
Elmbridge Local Plan Examination

Stage 2 Matters Statement

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

Date : Monday 25th March 2024
From: Levanter Developments Limited
Local Authority : Elmbridge Borough Council
Subject: Wood Lark Farm, Pleasant Place, Hersham

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1. Introduction

- 1.1 This Matters Statement has been prepared by Levanter Developments with respect to the land known as Wood Lark Farm, Hersham for Stage 2 of the Local Plan Examination which will deal with Legal Compliance and the Duty to Cooperate.
- 1.2 Levanter Developments are the Promoters of Wood Lark Farm.
- 1.3 Levanter have been in discussions with the Council for 7 years and in December 2019, a pre-application was submitted to the Council for the redevelopment of the site for up to 80 dwellings with associated landscaping and infrastructure.
- 1.4 The purpose of the pre-application was to demonstrate the site's deliverability should the Green Belt designation be removed in the new Local Plan. The pre-application therefore sought Development Management comments on all material considerations except for the Green Belt designation.
- 1.5 The Council concluded that **“with the exception of the Green Belt designation, there are no other designations that would restrict development on the site, subject to compliance with the material planning considerations above and relevant planning policies at the time of submission”**.
- 1.6 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.
- 1.7 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.

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?

- 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?*

It is agreed that the LHN figure at the time of the plan being prepared was 647dpa. However, the baseline at the time of the plan being submitted is 650.

The uncapped local housing need for the council is 930dpa which demonstrates the significant housing need in the borough and the pressing need to address this in light of the requirements of the Framework to significantly boost the supply of housing.

- 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?*

It is clear that the Council is acutely aware of the scale of unmet need for Elmbridge and have previously attempted to meet this need in adjoining boroughs without success. In the case of Guildford, that council was meeting its need in full whilst also accommodating unmet need from Waverley and Woking.

- 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?*

Epsom and Ewell Borough Council (CD018), Mole Valley District Council (CD019), Runnymede Borough Council (CD023) and Guildford Borough Council (CD025) all raised concerns on extent of unmet need within EBC and the approach to Green Belt release.

In comparison to Elmbridge, these neighbouring LPAs have all made allocations in the Green Belt as part of meeting supply.

The decision of Elmbridge to not meet housing need in full and to not make any allocations in the green belt is in stark contrast to the approach taken in other LPAs in the Surrey area. It is considered that this will give rise to additional housing pressures in an area already beset by chronic undersupply and a significant backlog of appropriate housing.

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.

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

This is a matter for the Council.

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.*

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).*

The lengthening of the plan period would mean that the undersupply would accumulate during the extended period.

There is likely to be limited supply to meet those needs and the only assumption is that supply will be significantly below needs in those additional years.

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?*

This is a matter for the Council, however, it's important to note that infrastructure delivery is most effectively carried out through medium to larger-scale developments. These can be seamlessly integrated into the criteria outlined in individual plan policies concerning site allocations.

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?*

As outlined below, there are significant concerns regarding the insufficient attention given to the substantial unmet demand for affordable housing in the proposed plan.

The evidence provided in the council's monitoring reports indicates a notably inadequate provision of affordable housing over the past decade.

The exclusion of affordable housing from the Strategic Assessment (SA) represents a significant oversight, neglecting to assess the potential impact of persisting undersupply on the 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?*

Our previous submissions raised significant concern 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?*

This is a matter for the Council.

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?*

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.

All sites within the Green Belt are considered by the Council to have a negative impact with regard to biodiversity without any consideration that these sites, if developed, will be required by law to deliver net gains.

It is an example of the Council seeking to overstate the negative impacts arising from option 5 and 5a and support their decision not to amend Green Belt boundaries.

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*

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uncertainty in the market for premises. Is this correct? Why is this different from the options assessed at table 7?

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 and the sustainability of a workforce commuting into the Borough.

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 has also not been considered.

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?

The double negative scoring against option 4a and the negative score against option 6 are acknowledged, but it is evident that the substantial negative score for option 4a warranted additional scrutiny in its selection as a spatial strategy.

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?

This is a matter for the Council.

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

This is a matter for the Council.

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?

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)

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?

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

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).

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

The SA notes at paragraph 3.75 the Local Plan Working Group recommended that option 4a be taken forward but does not state what those preparing the SA considered to be the most sustainable of the three options and whether they considered option 4a to promote a sustainable pattern of development taking into account the development needs of the area.

The lack of clarity in the assessment of options reveals that irrational decisions were made by decision-makers regarding which option to pursue and the implications of adopting the plan's brownfield-only approach

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

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).

No, the plan fails to present a suitable spatial strategy, consistently highlighted in both the regulation 19 response and other matter statements.

Previous iterations of the plan, including early consultation versions and the regulation 18 version, indicated a preference for a spatial strategy that would fulfill the housing target by releasing underperforming green belt sites.

