Examination of the Submitted Runnymede Local Plan 2030

Position Statement for Hearings Session First Stage  27-28/9 November 2018   Matters 1-4

on behalf of
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Examination of the Runnymede Local Plan 2030
Position Statement by Re-creo in response to Matters and Questions for Stage 1 Hearings

Introduction

Re-creo Samuels (Addlestone) Ltd, represented on development plan issues by Point Consultancy Ltd, is pleased to have the opportunity to take part in the Hearings Sessions being held as part of the Examination of the Runnymede Local Plan 2030.

Re-creo has engaged with the local planning authority throughout the preparation of the Plan, without any positive response from the Council, and has come to the view that the Local Plan has not been positively prepared, does not meet the legal and policy requirements set out for local plans by national statements, and above all does not do what is needed and would be appropriate for the district by a local plan. These previous representations are referred to in this Position Statement as:

• Representations on the First Regulation 19 Consultation, February 2018 – FirstReg19


Re-creo is happy to continue its engagement in the hope that through the interventions that could arise from the independent Examination, the Council will put in place a satisfactory Plan.

We welcome the Inspector’s Matters and Questions (ID02) and believe that we can make a useful contribution to the discussion of these issues. We have no wish to repeat what has already been said in our representations and is on record, but believe it may assist if we summarise our position on the matters we think to be most relevant in response to the questions posed and with cross reference to our representations.

We wish to be sure that the Inspector has been made aware of the document we sent to the programme officer, copied to the Council, on 8 September 2018. This was not an afterthought by Re-creo, but was in effect an addendum to the representations we had made to the Council’s pre-submission consultation following the Council adding to the documents it is relying on for the Examination after the close of the pre-submission consultation. The issues we addressed in these further representations are critical to the Plan’s Examination and go to the heart of its failings. We would therefore wish this document to be part of the Examination, and following the Programme Officer’s suggestion, this previous submission is appended to this document (Appendix 1).
We note that the Council stated its intention to respond to the Inspector’s ‘Initial Note for the Council’ by 2 November 2018. It has not done so, so we are unable to take this further material into account in preparing this Position Statement, but the Hearings provide the opportunity to debate whatever the Council offers in response to all of the Inspector’s questions.

In the meantime, we summarise our position on the questions presented by the Inspector below, structured in four sections according to the Inspector’s agenda for the Stage 1 Hearings.
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Matter 1: Legal requirements, the Duty to Cooperate and the Plan period

Q1.1 No further comment

Q1.2 We welcome the Inspector’s framing of this question as whether the Sustainability Appraisal is adequate, when planning authorities all too often believe that the only requirement is to publish something called a Sustainability Appraisal. The preparation of the Runnymede Local Plan has not been accompanied and influenced by an adequate Sustainability Appraisal.

The role of a Sustainability Appraisal (SA) is to provide a challenging reflection on the strategy, proposals and policies of a local plan as they emerge, against an objective framework identifying what a move towards more sustainable development would look like. The appraisal is a process, preferably undertaken at arms length with a high degree of independence. It should influence the plan as it evolves, and improve it at each successive stage. There is no sign that the Council has understood this role and no demonstration that the published SA has been undertaken in this way. Rather what is presented is a poor and partial effort that seeks to describe and justify what the Council presents as its plan.

There are many choices implicit in the preparation of the Plan that are not exposed and not appraised leading to a finding on their appropriateness in terms of sustainable development. This failure to report on the environmental implications of reasonable alternatives as required by the SEA Directive means that the Plan does not comply with the legal requirements of plan making. These matters are considered in our representations at FirstReg19 section 6, and SecondReg19 para. 2.1.5.

Q1.3 We have not commented specifically on this matter previously, but would simply note that the objective for plan making of promoting sustainable development embraces the increasingly critical imperative of doing what can be done to arrest climate change, and with little regard for this statutory objective in determining the spatial distribution of the provision made the Plan fails by the test noted in the question.

