HEARING STATEMENT

On Behalf of Ashill (Respondent ID 1481)

Stage 3 Hearings

October 2019
1.0 Introduction

1.1 CBRE and i-Transport are appointed jointly to act for Ashill on behalf of their land interests at Christmas Tree Farm (SLAA 284). CBRE is separately appointed in respect of Stroude Farm (SLAA 13).

1.2 Both sites are strategically located and offer a solution to the identified issues of soundness arising from Hearing 3. Christmas Tree Farm (SLAA 284) is identified in SD_015H as a potential mitigation to junction 10 of the A320.

Source: SK002 A320 Document

1.3 For reference the two sites are identified in Appendix A.
QUESTION 1

Have the Plan’s implications for traffic growth on the Borough’s critical highways infrastructure, specifically the A320 and the connections with the M25, been adequately assessed?

2.1 In contrast to work undertaken for the M25 junctions, the various A320 mitigation schemes have not evolved since the issue of the A320 Corridor Study final report in April 2018. i-Transport’s previous note¹ identified a number of flaws and omissions with regard to the Council’s highways evidence base and the April 2018 mitigation schemes.

2.2 The Council accept that the mitigation package is not fit for purpose, and that the work needs to be revisited:

“The SoCG set out a commitment to continued partnership working with Surrey Heath Borough Council and Surrey County Council to identify measures of mitigation along the corridor to help address the current and future cumulative development impacts.”

(Ref: para 4.3 of the A320 Topic Paper).

“If the current feasibility design for this junction is progressed, it would require the purchase of a large area of 3rd party land. This increases the risk of the programme for delivery slipping and also increases the overall cost of the mitigation solution. To mitigate this risk, the detailed design of this junction is to be reassessed…”

(Ref: Figure 3: Risk Assessment of the A320 Topic Paper with regard to Junction 10).

2.3 The Council recognises the risk/uncertainty and therefore need to redesign inter alia the Otter roundabout scheme. However, they are still to identify a scheme that is deliverable with any reasonable level of certainty.

2.4 Whilst the assessment of impacts may be based on parameters that have now been signed off by Surrey County Council and Highways England, the effectiveness of the A320 mitigation schemes remains an unknown. The schemes identified in the A320 Corridor Study final report need to be revisited not least due to third party land constraints. The Council has not presented final mitigation schemes, and is therefore unable to model a ‘with mitigation’ scenario. The Council has not demonstrated that there are reasonable prospects of a deliverable strategy for the A320 corridor that is capable of acceptably mitigating traffic impacts. This is particularly the case at the Otter roundabout, which is fundamental to the soundness of the plan.

2.5 The Plan therefore, remains unsound in this regard as there is no evidence to support the proposed mitigation being effective. Effective and deliverable mitigation schemes need to be identified and demonstrated, especially at the Otter roundabout.

QUESTION 2

Taking account of planned development in and around the Borough, are there reasonable prospects that satisfactory mitigation can and will be provided in time to avoid unacceptable impacts on the operation of the A320 and M25? Does the submitted Plan provide appropriate guidance about how this will be achieved?

¹ Ref: Regulation 19 Response – ID1481
2.0 Response to Stage 3

2.6 The Council’s timetable for the A320 Improvement Programme\(^2\) identifies completion of the works in March 2024. In light of the available evidence, the mitigation falls short of the test within Paragraph 177 of the NPPF:

1. It is noted that the Statement of Common Ground with Highways England does not identify any agreed timescale for delivery of the Junction 11 works. The M25 Junction 10 to 16 Smart Motorway Scheme is programmed to be completed in 2023\(^3\). Given the complexity of managing two different contractors using the same road space as well as the disruption caused by undertaking concurrent highway schemes, it is inevitable that the Junction 11 works will need to be undertaken after the Smart Motorway scheme is completed. This is likely to result in the Junction 11 works being completed no sooner than around 2026\(^4\).

2. As set out in Section 2 of this note, the Council’s mitigation schemes elsewhere on the A320 are, at best, no more than at an embryonic stage. Given the large number of locations where mitigation is required and the complexity of the issues at each location (not least space constraints and land ownerships), it is a heroic assumption that detailed design will be completed by August 2020 to enable tender documentation to be prepared.

