

Examination Statement

**Examination Elmbridge Local Plan 2037:
Response to the Schedule of Matters, Issues and Questions for
Stage 2 of the Examination**

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

Prepared by Savills on behalf of The Crown Estate

1. Introduction

- 1.1. See Introduction to The Crown Estate (TCE) and Telereal Trillium (TT) Group in the **Matter 2 Statement**.

2. Response to MIQs - 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.

Question 2.1: What is the Plan Period? It is expressed within the Plan as both 2021-2037 and 2022-2037.

2.1. Paragraph 1.1 of the eEBLP under 'Introduction' refers to the Local Plan 2037 relating to a 15-year period. However, Policy SS3 and para. 6.6 of the eEBLP state that the plan period is 2021 to 2037, i.e. 1st April 2021 to 31st March 2037, a 16-year plan period, although para. 6.6 then refers to this as a 15-year plan period. The glossary to the eEBLP defines the 'plan period' as 2022 to 2037, i.e. 1st April 2022 to 31st March 2037, a 15-year period. The 'housing trajectory' at Appendix A5 relates to a 15-year period 2022-2037, and the housing need figure of 9,705 homes is based on a 15-year period. Whilst clarification is thus required, it would appear most likely that EBC intend the plan period to be 2022 to 2037, i.e. 1st April 2022 to 31st March 2037, a 15-year period.

Question 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. An extended plan period is supported; however the plan period should be extended further than 2039 to ensure that there is a robust plan in place at the point of adoption, with at least 15 years of the plan period remaining. With the Examination extending into late spring / early summer 2024, and adoption unlikely until later in 2024 at the earliest, extending the plan period to 2039, i.e. to 31st March 2039, will not result in there being 15-years of the plan period remaining post adoption. It is therefore considered that the plan period should instead be extended to 2040, i.e. 31st March 2040. This would result in an 18-year plan period.

2.3. The consequences of an extended plan period need to be considered, with the response addressed via Main Modifications, to include:

- A review of the housing trajectory, and any additional allocations that might be required; and/or
- In a situation whereby additional evidence is required to enable positive planning for later in the plan period, a requirement for an immediate plan review.

Question 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. A plan-period 2022 to 2040 results in an increased, capped, housing need figure of 11,646 homes (for context, the uncapped figure would be 16,650 homes).

- 2.5. The housing trajectory included at Appendix A5 to the eEBLP does not fulfil its purpose. The trajectory would benefit from being less simplistic and ensuring it includes information on deliverable and developable sites as required by NPPF paragraph 68 (see further discussion in TCE's **Matter 5 Statement**).
- 2.6. This is particularly important given the December 2023 version of the NPPF, which removes the requirement for EBC to demonstrate a 5YHLS for the first five years following adoption of the Plan.
- 2.7. Savills wishes to reserve its ability to comment on an updated trajectory through the submission of an addendum Hearing Statement, and/or oral submissions.

Question 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?

- 2.8. EBC should be seeking to make allocations in sustainable locations, in order to reduce the demand for travel. As a starting point this should include within the urban area / existing settlement boundaries; however following this EBC should also look to edge of settlement locations particularly those within close proximity to existing sustainable transport links, such as bus routes and railway lines. Such an approach would be consistent with the Vision and Spatial Strategy, to locate development immediately adjacent to existing settlements such as the highly sustainable Land west of Claygate.

General Questions

Question 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?

- 2.9. This is a key issue that has a direct relationship to the identification and assessment of sites, both Brownfield and Greenfield. Alongside other aspects of the evidence base which should be updated to account of a more ambitious growth scenario, noting that it might well be the case that more development should be positively planned. In doing so, it is robust and appropriate to make an allowance that some trips will be made by alternative modes to the car, noting, for example, that some of the more accessible potential development sites are very accessible (i.e. Claygate).
- 2.10. The relevant transport evidence base should be capable of being adapted to higher levels of growth as per the earlier consultations of the eEBLP and as tested in the SA. In addition, this should have regard to modal shift opportunities, created by allocating new development in more sustainable locations.

The Sustainability Appraisal (SA)

Question 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?

- 2.11. In respect of affordable housing, the SA concludes (page 149) that policy HOU4 will have a positive impact

on both housing provision and the health and well-being of the population. In reaching this conclusion, regard must be had of the likely pipeline supply of affordable housing, with reference to both the spatial strategy and updated housing trajectory. It is considered that the absence of large-scale greenfield sites, absent of the constraints usually associated with brownfield sites, and thus more commonly able to deliver the policy requirement of 40% affordable housing, represents a missed opportunity that risks undermining the conclusions reached in the SA (see the discussion on the poor past delivery of affordable housing in TCE's **Matter 4 and Matter 5 Statements**). It is also generally the case, that planning positively for more housing will lead to more affordable housing, noting that nationally c.50% of affordable housing supply is a result of Section 106 Agreements¹.

