Dear Sir/Madam

REPRESENTATIONS TO THE RUNNYMEDE 2030 LOCAL PLAN – MAIN MODIFICATIONS CONSULTATION

Introduction

These representations have been prepared jointly by DP9 and WSP and are submitted to Runnymede Borough Council (RBC) on behalf of our client, Elysian Residences, in respect of the consultation on Proposed Main Modifications (“MMs”) to the Runnymede 2030 Local Plan (“the Plan”). These representations should be read alongside previous representations submitted to RBC as part of the Regulation 18 and Regulation 19 (Parts 1 and 2) consultations on the draft Local Plan, as well as the letter to the Inspector dated 21 February 2020 issued on behalf of various representors to the EiP.

Background

As set out in the appended letter to the Inspector (copied to the LPA) the submission version of the Plan has been the subject of extensive discussions at the Examination in Public (“EiP”) that has taken place over the course of the last 18 months and considered the soundness. Throughout the examination our client and other representors have explained why the Plan is not sound, and the potential remedies that could be put in place. The MMs that are the subject of this consultation have been put forward by RBC, apparently following discussion with the Inspector, as necessary revisions for soundness of the Plan.

The proposed MMs are not sufficient to overcome the fundamental soundness issues with the Plan as submitted. The reasons that the Plan is unsound are listed below and described in more detail in the remainder of this letter through commentary on the MMs.

The soundness criteria for considering a plan require that it is:

1. Positively prepared (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
2. Justified (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
3. Effective (the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
4. Consistent with national policy (the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF).

Evidence provided to the EiP shows that the Plan fails to meet these criteria for the following reasons:

1. The inadequate Plan period, which will have less than 10 years to run following its adoption;
2. The lack of permanence and long-term strategy in relation to the revised Green Belt boundary, contrary to the NPPF;
3. Significant flaws in the methodology applied to the Green Belt Review that underpin the revised boundaries put forward in the Plan;
4. The lack of a sustainable spatial strategy;
5. Inadequate housing supply for both the Plan period and five-year housing land supply;
6. Lack of adequate provision for affordable housing over the Plan period; and
7. Reliance on significant mitigation works to the A320 corridor being carried out to deliver a significant proportion of the housing supply, including the five-year housing land supply, the lack of a committed timescale and evidence to establish delivery of the necessary works, lack of committed funding for these works, and unsustainability of bringing forward such mitigation on a site-specific, piecemeal basis.

These issues are discussed in detail below with reference to the proposed MMs. In short, none of the proposed Main Modifications would make the Plan sound nor could they rationally be considered to do so. Therefore, they are ultra vires s.20 (7B-C) Planning and Compulsory Purchase Act 2004 and would not rescue the Plan from its unsoundness or make it adoptable.

**SPATIAL DEVELOPMENT STRATEGY**

MM7 provides additional text to explain RBC’s decision to reduce the Plan period by five years, which is principally because “it could not identify enough land to meet the need for housing up to 2035 without making substantial inroads into the Green Belt beyond the adjustments that had been made in respect of the weakly performing or strategically less important Resultant Land Parcels.” Our representations on the Regulation 19 versions of the draft Plan explain that there are methodological flaws within the Green Belt Review that have resulted in inconsistent assessments of sites and allocation of scores relative to the NPPF Green Belt purposes. This resulted in certain higher performing (when compared to other sites/sub areas) Green Belt sites being recommended for release, and lower performing sites being recommended for retention. This methodology has led to unjustified revisions to the Green Belt boundaries, which are inconsistent with paragraph 136 of the NPPF, which states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.” (emphasis added)

Paragraph 136 of the NPPF states that changes to Green Belt boundaries should be established through strategic policies “having regard to their intended permanence in the long term, so they can endure beyond the plan period.” The Plan period was shortened following the Additional Sites and Options stage in order to reduce RBC’s overall housing need and bring it closer in line with the supply within the housing trajectory. Notwithstanding the issues with the housing trajectory itself that are detailed below, RBC’s approach as detailed in MM7 to prevent further release of land from the Green Belt as part of this Plan period does not explain where housing land could come from following the expiration of the Plan in 2030 if not from further encroachment into the Green Belt. This would suggest, therefore, that in 10 years’ time RBC will again need to review and revise the Green Belt boundaries to identify additional housing land, which is inconsistent with paragraph 136 of the NPPF. A long-term approach should be taken as part of this Plan to ensure that the revised Green Belt boundaries will endure beyond the Plan period, and this will necessitate a reconsideration of the sites that have been identified for release and the release of additional sites from the Green Belt. Therefore, this Modification fails all four tests of soundness and does not rescue the Plan from similar failure.
A320 ISSUES

