



Elmbridge Local Plan Examination

Stage 2 Matters Statement

Matter 3 - The vision, spatial strategy, and the distribution of growth over the Plan period

Andrew Black Consulting on behalf of Esher Rugby Club

March 2024

Project	Esher Rugby Club
ABC Reference	ABC/0087/08.07.01
Local Authority	Elmbridge Borough Council
Client	Esher Rugby Club

Issue	Final
Author	Andrew Black
Date	March 2024

Disclaimer: This report has been prepared for the above-named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above-named client.

Contents

- 1. Introduction4
- 2. 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.5



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

1. Introduction

- 1.1 This Matters Statement has been prepared by Andrew Black Consulting on behalf of Esher Rugby Club for Stage 2 of the Local Plan Examination.
- 1.2 Esher Rugby Club is a central feature of the local community within Elmbridge and has long term aspirations to grow as a community-based club as it reaches its centenary year in 2023.
- 1.3 The club has been in discussions with the council for over 15 years on its aspirations for the existing site. The club has engaged with the council and community, at considerable expense, over a number of years to illustrate how the club could grow and evolve sustainably in order to meet the long term needs of the club, its players, its supporters and the wider community in addition to unlocking a highly appropriate area of land for housing growth in order to fund the plans for the club.
- 1.4 It is with considerable disappointment that the submitted local plan does nothing whatsoever to recognise or support the aspirations of Esher Rugby Club, and indeed other sports clubs within the borough.
- 1.5 Each of the Matters raised by the Inspector in document ID-005 (Schedule of Matters, Issues and Questions for Stage 2 of the Examination) are set out within this statement.
- 1.6 Regard has been had to document ID-004 (Guidance Note for People Participating in the Stage 2 Examination). Any reference to the National Planning Policy Framework is in accordance with the previous version. Annex 1 of latest version released in December 2023 sets out the implementation of the new framework for the purposes of plan making and states that previous version of the framework will apply to plans already at examination.



2. 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.

- 2.1 What is the Plan Period? It is expressed within the Plan as both 2021-2037 and 2022-2037.**
- 2.1.1. This is a matter for the council to respond on.
- 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.**
- 2.2.1. It is agreed that the plan period should be extended to 2039 in line with the guidance set out in the framework.
- 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).**
- 2.3.1. The lengthening of the plan period would mean that the undersupply would continue to amass during the extended period leading to a significant cumulative impact over the plan period. The plan does nothing to bring about alternative scenarios to address this shortfall in the form of strategic sites which can deliver significant amounts of housing throughout the plan period and instead relies on a multitude of small sites.
- 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?**
- 2.4.1. Whilst the principles of the plan set out delivery of infrastructure in relation to modal shift, it is difficult to see how this could be co-ordinated from the delivery of the multiple small allocations.
- 2.4.2. Delivery of infrastructure is best achieved from medium to larger sites and can be easily incorporated within the requirements associated with the allocation of the sites within the wording of individual plan policies.



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

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?

2.5.1. This is question for the council to address.

2.6 How does the 5480 new homes relate to the 6785 (at least) net new homes identified in policy SS3?

2.6.1. This is question for the council to address.

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?

2.7.1. This is question for the council to address.

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?

2.8.1. As set out, considerable concerns arise through the lack of focus on the significant unmet affordable housing need within the submitted plan.

2.8.2. The evidence within the council monitoring reports shows extremely poor delivery of affordable housing within the last ten years. The affordable housing need is set out within the Strategic Housing Market Assessment (2016) Local Housing Market Assessment (2020)

	Social rent	Affordable rent	Intermediate	Total
Need (2020 LHMA)	68	215	116	399
Need (2016 SHMA)	266	7	59	332

2.8.3 The supply of affordable housing in recent years is set out below.



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

	Social rent	Affordable rent	Intermediate	Total
2022/23	4	2	7	13
2021/22	0	5	106	111
2020/21	0	24	21	45
2019/20	8	68	50	126
2018/19	0	17	40	57
2017/18	8	18	47	73
2016/17	2	1	1	4
2015/16	0	50	28	78
2014/15	39	23	38	100
2013/14	7	24	17	48
Total	68	232	355	655

Source: Elmbridge BC Authority Monitoring Reports 2013/14 to 2022/23

2.8.3. On the basis of this there is a shortfall of 2,655 from the last 10 years.

2.8.4. The scoping out of affordable housing from the SA gives rise to a significant oversight in assessing what impact the continuation of this undersupply would have upon the sustainability objectives for the borough.