Officers had previously determined that exceptional circumstances warranted the release of green belt land, a decision communicated to members during the Local Plan Working Group meeting in June 2021. Despite

this, members chose to pursue a 'brownfield only' approach. Subsequently, the plan and associated green belt strategy have been retrofitted to align with the instructions of councillors.

While a 'brownfield first' spatial strategy aligns with national planning guidance, it is crucial to differentiate it from a 'brownfield only' approach. The latter would fail to adequately distribute the right homes in the right places to effectively address housing needs.

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

The delivery of affordable housing in the borough has been severely lacking in recent years, and there's a recognised significant backlog.

Opting to prioritise delivery on small brownfield sites will often result in no requirement for affordable housing, regardless of viability. On other sites, Vacant Building Credit can be used to offset the need for affordable housing and viability assessments can decrease affordable housing provision based on factors such as contamination and abnormal costs.

Omission sites such as Wood Lark Farm 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.

The only effective way of delivering more affordable housing is through meeting housing needs in full by amending Green Belt boundaries and meeting housing needs in full.

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?

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 and mostly apartments.

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 Agency1, does the spatial strategy accord with this principle?

This is a matter for the Council.

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.*

This is a matter for the Council.

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?*

The brownfield only strategy of mostly small sites, many with existing buildings, resulting in a reduction in making provision of infrastructure or even pay Community infrastructure Levy. 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?*

This is a matter for the Council.

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?*

No comment.

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?*

This is a matter for the Council.

- 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.*

This is a matter for the Council.

- 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?*

This is a matter for the Council.

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?*

The spatial strategy will not deliver 'homes for all'.

The brownfield only approach is a plan for small apartments.

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?*

This is a matter for the Council.

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 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.*

This is a matter for the Council.

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

This is a matter for the Council.

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

This is a matter for the Council.

2.36 *According to the footnote, the figures do not include a nonimplementation rate or windfall allowance – is this correct? How do these figures relate to those presented within the housing trajectory?*

This is a matter for the Council.

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?*

This is a matter for the Council.

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

This is a matter for the Council.

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

This is a matter for the Council.

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

This is a matter for the Council.

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?)*

This is a matter for the Council.

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?*

This is a matter for the Council.

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

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?*

No. The Plan's allowance for such a significant shortfall is not justified. Elmbridge Council stands alone within Surrey in presenting a brownfield-only plan that excludes the release of any green belt land. In contrast, many other Surrey boroughs facing similar constraints have incorporated green belt release into their spatial strategies to ensure a balanced and appropriate approach.

The council's original intention was clearly stated to address housing needs through the release of green belt land, as documented in its own Exceptional Circumstances Case: Green Belt (January 2022) paper, submitted post-examination, which identifies several suitable sites for release, including Wood Lark Farm.

The January 2022 paper demonstrates that the impact of releasing land from the green belt to meet development needs would be minimal, resulting in only a 3% reduction in the green belt, with just 1.5% of the land removed subsequently being developed.

The council's own evidence base and original direction of travel starkly contradict the brownfield-only approach now advocated in the submission version of the plan. While it might have been conceivable to justify a lower amount of housing than the established local housing need, the extent of the undersupply and the failure to consider the allocation of poorly performing green belt sites renders the plan wholly unsound.

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?*

It is clear that there are multiple failings of the Elmbridge Local Plan to meet their own needs in full and to work with adjoining authorities in this regard to meet any of their unmet need.

The council's own evidence base contradict the brownfield only approach and demonstrate that exceptional circumstances exist to justify release of green belt sites but this is not reflected in the submitted plan.

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?*

Between 2013/14 and 2022/23 the council provided only 665 affordable dwellings against a requirement of 3,521 leading to the significant shortfall as correctly identified by the inspector.

The 'brownfield only' approach will not address this shortfall which will accumulate over the plan period.

For this reason alone, the plan should be viewed as unsound and requires significant modification through allocation of additional sites to remedy this position.

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.

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).*

This is a matter for the Council.

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?*

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.

It is also questioned whether some of the small sites being put forward will actually deliver at the densities being proposed or even whether they can be considered deliverable or developable.

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.*

This is a matter for the Council.

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?*

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A detailed housing trajectory is not provided in the plan, therefore the housing land supply position on adoption is not able to be calculated.

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?*

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 indicate that the Plan is neither justified nor positively prepared.

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.*

This is a matter for the Council as the draft trajectory set out in appendix A5 of the Land Availability Assessment is not clear.

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.*

This request is supported as there is a significant risk of double counting between windfall sites and allocations given the numbers of brownfield sites being allocated.

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?*

The assessments of Green Belt sites should have been included as part of the Land Availability Assessment to provide clarity as to when sites were discounted as part of plan preparation.

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?*

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.

