Runnymede 2030 Local Plan
Public Examination
Stage 1

Response to Inspector’s Matters and Questions for Stage 1 Hearings
On behalf of Crest Nicholson
(ID: 1990)

Matter 1
Legal requirements, the Duty to Co-operate and the Plan period

November 2018
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Barton Willmore LLP on behalf of Crest Nicholson and CGNU
INTRODUCTION

1.1 Barton Willmore LLP is instructed by Crest Nicholson (CN) and Commercial Union, General Accident and Norwich Union (CGNU) to submit this written Hearing Statement in response to the Inspector’s Matters and Questions for Stage 1 of the Runnymede 2030 Local Plan Examination. These representations expand upon the representations submitted on behalf of CN and CGNU in response to the consultations for Regulation 19 Parts 1 and 2.

1.2 CN and CGNU control the former DERA site at Longcross, Surrey, which is proposed for allocation and removal from the Green Belt in the Runnymede 2030 Local Plan under Policy SD10 (Longcross Garden Village). The site was designated by the DCLG (now Ministry of Housing, Communities and Local Government) as a Locally Led Garden Village (LLGV) in January 2017. Part of the north of the site to the north of M3 Motorway (the western edge, now referred to as ‘Longcross Park’) is designated as part of the EZ³ Enterprise Zone.
RESPONSE TO MATTER 1 - LEGAL REQUIREMENTS, THE DUTY TO COOPERATE AND THE PLAN PERIOD

1.1  *Is the Runnymede 2030 Local 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?*

1.1.1 This is a matter for the Council to address.

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?*

**Habitats Regulation Assessment (HRA)**

1.2.1 The HRA (most recent iteration published June 2018) carried out by AECOM on behalf of RBC is adequate and addresses the potential impacts on Internationally designated sites that would be expected.

1.2.2 At this stage, we have only three comments that pertain to matters of detail, that the Council may wish to address and provide further reassurance on prior to the Examination in Public (EiP), for the sake of completeness:

- Shortly after the publication of the Council’s HRA, Natural England released a new internal guidance document entitled ‘*Natural England’s Approach to Advising Competent Authorities on the Assessment of Road Traffic Emissions under the Habitats Regulations*’ (dated June 2018).

Although the approach taken to the assessment of air quality impacts in the HRA of the Local Plan appears to be broadly in line with the approach that practitioners have taken following the Ashdown Forest judgment (referred to at para 4.13 of the HRA), for the sake of completeness it would be helpful if AECOM could confirm that they believe that their conclusions would hold good if the assessment process undertaken had followed NE’s later guidance (as the NE process advocates a slightly different approach to the consideration of the contributions of air pollution arising from the plan or project, and that already present in the background and forecast in combination).
The HRA of the Local Plan does not appear to include a modelled air quality assessment transect for the B383 Chobham Road. This may be due to the lower anticipated increase in traffic resulting from development coming forward under the Local Plan, and/or lower current levels of traffic. However, it would be useful for the reason for the apparent omission of this road from the modelling to be confirmed.

Paragraph 8.6 appears to discount potential air quality impacts on the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (TAPC SAC) on the basis that potential air quality impacts on heathland habitats have already been discounted as a result of the assessment of impacts on the Thames Basin Heaths Special Protection Area (SPA).

In fact, in addition to being designated for both wet and dry heath heaths (European Dry Heaths H4030 and Northern Atlantic Wet Heaths with Erica tetralix H4010) the TAPC SAC is also designated for a wetland habitat type referred to as ‘Depressions on Peat Substrates of the Rhynchosporion H7150’, which typically occurs at the margins of wet heaths and bogs.

It is likely that similar conclusions to those reached in the HRA also apply to this habitat type as the lower end of the critical load range for Nitrogen deposition advised by APIS is the same. It is also possible that this habitat does not occur in areas likely to be affected by increases in air pollution from the Local Plan. However, for completeness and given that the upper end of the critical load range for nitrogen deposition for this habitat is lower than for the heathland habitats, it would be helpful if the Council could confirm that their conclusions of ‘no adverse effect on integrity’ also apply to this habitat type.

