Examination of the Submitted Runnymede Local Plan 2030

Hearing Statement for Hearings Session Third Stage
14 November 2019

on behalf of
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and
Motion

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Examination of the Runnymede Local Plan 2030
Hearing Statement by Re-creo in response to Matters and Questions for Stage 3 Hearings

Introduction

Re-creo Samuels (Addlestone) Ltd, represented on development plan issues by Point Consultancy Ltd and transport issues by Motion, is pleased to have the opportunity to continue its involvement in the Hearing Sessions being held as part of the Examination of the Runnymede Local Plan 2030 as they enter a third stage.

Re-creo has engaged with the local planning authority throughout the preparation of the Plan and believes 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 does not do what is needed and would be appropriate for the district by a local plan.

We note the Inspector’s Matters and Questions for Stage 3 (ID19) dealing specifically and solely with transport issues. The questions are framed largely but not exclusively in highway terms, though because of the way the submitted plan is constructed it has been our position from the outset that the Plan is not rooted in a spatial strategy for sustainable development and has not prioritised development allocations to deliver the most sustainable patterns of development. Transport issues are a vital part of this concern. Whilst always vital, and properly reflected since 2004 in legislation and in the current Framework (and the previous Framework against which the Plan is being examined), in the period during which the Council and its partners have belatedly sought to address highway issues, the need to address and arrest climate change has become widely acknowledged to be an imperative. Spatial planning has a role to play and any plan that does not grasp this opportunity – such as the submitted Runnymede Local Plan – can have no credibility in the current circumstances.

We note, rather topically, that Runnymede Borough Council on 17 October 2019 was to consider a motion that:

*The Environment Committee form a report and recommendation for full council (and any other relevant committees). This report should consider the following plan of action: (including, amongst other things)*

- Declare a ‘Climate Emergency’
- Set a target to make Runnymede Borough Council carbon neutral by 2025, taking into account both production and consumption emissions.
- Set a target to make the whole of the borough, including all economic and social activity regardless of sector, carbon neutral from a production and energy consumption (including transport) point of view by 2030.

The minutes of this Council meeting are not available at the time of writing.
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?

The preparation of Local Plans is to be evidence-based. It cannot therefore be satisfactory for the planning authority to prepare and submit its Plan making its (insufficient) housing provision relying on sites that have never been properly assessed in the manner expected by the Framework. Only when obliged to do so by the Examination process and by the specific request of the Inspector has the planning authority undertaken substantive work on the highways impacts of the A320-dependent development sites that are a significant part of the out-of-settlement provision in the Plan. The relevant documents were published 13 months after the Plan was submitted, and the formulation of the Plan has had no regard to evidence on this critical matter.

Once undertaken the assessment carried out is as expected by a highway authority in terms of its methodology. This assessment of highway impacts is only part of the type of assessment needed for a local plan however, as traffic implications are only part of the consideration of transport in relation to sustainable development. The spatial strategy of the Local Plan must have regard to the legal requirement that plans should be prepared with the objective of contributing to the achievement of sustainable development (NPPF, para 16). This fundamentally requires authorities to consider and clearly set out the reasons for their spatial strategy and the location for new housing development with regard to the objective of minimising the need to travel and reducing reliance on the car. The location of development is one of the planning measures that addresses climate change mitigation and adaptation (NPPF, para 20).

There is no assessment of the suitability of these sites to enable the trips generated to be made by public transport or through active modes, cycling and walking. This means that the adequacy of the facilities and services to accommodate such movement has not been part of the assessment and conversely that the road traffic assessments have not properly considered the share of trips that could be made by different modes. Were public transport taken into account in a proper and comprehensive assessment it might be, at very least, that support for enhanced bus services would become part of the accommodation and mitigation of the development sites, but such considerations have not been reflected in the assessment of the viability of the schemes and hence their deliverability.

Far more fundamentally the Plan strategy did not begin by considering how development and infrastructure could be best integrated to promote the most sustainable management of accessibility, and the identification of the sites now in discussion simply had no regard to such vital matters. The full consideration of alternatives has therefore not taken place.

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?
General comment

Mitigation for the traffic impacts of the development proposals has been identified, though in the form of significant additions to highway capacity, and hence following the rather crude and outdated notion that it is acceptable to continue trying build our way out of congestion problems, rather than thinking entirely differently about travel and accessibility.

It is noted that there is no assessment of the environmental impacts of these highway schemes, though these could be significant given the scale of the works, and the sensitivity of the area. It is entirely likely that there would be considerable resistance to the works, both from those affected locally and those with wider concerns, including a proper and timely concern for the implications of road building for increased damaging emissions.

Impacts that would be a direct consequence of the development options proposed, this must be addressed at this stage of the Plan preparation and to proceed without it would be unsound and would also fail to meet the requirements of the SA/SEA process.