The need for 2 bedroom units is not just for apartments and this housing strategy limits the delivery of houses.

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?*

This is a matter for the Council.

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).*

This is a matter for the Council.

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

No, this requires much greater clarity.

The Green Belt

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?*

The Council 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 Wood Lark Farm there are numerous unique exceptional circumstances in the form of improved access to amenity areas and connectivity to Hersham Riverside Park that simply could not be delivered from a brownfield only approach or even from the release of other green belt sites.

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)?

The existing target within the Core Strategy is one which derives from a far lower historical figure. 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?

Unlike other Surrey Authorities who are progressing positively prepared plans which seek to meet need in full with appropriate release of green belt sites, the council has not set out a coherent or convincing reason why they should be treated differently to these boroughs. It would not be consistent to have other Authorities meeting their needs through the release of appropriate green belt land whilst Elmbridge significantly under provides their housing delivery.

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?

The council has consistently failed to adequately justify its stance on this matter. While the green belt generally serves as a strong rationale for restricting development, such protection should only be extended to green belt areas that fulfill the purposes outlined in paragraph 138 of the framework.

The original evidence base of the plan meticulously assessed how well individual parcels performed against these established purposes, revealing that many performed poorly. Consequently, the council explored the release of appropriate green belt sites to fulfill the council's obligation of meeting established housing needs in full, as mandated under paragraph 35 of the framework.

The council's shift in position on this matter provides compelling 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?

This is a matter for the Council to respond on but this position is referenced in paragraph 6.182 of Topic Paper 1 (TOP001).

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- 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?*

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 Wood Lark Farm there are numerous unique exceptional circumstances in the form of improved access to amenity areas and connectivity to Hersham Riverside Park for the wider residents of Hersham and Burwood Park.

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?*

The council's brownfield-only approach will fall short of fulfilling the council's complete needs. If the plan were to be adopted in its current form, there would be no five-year housing land supply at the time of adoption, and the plan's reliance on fragile rates of delivery is concerning.

Under these circumstances, it is highly probable that applications would be submitted within the green belt, arguing the existence of Very Special Circumstances to justify housing and infrastructure development that would not be accommodated under the plan. This could result in alterations to green belt boundaries within the plan period through appeals. Such a scenario does not align with the principles of positive planning as outlined in paragraph 35 of the framework.

Windfall Allowance

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.*

There is a significant risk of double counting between windfall sites and allocations given the numbers of brownfield sites being allocated.

- 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?*

No, as set out it is considered there is considerable risk of double counting in this regard. On the basis of the past delivery on small sites it could be expected that some windfall will happen in addition to these sites but a reduction on the rate would be appropriate to avoid double counting.

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

This is a matter for the Council.

Matter 6 Affordable Housing

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

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?*

The council's approach does not address the urgent housing needs of individuals in the borough. Instead, the situation is expected to deteriorate further during the plan period. It is deemed unjustified and ineffective for the council to adopt this approach in delivering essential affordable housing in the borough.

5.2 *What would be the affordable housing need if the backlog were to be addressed over the Plan Period?*

This is a matter for the Council.

5.3 *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?*

Even if the housing need were met in its entirety, it would result in a substantial reduction in the established shortfall. Nevertheless, the council opted not to pursue this course of action within the submitted spatial strategy.

5.4 *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?*

Elmbridge is the fourth least affordable LPA in the whole of England. The failure of the council to seriously consider affordability as part of the preparation of the spatial strategy shows a lack of effective plan in this regard.

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5.5 *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 council is acutely aware of the lack of affordable housing supply that is likely to result from its brownfield first approach on small urban sites.

The council has amassed a significant fund through the collection of contributions from affordable housing payments, but this has not resulted in the delivery of affordable housing dwellings accordingly.

The plan as submitted would continue this approach and fail to address the significant shortfall that has resulted from the approach taken by the council over many years.

- *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?*

A delivery of 11% would be well below the 30% requirement as set out in the plan.

The only way for on-site provision to be achieved is through allocation of larger sites which can viably and reasonably deliver a high proportion of affordable homes.

- *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?*

There is no evidence that these remaining affordable dwelling will be delivered in any way at all and the spatial strategy is fundamentally unsound as a result.

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- *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?*

This is not a justified approach.

Small sites are inherently constrained and the brownfield only approach from the council is likely to bring forward sites with unknown issues such as contamination and other abnormal costs which would justify the use of a viability approach to reduce affordable housing delivery.

- *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?*

This is a matter for the Council but this question highlights the inadequacy of the Local Plan strategy.

- 5.6 *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?*

The council accepts that allocation of larger sites would be the best opportunity to meet affordable housing need.

It would still be possible to make significant modifications to this plan to allocate larger sites to enable delivery of affordable housing through this route and we urge the inspector to consider this option in the examination of this plan.