EXAMINATION STATEMENT – MATTER 6

Runnymede Local Plan

Representations on behalf of Devine Homes PLC (ID: 370)

January 2019
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RUNNYMEDE LOCAL PLAN

REPRESENTATIONS ON BEHALF OF
DEVINE HOMES PLC (ID: 370)
JANUARY 2019

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Barton Willmore
The Observatory
Southfleet Road
Ebbsfleet
Dartford
Kent
DA10 0DF
Tel: 01322 374660
Email: james.finn@bartonwillmore.co.uk
Ref: 26520/A3/JF/cg
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1.0 INTRODUCTION

1.1 This Statement has been prepared by Barton Willmore LLP on behalf of our Client, Devine Homes PLC, who has an interest in the land known as ‘Virginia Water South’, identified at proposed Policy allocation SL10. The remaining land owners comprise Belinda Davie, Robyn Close, Blyth Baker and Elizabeth Palfrey.

1.2 Representations have been made on behalf of our Client throughout the production of the Local Plan. Devine Homes submitted conjoined representations with the other owners of the land that is the subject of Policy SL10 to the previous Draft Local Plan consultation. The previous representation included an indicative masterplan, informed by technical analysis, to demonstrate that the site can deliver a minimum of 150 dwellings in a sustainable form.

1.3 Further details on the final site layout including, for example, the access arrangement to the site could, of course, come forward at the detailed planning stage. All landowners are working together to help bring the site forward for development.

1.4 Notwithstanding the land interests of our Client, these representations have been prepared in recognition of prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

1.5 The Local Plan was submitted prior to the revised 2018 NPPF and is therefore being examined under the 2012 NPPF. Reference is therefore made to the 2012 NPPF in responses to the Inspector’s questions, unless otherwise stated. These representations respond to the Inspector’s questions within Matter 6 and have been considered in the context of the tests of ‘Soundness’ as set out at Para 182 of the NPPF which requires that a Plan is:

- **Positively Prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where reasonable;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternative, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
2.0 RESPONSE TO MATTER 6 – OTHER ALLOCATIONS FOR HOUSING AND MIXED USES

Question 6.1

Have the other site allocations in Policy SD3 and detailed in Policies SL2-SL18 emerged from a thorough, objective assessment of all potential sites, including review of Green Belt boundaries, sustainability appraisal and Habitats Regulations Assessment where necessary? In particular:

a) In selecting the allocations, has the Council applied suitable methodologies in a consistent way? If not, what are the weaknesses in the evidence base, do they fundamentally undermine the plan-making process, and which of the allocations may be unsound?
b) Is it clear why the Council has decided to allocate the specific sites and not others?
c) Is the proposed development of each of the allocated sites consistent with the Plan’s spatial vision and objectives and with national planning policy?

2.1 We consider that it is evident from the documents below that the Council’s selection of the allocation at Draft Policy SL10 ‘Virginia Water South’ has emerged from a thorough and objective assessment:

- Habitat Regulations Assessment Screening and Appropriate Assessment Report (July 2016 and May 2017, refs. SD_017A and SD_017M respectively);
- Green Belt Review (the ‘GBR’) Part 1 (December 2014, ref. SD_004K) and Part 2 (March 2017, ref. SD_004Q) (and associated updates) and the Green Belt Exceptional Circumstances Report (the ‘GBEC’, January 2018, ref. SD_004X) and the Exceptional Circumstances Addendum (the ‘GBECA’) (April 2018, ref. SD_004Y);
- Site Selection Methodology and Assessment (the ‘SSMA’) (December 2017) (ref. SD_012B);
- Strategic Land Availability Assessment (the ‘SLAA’) (January 2018, ref. SD_006G) and SLAA Site Book Assessments (January 2018, ref. SD_006L); and,
- The iterative Sustainability Appraisals (‘SA’) undertaken.

2.2 The above documents, which have been subject to consultation throughout the preparation of the Local Plan (and that have been prepared with reference to other technical and environmental evidence base reports on matters such as landscape, flood risk, and transport) explain how the methodologies have been established to inform the assessments undertaken in selecting the proposed site allocations, as follows:

- The GBR Part 1 explains at para. 4.2.4 that its methodology for this assessment was shared and discussed with the neighbouring and wider partner authorities, with comments received taken into account as the study progressed.
The GBR Part 2 explains at para. 2.1.2 that “... the methodology was developed in line with previous experience and good practice identified elsewhere, alongside guidance documents such as the Planning Practice Guidance, Planning Advisory Service guidance note on Green Belt policy, and the Landscape Institute guidance on landscape visual assessment.”

The GBECA was prepared by the Council in response to recent Examinations of Local Plans showing that Inspectors have particularly focused upon the local level exceptional circumstances related to specific site allocations which have been proposed, within Local Plans, to be removed from the Green Belt. The Council has utilised the site allocation pro formas, identified in the draft Local Plan, and produced an analysis for each site allocation of the local level exceptional circumstances that should be considered when justifying release from the Green Belt.