The Runnymede Local Plan Sustainability Appraisal A Report Addendum 2, September 2019, (RBCLP_55) professes (in the Non Technical Summary) to ‘report on changes made to the SA report in light of new information published in 2019’, with the new evidence reviewed being all of the documents relating to the impacts of allocated sites on the A320 and M25 and to the suggested highway mitigation works (RBCLP_44, RBCLP_45, RBCLP_47, RBCLP_49, RBCLP_51, RBCLP_52, RBCLP_53 and RBCLP_55).

The SA Addendum Report is rather hard to regard as any part of a credible and adequate sustainability appraisal, something that is a statutory part of the preparation and submission of a local plan.

The Non-Technical Summary finds that:

Whilst the additional work has given more certainty that the impacts of the strategy can be mitigated and potentially result in a minor negative effect on traffic and congestion, some uncertainties remain, therefore in line with the precautionary principle a score of uncertain remains for traffic and congestion (but with the acknowledgement that it is now more likely that effects can be adequately mitigated)

The role of a sustainability appraisal is as an independent objective assessment of the consequences of implementing the plan against a framework which characterises a move towards more sustainable development, and something to be undertaken progressively and iteratively with the aim of improving a plan. We have never seen a sustainability appraisal that includes ‘traffic and congestion’ as part of the definition of sustainable development, and making it easier for more traffic to flow more easily and more quickly is very obviously not part of a move towards more sustainable development.
We have already noted that the A320-dependent allocations are not part of a spatial strategy that seeks to promote more sustainable development, though there is no sign in the SA Addendum Report that the sustainability appraisal challenges this failing, or the impact of implanting the suggested highway mitigation measure on all of the proper concerns of sustainable development and climate change, such as carbon consumption and harmful emissions.

The highway works are in the green belt, (a policy issue, not a sustainability issue) and no consideration of this issue has been presented by the Council, though national policy in the way it is written makes no provision for highway works in the green belt to be ‘not inappropriate’ development.

The additional impact of the required highway schemes need to be assessed as part of the assessment of the green belt impact of the A320-dependent development allocations. It certainly cannot be a foregone conclusion that the ‘very special circumstances’ would exist for unsustainable highway schemes required to facilitate unsustainable development. This is all part of a Plan that completely disregards fundamental aspects of green belt policy set out in the Framework, whilst using spurious green belt arguments to reject the use of sustainably located development sites. These matters have been addressed in our previous Hearing Statements.

**Timing**

A key part of the Inspector’s Question 2, rightly asked, is ‘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?’ Timing is a vital issue in the consideration of the deliverability of the Plan.

There are a string of issues that demonstrate uncertainty about the likely support for the schemes, and show that delay in their delivery is almost inevitable, if they happen at all. We have had regard to the A320 Improvement Programme set out in para 5.12 of RBCCLP_52).

The HIF funding announcement was due in May 2019. An announcement was made in August 2019 related to five projects, but the A320 bid was not included. It is unclear if there is going to be any further announcement or if any funds remain, or if HIFs would be continued under a future government.

There is no realistic basis to assume the bid would be successful in any case, and that the schemes proposed in the HIF bid would be acceptable, for numerous reasons. There is no evidence that a more sustainable and possibly lower cost approach to the transport needs of the Plan have been considered prior to the submission of the bid. The schemes have not been through a full public consultation.

The Council’s reference to the approved bid for the Woking Town Centre highway improvement works should not be seen as providing any indication that the Runnymede bid will be successful. In the Woking case, allocated housing in the 2012 Core Strategy had been halted by the lack of highway capacity and HIF funding has enabled the planned housing to come forward. In the Runnymede case the HIF bid is
being put forward as evidence of the deliverability of schemes that are not part of an appropriately assessed spatial strategy for housing development in a submitted plan.

The issues that will affect the timing of the process of delivering the highway schemes through the HIF process include:

- The timing implications of the land negotiation / CPO process are not included in the programme
- A Strategic Transport Assessment covering all modes of transport would be required to be prepared and approved before the consultations could take place.
- Public consultation is scheduled for May/June 2020. Even when it can start this process is likely to become rather extended due to the scale and implications of the mitigation schemes
- Following consultation, the schemes would be likely to require revised design / assessment work.

If the HIF funding fails to materialise, it would take a considerable time to organise funding through alternatives such as the Major Roads Network (MRN) or Public Loans Board (PWLB) programmes. There is no indication that any such funding might be available in any event, either in whole or part.

Before work on the highway schemes can be funded there has to be certainty that the housing schemes are acceptable, there are willing developers, and the viability of the schemes is such that the promoters are able and willing to make the required contributions to the works, and for this to be on a coordinated and collective basis to enable the works to be carried out in an efficient fashion.

