Matter 9 Site Allocations**

*Issue 14: Are the proposed site allocations selected using an appropriate methodology based on a proportionate evidence base? Are they justified and effective? Will the allocations address the land use requirements across the Plan period?*

*Questions:*

- 8.1 The Council have advised that site allocations **ESH15, WOT2** and **H8** be deleted from the Plan – what is the justification for this?
- 8.2 Have the individual site allocations been chosen according to a robust site selection methodology?
- 8.3 Are the site allocations justified and do they reflect the outcomes of the SA and testing of reasonable alternatives through the site selection methodology?
- 8.4 The Environment Agency have specific concerns regarding 31 housing sites and 4 proposed employment sites which are located within flood zones 3 and 2<sup>2</sup>. Are these sites deliverable?
- 8.5 Paragraph 9.1 of the Plan refers to the site allocations providing for a range of uses to support the vision and principles of the Plan, allocating land for 'housing, employment, retail, community uses and infrastructure'. Could the Council set out clearly on a table which allocations are relevant to the provision of retail, community uses and infrastructure.
- 8.6 Chapter 9 of the Plan lists the site allocations and cross references to the Land Availability Assessment (LAA). However, this document does not form part of the submitted Plan. As drafted, the Plan is not effective as it fails to contain policies that are clearly written and unambiguous. As a result, it is not evident how a decision maker should react to development proposals (Paragraph 16 (d) of the Framework). How does the Council propose to address this?
- 8.7 There appears to be a direct contradiction between policy HOU2 – optimisation of sites and what the site allocations actually seek to achieve. Notwithstanding the fact that none of the site allocations contain any detailed information concerning development constraints/ density levels etc ( there is

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<sup>2</sup> The full list of sites referred to is contained within the Regulation 19 representation

merely a cross reference to the LLA document) a number of the sites which would meet part 2a in terms of the locational characteristics, however the proposed density within the LAA is at 30dpa (low density as defined within the Urban Capacity Study). Some examples of this approach relate to the following sites ( this list is not exhaustive) : US230 (D2) , US395 (WEY5), US2 (CL4), US175 (CL5). Please could the Council explain the reasoning for this?

- 8.8 In terms of the sites which are identified as contributing towards housing supply during years 1-5 of the Plan period, are the sites available now, are they achievable with a realistic prospect of housing being delivered within five years? If this is not the case, is the allocation justified?
- 8.9 In terms of the sites which are identified as contributing towards housing supply during years 6-15 of the Plan period, is there a reasonable prospect that the site will be available and could be viably developed at the point envisaged?
- 8.10 The Land Availability Assessment 2022 (HOU002) states that in terms of assessing availability, a site is considered to be available when based on the best information available, there is confidence that there are no legal or ownership problems and that the land is controlled by a developer/ landowner who has expressed an interest in developing the site. Notwithstanding this text, A number of allocations within the LLA state that the ‘landowner has not confirmed the site is available’. In addition, a number of representors have also made the case that particular site allocations are not available or there has been no response. These are summarised below. If this is the case, how is it possible for these sites to meet the tests required in terms of the Framework and the definition of developable – a reasonable prospect that they will be available.

<b>Site Allocation</b>	<b>Year/No of units</b>	<b>Available?</b>
CL7	11-15/ 15 units	Network Rail have not confirmed availability
COS24	11/15 20 units	Owner has not confirmed availability
COS21	11/15 14 units	Owner has not confirmed availability
D20	11/15 10 units	Owner has not confirmed availability
WOT34	11/15 63 units	Owner has not confirmed availability
WOT23	11/15 9 units	Owner has not confirmed availability
WEY20	11/15 20 units	Owner has not confirmed availability
D7	1/5 25 units	Owner has not confirmed availability
D17 & D21	11-15 16 units 11-15 10 units	No response

