HEARING STATEMENT

On Behalf of Ashill (Respondent ID 1481)

Matter 1

November 2018
1.0 Introduction

1.1 CBRE is appointed to act for Ashill on behalf of their land interests at Christmas Tree Farm (SLAA 284) and Stroude Farm (SLAA 13). Within the submission Local Plan both have the status of omission sites.

1.2 As discussed in more detail within the four Matter Statements, both sites are strategically located and offer a solution to the identified issues of soundness with the submitted plan.

1.3 For reference the two sites are identified in Appendix A.

1.4 Ashill have previously made representations during the Additional Sites and Options Consultation and Pre-Submission Consultation (February and May 2018). The representation references for this submission is 1481.

Overview of Soundness Issues

1.5 Whilst we agree with the overall spatial strategy insofar as it seeks to direct the greatest amounts of development to larger settlements in the hierarchy, the approach in Runnymede is undertaken too crudely to the extent that the submitted approach is unjustified (and unsound) as:

- Through the spatial strategy, fails to appropriately consider opportunities to direct development to areas of lower flood risk (i.e. Ottershaw and Virginia Water).

- Promotes Green Belt release that does not promote sustainable patterns of development as, in many instances, Green Belt releases are located as extensions to existing settlements rather than considering the release of Green Belt in locations where opportunities to promote sustainable development can be maximised.

- Contrary to the requirements of Paragraph 19 of the NPPF (2012), the plan does not appropriately plan for economic needs, with suppressed OAN figures against economic demand (including the impact of a third runway at Heathrow).
2.0  Matter 1: Legal Requirements, the Duty to Co-operate and the Plan Period

QUESTION 1.1

Is the Runnymede 2030 Local Plan (the Plan) compliant with the Planning and Compulsory Purchase Act (2004) (as amended) and the 2012 Regulations (as amended)? In particular, is the Plan compliant with the Local Development Scheme and the Statement of Community involvement?

Response

2.1 For the reasons set out in response to other Matters (see responses 1 – 4), the Plan is not compliant with the Planning and Compulsory Purchase Act as it relates to the tests of soundness. Main modifications have been suggested at the end of each Matter Statement to address the soundness issues identified.

QUESTION 1.2

Is the Habitats Regulation Assessment and the Sustainability Appraisal (SA) adequate? Does the SA demonstrate that the Plan has been tested against all reasonable alternatives?

Response

2.2 To be justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The SA upon which the Plan is based is not justified for the following reasons:

- **Approach to Flood Risk**

2.3 Paragraph 004 of Planning Practice Guidance ‘Taking Flood Risk into Account in the Preparation of Local Plans’ states that, through the SA process, local authorities should consider the potential for options that direct development to areas with a low probability of flooding.

2.4 Paragraph 100 of the NPPF states ‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’

2.5 Within options SS1 – SS7 the baseline assumption across all is to ‘deliver development within the Borough’s existing urban areas and on previously developed sites in the Green Belt.’ Within Runnymede, all of the major urban areas are located within either flood zone 2 or 3 and, as such, no options are considered in the SA that seek to direct development away from areas of greatest flood risk. Page 28 of SD_018M further confirms that, with respect to flooding, no alternative scenarios have been considered that direct development to lower areas of flood risk with the alternatives being predicated on different approaches to mitigation rather than seeking to consider an alternative approach to the spatial distribution of development.

2.6 Whilst there is a balance to be struck in presenting reasonable alternatives, considering development options in areas of lower flood risk (such as Virginia Water and Ottershaw) represents a reasonable alternative, consistent with the requirements for planning for flood risk which is not considered in the sustainability appraisal.

2.7 Through the current SA it is unclear that the relevant test of the NPPF has been met to show that such a large extent of development in Flood Zone 2 and 3 is necessary. As a consequence, the Plan is not justified.
2.0 Matter 1: Legal Requirements, the Duty to Co-operate and the Plan Period

- Considering an Alternative Spatial Approach

2.8 Page 36 of SD_018M (January 2018) states ‘All of the alternative approaches [referring to SS1 – SS7] have been assessed against the SA framework, albeit to a high level of detail. This is because at the spatial strategy level there is (as would be expected at this early stage in strategy development) little detail presented on potential locations of development [our emphasis].’

2.9 As presented, Options SS1 – SS7 (and the ‘new option’ presented in the SA Addendum - SD_018P) are primarily focused upon considering different OAN figures and do not present alternatives for how, spatially, alternative options have been considered. In this sense it is difficult to see how the Plan’s spatial strategy has been tested against reasonable alternatives and it is not justified.

- Longcross Garden Village

2.10 In reviewing the SA it is unclear how alternatives to Longcross Garden Village have been considered. In considering growth options above 380 DPA Page 6 of SD_018M notes:

‘The overall spatial strategy remains the same regardless of whether SS5 or SS6 is selected in that the Local Plan will build on the existing settlement pattern in the Borough, focusing the largest amounts of residential growth primarily in the largest settlements of Addlestone, Chertsey and Egham and their suburbs…Longcross will become the focus for a major residential led development which will create a new sustainable mixed use settlement which will provide a range of housing types, local facilities and employment uses delivered to garden village principles and which can be made sustainable by delivering the services and facilities to meet the day to day needs as well as active and sustainable travel choices for its residents.’

