Question 1.2 – Habitats Regulation Assessment and Sustainability Appraisal

Sustainability Appraisal

1. As part of the SEA process, RBC undertook a review of seven alternative spatial strategies (SS1 – SS7) listed below, including RBC’s preferred strategy (a combination of SS5 and SS6). The main failing of the alternative spatial strategies is that none of these adequately plan for development to meet the OAN in the absence of the A320 works coming forward. It should also be noted that Council, under any scenario including its preferred option, is unable to meet its employment needs (119,000sqm – 155,000sqm over the plan period).

2. A summary of the alternatives assessed is included below:

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Summary</th>
<th>Key elements</th>
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</table>
| SS1         | Minimum Approach: 150 – 180dpa | • Would not meet OAN;  
                • Requires land from outside the borough;  
                • Leads to a deficit of 41,000sqm of industrial floorspace. |
| SS2         | Minimum Approach plus Thorpe Village Settlement: 152 – 183dpa | • Would not meet OAN;  
                • Leads to a deficit of 42,000sqm of industrial floorspace. |
| SS3         | Development on previously developed sites and the Green Belt, release of some Green Belt Parcels: 302 – 383dpa | • Would not meet OAN; |
| SS4         | Development on previously developed sites and the Green Belt, release of some Green Belt Parcels and retention of Thorpe Village in the Green Belt: 300 – 380dpa | • Would not meet OAN;  
                • Leads to a deficit of 87,000sqm of industrial floorspace. |
<p>| SS5         | Development to meet housing target of 466dpa, release of | • Would not meet OAN; |</p>
<table>
<thead>
<tr>
<th>Development Description</th>
<th>Risks and Considerations</th>
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<tbody>
<tr>
<td>additional Green Belt for Housing</td>
<td>• Leads to a deficit of 71,500sqm of industrial floorspace.</td>
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</table>
| SS6 Development to meet housing target of 535dpa over the plan period, release of additional Green Belt for Housing or mixed-use allocations | • Scores negatively against RBC’s landscaping objective;  
• Would require the delivery of more sites in the Green Belt in “unknown locations” (potential conflict with mineral development);  
• Development in areas of high-risk of flooding;  
• Development could require the need for residents to travel; and  
• Lead to a deficit of 121,000sqm of industrial floorspace. |
| SS7 Development to meet a housing target of 1,105dpa to meet the needs of Runnymede and residual needs of the Housing Market Area | • Scores negatively against RBC’s landscaping objective due to release of Green Belt sites;  
• Would deliver increasing amount of Green Belt in unknown locations (potential conflict with mineral development);  
• Development in areas of high-risk of flooding;  
• Potential Impact on secondary effects on people’s health and well-being;  
• Lead to a deficit of 250,000sqm of industrial floorspace;  
• Amount of development in unknown locations to give rise to less acceptable Green Belt sites in unknown locations. |
| New Option (May 2018) Development to meet housing target of 665 – 670dpa to meet the needs of Runnymede and known housing shortfall in Spelthorne | • Would deliver increasing amount of Green Belt in unknown locations (potential conflict with mineral development);  
• Potential impact on secondary effects on people's health and well-being;  
• Development in areas of high-risk of flooding. |

3. Five of eight alternatives (SS1-SS5) put forward do not meet RBC’s OAN. The SA also states that from SS3 onwards the risk of not having sufficient SANG to support development is noted as a risk and a further uncertainty. The significant under supply of both housing and employment and industrial land renders these options highly unlikely to be considered as realistic alternatives to the Council’s preferred option.

4. All of the alternatives set out above set out differing numbers of dwellings per annum to be delivered in each scenario. The SA does not specify the specific site packages or land allocated to deliver the dwellings in each of these scenarios (aside from the preferred option) see Appendix 1 (Selection of Reasonable Alternatives) May 2017. Without a clear picture
of the land proposed to accommodate the housing needs in each of the alternatives it is not possible to fully assess their sustainability.

5. Similarly, options SS5-SS7 state that to meet the increased dpa targets, additional land would need to be released from the Green Belt, and these options are considered unacceptable on this basis, specifically because the further release would conflict with RBC’s landscape objectives. These options do not specify potential Green Belt sites or even wider areas that would be released to provide for the additional housing. Without this level of detail, it is not possible to fully assess the sustainability of these options compared with the preferred option.

6. None of the options assessed, including the alternatives and preferred option, consider a scenario where the A320 mitigation works, which are necessary to enable a significant amount of the housing identified in these options, does not come forward. As shown in the appended statement prepared by WSP, these mitigation works are not clearly committed, and there are significant doubts that they can be delivered inside of the plan period. The SA therefore cannot demonstrate that it has been tested against all reasonable alternatives.

**Question 1.3 – Mitigation of and adaption to climate change**

7. Sustainability Appraisal Report Regulation 19 Addendum Report (May 2018) recognised that re-assessment/reporting was needed to the SA Report submitted in January 2018 to take account of the changes made to the draft Local Plan, including those at Table 2 relating to the housing supply, and the capacities and delivery timescales for the site allocations. The table of minor modifications submitted alongside the submission version of the Local Plan sets out further changes to Table 2 and to the site allocations which will similarly need screening and assessing as part of the SA and has not been provided.