2.9 Has the SA considered all reasonable options for a spatial strategy that would secure a sustainable pattern of development in the borough?

2.9.1. Our previous submissions raised significant concern in this regard. It is not necessary to repeat our position on these but a response will be made at the hearing to what the council set out within their matters statement in this regard.

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?

2.10.1. It is understood that further work is being undertaken on the SFRA ahead of the next hearing sessions. ERFC will scrutinise this information with its technical advisors and may provide further submission in this regard where appropriate.

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?

2.11.1. One of the factors for urban brownfield sites is that it can be inherently difficult to achieve biodiversity net gains where a site is being optimised for development.

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?

2.12.1. This is a matter for the council to respond on but there is concern that unknown scores were put against SA objective 6 for all three options on the basis of uncertainty in the market for premises.

2.12.2. No consideration was given to the economic impact of not meeting the housing need in full within the borough which would have knock on effects for employment and affordability in general. Also, no consideration was given to the impact of the loss of employment as a result of the council selecting a brownfield first approach and the resulting loss of employment floor space as a result.

2.12.3. On this basis, it is considered that the SA lacks robustness and soundness on this basis alone.

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?

2.13.1. The SA objective for ‘homes’ relates to the provision of sufficient housing to enable to live in a home suitable to their needs and which they can afford. The double negative scoring against option 4a and the negative score against option 6 are accepted.

2.13.2. However, it is clear that the significant negative score in relation to 4a should have had further consideration in the selection of this option as a spatial strategy, particularly the knock on impacts on delivery of affordable housing which is discussed in other sections in this matters statements.

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?

2.14.1. This is a question for the Council to respond on.

2.15 Under the heading ‘Access and Equality’ (page 13) what is the reason that boat dwellers have been excluded from this list provided?

2.15.1. This is a question for the Council to respond on.

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?

2.16.1. Table 11 of the SA scored this as a positive. Option 5 and derivations of it have always been the highest performing against the SA objective for homes so should be scored consistently throughout the SA.

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)

2.17.1. Please see response to question 2.12.

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?

2.18.1. No. The decision to allocate only brownfield sites does not necessarily need to an appropriate pattern of growth or the most sustainable sites being selected. There are a number of green belt sites, such as Esher Rugby Club that are more sustainable in terms of access to public transport and services than some of the brownfield allocations.

2.18.2. The decision to pursue only brownfield sites is not considered to deliver the most appropriate pattern of growth nor would it be delivered in an even and consistent way across the plan period.

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).

2.19.1. No, it is not clear how the alternative development options have been assessed and the conclusions reached. The council have not made it clear which option was preferred in terms of overall sustainability.

2.19.2. Given the ambiguity in the way in which the options were assessed it is apparent that irrational decisions were made by decisions makers on which option to pursue and the implications for taking the brownfield only approach which the plan sets out.

Spatial Strategy – General

2.20 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).

2.20.1. No, the plan does not present an appropriate spatial strategy as set out consistently in regulation 19 response and other matters statements. The early consultation versions and regulation 18 version of the plan showed a direction of travel in favour of a spatial strategy which would meet the housing target in full through the release of low performing green belt sites.

2.20.2. Officers previously concluded that there were exceptional circumstances to release green belt land and this was advised to members at the Local Plan Working Group in June 2021. Despite this, members voted to pursue a 'brownfield only' approach. Since then, the plan and related green belt have been retrofitted in line with the instructions of councillors.



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

2.20.3. Whilst a ‘brownfield first’ spatial strategy is supported and in line with national planning guidance this is distinct from a ‘brownfield only’ spatial strategy which would not deliver a distribution of the right homes in the right places to successfully meet housing need.

2.21 **In what way will the spatial strategy address the Council’s priority of addressing the acute affordable housing need within the Borough?**

2.21.1. As established, the delivery of affordable housing in the borough has been very poor in recent years and a significant backlog is acknowledged to exist. Affordability is also an acute factor with the council which has risen from a ratio of 18.05 at the time of submission of the plan to just over 20 at the time of the examination.

2.21.2. The decision to focus on a multitude of small brownfield sites will mean that in many instances there is simply no requirement for affordable housing, regardless of viability. On other sites, there is a high likelihood that Vacant Building Credit will be used to negate the requirement for affordable housing. In other instances, it is likely that viability would be used to drive down provision on the grounds of matters such as contamination and abnormal costs.