2.11 The absence of considering a reasonable alternative to Longcross through the SA is unsound in its approach. The identified shortcomings are akin to the conclusions reached by Inspector Roger Clew1 in June 2018 who, in reporting upon the Joint Tendering, Colchester and Braintree plan cited the failings of the SA. As stated ‘Because of the shortcomings I have identified, I consider that the sustainability appraisal fails to justify [the proposed garden communities approach].’

- Green Belt

2.12 As per our response to Matter 4, we also have concerns as to the justification used in the Green Belt assessment. As the Green Belt assessment is identified as a key document that informs the SA, the assessment of reasonable alternatives through the SA is distorted and unjustified.

- A320 Study

2.13 As per our response to Matter 3, we have concerns over the way in which the SA has been adequately been able to assess alternatives to the A320 mitigation. Within SD_015H Page 111 notes in respect of the Christmas Tree Farm site ‘Potential to widen the A320 at this location to create a dual carriageway if the development proceeds (although it is not included in the current local plan).’ With the A320 being identified as critical infrastructure it would be appropriate and justified to include an assessment of alternative sites for delivering the

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1 Examination of the Strategic Section 1 Plan – 8th June 2018 (IED011)
2.0  Matter 1: Legal Requirements, the Duty to Co-operate and the Plan Period

required mitigation. Instead, due to the timing of the publication of the final A320 study in April 2018 the document serves as an assessment of the submitted plan and fails to consider how alternative approaches may serve to better mitigate the identified issues.

2.14 As a consequence of the timing of the A320 study, at present the SA on Page 350 (SD_018M) (Produced in January 2018 and thus pre-dating the A320 Study) only includes a negative assessment of the site in respect of the A320 rather than identifying its role as part of the solution. As stated at present ‘However it [the site] is located adjacent to the A320 Guildford Road which has been identified within Surrey County Council Transport Impact Assessment as a hotspot where additional stress on the transport network is likely to result in driver delays. This site has been scored as a minor negative.’

2.15 The approach of the plan is thus unjustified at present with alternatives options for development being concluded upon prior to the availability of key evidence.

- Limited Alternative Assessment for Unmet Need from Spelthorne

2.16 The assessment of SA SS5 (accommodating Runneymede Need at 500 DPA) and the ‘new option’ presented in the SA addendum (Runnymede need and all of Spelthorne unmet need 665 – 670 DPA) highlights the need for an assessment of a ‘5a’ option that considers meeting some of the unmet need from Spelthorne but not all of it. The binary approach taken in the SA is too crude in approach and limits true assessment of reasonable alternatives, including meeting some unmet need from Spelthorne.

QUESTION 1.4

Has the Council engaged constructively, actively and on an on-going basis with all relevant organisations on the strategic matters that are relevant to the Plan’s preparation, as required by the Duty to Cooperate?

Response

2.17 We have concerns that in an attempt to submit the Local Plan under pressure from Central Government, a number of the key evidence base documents have been progressed in isolation and lack the on-going co-operation as required by the Duty-to-Cooperate. Whilst acknowledging that the Duty-to-Cooperate is not a duty to agree, the timings of the publication of key documents that inform the plan leaves doubt as to the extent of meaningful engagement that has been had on these topics.

QUESTION 1.5

Is the Plan period (2015 – 2030) justified. If not, how should this be rectified?

Response

2.18 Paragraph 157 of the NPPF states that ‘Crucially, Local Plans should be drawn over an appropriate timescale, preferably a 15-year horizon, take account of longer term requirements and be kept up to date.’

2.19 Assuming adoption of the Plan in 2019, the Plan would cover 11 years – less that the 15 years which is included as a crucial element of local plan making. In this context there should be clear justification as to the need for a departure from this approach. When reviewing the Plan paragraph 5.3 includes the Council’s reasoning for why a longer period to 2036 was not included. As stated:
2.0 **Matter 1: Legal Requirements, the Duty to Co-operate and the Plan Period**

‘The Council considered whether it should contemplate making good this shortfall through further releases of land from the Green Belt. It concluded that it **ought not to do so.**’

2.20 From the approach it is apparent that there is not a sound reason for including a compressed local plan timeframe, particularly when considered against the availability of sustainably located sites in the Green Belt with, at present, poorly defined Green Belt boundaries.

2.21 As seen on the aerial plans below, both sites at Christmas Tree Farm and Stroude Farm have irregular Green Belt boundaries following the permission of new build development since 1986. The existing boundary is defined by garden fences. This results in irregular boundaries that can be strengthen through a Green Belt boundary review process. The omission of these sites in favour of others whether the boundary is, in its existing form strong, is not justified in approach.

![Christmas Tree Farm](image1.png) ![Stoude Farm](image2.png)
3.0 Main Modifications Required to Matter 1

3.1 In order to address the soundness issues identified in response to Matter 1 the following amendments are required to the plan:

1. The SA needs to be reviewed to assess growth options that include a higher proportion of development in middle tier settlements in the hierarchy, including Virginia Water and Ottershaw. Once this has been assessed this should result in Main Modifications to the distribution of development that is currently set out in Policy SD2.

2. The SA needs to reflect the potential alternative mitigation approaches suggested in the A320 study. At present the SA assessment of alternative sites (i.e. Christmas Tree Farm) fails to consider the potential role that such sites can play in delivering the required mitigation to the A320.

3. The Plan period should cover the period from 2015 – 2036 consistent with the NPPF. The increase in the Plan period will necessitate the need to identify additional sites of which Stroude Farm and Christmas Tree Farm should be considered.
3.0 Main Modifications Required to Matter 1

Appendix A