D25	11-15 5 units	No response
D19	11-15 12 units	No response
MOL19	11-15 23 units	No response
MOL14	11-15 18 units	No response
MOL17	11-15 14 units	No response
MOL13	11-15 7 units	No response
WOT24	11-15 63 units	No response
WOT25	11-15 7 units (net?)	No response
WOT30	11-15 28 units	No response
WOT27	11-15 8 units	No response
WOT28	11-15 9 units	No response
WOT37	11-15 5 units	No response
WEY31	11-15 5 units	No response
WEY34	11-15 11 units	Appeals refused?
WEY36	11-15 7 units	No response
WEY22	11-15 10 units	No response
WEY37	11-15 78 units	No response
WEY21	11-15 20 units	No response
WEY24	11-15 12 units	No response
WEY23	11-15 11 units	No response
WEY19	11-15 5 units	No response

- 8.11 A large number of the proposed site allocations include car parks, some of which are within district centres or close to transport interchanges (see Inspectors Initial letter ID-001). A significant number of concerns have been raised by representors regarding the impact of the removal of these car parks on the centres/ transport interchange effected. There is no reference made to the closure of these car parks within the Transport Assessment May 2021 (INF001). The Urban Capacity Study, April 2018 (HOU012) refers to an ongoing assessment of car park utilisation and different modes of provision over time.
- 8.12 Is there any further work which has been undertaken since 2018 in relation to these car park sites?
- 8.13 Please could the Council explain what assessment has been undertaken in relation to the:
- Total number of car parking spaces to be lost;
  - Evidence in relation to use and capacity work undertaken (with relevant surveys of usage if available);
  - The impact that the loss of the car park would have on the centre and/or transport interchange effected and an explanation as to how this has been assessed;
  - Does the Plan need to be explicit about which allocations require the reprovision/relocation of car parking spaces and if so how is this to be addressed?

- The Transport Assessment May 2021 (INF001) states that 21% of people use the train to travel to work which is well above the Surrey average. For the sites located next to train stations, (**WOT7, WOT31 and CL7**) is there any assessment of what percentage of people use the car to travel to the train station?. What alternative modes of transport are put forward by the Plan to encourage more sustainable modes of transport? Are these sites justified?
- 8.14 A significant number of allocations would necessitate the removal of the existing community service provided on the site as defined within the glossary of the Plan. These are: **CL5, COS14, COS16, D24, ESH21, H6, ESH24, H8, H13, H15, MOL12, MOL18, WOT11, WOT15, WOT18, WOT19, WOT26, WOT35, WEY5, WEY6, WEY16**. Several representations have expressed concern regarding the loss of these services. Please could the Council confirm the following:
- To what extent has the replacement of the existing community service been taken into account in terms of the viability work and site capacity work undertaken to date and the typologies used?
  - Is it the intention that the existing community floorspace should be provided on the sites in all of these cases? If so should this be reflected in the policy wording?
  - If replacement community floorspace is to be provided, is it to be of the same size and quality as the existing use (noting the representation from Surrey County Council that the planned level of growth will necessitate an increase in the size of these services) ? If so should this also be reflected in the policy wording?
  - The representation from Surrey County Council states that there will be a requirement to maintain the library service provision in Esher, Hersham, Molesley and Weybridge throughout the duration of the works. Should this requirement be reflected through the site allocation?
- 8.19 Several of the site allocations cover garages and hardstanding. To what extent have the Council considered the displacement of these parking areas and the impact that this may/may not have on the existing community? As with the car parking site allocations above, could the Council set out the total number of garages/car parking areas to be lost over the Plan period.
- 8.20 From the LAA, it is evident that in relation to a number of the site allocation proposed, the Plan envisages the retention of the existing building on the site (**COS1, MOL19, ESH20, ESH1, H11, D16, WOT16**). Is this correct? If so to what extent has this been taken into account in the viability and capacity work undertaken to date?
- 8.21 Which, if any , of the sites require a 10m buffer zone next to the river and has this been taken into account in terms of the capacity figures provided? Should this be reflected as a development constraint within the site allocation?