Q1.4 The way the Council has dealt with the legal aspects of the Duty to Cooperate is considered in our representations at FirstReg19 section2, and returned to in this Position Statement as a policy issue at question 4.1(c). On the legal requirement, the Council may claim that its engagement with organisations on relevant strategic matters neighbouring authorities has been ‘on-going’, but there is absolutely no sign that it has been ‘constructive’.
This question is about the adequacy of the Plan period. Re-creo’s position on this fundamental issue is substantially addressed in Re-creo’s representations on the Council’s discussion of this matter in its Overview Document, a document that added nothing to the case for the Council’s choice. Our response document copied as Appendix 1, needs to be read in full, but to assist the Hearing Re-creo’s position is summarised on the matter as follows:

- The point of local plans is to order and integrate matters related to the use of land and the provision of infrastructure over a long period. This objective cannot be achieved by having plans for the short term to which changes are made every so often.

- The Council has never attempted to explain its move to a shorter plan period nor to justify its departure from the expected plan period of at least 15 years, and indeed in the circumstances in Runnymede there can be no justification.

- The Plan period used is the amount of housing provision the Council is prepared to make divided by the Council’s chosen OAN. This is simply ridiculous, completely ignores the expectation on planning authorities to address housing need in full, and is the antithesis of the positive preparation of plans required by the Framework.

- The short Plan period means that the Plan does not address the housing needs of the district or contribute properly to the needs of the wider Housing Market Area.

- The short Plan period means that the Plan automatically fails to comply with national policy on Green Belts set out in the Framework.

- The Council has belatedly sought to deflect criticism of the shift to a short Plan period by suggesting that matters will be put right by an early review, but this does not address the inherent failings of the Plan.

Participants are asked how the inadequacy of the Plan period should be rectified. The answer is for the Plan to be changed now to address an adequate Plan period, (with a Plan horizon of at least 2035), and for additional provision to be made, including by the use of sites the Council is aware of as both suitable and developable. The Council could also set out its case for not making full provision if this became necessary, something it has never attempted to do.
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Matter 2: Objectively assessed need for housing and employment land

Q2.1 This question addresses a combination of the Council’s view of the OAN with the Plan period which the Council adopted with a change of its position late in the preparation of the Plan. The resulting level of provision does not arise from the positive preparation of the Plan – it is the exact opposite – and it is not justified – the Council does not even attempt its justification and there is nothing from any other source that helps the Council.

a) The Council does not have a robust and up to date basis for its chosen OAN. The most recent evidence is not for the whole of the Housing Market Area, so that the respective roles of districts within the HMA in making provision to meet the need cannot be and has not been properly considered.

The consultants employed by the Council to provide evidence do not address the implications of making housing provision under a shorter Plan period though they were instructed that it was the Council’s intention to adopt this period.

b) We would make a similar point to that made under Q2.1(a)

c) We address some of these matters in our original representations (FirstReg19section5), noting the basis on which the OAN could and should be higher, and particularly noting the expectation on local planning authorities to give weight to the need to make a significant contribution to addressing affordable housing need, including by increasing the overall level of provision above that indicated by the OAN.

d) No further comment.

Q2.2 No further comment

Q2.3 This is a separate question from that on the adequacy of the Plan period. The Council appears to have sought to minimise the level of provision to be addressed by the Plan and then addressed this minimal figure with the absolutely minimum provision. In fact the Council has not even consciously done this, but has entirely subverted the proper plan making process by adding up the opportunities for housing development that it regards as acceptable and calling this the level of provision that the Plan has to make. What is expected of local plans and hence what the Council should have done is to have made provision (against even its chosen requirement figure) in a way that provided flexibility, to deal with unforeseen changes in circumstances, delays in development being implemented, and the uncertainty in infrastructure provision – which the Council acknowledges exist. Adding flexibility will have to be a part of the changes made to make the Plan sound.
The Council has not demonstrated itself to be a fit body to make a Plan that addresses the needs of its area, something that has attracted the attention of MHCLG. If the task remains with the Council however, it should be made clear from the early stages of the Examination that the Plan does not properly address the future, the strategy is not an appropriate one, and the provision made to address the housing need is inadequate. Further work is needed to remedy all of these matters before the Plan can be found sound leading to its adoption. These changes would need to include:

- Planning for at least 15 years from adoption and hence with a Plan horizon of 2035 or beyond;

- Adopting an annual OAN figure at least in line with the Government's standardised need assessment figure and preferably more to deliver more affordable housing and have some impact on affordability

- Reviewing the spatial strategy to promote a more sustainable pattern of development with the greater part of the planned provision closely related to the main settlements, changing the extent of the Green Belt accordingly