The spatial development strategy remains fundamentally reliant on extensive mitigation works to the A320 being delivered to a specific timetable. At the examination stage our client provided extensive analysis of the proposed mitigation works to the A320 corridor, including the scope and acceptability of mitigation measures, timescales for delivery, and likely funding arrangements. This analysis has concluded that:

1. Whilst the methodology used to model the proposed improvements is sound, the assessment is flawed and results in inadequate mitigation measures being proposed.
2. The timescales for delivering the proposed mitigation measures are unrealistic and delivery is likely to be significantly delayed (with an estimated completion date of May 2025 assuming the design team is appointed in March 2020).
3. The Council has not secured necessary funding for the mitigation measures and is largely reliant on uncommitted HIF funding despite a nominal amount of funding that has been secured to date.
4. Piecemeal delivery of necessary junction improvements is unlikely to result in adequate transport infrastructure to support the housing allocations being put forward in the draft Plan, and delivery timescales cannot be certain.
5. A significant quantum of residential units in the Plan’s housing trajectory (3,377 units - roughly 44%, according to RBC’s submitted HIF bid) depend on the A320 mitigation works in order to be delivered.

In light of these considerations it is highly unlikely that the necessary mitigation will be delivered in time to support the necessary housing allocations within the 5-year land supply, and if completed in 2025 will only be in place with a mere five years remaining in the Plan period. If further delays to the A320 mitigation were incurred that extended the completion beyond 2025 there would be significant knock-on effects to the housing delivery, which anticipates 1,193 units coming forward between 2024-2026. In view of the continued delay in resolution of the HIF funding (and there is no evidence in the public domain to suggest that a decision has been made by the Government yet) the flexibility required for soundness requires that the Plan strategy and trajectory must demonstrably be able to withstand delay, rather than being based on an un evidenced assumption that the money will arrive either at all or at the projected time.

Given the quantum of housing that is reliant on the A320 mitigation, and the clear uncertainty over its delivery, the Plan cannot be found sound as long as the housing trajectory is reliant on housing delivery on sites that depend on these works.

Specific commentary on the MMs that address the A320 issues are set out below.

MM12

Modification reference MM12 states that the build out of the allocated sites can come forward earlier in the planned period if the sites have demonstrated in their Transport Assessments that their impact on the A320 corridor is ‘acceptable’.

It does not state what an ‘acceptable’ level of impact is, this is a variable term and the Plan must be clearer to provide a sound basis for assessment. If a piecemeal mitigation approach is taken, with each individual site offering their own individual justification and mitigation, it is unlikely to be effective as the scale of delays and congestion is so high and a comprehensive and collaborative approach would be needed to reduce issues. As shown in the RBCLP_44, the required works at junctions 6a/b, 8 and 10 require substantial improvements works involving the acquisition of large amounts of third-party land about which there is no evidence of any steps to achieve acquisition or evidenced and justified timescale for doing so. Additionally, this will result in staggered and longer-term road works in comparison to a large-scale collaborative project. It is unlikely that individual developers will be able to collaborate to provide this level of mitigation effectively.
The document goes on to state that assessment of the impact of the developments should consider the timing of the A320 improvement work being brought forward, though this is not accurately published anywhere, as referenced in previous representations. The timescales anticipated at this stage would mean works would not be completed within the planned period.

Due to the delays in the EiP process, as well as the delays in the HIF funding process, it is unlikely the infrastructure that was to be funded by the HIF bid would be constructed within the set time period as per the HIF requirements.

RBC appear to be trying to speed up the building of houses based on the predicted impact of the developments on the A320 corridor but should instead be refocussing on more sustainable sites in more accessible locations, and how they are planning on improving the A320, in relation to funding methods and producing an accurate timescale for the works. The lack of a sustainable approach in the current Plan is misaligned with the NPPF policy. These arguments are further detailed in our Stage 3 hearing statement.