The SLAA explains at para. 1 that it has been produced in accordance with the jointly produced SLAA methodology between Runnymede and Spelthorne Borough Councils.

The SSMA explains at paras. 3.1 and 4.1 that in order to propose a robust and credible methodology its approach is based on comparator methodologies.

2.3 With regard to part ‘a’ of the question we consider that the Council has demonstrated through utilising comparator methodologies and/ or seeking the consensus of neighbouring authorities that reasonable methodologies have been applied to its assessment in the above documents of the proposed allocation at Draft Policy SL10.

2.4 Regarding part ‘b’ of the question, we consider that the above documents provide a thorough and clear explanation as to the Council’s decision-making process for selecting the proposed allocation at Draft Policy SL10 ‘Virginia Water South’, as follows:

- The land comprising Draft Allocation SL10 is assessed in the GBR Part 1 as part of ‘General Area 7’, which was scored lower than all other General Areas against the contribution it makes towards the three NPPF para 80 Green Belt purposes, including ‘Purpose 1’ checking the unrestricted sprawl of large built-up areas, ‘Purpose 2’ preventing neighbouring towns merging into one another and ‘Purpose 3’ assisting in safeguarding the countryside from encroachment.

- The land comprising the proposed allocation at draft Policy SL10 was identified as a ‘Resultant Land Parcel’ for further consideration for Green Belt release, taking into the
identified and assessed ‘absolute’ (e.g. floodplain and statutory landscape, heritage and biodiversity designations) and ‘non-absolute constraints’ (i.e. constraints not expected to have as significant an impact on development potential).

- The land comprising Draft Allocation SL10 was assessed as Sub Area 52 in the GBR Part 2, with para. 4.2.50 concluding that “… it is judged that this area plays a limited role with respect to the wider strategic Green Belt and its loss would not harm the integrity of surrounding Green Belt” and para. 4.2.51 recommending that this sub-area “…could be considered further.” (bold our emphasis).

- The SSMA concluded at Table 5.6 that the Site 261 that comprises the proposed allocation at Policy SL10 was viable and with the recommendation that it should be allocated for housing. This assessment took into the account a comprehensive assessment of the site including with regard to its accessibility, landscape effects, Green Belt function, flood risk, heritage etc.

- The SLAA Site Book Assessments concluded for the land comprising Draft Allocation SL10 (site ref. ID 261) that “… given the findings of the Site Selection Methodology in terms of the sites performance against sustainability and Green Belt purposes, it is considered that the site could be released from the Green Belt and is a suitable location for housing. Residential Units: 130(min).” (bold our emphasis).

- With regard to the demonstration of Exceptional Circumstances to justify amending the Green Belt, the GBECA at section 7 on page 17 concluded in its consideration of the proposed allocation at draft Policy SL10 that “In accordance with the Council’s adopted site selection methodology the removal of this parcel of land is considered to demonstrate Exceptional Circumstances of:
  
  - The need for housing – to provide sufficient land to achieve the full Objectively Assessed Housing Need and to meet identified needs for gypsies and travellers; and
  - To need to ensure that the Green Belt boundary is defensible and logical in the light of changes which have occurred since drawing the Green Belt boundary in 1986.” (bold our emphasis).
• It is noted that the SA Reg 19 Part 3B Results (ref. SD_018N) concluded regarding the proposed allocation at Policy SL10 that:

“The site will have a significant positive effect on biodiversity through requiring extensive ecological mitigation including provision of a net gain in biodiversity including through appropriately designed green infrastructure buffer and through the provision of landscaping and boundary vegetation. The site will also have a significant positive effect on provision of housing and community infrastructure including provision of Gypsy & Traveller pitches. The site will have no significant negative effects or uncertain effects.” (bold our emphasis).

2.5 Regarding part ‘c’ of the question, we consider that the proposed development at Draft Policy SL10 is consistent with the Plan’s spatial vision and objectives, given:

• The Draft Policy will realise the delivery of housing to meet the needs of the community in a way that is consistent with achieving sustainable development; and
• The Draft Policy’s requirements (regarding landscaping; biodiversity; public right of way improvements; transport; education and outdoor sports contributions; and Thames Basin Heaths SPA SAMM and SANG mitigation) will ensure that the development envisaged will achieve positive outcomes against the relevant objectives, as evidenced in the abovementioned extract of SA Reg 19 Part 3b Results.

2.6 However, Devine Homes is confident that the Site has capacity to accommodate more than 140 net units and therefore suggest an amendment to this policy to reflect a minimum of 150 net units.

2.7 This would provide for the most positively prepared strategy for this Site that optimises the delivery of new housing.

2.8 This has been demonstrated by Devine Homes’ and the other landowners’ representations submitted to the previous Reg. 19 consultation on the Draft Local Plan, which included an indicative masterplan, informed by technical analysis, to demonstrate that the site can deliver a minimum of 150 dwellings in a sustainable form.