- 8.22 Are there any other proposed site allocations which are effected by heritage impacts? How have these been assessed? (Noting the Heritage impact Assessment 2023 Methodology only refers to the report considering LAA sites from 2022)

*Questions in relation to individual sites:*

**COS1**

- 8.23 Should this site refer to the conversion of the existing building on the basis of the conclusions drawn within the Heritage Impact Assessment?

**COS5**

- 8.24 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?

**COS6**

- 8.25 Is the suggested capacity for the site justified by the evidence base?

**D7**

- 8.26 Is the allocated use justified (note the landowners representation that it is not available for residential use)

- 8.27 Is the allocation of this site in conflict with policy ECO1?

**H1**

- 8.28 Has residential development here recently been refused at appeal? If so what are the implications of this on the deliverability of the site during years 1-5 of the Plan period?

**H3**

- 8.29 What is the evidence to support the delivery of this site within years 1-5 of the Plan period?

- 8.30 On what basis does the reference to 200 units represent a realistic number of units to be delivered during years 1-5 of the Plan period?

- 8.31 Given the existing use of the site and policy ECO3, would a mixed use allocation be more appropriate?

**H10**

- 8.32 It is evident from the representations that this building has been recently refitted - on what basis has it been concluded that there is a reasonable prospect that this site would be developable?

**H11**

- 8.33 Is there a sewage pumping station located on this site, if so does this impact on the net developable area and is this reflected in the allocation as drafted?

Does this site include a heritage asset and does the capacity for the site take this into account?

**ESH10**

8.34 Is the allocation of the site for 6 houses justified on the basis of the evidence presented? In what way does this capacity take into account the existing site constraints?

**ESH16**

8.35 Is the site currently occupied?

8.36 How much employment floorspace would be lost as a result of this allocation and what is the justification for the loss given the Plans approach to employment floorspace overall?

8.37 The LAA suggests that the existing employment floorspace could be relocated to an existing strategic employment land (SEL) area – is this a site requirement and if so should it be reflected in the policy? Does the viability evidence support this approach? How would this relocation to existing SEL impact on the overall employment land requirements to 2039?

**WEY26**

8.38 Representations have raised concerns that this site is located within flood zone 3. Does the 9500sqm allocation take the relevant flood risk issues into account and in what way has this influenced the amount of new floorspace which could be delivered on the site?

**WEY13**

8.39 In light of the representation which objects to the loss of the car park as it is used by a local sports club, is this allocation justified?

8.40 Is there an issue in terms of rights of way to access the property at the rear of the site and how would this be addressed?

**WEY33**

8.41 Is the site capacity as indicated on the LAA justified and should this be reflected in the policy?

**D3**

8.42 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?

8.43 Is the capacity justified?

**D13**

8.44 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?



**D23**

- 8.45 There is an objection from Sport England to loss of this site and the potential for conflict locating residential development in close proximity to the existing Sports Ground – would this allocation result in a conflict with paragraph 99 of the Framework?

**WOT11**

- 8.46 Would this proposal result in the loss of the existing community use on the site? If so does this present a justified approach in light of policy INF2?

**WEY16**

- 8.47 Is there a current planning permission for this site and does it include residential use?

**WOT25, ESH1, WEY19**

- 8.48 To what extent has the location of veteran trees been taken into account in bringing these sites forward and the indicative residential capacity set out within the Plan?

**ESH24**

- 8.49 This represents the largest site allocation for residential use within the Plan. As currently drafted, the proposal would conflict with policy ECO1 which seeks to protect existing employment uses. How does this allocation represent a justified approach? To what extent has the capacity work undertaken been influenced by the location of Sandown House?

**WOT21 and WOT26**

- 8.50 Are these sites developable in light of the representations received?

**MOL19, ESH20, ESH1, H11, D16, D17**

- 8.51 Is the capacity indicated within the LAA based on the conversion of the existing buildings?

*C Masters*

Inspector