2.21.3. Omission sites such as Esher Rugby Club have the ability to viably bring forward a large number and high proportion of affordable housing in the early part of the plan period. The decision to not allocate such sites requires significant scrutiny from the inspector during the examination.

2.22 **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?**

2.22.1. The proposed strategy is completely at odds with the government mandate to significant boost the supply of housing. The ‘brownfield only’ approach of the plan will result in a multitude of small sites all coming forward, likely at the same time, and the delivery of only smaller dwellings. It is acknowledged that there is a high need for smaller dwellings in the borough but there are equally a high proportion of family homes required and a significant undersupply of such homes.

2.23 **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 , does the spatial strategy accord with this principle?**

2.23.1. This is a question for the council to respond on and further representation may be made at examination dependent on the response given.

2.24 **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.

2.24.1. This is a matter for the council to respond on but is an area of significant concern raised in our previous matters statement and regulation 19 submissions. Further submissions will be made at the hearing sessions following review of the council response to this question.

2.25 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?

2.25.1. No. It is clear that the brownfield only strategy of a multitude of small urban sites would result in many applications not being required to make provision of infrastructure or even pay Community infrastructure Levy, on account of existing buildings on the site. There is no certainty that the proposed infrastructure will be delivered as set out within the plan.

2.26 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?

2.26.1. This is a question for the Council to respond on.

2.27 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?

2.27.1. Our regulation 19 representations made significant objections on this matter and no further information has been published as part of the plan. The response from the council is awaited on this matter and further submissions will be made at the hearing sessions once the information provided has been scrutinised.

Policy SS1 – Responding to the Climate Emergency

2.28 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?

2.28.1. This was a point briefly discussed during the stage 1 hearing. It is very unclear how the council will seek to ensure compliance with policy SS1 and the requirements of its climate emergency



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

declaration whilst also seeking an approach which demolishes a significant number of urban sites to make way for new development.

2.28.2. Policy SS1 lacks and clarity on what information should be provided with an application in regard to existing buildings nor does it provide a decision maker any guidance on how to determine such an application.

2.29 **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.**

2.29.1. This is a question for the Council to respond on.

2.30 **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?**

2.30.1. This is a question for the Council to respond on.

Policy SS2 – Sustainable place-making

2.31 **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 Councils approach to housing will only provide for approximately 69% of the boroughs housing needs over the Plan period. Is the policy justified and effective as a result?**

2.31.1. The spatial strategy will not delivery 'homes for all'. The brownfield only approach is a plan for flats only. Policy SS2 is not in anyway justified and is a fundamental issue of soundness that could only be remedied through the allocation of suitable green belt sites which can deliver sufficient choice of homes in a viable manner in the early part of the plan period.

2.32 **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?**

2.32.1. This is a question for the Council to respond on.

Policy SS3 – Scale and Location of Good Growth

2.33 **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**



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

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.

2.33.1. This is a question for the Council to respond on but there is significant concern on how the capacity of individual sites has been arrived at. Further detail on a site by site basis will be set out within the matters 9 statement.

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

2.34.1. This is a question for the Council to respond on.

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

2.35.1. This is a question for the Council to respond on.

2.36 **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?**

2.36.1. As suggested there is significant concern over the lack of a lapse rate for these figures and whether there is double counting for windfall sites given the multitude of allocations on small urban sites.

2.37 **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?**

2.37.1. This is a question for the Council to respond on.

2.38 **What precisely is meant by ‘community regeneration’ at Lower Green?**

2.38.1. This is a question for the Council to respond on.

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

2.39.1. This is a question for the Council to respond on.

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

2.40.1. This is a question for the Council to respond on.

2.41 **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?)**

2.41.1. This was a matter discussed at the stage 1 hearing session. It is clear that the council has taken a position on the acceptability of development of PDL in the green belt at these sites. Specifically, in the case of Brooklands College, development was allowed in order to enable further development of Brooklands College.



Elmbridge Local Plan Examination – Matter 3 Statement

Andrew Black Consulting on behalf of Esher Rugby Club

2.41.2. It is considered that there is actually a direct correlation between the accepted enabling development argument for Brooklands College, in order to deliver significant benefits, and the sports and recreation benefits that could be delivered at Esher Rugby Club from a similar enabling development. It is unclear why the council accepted this argument on the Brooklands Site but has not sought to apply this to other such sites across the borough.

2.42 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?

2.42.1. This is a question for the Council to respond on.