2.9 To reiterate, Devine Homes consider that this allocation is “positively prepared”, “justified” and “deliverable”, “consistent with National Policy” and are therefore “sound”. There are no reasons why this Site should not be allocated.
Response to Matter 6 – Other Allocation for Housing and Mixed Uses

**Question 6.2**

*With regard to the specific characteristics of each of the allocations, are there exceptional circumstances that are sufficient to justify the proposed alterations to the Green Belt boundary?*

2.10 As explained above, the GBECA (ref. SD_004Y) sets out the specific characteristics of the land at Virginia Water South that comprises the proposed allocation at draft Policy SL10 and identifies its limited role with respect to the wider strategic Green Belt and how its loss would not harm the integrity of surrounding Green Belt.

2.11 The land at proposed allocation Policy SL10 is bound to the north and east by residential development, to the south by Trumps Green Road, beyond which are a rail line and the M3. To the west a dense tree belt provides a landscape buffer to the Wentworth Golf course. The site is not subject to any national or local ecological or landscape designations, and is not constrained by Flood Risk, being location by Flood Zone.

2.12 The site is a logical and sustainable location for development, as demonstrated in the abovementioned extract of the SA Reg 19 Part 3b Results, which has concluded that the proposed allocation of Draft Policy SL10 for residential development in this location and its requirements (regarding landscaping; biodiversity; public right of way improvements; transport; education and outdoor sports contributions; and Thames Basin Heaths SPA SAMM and SANG mitigation) will ensure that the development envisaged will achieve positive outcomes against the relevant respective spatial objectives.

2.13 We therefore consider that the exceptional circumstances identified by the Council in the GBECA at section 7 on page 17 (as summarised above) are sufficient to justify the proposed alteration of the Green Belt boundary to exclude the land at the proposed allocation Draft Policy SL10 ‘Virginia Water South’.

**Question 6.3**

*Is each of the allocated sites viable and likely to be delivered within the expected timescale? Does the evidence, including any up-to-date information, support the housing trajectory for the individual sites?*

2.14 Devine Homes is confident that the Site is viable and is likely to be delivered within the expected timescale of within the first five years of the plan period, in the period 2020-2023.

2.15 Devine Homes has confirmed the deliverability of the Site and confirms that the landowners are working towards the preparation of the technical and environmental reports that would be required by the Council to support a planning application.
Devine Homes anticipates that a planning application pursuant to Policy allocation SL10 would be submitted within the timescales required to achieve the delivery of homes within the period 2020 to 2023 and is there confident that the housing trajectory for draft allocation is achievable.

It is noted that the timing of the delivery of the development envisaged by Draft Policy SL10 is not constrained by any infrastructure requirements.

Moreover, Devine Homes note and endorse the conclusions of the Transport Statement prepared by EAS Transport Planners that was submitted by the other landowners’ consultant Kevin Scot Associates as part of their Regulation 19 representations, which demonstrated that the likely additional traffic flow generated by a development of 150 units would be negligible and a very small percentage of the existing traffic flow. Moreover, Devine Homes note that the EAS Transport Statement has demonstrated that access can be achieved to the site via a roundabout but would highlight that the final access arrangement would be considered at the application stage.

**Question 6.4**

Taking account of each of the Policies SL2-SL18, are the specific requirements for development of the sites justified, consistent with national planning policy, and likely to be effective? And in particular, do they make sound provisions for the number and types of dwellings, pitches for Gypsies and Travellers, the range of infrastructure required, flood protection, acceptable noise standards and air quality, and protection and enhancement of the natural environment?

Draft Policy SL10 includes several specific requirements regarding measures to be delivered in connection with landscaping, biodiversity, public right of way improvements, transport effects, education contribution, outdoor sports contribution, Thames Basin Heaths SPA SAMM and SANG mitigation.

We note that the SA Report Part 3B (January 2018, ref. SD_018N), with reference to the relevant evidence base document, has concluded that with the implementation of the measures identified at draft Policy SL10 the development envisaged by the allocation would not result in any significant negative effects or uncertain effects.

Moreover, we consider that the measures are consistent with national planning policy, and Devine Homes is confident that the measures are achievable and deliverable.

We therefore consider that the measures listed at Draft Policy SL10 are likely to be ‘effective’.

However, with regard to the number of dwellings envisaged at Policy SL10, it is note that the Site Capacity Analysis Addendum (April 2018) has concluded that more than 140 dwellings
could be brought forward, depending on the access arrangements into the site. Devine Homes is confident that the Site has capacity to accommodate more than 140 net units and therefore suggest an amendment to this policy to reflect a minimum of 150 net units.

2.24 Moreover, with regard to the requirement at draft Policy SL10 to provide two net additional serviced Gypsy/Traveller pitches, we have explained in our previous representations that we are concerned that these pitches may not ultimately be needed, and that it may not be practicable or financially viable to provide them.

2.25 Accordingly, to accommodate sufficient flexibility in the wording of the Policy SL10 we recommend the following minor modification (for the sake of clarity, in the following modification new text is shown in bold and text to be deleted is shown in strikethrough):

Make provision for a minimum of 140 150 net additional C3 dwellings including and.

If required at the time a planning application is submitted, make provision for 2 net additional serviced Gypsy/Traveller pitches unless it is not viable to do so.