- Increasing the level of provision to at least accord with the product of the increased annual OAN and the increased Plan period

- Taking advantage of land known to be available in suitable locations in order to achieve the higher level of provision

- Address the policy requirement for the identification of safeguarded land, given the clear expectation that further change to the Green Belt will be needed, and as part of a commitment to the longer term well being of the area.
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Matter 3: Overall Spatial Strategy

Q3.1 and 3.1 (a). The Council has not presented a rational and consistent process by which the spatial strategy has emerged and there is no coherency to the spatial strategy in the Plan. The Council has simply looked at opportunities that present themselves and put those it likes together in one document. This is somewhat different from establishing the spatial means of pursuing the statutory objective of plan making of seeking more sustainable development; identifying what provision is deliverable within settlements; and then seeking the most sustainable locations on the immediate periphery of the main settlements.

Because it is national policy, the Council has to address Green Belt in its formulation of the spatial strategy, though this is relatively easy because the exceptional circumstances exist, and all of the area outside the main settlements is Green Belt so there is no spurious competition between green field land that is and isn’t Green Belt. The task is simply to select land that makes provision where it is needed, that is close to facilities and services and enable trips to be short and/or made by low carbon means.

b) The kind of evidence that would have been expected in developing and justifying the spatial strategy would have included the distribution and structure of the district’s population, the distribution of jobs, commuting patterns and the availability of public transport services, and the need for affordable housing. With an appropriate distribution of further development worked out using this type of information and with regard to the overall objective of seeking more sustainable development it would then be for this strategy to be tested with information on capacity and deliverability. There is no sign of anything like this having happened.

c) We have no further comment

d) Some of the development proposals in the Plan are explicit about the need for infrastructure which doesn’t exist and which isn’t identified or programmed. There must therefore be considerable uncertainty about the deliverability of the Plan even with the low provision made and within the short time horizon adopted, and the Plan has no flexibility to address the likely delivery failures.

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Matter 4: Green Belt boundaries and Exceptional Circumstances

Re-creo has addressed the way the Council has dealt with Green Belt issues in making its Plan at some length in its representations, particularly at FirstReg19section6. Some summary points are made here under the Inspector’s specific questions.

Q4.1 We agree with the Council that the Exceptional Circumstances exist for changes to the Green Belt. Runnymede has a large housing need, it has a high degree of unaffordability, the opportunities for development within settlements have apparently all been identified in making the Plan, and the other parts of the district are effectively all designated as Green Belt. There is no evidence that the housing needs of the district will or could be met by other local authorities making land available in their areas, which would in any case involve land designated as part of the same wider Green Belt.

The Framework makes provision for Green Belts to be changed through local plans following a proper process in these circumstances. The Exceptional Circumstances exist for the district and for the Plan. It is not for the Council to seek to justify the allocation of individual sites through the demonstration of Exceptional Circumstances on a site-by-site basis. With the conclusion that Exceptional Circumstances exist for the district it is for the plan making authority to prepare its Plan accordingly, and for a comprehensive assessment of the whole area designated as Green Belt to be undertaken to see how it might contribute to the provision of housing to address the full housing need. Once the presence of Exceptional Circumstances is acknowledged there is no basis in principle or in the evidence presented for the approach the Council has adopted, of setting an arbitrary limit to the amount of change it has made to the Green Belt, and at a level well below what is required even on its own selective use of housing evidence.

a) It is proper to seek to use land within settlements where it can be satisfactorily developed, though the way this question is posed in the context of justifying changes to the Green Belt through the local plan seems to reflect national policy as expressed in the 2018 rather than the 2012 version of the NPPF. We would be very happy for the Plan to be examined according to the 2018 version of the NPPF, but this is not what the Government apparently intends. Given the circumstances to be addressed by the Runnymede Local Plan however, this point has no particular significance.

b) No further comment

c) We address this point in part under question 1.4 though there is a policy issue as well as a legal point, and the Plan fails the requirements and expectations established by the Duty to Co-Operate on both counts. Insofar as the Council has engaged with other local authorities, this rather partial and
undemanding engagement seems to have gone no further than a mutual agreement to avoid creating any discomfort for each other. By the simple but fundamental test of whether the content Plan has in any way been designed to respond to evidence about the wider area of which the district is part, arising possibly but not exclusively from discussions with other local authorities, the Plan clearly fails. There is no sense of the authorities acting together and making every effort to meet the identified need (let alone the real need) through an exhaustive search for opportunities across the whole Housing Market Area.