It must be noted that 11 of the 14 junctions analysed by Arcadis (detailed within in SD_15H) featured RFCs of greater than one, well above acceptable levels of traffic. Additionally, one of the other junctions was between 0.85 to 1 representing high levels. This is illustrated in Appendix A which shows the location of A320 junctions, and the dependent sites, along with two discounted sites that will be referred to later. The plan highlights how close the already stressed junctions are. Appendix B shows the dependent sites, their proposed development quanta, and the junctions they are most likely to affect.

A further point must be made about the predicted trips calculated in RBCLP_45, Appendix C, included as Appendix C. This illustrates the trips the RBC predict the allocated sites to generate on the surrounding highway network between the peak periods of 0600 – 0800 and 1500 – 1900 respectively. Of particular interest are A320 junctions 6 and 8, and the M25 junction 11, along with the developments of St Peter’s Hospital and Chertsey Bittams. These junctions have been highlighted as having RFCs of over 1, very high levels of stress. Appendix 3 shows that, if these two sites, extremely close to all three junctions were to be bought forward prior to the mitigation works occurring, they would be likely to add 297 trips in the morning peak, and 502 trips in the evening peak. This is not acceptable on a network that is already operating well over capacity, namely the A320 Guildford Road/Hillswood Drive/Bittams Lane junction, adjacent to the Hospital site, and Chertsey Bittams sites. It can be assumed that the majority of the additional 297 trips in the morning peak and 502 trips in the evening peak will pass through this junction which has Max RFCs 0.97 and 1.47 in the 2017 base year at present.

Since the publishing of SD_15H there have been no further RFC or queue length statistics provided by the LPA or the Highways Authority.

A final point to highlight is the uncertainty over the future of the Smart Motorway schemes. The proposed smart motorway between junctions 10 to 16 is currently at detailed design stage to enable construction to start in 2020. However, Highways England has released the following statement to the media in relation to recent commentary about smart motorways “The Department for Transport is considering a range of evidence during its stocktake. We expect the results to be published shortly and to provide the most up-to-date assessment of the safety of smart motorways. We are committed to implementing any new recommendations as part of our ongoing work to make our roads even safer.” If the Smart Motorway scheme is put on hold or halted the impact on the A320 corridor could be substantial, with adverse implications for the St. Peter’s Hospital allocation in particular.

In summary, the draft text proposed by MM12 is insufficient to overcome the significant flaws in the evidence base that underpins the site allocations (discussed in more detail below) within the Plan, and significant technical issues remain outstanding in relation to the A320 mitigation works that must be resolved before this Plan can be found sound. Therefore, this Modification fails all four tests of soundness and does not rescue the Plan from similar failure.
Modification reference MM19 relates to changes in Policy SD3 Site Allocations. The main points to note are the pushing back of the timescales for delivery of most of the proposed developments, as well as the added caveat of “subject to delivery of necessary mitigation on the A320,” for which the stated reason is to attempt to “mitigate the impacts of this site on the A320 corridor”. The addition of these words, which are unsupported by evidence, manifestly does not achieve the suggested mitigation or fix the fundamentally flawed trajectory. These are mere palliative words. This is illustrated in Table 1 below.

### Table 1: Site allocation revised dates and additional information

<table>
<thead>
<tr>
<th>Site</th>
<th>Original Dates</th>
<th>Revised Dates</th>
<th>Additional information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site 48: Hanworth Lane, Chertsey</td>
<td>2017-2022</td>
<td>2017-2025</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 60: Pyrcroft Road</td>
<td>2022-2027</td>
<td>2023-2028</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 231: St Peters Hospital</td>
<td>2019-2023 contingent on delivery of A320 mitigation</td>
<td>2020-2025</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 254: Veterinary Lab Site</td>
<td>2023-2026</td>
<td>2023-2026</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 263: Brox End, Ottershaw</td>
<td>2019-2023</td>
<td>2023-2027</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 255: Chertsey Bittams A</td>
<td>2019-2022 contingent on delivery of A320 mitigation</td>
<td>2023-2026</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 255: Chertsey Bittams B</td>
<td>2022-2024 contingent on delivery of A320 mitigation</td>
<td>2023-2026</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 255: Chertsey Bittams C</td>
<td>Post 2027 contingent on delivery of A320 mitigation</td>
<td>Post 2027</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 255: Chertsey Bittams D</td>
<td>2019-2022 contingent on delivery of A320 mitigation</td>
<td>2021-2025</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
<tr>
<td>Site 255: Chertsey Bittams E</td>
<td>2022-2027 contingent on delivery of A320 mitigation</td>
<td>2023-2026</td>
<td>Subject to delivery of necessary mitigation on the A320</td>
</tr>
</tbody>
</table>