Sustainability Appraisal (SA)

1.2.3 Regulation 12 (2) of the Environmental Assessment of Plans and Programmes Regulations 2004 (‘the SEA Regulations’) states environmental reports, such as SA:

’shall identify, describe and evaluate the likely significant effects on the environment of:
(a) Implementing the plan or programme; and
(b) Reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme’
1.2.4 In accordance with Regulation 12(3) and Schedule 2, the following is required:

‘An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.’

1.2.5 Reasonable alternatives for sites and policies are considered in Part 3A of the Sustainability Appraisal report prepared by the Council’s consultants, Ramboll Environ (SD_018M). Part 3A includes in excess of 350 pages of assessment of reasonable alternatives, including justification for the selection and rejection of options.

1.2.6 In relation to the Plan’s spatial strategy, Table 2.2a outlines the reasonable alternatives considered before concluding that focusing growth in the largest settlements of Addlestone, Chertsey and Egham and at Longcross is the ‘preferred approach’ taking into account the constraints present in the Borough and the sustainability of different locations. As we return to in response to Matter 3, we support this conclusion and consider that it is based on appropriate assessment of reasonable alternatives and entirely consistent with the vision and objectives of the Plan.

1.2.7 In the context of the SEA Regulations which require an ‘outline’ of the reasons for selecting alternatives and preferred approach, we support the conclusion at Section 2.1 of the report that the Council ‘has fulfilled its obligations to identify strategy / policy alternatives’.

1.3 Does the Plan as a whole accord with s19(1A) of the Act by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

1.3.1 Regulation 19A of the Planning and Compulsory Purchase Act 2004 (as amended) states:

‘Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’

1.3.2 The NPPF (2012) states that:

‘Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking
full account of flood risk, coastal change and water supply and demand considerations.’ (paragraph 94)

1.3.3 The Runnymede 2030 Local Plan includes various policies which seek to contribute to the mitigation of and adaptation to climate change, including in relation to sustainable design (Policy SD8), renewable and low carbon energy (Policy SD9), and managing flood risk (Policy EE13).

1.3.4 Policy SD8 ‘Sustainable Design’ of the Local Plan requires that development proposals are designed to incorporate various measures designed to enable mitigation of and adaptation to climate change (CD_001; pages 45-46). The supporting text for Policy SD8 outlines that:

‘Runnymede considers sustainable design to be indivisible from good planning and will require developments to demonstrate and implement sustainable design measures which should be considered at the outset of scheme development. This includes the orientation of development to maximise solar gain or cooling, hard and soft landscaping proposals, water efficiency measures and inclusion of electric vehicle charging points in new development. Along with other policies in this plan, these sustainable design principles will ensure that development mitigates and adapts to climate change.’ (our emphasis)

1.3.5 Taken together with other policies in the Plan, Policy SD8 promotes the use of measures intended to mitigate and adapt to climate change. On this basis, in our view, the Plan accords with the NPPF (2012) and with s19(1A) of the Planning and Compulsory Purchase Act (2004).

1.3.6 As we will return to through the Stage 2 hearings, the Longcross Garden Village will contribute towards the mitigation of and adaptation to climate change taking account of the policy requirements in the Plan, including site-specific requirements set out in Policy SD10.

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?

1.4.1 Building on Regulation 33A of the Planning and Compulsory Purchase Act 2004 (as amended), which establishes the Duty to Cooperate, the NPPF (2012) states that:

‘Public bodies have a duty to cooperate on planning issues that cross administrative boundaries ... the Government expects joint working on areas of common interest to be
diligently undertaken for the mutual benefit of neighbouring authorities.’ (paragraph 178)

And that:

‘Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.’ (paragraph 179)

1.4.2 The Council outline the steps taken to ensure effective engagement with all relevant organisations in the Duty to Cooperate Update Statement (May 2018; SD_016E) and the Duty to Cooperate Update and Compliance Statement (July 2018; SD_016F).