3. The embryonic mitigation schemes identify the need for third party land at a number of locations. i-Transport’s analysis of the Otter roundabout proposal has been unable to identify an acceptable scheme within the tight constraints of the existing public highway. Acceptable mitigation will not be achievable without securing additional land that is not currently part of the public highway. The Council’s timetable makes no allowance for the considerable time and difficulty in securing third party land, e.g. the need for a CPO process.

2.7 As detailed in previous Hearing Statements, a more cost-effective solution for junction 10 of the A320 exists with land that is either public highway or in the control of Ashill. As previously noted, the Christmas Tree Farm site is identified in SD_015H as a potential mitigation option. Delivery of this scheme as part of a wider housing allocation at the site would expedite the delivery of the mitigation on what is identified as the most critical A320 junction.

2.8 The greater certainty in delivery and reduced costs associated with Figure 1 scheme (over the page) would provide the necessary ‘reasonable prospects’ for infrastructure delivery that the current Plan does not include.

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\(^2\) Ref: Page 12 of the A320 Update Paper

\(^3\) Ref: https://highwaysengland.co.uk/projects/m25-junction-10-to-junction-16-smart-motorway/

\(^4\) Based on the circa 2½ year timetable from enabling works starting to completion of works identified in para 5.12 of the A320 Update Paper.
2.0 Response to Stage 3

4. Delivery of the mitigation is very much dependent on obtaining public funding. At the time of the Stage 3 Hearing, the outcome of the HIF and MRN processes will remain unknown. Whilst the HIF bid seeks £44million, it is unknown whether that will be sufficient to deliver the necessary mitigation. Even where the Council has a relatively well developed scheme – at Junction 11 – the need for expensive retaining structure and/or the need to purchase third party land is unknown.

2.9 In responding to the test of ‘reasonable prospects’ the HiF bid is not confirmed and it would be unjustified to adopt the Plan on the assumption that this was to be granted. The HiF bidding process is extremely competitive and we are unaware of any evidence that would support advancing the Plan on the assumption it is granted. Furthermore, paragraph 14 of the NPPF requires that plans should be developed with ‘the flexibility to respond to rapid change.’ It is clear that the Plan, as drafted, assumes that HiF will be secured but this is unknown and, if withdrawn, would represent a rapid change for the Council.

2.10 In this context the Plan should include an element of contingency within it. Whilst it may be unreasonable to suggest that the contingency should extend to the whole stretch of the A320, as a minimum is should include a proactive (HiF independent) solution for Junction 10 which is identified as a critical junction for improvement.

2.11 It is incumbent on the Plan (if it is to be found sound) to ensure that there are reasonable prospects of the required infrastructure being delivered.

2.12 The allocation of development at the Christmas Tree Farm to deliver (1) certainty and expediency in the mitigation at junction 10 when compare to alternatives and (2) a significant developer contribution to reduce the funding gap if HiF is unsuccessful and would respond to the identified issues of soundness.

Figure 1 – Revised A320 Scheme
2.0 Response to Stage 3

QUESTION 3

Overall, can there be reasonable confidence that the level of development proposed in the Plan can be viably delivered while making an appropriate contribution to the completion of the necessary mitigation measures for the A320 and M25?

2.13 It is acknowledged by the Council that the scheme of mitigation proposed as part of the HiF bid does not reflect the final mitigation and this will need to be revisited as part of further design work. As such, it is uncertain whether £44 million is a reasonable assessment of cost. In our submission the costs are likely to significantly increase once CPO and other costs are accounted for.

QUESTION 4

A revised trajectory and supporting information for development of Longcross Garden Village (LGV) is presented in RBCLP 56, and for all the A320-dependent sites in RBCLP 52, having regard to the Council’s and Surrey County Council’s priorities for improvement of the A320 and safe conditions on the local road network.

a. Is the revised trajectory based on reasonable assumptions and sound principles to seek to maintain housing delivery rates at LGV and the other A320-dependent sites while avoiding unacceptable impacts on the highway network?

b. Apart from the distinction drawn between A320-dependent sites with or without planning permission, what is the basis for the estimated number of completions on these individual sites by 2023/2024, and by the end of the Plan period?

2.14 Our response to Question 4 is concentrated on (A), with the question posed at (B) to be addressed by the Council.

2.15 Given the existing issues on the A320 corridor, and at Junction 11, there is a finite amount of development that can be delivered ahead of the delivery of the mitigation schemes.