These sites contain roughly 44% of the dwellings within RBC’s housing supply. Plainly, if mitigation works to the A320 do not come forward as envisaged in RBC’s HIF bid, the housing cannot be delivered. MM26, MM31, MM32, MM33, MM34, MM35, MM36, MM37 and MM38 propose to insert text into
the relevant site allocations to state, “Given the expected impact of development at the site on the A320, proportionate financial contributions to deliver relevant mitigation will be required.” Similarly, RBC’s Local Development Scheme (2018) anticipates that an EiP for the Community Infrastructure Levy will take place on a “date to be confirmed”. Given the uncertainty over the timescales there is no certainty nor even a reasonable prospect that RBC will be able to use this money from developers to fund the proposed infrastructure works should HIF funding not be forthcoming. As part of the HIF bid RBC have identified junction designs, produced by Arcadis, for highways improvement schemes, but these designs do not highlight third party land nor investigate the number of land owners or costs that would inform the CPO process. The provision and funding of mitigation on a site by site basis as suggested unidentified and untested; in the absence of clarity and proper assessment, the proposed Modifications are unjustified by evidence and do not provide assurance of either a properly functioning highway network or an achievable housing trajectory.

Additionally, considering the costs for the junction and link improvement works included in RBCLP_44, the HIF bid document states that the costs relating to the A320 would be £33,381,697, and an additional £10,755,225 relating to the M25, junction 11. Later in the document it states that for Option 1, with full infrastructure development build-out providing a total of 3,687 units, this would relate to the cost of £11,970.96 per unit for the developer to cover the cost of the full infrastructure works. Appendix B provides a comparison to what RBC had predicted for likely contributions from SD_15H, however this included both Fairoaks Airfield, which featured 2,000 units and an estimated £9,879,000 contribution, and Martyr’s Lane, a 1,200-unit site with an estimated contribution of £11,854,800.

The omission of these sites has caused the cost per unit to increase. Upon removing the Fairoaks Airfield and Martyr’s Lane sites, the average contribution per unit the council were expecting was £4,631.19, as calculated from Appendix B of this document. This shows that a subsequent increase of £7,339.76 per unit for developers to contribute in comparison to what the council had previously expected. In summary, it is unlikely that developer contributions would be able to cover the costs of the required mitigation, as the council had previously projected in SD_15H, due to the removal of the Fairoaks Airfield and Martyr’s Lane developments from the assessment.

Our representations submitted following the close of the Stage 3 hearings on RBCLP_63 provide additional commentary on site-specific transport issues facing the allocated sites. The uncertainty over the delivery and adequacy of the proposed A320 mitigation works alongside access constraints on the allocated sites casts doubt on the ability of the housing trajectory to deliver and adequate supply of housing across the Plan period (described in more detail below). Additional housing sites that are not dependent on the A320 corridor must be identified at this stage and allocated as part of this Plan.

The impact from the scale of housing delivery set out the trajectory on the A320 in the absence of timely mitigation is likely to be severe and not in accordance with national policy. Therefore, these Modifications fail all four tests of soundness and do not rescue the Plan from similar failure.

**MM20**

Modification reference MM20 relates to the start of preparatory work on the Runnymede Local Transport Strategy. The report will investigate current transport provision, identify transport problems in Runnymede, and establish a programme of interventions to promote and encourage sustainable travel. It should be noted that very limited sustainable transport improvements are outlined in the Local Plan, and that the information proposed to be included in the Transport Strategy should have been included in the Local Plan in order to comply with national policy in the NPPF.