Even with everything going well and being resolved in the minimum possible time, it is clearly many years before the necessary external funding of the schemes will be available, allowing the schemes to be approved and detailed design work undertaken to get to the point of construction being able to start. There is then the construction period.

All things considered, there cannot be reasonable prospects that satisfactory mitigation can and will be provided in time to avoid unacceptable impacts on the operation of the A320 and M25.

This point goes to the role of the Local Plan in seeking to demonstrate a flow of deliverable schemes to meet the housing need through the Plan period. Some of the A320-dependent schemes are proposed by the Plan to come forward by 2024, already therefore within five years, and the Plan is not adopted yet. The discussion of the reliance on highway mitigation works which are not approved, funded, or programmed suggests very strongly that schemes that the Council sees as part of its five year supply do not meet the tests to enable the supply to be counted as part of its five year supply, and a Plan that cannot demonstrate a five year supply at the point of its adoption cannot be found sound.

Any discussion of the timing of development dependent upon strategic infrastructure is a reminder that the Runnymede Plan is set up on a very short time period, with now a 10 year time horizon at most. This is not proper planning and negates the whole point
of having a development plan. It is entirely at odds with the advice (and now the requirement) of the Framework and demonstrates that the Runnymede Local Plan is not sound as it stands. We have made this fundamental point consistently in our previous representations to the local planning authority and in our involvement in the examination of the Plan.

**Guidance**

Part of the Inspector's Question 2 is whether 'the submitted Plan provide(s) appropriate guidance about how this will be achieved.'

This seems to imply that some of the development at least would proceed and hopefully the mitigation will arrive before things get too bad, but that would not be good planning and indeed is not how the policies in the submitted Plan are constructed – with these policies being the only ‘guidance’ available, the only material that will have development plan status, and all that can be taken into account in the examination of the submitted Plan. Permission could not be granted before it was known that the mitigation schemes would be carried out and when.

The Plan policies for the relevant development schemes (policies SL14 to SL18) all say that the timing of their delivery is either 2022-2027 or post 2027, ‘contingent on delivery of mitigation to the A320.’ The policies all state under their ‘development requirements’ that ‘the site will deliver a high quality development that will …Include measures to mitigate the impact of development on the local road network as identified through a site specific Travel Plan and Transport Assessment and contribute to the delivery of any measures identified in the A320 feasibility study’.

These sites are in the green belt and could not be granted permission without allocations in the development plan (and would not be allowed on appeal). If the Council follows its own development plan policies, it could not grant planning permission subject to a s106 agreement and get that agreed until it knew what the mitigation measures were, when they were to be completed, and how much each development scheme was required to contribute, and have some arrangement for pooling the contributions. It could not grant permission for all of the sites and for all of the development on each site in face of its own evidence of the severity of the impacts that proceeding with these developments without mitigation in place would cause.

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?**

‘Reasonable confidence’ is indeed the right test. The contribution from the developers of the ‘A320 schemes’ would need to be the gap between the cost of the mitigation schemes and what is obtained towards their implementation from the HIF bid or some other external source. This contribution will have to compete with other contributions required by policy (such as education provision) from what is left of the development value when all of the construction costs and fees have been paid, profits taken and the pre-committed land value met.
The viability work that the Council relies upon was undertaken before the highways studies had been undertaken and the mitigation works and their costs identified.

The possibility of the HIF bid being unsuccessful has not formally been considered and there is no assessment of whether alternative funding methods would be successful of sufficient scale to provide the level of mitigation required. In these circumstances the Plan has been submitted with little evidence of the deliverability of these sites, and it would be improper to have ‘reasonable confidence’ at the present time.

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.

i) 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?

Some of the parts of our response to Question 2, dealing with the timing of the delivery of the mitigating highway works, flow into the answer to this question.

Appendix 2 of RBCCLP_52 provides the trajectory of A320-dependent sites. It states that total completions to 2024 are anticipated to be 1746 and 3728 to 2030. On the Council’s figures that is 437 completions a year. The Plan suggests an average number of completions each year of the Plan of 494 dwellings, so the Plan is highly dependent in the early years following adoption of completions from the A320-dependent sites. We note that according to the Council’s 2017/18 Monitoring Report, the average number of completions in the three years to 2017/8 was 399 so the suggested average delivery is already optimistic, and highly dependent presumably on the genuine availability of very attractive sites.

The HIF A320 Improvement Programme states that the schemes will be completed in March 2024, though this seems optimistic to the point of unreasonableness for the reasons we have already set out.

We have also already queried the way that the Council sees the relationship between progress on identifying, approving, funding and building out the highways mitigation works on the one hand, and the adoption of the Local Plan, the grant of planning permission with signed s106 agreements, and the building of the housing, on the other. None of this detail is set out anywhere, raising considerable doubt as to whether it is based in realism.