2.16 The Council has previously verbally identified that amount to be a very low number - 125 dwellings. Whilst the Council has amended its housing trajectory to allow for the highway constraints there is no evidence to justify whether that revised trajectory is achievable without resulting in severe impacts.

2.17 Without any technical evidence, the Council now considers that 740 new dwellings on A320 dependent sites can come forward ahead of the highway mitigation schemes. That excludes 831 new dwellings on A320 dependent sites that already have planning permission and which will result in the deterioration of existing conditions, which are already unacceptable at a number of locations.

2.18 That quantum of development is a significant uplift on the Council’s previous position. There is no evidence to justify that this is a robust position. It is simply noted that the new dwellings [referring to the uplift] “would of course be tested through detailed transport assessments

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5 Ref: Ian Maguire verbal submission on 5 February 2018
6 Ref: Section 9 of the A320 Update Paper
7 Ref: Schemes not permitted and delivering homes up to 2023-2024 as set out in Appendix 2 of the A320 Update Paper. This does not include sites that would be the subject to Grampian Conditions.
2.0 Response to Stage 3

which accompany planning applications as they come forward”. Given the existing issues and the significant amount of development proposed to come forward through the extant permissions, there is a significant likelihood that those detailed transport assessments will identify severe cumulative impacts and the new homes will be delayed until after the mitigation schemes are delivered.

2.19 The Statement of Common Ground prepared with Crest Nicholson (RCLBP_56) further states that a transport assessment will be used to inform the appropriate number of homes that can be acceptably delivered on the network.

2.20 As highlighted in the below, the required evidence to justify the proposed housing completions does not currently exist and is left to the planning application stage. Such a process is unsound and cannot be used to support the proposed inclusion of 590 homes from the Longcross Garden Development by 2024.

**DELIVERY OF HOUSING AT LGV**

3.1 Discussions between RBC and Crest & CGNU have considered whether any additional traffic generated by the development could be accommodated on the local highway network without materially affecting the A320 corridor, under an ‘interim’ scenario or scenarios and where the A320 North of Woking scheme has not yet been completed. RBC and Crest & CGNU acknowledge and agree that these interim scenarios will need to be subject to the conclusions of detailed transport assessments produced in advance or alongside individual planning applications (where required) with appropriate modelling assumptions agreed in advance with SCC as the local highway authority.

2.21 Of the 915 to be delivered from 2019-2024, Paragraph 9.8 of the A320 states that 590 homes could be developed at Longcross Garden Village without the need for development to be restricted to account for the timings of the A320 work.

2.22 The justification of this appears to be led by the following response:

“Mindful of the potential impact of this additional housing development on the A320 prior to completion of the A320 improvement works and the aspiration to see those works substantially completed in parallel with letting its proposed employment space, Crest Nicholson has also indicated that, in practice, it would not expect to begin implementing a significant proportion, or potentially all, of the remaining 62,260m² of permitted employment space at the Longcross Business Park until August 2023 (being the latest implementation date permitted under the existing planning permission at Longcross North). This would enable a continuation of housing completions as shown in the revised trajectory at Appendix 2.”

2.23 The inference from the above is that the revised housing trajectory is justified on the basis of an ‘indication’ that Crest Nicholson will not implement its employment permission until 2023 and that this will create capacity in the network that is currently taken as committed. Such an approach is not justified. For example, the employment element of the site could be sold to a strategic employment developer with aspirations to implement the consented employment floorspace before 2023 (this adding trips to the network). The statement of common ground

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2.0 Response to Stage 3

does not reflect a justified position on which to assume housing delivery before the A320 mitigation is delivered

2.24 Notwithstanding the above and associated highways considerations, we would question the revised housing trajectory as submitted through the Statement of Common Ground. This assumes 590 homes being delivered within a three-year period.

2.25 With respect to Longcross South, the Statement of Common Ground suggests that 350 homes will be delivered by 2024 assuming an outline application submission in April 2020. For a development of this scale we would expect at least one year – 18 months before the issuing of a decision. This assumes that the scheme is not subject to legal challenge and/or the subject to a call-in. A reserved matters application would then need to be submitted and approved alongside any relevant pre-commencement conditions. We would expect a period of at least 9 months to one year for this process.

2.26 In light of this we would have significant reservations about significant units being delivered before 2023.

2.27 Notwithstanding highways considerations, in our view the contribution from Longcross South is overstated by circa 200 units by 2024.