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

- 2.12. The SA, notably Section B2 (from page 25) indicates that there is plenty of scope for additional growth, enabled via appropriate Green Belt releases, required to meet development/ housing needs.
- 2.13. The Land Availability Assessments (LAA) 2021 and 2022 and the Sustainability Appraisal (SA) 2022 should have considered all sites identified as being available to ensure a full and comprehensive assessment. Section B2 of the SA summarises a range of spatial strategy options over a long plan preparation process (2016 to date). In reaching a policy conclusion in the eEBLP, EBC could have chosen a hybrid of 2019 Options 1-5 or of 2021 Options 4a, 5a and 6. It is noted that the original 2019 Options that did consider Green Belt release (Options 2, 3 and 5) would have resulted in between 188 ha (3%) to 2,920 ha (53%) of land released. This provides significant flexibility to make informed policy decisions. It is noted, for example, that EBC has considered a hybrid scenario of selective Green Belt release (Option 5a) (where 33 sites were reduced down to 12 – see SA paragraph 3.65), in respect of the sites summarised in Tables 9 and 10 (Map 7).
- 2.14. SA Tables 9 and 10 demonstrate that Site GB27 (which is SA-41 - Loseberry Farm, Claygate, part of the promotion of Land west of Claygate station) is highlighted as a sustainable Green Belt allocation. The SA has concluded the site would be one of the most sustainable locations for the Green Belt Release in the Borough. Therefore, it is considered that the Plan has been prepared not including those sites that have been highlighted as sustainably located sites that could clearly help deliver much needed housing.
- 2.15. It is considered that there would be benefit in updating and providing further clarification in regard to the SA, in order to provide a more robust SA, and to ensure that it appropriately supports the eEBLP. This could be modified as part of any future Main Modifications and is necessary as the eEBLP is not demonstrably sound, as it does not meet the LHN, and the evidence indicates that it is either capable of doing so, or at the very least capable of doing more to plan toward the LHN.

Question 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?

- 2.16. EBC's present approach makes allocations predominantly on Brownfield land which reduces the opportunity for meaningful enhancements to biodiversity and for the provision of green infrastructure secured in perpetuity. Surrey County Council's (SCC) Representations made to the Reg 19 consultation (Response ref: 1112272) indicate that local nature recovery strategy is of increasing importance to them,

¹https://www.savills.co.uk/research_articles/229130/357995-0#:~:text=Through%20Section%20106%2C%20housebuilders%20in,housing%20delivery%20for%20the%20year.

SCC will likely be looking to EBC to demonstrate how they have sought to assist with the objectives through their allocations. To provide just one example of how the SA underscores the opportunities arising for BNG, Table 11 does not factor anything positive in respect of Objective 16 Biodiversity from the higher growth Option 5a, despite this including Green Belt releases, which through policy can more easily include larger areas of Green Infrastructure enhancement.

Question 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?

2.17. To provide an example, it is unclear why Objective 6 economic growth, and Objective 7 employment is not positive for Option 5a (see Table 11). The additional construction, and consequential indirect economic benefits from additional housing provision is relevant. More affordable housing, will also help to address labour market mobility, and increase economic productivity.

Question 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?

2.18. The SA requires an Addendum to reflect the necessary Main Modifications. Any option (or new Hybrid Option) which assesses meeting the LHN in full should have a more positive conclusion on the impact on Objective 1 (Homes). Savills updated evidence base was provided in the Reg. 19 representations, including transport and landscape. This supports the highly sustainable Land west of Claygate promotion.

Question 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?

2.19. The SA requires an Addendum to reflect the necessary Main Modifications.

Question 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?

2.20. Through Main Modifications, the overall approach to housing provision should, as a core requirement, be positive. It is not surprising that the present SA scores this negatively owing to the under provision against housing needs. However, what is important here is that the Option 5a still provides for a greater number of new homes than the present strategy pursued (Option 4a). So as a comparison of the two options, option 5a should be viewed more positively than option 4a.

Question 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?

2.21. No. See response to Question 2.9.

2.22. A revised SA, owing to the Main Modifications, is likely to result in a positive score should the more sustainable sites be allocated for development immediately adjacent to the built up area of the key settlements.

Question 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).

2.23. As some selected examples of how the SA scoring appears to require clarification:

SS2 - Sustainable place-making (SA pages 89-93)

- Objective “1. To provide sufficient housing to enable people to live in a home suitable to their needs and which they can afford”. A1 received a negative score and the draft policy received a positive score.

This conclusion seems at odds. The strategy of the draft policies will result in a significant unmet housing need. Consideration should also be provided in this scoring of the Housing Trajectory, and present reliance on Brownfield land, which will have consequences for the speed (and type) of delivery. Land west of Claygate station (including the Telephone exchange) present an excellent opportunity for a mixed green- and brownfield site, which has the opportunity to significantly boost the supply of housing through densities appropriate for its highly sustainable location.

- Objective “5. To make the best use of previously developed land and existing buildings”. Again, A1 has scored negatively under this objective.