1.4.3 The Statements confirm that the Council has engaged with neighbouring authorities and other organisations throughout the preparation of the Plan and details the types of engagement undertaken, such as the preparation of Memorandums of Understanding and Statements of Common Ground agreed, or currently in discussion, with several neighbouring authorities. This includes the preparation of a Statement of Common Ground with Spelthorne Borough Council, the Council’s HMA partner, which was published on 15th May 2018.

1.4.4 The Council details the issues addressed through the Duty to Cooperate in Document SD_016F, including matters related to housing, employment, Green Belt, transport, the natural environment, flood risk, heritage, infrastructure provision, minerals and waste, and the expansion of Heathrow.

1.4.5 Document SD_016E confirms that regular updates on the progress with the Duty to Cooperate have been sent to the Leader of the Council since September 2017, and to all Members since March 2018 (paragraph 3.2).

1.4.6 On the basis of the above, in our view, the available evidence demonstrates that the Council has engaged constructively, actively and on an on-going basis throughout the preparation of the Plan.

1.4.7 We discuss the implications of the outcome of Duty to Cooperate work on development within the Borough in response to Matter 4, including with regard to opportunities to accommodate unmet need elsewhere in the HMA and the justification for the proposed release of land from the Green Belt.
1.5  **Is the Plan period (2015-2030) justified? If not, how should this be rectified?**

1.5.1 Commentary on the length of the plan period is provided by the Council in paragraphs 5.1-5.4 of the Plan (CD_001). The Council contend that in the context of the identified OAN, the quantum of land available for development and the inability of neighbouring authorities to accommodate unmet need, a 15-year plan period is justified on the basis that it will ‘ensure that the OAN for Borough can be met in full’ (paragraph 5.4).

1.5.2 The Overview Topic Paper (SD_021A) provides further detail on the Council’s approach to the plan period, outlining that three options for the progression of the Plan were identified, namely:

‘(1) Adopt a constrained requirement that delivered significantly fewer homes than would be needed over the plan period;
(2) Shorten the plan-period, accelerate the delivery of allocated sites and plan for an early review; or
(3) Take a step backwards and formulate and consult on a new spatial strategy.’ (paragraph 14)

1.5.3 Paragraph 15 explains that the Council rejected options (1) and (3) on the grounds that significant stress in the housing market caused by the absence of an up-to-date plan needs to be addressed ‘urgently’ with a plan required to ensure that growth is effectively coordinated.

1.5.4 The Council set out the justification for the selection of option (2) within paragraph 16 of the Topic Paper. It is identified that the Council’s decision to shorten the plan period will:

‘Immediately begin to drive the delivery and coordination of all forms of development and supporting infrastructure over the short and medium term’

And

‘Start to deliver a significant boost to the supply of market and affordable homes, and capture the potential for economic growth and investment in infrastructure.’

1.5.5 In the circumstances, we support the Council’s approach and consider that enabling development, through the timely adoption of this Plan and the removal of proposed allocations from the Green Belt, should be a priority if the urgent development needs are to be brought forward rapidly. On this basis, we agree with the Council that there is a need for the Plan to progress to adoption as soon as possible.
1.5.6 A need for additional site allocations to be identified would inevitably result in delay prior to the adoption of the Plan as it would require the suspension of the Examination to allow the Council to consider additional sites. This could, therefore, jeopardise the potential for development needs to be addressed effectively.

1.5.7 As such, a pragmatic approach is necessary at this stage, including the prioritisation of the timely progression of the Plan to adoption. In the event that the plan period needs to be extended, the Council should ensure that the process for identifying and selecting additional sites should be completed rapidly, without unduly delaying the Examination process and adoption of the Plan.

1.5.8 In order to ensure that development needs, beyond 2030, are addressed by the Council we recommend that a policy commitment to an early review of the Plan is added. We recognise that such an approach is not ideal. However, it would enable the timely adoption of the Plan while committing the Council to progressing technical work to support the identification of sites to accommodate longer-term development needs. Such an approach has been deemed sound in other cases where a similar scenario has arisen, for example in relation to the Milton Keynes Core Strategy, adopted in 2013, and which the Inspector examining the Core Strategy review (Plan:MK) has also recommended in his interim findings.