The trajectory seems to suggest that 1746 dwellings from A320-dependent sites will be completed before the highway mitigation works are in place. There is in any case no assessment of phasing within the highway modelling work to demonstrate whether or
how any of the stated 1746 completions would be acceptable prior to the mitigation works being completed. This is in spite of the critical nature of the highway infrastructure, the requirement in the Framework to avoid severe impacts, and the ability of Highways England to object to the grant of permission.

We do not believe that permission for these sites can be granted at a time when it remains unknown with any idea let alone certainty how, whether, and when the highway mitigation works are to be carried out.

Even if the Council sought to grant planning permission for the sites if the Plan were to be adopted, but without this highway information contrary to all good practice, the earliest feasible starts on site would be in 2022. This would mean the A320-dependent sites delivering no more than half of the suggested number in the period to 2024 and significantly reduce the contribution to the five year supply that the Council appears to rely upon.

All of this demonstrates quite clearly that the Plan as submitted is not deliverable over the Plan period, so that it is not effective in the terms of para. 35 of the Framework and is not sound.

ii) 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?

We have already noted that we do not see any credible basis for the estimated number of completions during specific parts of the Plan period having regard to the impacts on the A320 and the uncertainty of any credible remedy to these impacts.

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 provision for sustainable transport, particularly public transport and active modes of travel?

We have already noted in response to question 1, that the Plan has not in any way been driven by the objective of promoting sustainable travel or a sustainable transport strategy. The way that the sites have been identified, and after the event, the means sought to increase the capacity of the highway network without any regard for a wider and more appropriate approach, demonstrates that the Plan is not a Plan fit for purpose for the present and future times. Our comment on the Runnymede Local Plan Sustainability Appraisal A Report Addendum 2, September 2019, (RBCLP_55) is part of our conclusion on this matter.
Overall Conclusions on Stage 3 Matters

The nature of the Inspector’s questions and our response simply highlight that constructing a Plan on the premise that sites can be identified that are bound to lead to higher car use and to impacts on critical components of the primary road network, but that this will somehow be mitigated in the future by unknown and un-committed increases in the road network, is a very long way from a positive response to the opportunity provided by spatial planning, and is not consistent with the established statutory objectives of and policy on plan making.

In addressing the Inspector’s questions for Stage 3 of the Hearings, our position is that:

• The implications of developing the allocated sites in the A320 corridor have been assessed, but only in the most limited terms of vehicular traffic and highway effects, and the wider issues that would be appropriate to the development of a plan to promote sustainable development have not been considered

• The timing of the mitigation works identified in the recent, post submission, work cannot be confidently predicted for a whole number of reasons, and the uncertain relationship between the mitigation works and the development means that it cannot be said with any confidence that the predicted development trajectory will be achievable

• The costs that will fall to the development sites arising from the implementation of the mitigation works cannot have been predicted with any precision and still cannot be, and so the viability of the A320-related sites cannot be known with confidence

• The trajectory of the A320-related sites presented by the Council seems to rely on a greater deal of unknown and uncertain factors, and cannot be relied upon. There will be a reduction of the planned provision in the early part of the Plan period, diminishing the five year supply, and most probably for the overall Plan period. On top of a far-from-adequate Plan period, this all reinforces the conclusion that the Plan is simply not fit for purpose, and in terms of the Framework is unsound.

Finally, following our involvement in the Examination of the West of England Joint Spatial Plan, we note that the Inspectors, in recommending the withdrawal of the Plan, stated at para. 49 of their 11 September 2019 letter:

‘In our approach to the examination we have given great weight to the guidance to Inspectors on the examination of local plans in Greg Clark’s letter to the Chief Executive of the Planning Inspectorate of 21 July 2015 (as recently restated in James Brokenshire’s letter of 18 June 2019). But ultimately we believe that these letters cannot be interpreted as an indication or expectation that a sound plan can be achieved in every local plan examination. Indeed, the recently updated Procedure Guide for Local Plan Examinations makes clear (third bullet point of paragraph 8) that one of the three possible outcomes for an examination is that there are soundness problems with a plan which it is not possible to address by main modifications and that, in advance of a formal recommendation of non- adoption, the Councils would be asked to consider withdrawing the plan.’

WE JSP Inspectors’ Letter 11 September 2019
Whilst no sets of circumstances are the same, and we do not suggest that conclusions alone are transferable, we would encourage the Inspector in the case of the Runnymede Plan faced with all of the failings that have been highlighted during the Examination and Hearings, to be prepared to conclude that the Plan as submitted could not be found sound. More is required from the Council to achieve a sound plan. We know that there is development within settlements that can and will proceed in any case without the adopted Plan, so that its withdrawal and a positive speedy replacement need not entirely inhibit needed development. We know too from the representors at the Hearings and others that there is considerable known potential provision that the Council could identify towards a more sustainable plan, following consideration by a proper Sustainability Appraisal, if it were obliged to do the work.