There is no reason why a Brownfield first approach cannot be adopted which also includes some selective Green Belt release and allocation.

SS3 - Scale and location of good growth (SA pages 94-103)

- Objective “1. To provide sufficient housing to enable people to live in a home suitable to their needs and which they can afford”. A1 scores negatively against this objective and the draft policy (as worded) scores double negatively.

It is understandable that A1 it's not positive because the housing needs are still not met in full, however this option goes much further in trying to meet the local housing need therefore this option should at least be scored neutral. There is of course scope to make further allocations to increase this score.

- Objective “16. To conserve and enhance biodiversity”. The draft policy scores positively and A1 scores negatively.

There are much greater opportunities for the provision of green infrastructure and biodiversity enhancements on larger greenfield sites. BNG can also be positively improved by developing agricultural fields to meet housing needs, through changes in farming practices as well as planting of trees and hedgerows for nature. Therefore the scoring is incorrect.

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

Spatial Strategy – General

Question 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).

2.24. Presently the spatial strategy is not appropriate and is not fully supported by the evidence base, but it is capable of amendment through Main Modifications. In summary, most positive outcomes for, in particular, housing, economic growth, employment, landscape and biodiversity can be achieved should the eEBLP be more positively prepared. The present approach is overly focused on previously developed land only, seemingly at any cost. The result is an unbalanced spatial strategy, with consequences on matters such as delivery and affordable housing.

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

2.25. It will not. The Plan falls significantly short on meeting housing needs (see TCE's **Matter 3 and Matter 4 Statements**). The plan's existing strategy does not maximise opportunities for affordable housing. A number of the sites are allocated to provide fewer than 10 dwellings, thus fall within the threshold for the lower percentage of affordable housing delivery. There are limited, if any Greenfield allocations, which means that the 40% affordable housing requirement will not be realised at all.

2.26. In addition, a large number of the allocated sites are on Brownfield land. Whilst no objection is raised to any site allocation, or the principle of Brownfield development, but there are additional complexities (i.e. land remediation and demolition or retrofitting / extending the structures on the site) that can impact on development viability. A Brownfield only approach, risks an unbalanced spatial strategy, reliant on narrow development typologies, for example, higher density Brownfield development would focus on smaller dwelling types, and is typically, owing to existing land values, unable to provide as much social and environmental added value including affordable housing.

2.27. This is also acknowledged in EBC's own evidence base (Urban Capacity Study 2018):

"5.44 national guidance explains that "for brownfield sites, assumptions about land values should clearly reflect the levels of mitigation and investment required to bring sites back into use."

2.28. The importance of securing a positive approach to onward affordable housing delivery is that historic delivery since 2013/14 has been poor, standing at 655 dwellings over that period (i.e. c.66 dpa to 2022/23). Since 2019/20, the delivery stands at 295 dwellings, which over those four years is just 17% of all new homes delivered).

Question 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?

2.29. The eEBLP does not meet a wide range of housing needs, and falls short of what it should otherwise be capable of achieving. It will not significantly boost supply. Savills does not question the priority on previously developed land or any of the proposed allocations. The opportunity has however been missed to further diversify the planned supply, a greater housing mix, capable through the development of some greenfield land. Land is being promoted at Land west Claygate station together with the adjacent Telephone Exchange, thus, part green- and brownfield land, to facilitate a comprehensive and highly sustainable new neighbourhood next to the railway station. This has the opportunity to offer a significant contribution to the supply of new homes in a highly sustainable location, along with, community facilities and Green Infrastructure. This diversification would also ensure that the eEBLP is more resilient to change, and capable of restoring a 5YHLS.

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?

2.30. The Council may wish to consider the allocation of sites adjacent to train stations, such as, Land west Claygate station, offering key links to London, should the Inspector consider that EBC need to look at additional / alternative allocations.

.Question 2.27: Representors have raised concerned 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?

2.31. It is noted that under Sports England's Representation to the Regulation 19 consultation (ref: 1110975) they raised concern with some of the allocations that will potentially affect existing sports provision within the borough. These allocations will need to be reviewed to ensure that they are deliverable, Sport England are a statutory consultee and thus their position should be provided significant weight.

2.32. There is an opportunity missed, to make Greenfield allocations across the borough, which can also offer the opportunity to provide new sports pitches, which could be an additional benefit. In addition, new facilities could also enable and facilitate the redevelopment of sites within town centre locations.

Policy SS2 – Sustainable Place-making

Question 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?

2.33. No objection is raised to the principles of Policy SS2; however, it is considered that the objectives of the policy will be very difficult to deliver given the lack of proposed housing allocations, the narrow range of type and size of site, and thus the likely lack of a diverse and robust housing supply.

Policy SS3 – Scale and Location of Good Growth

Question 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 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.

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

Question 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?

2.34. As outlined **in the Matter 2 Statement**, Savills will reserve its position on the Housing Trajectory until it is updated by EBC.

c.2,700 Words

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