Q4.2 We are clear that the proper interpretation of law and policy is that it is for local planning authorities to make plans that promote more sustainable patterns of development, and where there is Green Belt, for the extent of the Green Belt to assist in the pursuit of this objective. Where changes are to be made to the Green Belt support this overall objective, Green Belt policy should only be used to prevent sustainable development where there would be a fundamental conflict to the integrity of the Green Belt. Our submission is that the Council has had little regard to the achievement of sustainable patterns of development, but has ended up with a spatial strategy based on some combination of land it regards as brownfield and a very unclear application of an assessment of the Green Belt. What is striking is that with an overall shortage of provision and without any flexibility built into the Plan, the Council has refused to allocate sites that are clearly consistent with the achievement of a sustainable development form even when it has been demonstrated to the Council that the development of these sites can be achieved without undermining the role the Green Belt is supposed to perform.

Q4.3 The Council in its Plan simply ignores the Framework policy requirements (NPPF 2012 para. 85) in relation to longer term changes to the Green Belt, without even attempting to justify its approach. This is an example of the Council seeking support from national planning policy for what it wants to do whilst ignoring what is required by national policy when it doesn’t like where this would lead. These provisions are about not having to change the Green Belt boundary in the period longer than the Plan period, usually interpreted to mean at least another Plan period. The Council not only ignores this clear requirement, but does not even plan to avoid further changes to the Green Belt boundary within an adequate Plan period. Instead it determines that a change will have to happen within a short period through the expectation it sets out for an early review. The Plan therefore whilst relying heavily on the essentially anti-development policy provided for by designating Green Belt, actively undermines the basic principle of Green Belt, its permanence.

Q4.4 No further comment.

Point Consultancy for Re-creo
Appendix 1

Draft Runnymede 2015-2030 Local Plan Submission to the Planning Inspector on Documents Accompanying the Submitted Plan

Addendum to Representations on the Regulation 19 Draft Plan (Second Consultation) on behalf of Re-creo Samuels (Addlestone) Ltd

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8 September 2018

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1 Introduction

1.1 The nature of these Representations by Re-creo

1.1.1 Runnymede Borough Council undertook a second round of consultation on the Runnymede 2030 Local Plan under Regulation 19, primarily though not overtly to address a challengeable procedural failing. Re-creo Samuels (Addlestone) Ltd (Re-creo), made representations at this time, as it has at every stage of the plan preparation process, and these representations will have to be forwarded to the appointed Planning Inspector for his / her consideration as part of the Local Plan Examination.

1.1.2 When submitting its Plan on 31 July 2018 however, the Council included documents that were not part of the pre-submission consultation and were not available at that time. These documents have been prepared and submitted for the Inspector’s consideration for the clear purpose of influencing the Examination of the Plan. It is only reasonable therefore, in Re-creo’s view, that comments can be made on this material by participants in the Plan’s preparation and Examination. This may well happen at the Inspector’s invitation in due course and Re-creo would welcome that step and respond accordingly. In the same way the Inspector will presumably have to seek views on the implications of the publication of the revised NPPF in July 2018, depending on the timing of the Hearings and the overall duration of the Examination. In the meantime however, and to assist the Inspector (and the Council, by making these comments available in advance), Re-creo is making representations now, effectively as an addendum to the representations made to the most recent pre-submission consultation and which the Council has added retrospectively.

1.1.3 Two of the documents the Council has added to the submission bundle following the last pre-submission consultation are:

- Runnymede 2030 Draft Local Plan Overview Report (July 2018)
- Strategic Housing Market Assessment Rebuttal and Sensitivity Analysis (July 2018) by GL Hearn, consultants to the Council.

1.1.4 Comment is made on both of these documents below, noting that the interaction of the two documents is relevant too.
2 The Council’s Overview Report

2.1 Introduction

2.1.1 It would be hard not to regard this document as somewhat fictional, in that the process the Council seeks to describe is not exactly the process participants in the preparation of the Plan over many years are likely to recognise. In this report the continued failure to produce a good plan for the Borough in a timely fashion always seems to be a consequence of somebody or something else, rather than because of the choices made by Council.