8. Paragraph 3.2 of the May SA addendum report states that the Local Plan will have no impact on air quality in RBC, but paragraph 3.3 goes on to state that the effects on traffic and congestion are uncertain and that the cumulative impacts of the Plan cannot be fully assessed until the A320 investigation is complete. In the absence of this information it cannot be reasonably concluded that the impacts of the Plan will be air quality neutral.

**Questions 1.4 – Duty to Cooperate**

9. RBC have provided a Duty to Cooperate Update and Compliance Statement dated July 2018. This statement confirms that further to the various agreements with neighbouring authorities previously reported (including a Statement of Common Ground (SoCG) with Spelthorne Borough Council (SBC)), SoCGs had been agreed with Woking, Elmbridge and Spelthorne Borough Councils.
10. The July statement notes that at the time of writing RBC was in the process of negotiating a SoCG with Highways England. This SoCG has still not been agreed. Given the reliance on significant mitigation works to the A320 corridor needed to deliver much of RBC’s housing supply, the lack of an agreement with Highways England on the scope of these works and how they can be delivered is a major shortcoming of RBC’s DtC process. It is notable that Highways England submitted an objection to the draft Local Plan Part 2 consultation, which remains outstanding.

11. Appendix 2 to the July 2018 statement is RBC’s SoCG with Surrey County Council (SCC), which was agreed in May 2018. This agreement does not take into account the A320 Topic Paper prepared by RBC in July 2018 and published alongside the submission version of the Local Plan and which proposes to no longer provide mitigation at junctions 3, 4 and 5.

Question 1.5 – Plan Period

12. Paragraph 14 of RBC’s Overview Statement explicitly states that the Council has shortened the plan period for the purposes of identifying less housing land despite acknowledging that the reduced plan period might necessitate an early review of the Plan. This approach is inconsistent with Paragraph 47 of the NPPF (2012), which requires local plans to meet the full objectively assessed need for both market and affordable housing in the housing market area. As the plan period has been artificially suppressed to reduce the housing target, it remains our view that RBC should investigate how additional land could be sustainably released to meet RBC’s long-term needs. This can be achieved through the release of additional Green Belt sites. Our previous representations have demonstrated that the Site Selection Assessments used in identifying the sites for housing allocations prematurely discounted sites based on constraints that could be overcome and where development would not prejudice the Green Belt functions.

13. To this end, the approach adopted by RBC in selecting Green Belt sites for release following the Green Belt Reviews has focused on releasing only enough sites to meet the OAN during the shortened plan period and to avoid further encroachment. This approach is inconsistent with the requirements set out in Paragraph 83 of the NPPF (2012) to ensure that Green Belt boundaries retain their permanence in the long-term, beyond the lifetime of the plan. Our previous representations demonstrate the RBC’s Green Belt Reviews and Site Selection Methodology Assessment failed to recognise the suitability of several sites for housing allocation and which could overcome the identified constraints without prejudicing, rather, serving the statutory purpose of contribution to the achievement of sustainable development\(^1\) and ensure the permanence of the Green Belt boundaries in the long-term.

14. Elysian agrees with the Council that exceptional circumstances exist which make a review of the Green Belt necessary. We recognise that the soundness of the review work

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\(^1\) S.39 Planning and Compulsory Purchase Act 2004.
undertaken will be considered later in the Examination, but it is relevant to flag now, while considering the Plan period, our analysis that the unduly limited Green Belt release during this Local Plan review, coupled with the borough’s existing and future housing need, mean that further Green Belt release is likely to be required beyond the plan period. Shortening the plan period increases this likelihood, contrary to Government policy.  

Test of Soundness

15. In the light of the issues set out above, RBC’s Local Plan remains unsound when considered against tests of soundness set out within the NPPF. These are discussed below.

a. **Positively prepared:** The Local Plan has not adopted a housing target based on an OAN which takes into account the required adjustments, including market signals and housing need across the HMA. In addition, a number of sites within the plan are reliant on the A320 mitigation works to enable development. For these reasons the Plan is not based on a strategy which meets its need and infrastructure requirements. This test also requires the local authority to meet unmet need requirements from neighbouring authorities where it is reasonable to do so. Notwithstanding the fact that we do not consider RBC’s OAN to have been correctly calculated (and consequentially, its supply to meet that need), RBC’s LPSV indicates a surplus in housing land, which it has not identified as possible land to meet the needs of other LPAs within its HMA.

b. **Justified:** No reasonable alternative strategy to meet RBC’s housing needs through alternative sites or locations has been put forward. This is a fundamental shortcoming given the heavy reliance on the A320 works coming forward.

c. **Effective:** Although the LPSV asserts that the objectives, and in particular the housing delivery strategy, is deliverable over the plan period, the plan period has been artificially shortened in order to reduce the need RBC must meet, which will result in the need for an early review to identify additional housing sites to meet the need in short and medium terms. The assumptions regarding the delivery of the A320 works could also undermine the deliverability of housing within the plan period, resulting in a plan that is not deliverable.

d. **Consistent with National Policy:** The combination of factors set out within this hearing statement and our accompanying statements prepared to address the other Matters, demonstrate that the plan is inconsistent on a number of fronts with the NPPF (2012). These inconsistencies could lead to unsustainable patterns of development by requiring further review of the Green Belt boundaries in the short term and potentially allowing for a significant amount of development reliant on mitigation to the A320

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corridor that is not yet committed. The plan is not considered to meet its full OAN in keeping with NPPF (2012) Paragraph 47 nor does it ensure the permanence of the Green Belt boundary beyond the lifetime of the plan.