



Elmbridge Local Plan Examination

Stage 2 Matters Statement

Matter 5 – Housing Delivery

Andrew Black Consulting on behalf of Esher
Rugby Club

March 2024

Project	Esher Rugby Club
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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.



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

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).

4.1.1 This is a matter for the council to respond on.

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?

4.2.1 Whilst a brownfield first approach is supported under the wording of the framework, the ‘brownfield only’ approach under the submitted plan would result in a multitude of small sites coming forward for development with a very similar form of development of smaller dwellings being delivered on each.

4.2.2 This would fail to meet the needs of groups with specific housing requirements as required under paragraph 60 of the framework.

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.

4.3.1 This is a matter for the council to respond on but it is clear that the council has discounted a number of potential sites which could meet housing and employment needs.

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?

4.4.1 The council has not set out a detailed housing trajectory in the plan, so it is not possible to scrutinise the five-year housing land supply upon adoption of the plan. The draft trajectory as set out in appendix A5 of the Land Availability Assessment is vague and unclear in this regard.



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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?

4.5.1 The adoption of a plan with less than five years of supply at the point of adoption would be entirely contrary to paragraph 74 of the framework and would not be positively prepared as a result.

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.

4.6.1 As set out the draft trajectory as set out in appendix A5 of the Land Availability Assessment is vague and unclear in this regard.

4.6.2 Once the council has provided a more detailed trajectory then further submissions will be made at the hearing on whether the approach taken in this regard is sound.

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.

4.7.1 This request is supported. Regarding windfall sites it is considered that the allocation of some 200 brownfield sites within the plan is highly likely to absorb the availability of any other windfall sites coming forward to the extent they have done so in recent years. There is a significant risk of double counting between allocations and windfall sites and this should be heavily scrutinised by the inspector following receipt of the updated trajectory.

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?*



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- 4.8.1 It is not clear what approach the council took to the land availability assessment.
- 4.8.2 The Planning Practice Guidance sets out *what should happen if the land availability assessment indicates that there are insufficient sites / broad locations* to meet needs as follows:

When preparing strategic policies, it may be concluded that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need.

In the first instance, strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites to ensure these [make the most efficient use of land](#). This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport.

If insufficient land remains, then it will be necessary to investigate how this shortfall can best be planned for. If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing [statements of common ground](#), and in accordance with the [duty to cooperate](#). If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination.

Paragraph: 025 Reference ID: 3-025-20190722

Revision date: 22 07 2019

- 4.8.3 There is no indication that the council took any form of reassessment once it was clear that a brownfield only approach would not meet need in full.
- 4.8.4 There are a number of other documents within the evidence base which lack any explanation of their purpose, how they were compiled and the conclusions reached. One such document is OTH039 *Green Belt Site Assessment Proformas – Site not suitable for release 2021*. In this document, Esher Rugby Club was artificially split into two separate land areas of SA-73 and SA-77 by the council. It was never promoted in this way and there is no uncertainty around the ability of the development to re-provide the sports facilities. This could easily have been secured through the wording of any allocation and secured in a legal agreement within any future planning permission.
- 4.8.5 It would appear that in this instance, and numerous other examples the council has done exactly what the inspector has suggested in that sites such as Esher Rugby Club have simply been ruled out.



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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.

4.9.1 No comments

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?

4.10.1 This is a matter for the council to respond on.

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).

4.1.1 This is a matter for the council to respond on.

4.12 Is it clear what the 30% affordable homes in part 2 of the policy relates to?

4.12.1 No, this appears to be an objective rather than a specific policy requirement and requires much greater clarity.

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?

4.13.1 Whilst the exceptional circumstances identified at paragraph 6.18 form an initial basis for consideration the council have dismissed the wider rationale behind amending green belt boundaries.

4.13.2 It also fails to take into account the individual and unique exceptional circumstances that would arise from the release of individual green belt sites. In the case of Esher Rugby Club there are numerous unique exceptional circumstances in the form of improved sports and recreation facilities that simply could not be delivered from a brownfield only approach or even from the release of other green belt sites. The council has failed to consider how these factors could represent exceptional circumstances, or even how they would be delivered at all without allocation of green belt sites.



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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)?

4.14.1 The existing target within the Core Strategy is one which derives from a far lower historical figure born out of the long revoked regional spatial strategy and carried over into the core strategy. It is not uncommon for a council to experience a significant increase in housing target but the established housing need for Elmbridge is considered reflective of the true housing needs of the borough rather than the artificially lower figure derived from the current core strategy.

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?

4.15.1 As set out, there is evidence of neighbouring boroughs progressing a far more positively prepared plan which seeks to meet need in full through release of appropriate green belt sites. The council has not set out a coherent or convincing reason why they should be treated differently to these boroughs or why they would be justified in not seeking to meet the wider housing needs across the Surrey region. There simply should not be a situation where some boroughs are releasing green belt and meeting needs in full and councils such as Elmbridge are allowed to bring forward a plan which undershoots housing delivery to such a significant degree.

4.16 In general terms, the Framework seeks to support the Government's 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?

4.16.1 The council has consistently failed to justify its position in this regard. In general terms, the green belt does provide a strong reason for restricting development but this protection should only be extended to green belt which serves the purposes of the green belt as established in paragraph 138 of the framework.

4.16.2 The original evidence base of the plan examined how well individual parcels performed against these established purposes and set out that many performed poorly. This led to the council exploring the release of appropriate green belt sites that would assist the council in meeting the established housing need in full, as required under paragraph 35 of the framework.



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4.16.3 The shift in position from the council in this regard provides strong reasons why the plan as submitted is fundamentally unsound.

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?

4.17.1 This position is referenced in paragraph 6.182 of Topic Paper 1 (TOP001) and it would appear to stem from the Landscape Character Assessment from 2019 which is referenced in Table 9 of TOP001.

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?

4.18.1 As set out, the council has failed to grasp the unique exceptional circumstances that would be derived from the allocation of certain green belt sites. In the case of Esher Rugby Club this would lead to significant improvements in sport and recreation facilities that could not be brought about without housing delivery on the site to enable the viability of such improvements.

4.18.2 Other comparative improvements in landscape, amenity and biodiversity are likely to be brought about by allocation of other green belt sites which would not be delivered through the brownfield only approach of the council through the allocation of a multitude of small sites.

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?

4.19.1 For the reasons set out within this and other matters statements, it is clear that the brownfield only approach taken by the council will fail to deliver the full needs of the council. If the plan was adopted in its current form, then there would be no five-year housing land supply at the point of adoption and the plan based on very fragile rates of delivery.

4.19.2 In this instance it is highly likely that other applications would be submitted within the green belt on the basis that Very Special Circumstances existed in order to deliver housing and other infrastructure which would not come forward under the plan. This would lead to the alteration of green belt boundaries within the plan period through appeals. This is not considered to represent positive planning in light of the requirements of paragraph 35 of the framework.



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

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.

4.20.1 Regarding windfall sites it is considered that the allocation of some 200 brownfield sites within the plan is highly likely to restrict the availability of windfall sites coming forward to the extent they have done so in recent years. There is a significant risk of double counting between allocations and windfall sites, and this should be heavily scrutinised by the inspector following receipt of the updated trajectory.

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?

4.21.1 No, as set out it is considered there is considerable risk of double counting in this regard.

4.22 Does the approach to windfall sites take account of the recommendations contained at paragraph 4.2.10 of the SFRA (INF009)?

4.22.1 This is a matter for the council to respond on.