2.28 More broadly, we consider that 175 homes have been overstated in the trajectory as they relate to Handworth Lane, Chertsey Bittams (Parcel A, B, E), Chilsey Green Farm, Ottershaw East and the Central Veterinary Lab. Those sites are stated as being dependent on the A320 improvements in Appendix 2 of the A320 Topic Paper and envisaged to start delivering housing no sooner than 2023-2024. Whilst the Council’s position is that earlier delivery may be possible if demonstrated through the preparation of Transport Assessments, such earlier delivery is not evidenced and, as drafted, the Local Plan assumes that those 175 dwellings can only come forward after the completion of the Phase 1 A320 work. Noting the uncertainty of timing of delivery of the A320 works (as set out in our response to Question 2 above), it is doubtful that completions would be achieved in 2024.

2.29 Based on the above, the shortfall in the five-year land supply from 2019 – 2024 will be at least 615 homes but could be as much as the full 915 homes, depending on the extent of highways impact that is identified once details transport assessments are submitted.

2.30 Our revised assumption is included below:

Revised Development Assumptions for A320 – Sites without Planning Permission and Contribution Assumed for 2019 - 2024

<table>
<thead>
<tr>
<th>SITE</th>
<th>RBC ASSESSMENT</th>
<th>CBRE</th>
<th>JUSTIFICATION FOR AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land at Handworth Lane</td>
<td>25</td>
<td>0</td>
<td>Considered that development is unlikely to commence in the light of a Grampian Condition. Early A320 mitigation delivered assumed to be 2025.</td>
</tr>
<tr>
<td>Chertsey Bittams – A</td>
<td>25</td>
<td>0</td>
<td>Considered that development is unlikely to commence in the light of a Grampian Condition. Early A320 mitigation delivered assumed to be 2025.</td>
</tr>
</tbody>
</table>

9 Noting also that Page 9 of the Council’s response to the HIF Business Case Questions states that “The highway works are required to facilitate the development of all 7 housing sites and are connected to the delivery of housing as follows with a Grampian clause included (or to be included) in all planning consents”

10 As set out in Appendix 2
2.0 Response to Stage 3

<table>
<thead>
<tr>
<th>Site</th>
<th>Homes</th>
<th>Jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chertsey Bittams – D</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Chertsey Bittams – E</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Longcross North</td>
<td>240</td>
<td>100</td>
</tr>
<tr>
<td>Longcross South</td>
<td>350</td>
<td>50</td>
</tr>
<tr>
<td>Chilsey Green</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Chertsey Bittams - B</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Central Veterinary Lab – B</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Ottershaw East</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>915</td>
<td>300</td>
</tr>
</tbody>
</table>

Redevelopment site, acknowledged that existing trip generation figures are included.

Considered that development is unlikely to commence in the light of a Grampian Condition. Earliest A320 mitigation delivered assumed to be 2025.

No current justification that the development would not result in unacceptable impacts. Evidence only assumes that the proposed employment floorspace may be delivered in delivery to ‘free-up’ capacity but nothing to secure this.

As above but also that the development trajectory overestimates the speed with which development would commence on site once necessary consents in place.

Considered that development is unlikely to commence in the light of a Grampian Condition. Earliest A320 mitigation delivered assumed to be 2025.

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2.31 Appendix 3 states that for the period 2019 – 2024 5.07 years supply will be maintained. Even assuming the conservative estimate in the above of 615 homes fewer, this would result in a five-year supply of circa 4.1 years. This does not account for the shortfall in the five-year supply that has been made in response to other Hearing Statements (i.e. windfall etc...).

2.32 Even if the individual Transport Assessments do identify that some development can come forward (noting the absence of evidence at this stage), a less than five year housing land supply will still be the result. There is the need for deliverable sites in the short term. It would be unsound to adopt the Plan with less than a five-year supply of homes and Main Modifications, through the identification of additional sites, is required to address this.

QUESTION 5

The updated evidence confirms that the proposed mitigation works for the A320 and M25 will only go some way towards negating the entire traffic impact of the Plan’s proposals. In this light, and bearing in mind the suggested changes to the Plan that have already been put forward during the course of the examination, does the Plan make sound provisions for sustainable transport, particularly public transport and active modes of travel?