2.1.2 What the document appears to be for in the main is to try and pre-empt the unsound finding the Council is clearly fearful of. The Plan is unsound for many reasons, with the inadequacy of the Plan period an obvious one. The Council clearly recognises this (and it has been repeatedly stated in objections to the emerging Plan) because the Overview Report majors on the issue, and the other recently presented document, prepared by a consultant under the instruction of the Council, also refers to the matter.

2.1.3 The Council wishes to encourage the Inspector to ‘let it off the hook’ by finding the Plan sound with the expectation of an ‘early review’. This device has unfortunately become rather common in recent years, giving the relevant local planning authority a few more years to do its job properly when in most such cases the historic signs are that it is quite un-inclined to do so.

2.1.4 The Framework sets out the tests of soundness and if these are not met a local plan is unsound and should be found unsound. Those who object to a submitted plan because it is unsound are entitled to see national policy on the soundness of plans applied fully, consistently and correctly, or their time and resources have effectively been wasted by the belated and unheralded introduction of a different and undefined test. If a plan appears to an Inspector to be unsound, the option is available of inviting the local planning authority to remedy the situation with additional work to be done under the guidance of the Inspector’s comments.

2.1.5 Comment is made on some of the general points made by the Council in its Overview Report, but these notes focus first on its grasp at the ‘early review’ straw.

2.2 An early review will not do

2.2.1 Re-creo has commented on this issue before, but feel that the ‘case’ set out by the Council has to be countered point-by-point. The Council has never explained the dramatic shortening of the Plan period. There is no attempt to justify this action in any published document, and the Council members who have made the decision to consult on and submit the Plan have never debated the matter in a public meeting with the benefit of a published report on ‘the reasonable alternatives’ or on the implications of the approach. This is the first opportunity that has arisen for participants in the process to see and to comment on such ‘case’ as the Council seeks to make for the Examination of the Plan.

2.2.2 Re-creo’s position on the shortening of the Plan period, and hence its inadequacy, is that on this matter alone (and there are other matters) the Plan as submitted is unsound and cannot be found sound on any basis through the Examination. The Council’s submitted Plan with a post-adoption life of no more than 11 years is unsound by the soundness tests and according to national policy at the time of its preparation in many respects, including:

- It is not consistent with the expectation at para.157 of being ‘drawn up over an appropriate time scale, preferably a 15-year time horizon’
• It is not ‘positively prepared’ - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements’ (para. 182)

• It is not ‘justified’ – as it is not ‘the most appropriate strategy, when considered against the reasonable alternatives’ (para. 182)

• It does not meet the requirement on the Council at para. 47 of ‘using the evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing need in the housing market area’

• It does not enable the Plan to comply with the stated national policy on green belt, at para. 85, in relation to the inherent intention of green belt policy that it requires a long term view (longer than the normal plan period) and specifically in relation to the requirement to identify safeguarded land.

2.2.3 On the last point the Council has by its actions probably allowed the view to be reached by local residents amongst others that all the changes that will be needed to the green belt have been ‘done’. This is patently not the case, as if the Plan were to proceed on the basis of an early review as the Council seeks, changes to the green belt will be inevitable through that review.

2.2.4 On the first point above, the departure from para. 157 of the Framework, the Council claims to have had counsel’s advice providing it with comfort after making its decision, though it has never published this advice (nor, importantly the instruction to counsel) for anyone else to consider. Whatever counsel has said, if anything, from a legal viewpoint, there is in any case a policy point here, and probably by common consensus amongst all but the Council, a basic issue of proper planning. A plan with a short plan period simply cannot meet all of the expectations of development plan for an area, as encapsulated in the Framework and referred to our representations consistently at each consultation stage.

2.2.5 On the issue of infrastructure for instance, the integration of development and infrastructure is widely recognised to be an important objective for the future of an area, and the ability to achieve this aim is afforded by the principle of making plans. The identification and delivery of appropriate infrastructure requires long lead times and a short-term plan cannot effectively perform this role. It is an obvious but vital point that long term planning cannot be done with a short term plan to which another short term is added at short intervals, as the Council appears to be proposing.

2.2.6 This is clearly understood by and considered to be important by the Government in its requirement for plans to be made and in its policy on their role and required performance. This is evidently the case from the previous Framework and from the revised NPPF, published on 26 July 2018 (before the submission of the Runnymede Local Plan).

2.2.7 Para. 22 of NPPF 2018 says that:

‘Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.’

2.2.8 This is an unambiguous statement in the updated NPPF. It is not a policy change from NPPF 2012, and the Government has not suggested that it is to be seen as a change. What it clearly is is a reiteration and emphasis of what is already in the Framework that the Council is supposed to have followed.

2.2.9 The Council appears to recognise that it is at fault with its Plan and seeks to suggest that the answer to this, rather than doing the job required by the Framework, is to
seek to be told to review the Plan. This approach neglects to acknowledge that the Council as a local planning authority is required in any case to review its local plan regularly. This is not an emerging or new policy from Government, though the Government is seeking to emphasise the point in the absence of adherence in many locations, but is already in the Framework:

- Para. 153 states that the Local Plan ‘can be reviewed in whole or in part to respond to changing circumstances’
- At para. 157 where it says that ‘Local Plans …should be kept up to date’
- At para. 158 where it says that the local planning authority should ensure that the ‘Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area’.

2.2.10 There is clearly no intention in national policy as it was during the time that the Council prepared its Local Plan to suggest that it a local plan should be prepared and then never touched for the whole of the plan period. Regular reviews are clearly part of the proper process of plan making and it would be rather disingenuous to ever suggest that the appropriateness of reviews of local plans was something invented by the Government in 2018.

2.2.11 Re-creo’s view of the Council’s tactics is very clear:

- There are no circumstances that make the adoption of a short Plan period necessary
- An early review would not address the failings of the Plan that follow from adopting a short Plan period
- The ‘advantages’ the Council sets out and claims would arise from the tactic of proposing an early review would not be a consequence of adopting an inadequate Plan with an early review; insofar as they are advantages these would be better achieved by putting in place a good plan from the outset.

2.2.12 These are fundamental points that Re-creo would expect to be fully aired by the Examination and Hearings and to be a critical part of an Inspector’s findings.

2.2.13 Having never offered the argument before for its actions, and certainly not when the decision was first presented, the Council has used the Overview Report to try and justify or excuse the shortening of the Plan period by introducing the possibility of an early review.

2.2.14 The Overview report says at para.16:

‘In the circumstances, the Council elected to shorten the plan period by substituting an end date of 2030. It recognised that this might necessitate an early review. However, the advantages of this course of action were that it would:

(1) Immediately begin to drive the delivery and coordination of all forms of development and supporting infrastructure over the short and medium term.

(2) More particularly, it would 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.

(3) Enable the production of a future plan to be better coordinated and integrated with plans prepared by its neighbours through a second phase of the Surrey Local Strategic Statement. That would facilitate a long term, joint assessment across Surrey of the way in which constraints imposed by the Green Belt, the risk of flooding,
nature conservation and strategic highway capacity might be overcome, with the potential to widen the choice of spatial strategy.

(4) Chime with the government’s emergent policy of requiring five yearly reviews of development plans.

(5) Provide a framework for the preparation of neighbourhood plans.

(6) Allow the Council to respond to anticipated regional changes such as the expansion of Heathrow.’

2.2.15 The ‘advantages’ the Council claims as a consequence of shortening the Plan period are not a product of its actions. They are claimed as benefits of adopting the Plan with an early review, but having an early review isn’t a reason to shorten the Plan period, the ‘advantages’ cannot be seen as a consequence of an early review, and are not actually advantages of anything other than having a plan.

2.2.16 Each point claimed by the Council can be rejected (by reference to the Council’s report and numbering):

• 16(1) is about the early delivery of development. This benefit would arise from getting the Plan in place with any Plan period, but the benefit is not increased by shortening the Plan period, nor from having an early review. As a matter of fact a large proportion of the development in the early part of what should be the Plan period is development in the main settlements or already committed and which would happen in any case through the normal development management process. The reference to infrastructure is entirely unconvincing, as a significant part of the Plan’s housing provision is dependent on the delivery of infrastructure (noted again in the Overview Report at para. 21) for which there is no confirmed funding. In contrast, Re-creo’s site that has no infrastructure needs and can be delivered right at the beginning of the Plan period has been rejected or ignored.