The Council’s transport focus has been on resolving traffic impact matters through modelling and seeking to identify highways improvements that deal with the impacts. As a result, there is not a well-developed sustainable transport strategy. This focus is highlighted by the Statement of Common Ground with SCC, which identifies £57.7 million of highway improvements compared with £6.185 million for schemes to improve walking/cycling/public transport networks. Further thought and evidence on sustainable transport modes is needed.

2.34 Whilst a range of additional evidence has been developed to support the Plan, no amendments to the spatial strategy are proposed.
2.0 Response to Stage 3

2.35 In light of the confirmation that the proposed mitigation (of which we have serious doubts of the timing of) will not address the entire impact of the traffic impact of the Plan, it becomes fundamental to soundness that the Council’s approach to site selection and the spatial strategy maximises opportunities for sustainable travel.

2.36 Such an approach is fully consistent with Paragraph 35 of the NPPF which states ‘Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.’

2.37 Through the Plan preparation stage there is the opportunity to encourage the use of sustainable travel patterns rather than leaving this to be developed reactively as part of individual site mitigation. With respect to the soundness of the Plan, given the status of omission sites such as Stroude Farm (SLAA13), the Plan would be adopted having not exploited opportunities to promote sustainable development and, as such, would be unjustified with there being reasonable alternatives that have not been explored.

2.38 This is further reinforced by Paragraph 17 of the NPPF which states that local authorities should ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.’ The emphasis on active management of this process along with the need to exploit opportunities firmly places an onus on local authorities to ensure that opportunities to promote sustainable travel have been exhausted before considering others. The need to reconsider the site selection process is particularly stark for Virginia Water which has the highest proportion of travel to work journeys made by train in all of Runnymede.\(^\text{11}\)

2.39 Significantly, SLAA13 is not dependent on the A320 improvements ensuring housing completions can occur whilst the required mitigation is delivered. This allows for mitigation and contingency to be built into the Plan whilst simultaneously promoting opportunities for sustainable travel.

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\(^{11}\) Census Travel to Work Data
2.0 Response to Stage 3

2.40 The need to actively pursue opportunities for sustainable travel is further reinforced by Runnymede’s Green Belt status. Paragraph 84 of the NPPF is clear that ‘When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.’

2.41 Through the Plan making process the NPPF clearly directs local authorities to deal with promoting sustainable transport through the approach to spatial strategy and site selection. Left unaltered, the approach being progressed by the Council will only result in mitigation being delivered to seek to encourage public transport rather than progressing a Plan that looks at the most sustainable sites in the first instance. This goes to the heart of the Plan with one of its key objectives being to ‘support projects which improve the integration of road and rail to reduce congestion and improve accessibility to a range of sustainable and active travel choices.’

2.42 Left unaltered, the Plan is not justified with the approach to improving public transport and reducing congestion (a key Plan objective) being reactive in approach (mitigation led) rather than proactive (through the site selection process).
3.0 Main Modifications Required to Stage 3

3.1 In order to address the soundness issues identified in response to Stage 3 the following amendments are required to the Plan:

- In light of the additional evidence produced by the Council revisions are required to the spatial strategy to ensure that the Plan, through its allocations, exploits\textsuperscript{12} opportunities to promote sustainable travel. As a Green Belt authority this is a further requirement of the NPPF with the need for Green Belt release to promote patterns of sustainable development.

- The site selection methodology employed by the Council (as indicated in previous Hearing Statements) does not allocate the most sustainable sites in Virginia Water when considered against reasonable alternatives (SLAA13). The Plan cannot be justified when considered against reasonable alternatives and the need to actively promote opportunities for sustainable travel.

- Additional sites need to be allocated to deal with the delays associated with the A320 mitigation being delivered to ensure that a five-year land supply can be maintained post adoption of the Plan. Spatially, Virginia Water is the only settlement in Runnymede that can accommodate such development in not being dependent on the A320.

- In ensuring that the Plan can be found sound, a conclusion of ‘reasonable prospects’ needs to be reached in respect of the delivery of the A320 mitigation. The allocation of the Christmas Tree Farm site will allow the junction 10 improvement to be delivered expeditiously, at reduced cost and without the need for CPO. The development that can be delivered alongside the junction 10 improvement will also provide significant financial contributions in its own right and provide additional developer contributions to negate exposure to what are, at present, uncertain funding sources.

\textsuperscript{12} NPPF (2012) Paragraph 17