• 16(2) is essentially the same point, and elicits the same response, though the Council somewhat ironically talks of bringing about a ‘significant boost’ in the provision of housing which is precisely what it is trying to avoid through its formulation of the Plan.

• 16(3) is about the opportunity for future coordination with other plans. The reporting of discussions under the ‘duty to cooperate’ in the Council’s separate report of its Duty to Cooperate activity (and also in the GL Hearn report included with the submission of the Plan) demonstrates to the reader that no significant and effective coordination of local plans has taken place to date (and the ‘duty’ was enacted seven years ago), and more pertinently provides no indication whatsoever that any such coordination leading to any significant difference to the Runnymede Local Plan is going to happen in the future. There is a critical difference, not acknowledged by the Council between talking and doing. Re-creo note that both Spelthorne and Elmbridge Borough Councils are preparing local plans with 2035 plan horizons, so they are clearly...
not feeling that a short plan period with an early review is needed to provide the opportunity for cross boundary coordination as Runnymede Borough Council claims.

- The ‘opportunity’ the Council suggests at 16(3) is created would arise from a review in any case, and regular review is required by normal sound plan making and by Government policy rather than having anything to do with a shortened Plan period. Incidentally the GL Hearn Report also submitted on 31 July 2018 says (at 2.5) in relation to the updated SHMA being only for Runnymede that, ‘Although not published the work was examined across both local authorities. This was at the request of Spelthorne who did not require an update at that time.’ In other words there was no continuing cooperation on the evidence, let alone the basis for each local plan being influenced by what the evidence said about the relationship between the local authority areas on need and provision.

- 16(4) Refers to the Government’s ‘emergent policy’ – something cited by the Council when it plays to its argument, but rejected as not material when it doesn’t. Again the opportunity or need for a review is not a product of shortening the Plan period and isn’t the solution to the problems so created.

- 16(5) Refers to providing ‘a framework for neighbourhood plans’. This has nothing to do with the Plan period, only with having a Plan, though a longer Plan period would clearly provide a clearer, more credible and more reliable framework giving encouragement and confidence to communities thinking about making neighbourhood plans.

- 16(6) refers to ‘the ability to respond to anticipated regional changes’. Again this has nothing to do with the Plan period or with having an early review as a consequence. The only example given is Heathrow Airport where the Council should be expected to act on the basis of current Government policy supporting the expansion of the airports’ capacity, as on any other issue. The GL Hearn report published alongside the Overview Report in any case neatly dispatches the Council’s point, doing so at section 2.22 where it concludes that ‘the likely impact (of the Heathrow expansion) is therefore fairly minimal’.

2.2.17 In Re-creo’s view, the Council does not make any case whatsoever for the advantages arising from an early review that in any way condones or justifies the short Plan period.

2.3 Other parts of the Overview Report

2.3.1 Re-creo’s general view on the Overview Report is set out at para. 2.1.1 of these representations, and consistent with this view it would be quite possible to comment adversely on virtually every statement in the Overview Report.
2.3.2 It is noted for example that:

- The Council believes that Green Belt, rather than being a political construct from national policy, is a 'significant environmental constraint'; (para. 8) a view that illustrates how far away from adopting a proper, positive and informed approach to plan making the Council really is.

- At para. 13 the Overview Report says:

  *The upshot of this approach was that the Council could meet 100 per cent of the demographic component of its objectively assessed need for housing, adjusted to account for London migration and to improve affordability if the plan period was reduced by 5 years to end in 2030.*

  This is the first time this has been said. The adjustment referred to is not explained, nor is how avoiding making adequate housing provision improves affordability. The requirement on the Council is to meet all of the need, the assessment of which includes a demographic component.

2.3.3 Re-creo is confident however, that every matter in the Overview Report and much more will be explored in the Examination of the Plan and at the Hearings if the Examination progresses that far, and the Council’s words from the Overview Report will be looked at by all of the participants with the effect of weakening the credibility of the Plan.

2.3.4 It is apposite perhaps to end this section of Re-creo’s representations with the closing words from the Overview Report (para.26) that:

*On this basis the Council believes it has discharged all legal requirements and formulated a Plan which positively fosters growth and is sound. It therefore looks forward to demonstrating how the Plan will foster and promote sustainable development at the forthcoming examination in public.*

Really?
3 The GL Hearn document

3.1.1 The GL Hearn document is presented as a response on behalf of the Council to various housing and employment issues raised in the previous rounds of consultation. It doesn’t seem to add a great deal:

- Consultation responses that are based on misunderstanding are corrected or dismissed, quite reasonably;
- GL Hearn’s position on technical issues is re-stated as in the SHMA reports and these matters of disagreement will be explored in the Examination presumably;
- and some difficult issues are left with little comment, again quite reasonably as these are not matters of the consultant’s making.

3.1.2 As an example of the second category, a point made in Re-creo’s earlier representations, is whether the market signals uplift to the demographic housing requirement should be higher than the 20% GL Hearn opted for in the SHMA. The report doesn’t accurately state this consultation comment, and the response doesn’t deal with the issue (para. 2.14), but the point will have to be addressed through the Examination.

3.1.3 A good example of the third category is when the GL Hearn report touches on the issue of the change to the Plan period, which has been considered at length in the previous part of these comments on the Overview Report. At section 2.4 of the GL Hearn report, not very clearly and without spelling it out, the issue raised by objectors is stated as ‘There is no explanation why the forecast period has changed’.

3.1.4 The GL Hearn response is ‘The Council’s rationale for amending the Local Plan period is set out in the 20th December Planning Committee Report (and subsequent report to the Full Council of 9th January 2018). The SHMA itself sets out the need for housing over two different periods from 2016 up to 2030 and up to 2035’.

3.1.5 This response confirms the change to the Plan period to be an input to rather than an output of the SHMA. The Planning Committee Reports cited certainly do not present a ‘rationale’ as Re-creo has commented before.
The Revised NPPF

4.1.1 After heralding the subject for some time, including consulting on a very full draft in March 2018 and broadcasting the principle of the ‘standard housing needs assessment’ well before that, the Government published its revised NPPF on 26 July 2018, before the submission of the Runnymede Local Plan on 31 August 2018.

4.1.2 Re-creo imagines that the Council will place some reliance on the statement at ‘Appendix 1 Implementation of the Framework’ that:

‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.’

4.1.3 Certainly the Council has regularly stated and documented its position that the primary reason for its recent attempt to speed up its plan preparation has been to avoid being obliged to meet the housing need according to the incoming Government standard needs assessment.

4.1.4 It is Re-creo’s position that the Local Plan is unsound in very basic ways when considered according to the policies and soundness tests in the previous Framework, the Framework in position when the Plan was prepared (though not when it was submitted).

4.1.5 In the same Appendix in the new Framework and ahead of the statement quoted above, the Framework states:

‘The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.’

4.1.6 The most efficient, and clearly most appropriate way to meet this requirement would have been for the Council to adjust its Plan to address the changes made in the NPPF 2018 – which have been long signposted – even if this meant a short delay on top of the previous long delays. The Council has instead done the exact opposite by acting in a way that pushes its engagement with the replacement national planning policy as far into the future as it can.
5 Conclusions

5.1.1 In submitting its Local Plan Runnymede Borough Council presented material seeking to justify aspects of its approach to creating a Local Plan that it had not previously published or consulted upon. In the interests of a fully informed and complete Examination of the Local Plan, Re-creo has continued its long involvement with the Plan by commenting on this material. It is trusted that the response to the Council’s views will be noted by the Inspector.

5.1.2 Re-creo’s essential point is that the Council’s shortening of the Plan period is for no other reason than to avoid making the level of housing provision needed at this time, and when other sites that meet good overall planning objectives and the Council’s own stated criteria are available. The Council has simply not tried hard enough. In the current parlance of local plan inspections, the Council has left stones unturned.

5.1.3 The short Plan period is a fundamental issue making the Plan unsound. Whilst never seeking to explain or justify its actions, the Council has now tried to suggest there will be incidental benefits, essentially trying to obfuscate the unsoundness of the Plan by talking about an early review. None of these ‘benefits’ however are a product of the short Plan period or an early review, and would be achieved in any case and to a greater degree if the Council were to plan properly in accordance with national planning policy as it previously existed and has now been repeated and emphasised.