Table 2 illustrates the disproportionate and unsustainable nature of the proposed infrastructure improvement costs, with over 80% of funding requested to be used on Highways improvements, and only 17% on buses, rail, walking and cycling combined. This highlights a real lack of focus on improving
alternative sustainable modes of travel, in an attempt to reduce the car usage, and instead a focus on the unsustainability, which is clearly not in line with National Policy. Therefore, this Modification fails tests of soundness numbers 1, 2 and 4 and does not rescue the Plan from similar failure.

Table 2: Local Plan infrastructure improvement costs

<table>
<thead>
<tr>
<th>Category</th>
<th>Estimated cost (£)</th>
<th>Proportion of Total Required Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways</td>
<td>£44,136,922</td>
<td>83%</td>
</tr>
<tr>
<td>Active and Sustainable Travel (including Walking, Cycling and Public Transport)</td>
<td>£9,300,000</td>
<td>17%</td>
</tr>
<tr>
<td>Total</td>
<td>£53,436,922</td>
<td>100%</td>
</tr>
</tbody>
</table>

MM21

Modification reference MM21 states that the Local Plan will also take into account of other developments outside Runnymede that require mitigation from infrastructure schemes proposed within the Borough. The logic of the LPA’s proposing this proposed Modification must mean that they are apparently accepting that when undertaking mitigation works on the A320, considering the impact of development on a wider scale was not previously accounted for sufficiently. This links back to the impacts of the Fairoaks Airfield and Martyr’s Lane developments, as well as others in the vicinity that were not included in the modelling work, and their cumulative impact of the A320. These should be taken into account when considering future traffic conditions and the subsequent design parameters applied.

The document goes on to state that developments proposed in Policy SD6 that rely on the delivery of critical infrastructure projects will only be permitted prior to completion of the relevant infrastructure projects, and/or where the council is content that the infrastructure or phase of that infrastructure will be in place within a reasonable timetable from the date of permission. The timescales for infrastructure improvement provided in RBCLP_69 HIF bid, and the previous IDPs have been overtaken by event and there is now no up-to-date timeframe for the infrastructure improvement works to be undertaken. It is also important to note that if the start of the programme listed in the HIF bid is pushed back from now, the provision of infrastructure would fall outside the HIF spending requirements.

It must be noted that the most recent modelling work does not consider the proposed developments at Fairoaks Airport and Martyr’s Lane. These schemes were previously considered at earlier stages but have recently been removed from the analysis. These developments amount to approximately 3,200 homes, and although they are outside Runnymede borough boundaries, as illustrated on Appendix A, and could be developed outside the planned period, they are in close proximity to the A320 and will certainly have a vehicular impact on the corridor and should be considered due to their cumulative impact.

In summary, the LPA’s proposing this proposed Modification illustrates that they are apparently accepting the impact of development on a wider scale that was not previously accounted for sufficiently.

MM22

Modification reference MM22 states that Surrey County Council and Runnymede Borough Council have agreed in principle that 600 homes (excluding completions and commitments arising from the existing
hybrid planning permission) could be delivered at Longcross Garden Village in advance of the full completion of the A320 North of Woking Scheme in March 2024.

However, contrary to this assertion, in RBCLP_44, the HIF bid document, it states that without funding and the highway improvements being provided, only 272 homes could come forward as a result of Grampian conditions restriction development for sites already with permission. Therefore, the development of 600 homes at Longcross is not justified because the position being taken up by the Councils for the purposes of the Local Plan Examination directly contradicts what they have told the Government for the purposes of the funding bid. Both stances cannot be right.

It is understood that the “credit system” Crest Nicholson are suggesting for Longcross is in principle the deferred delivery of 62,260 sqm of office that allows for additional space in the network that can be taken up by 623 housing units. When examining the SoCG para 3.9 (RBCLP_56) they have applied this previously for 200 homes at the expense of 20,000 sqm B1 office space. Simply, it appears they have applied this ratio of 100 sqm of office equalling capacity for one unit, therefore deferring the 62,260 sqm allows them to bring forward 623 homes before the A320 improvements. Although we are not questioning that this would result in a net reduction in trips, as accepted by Runnymede in the SoCG (RBCLP_56) we do question the change in directional distribution of trips when comparing office and residential trips. Naturally offices feature larger inbound as opposed to residential outbound in the morning peak, and subsequent larger outbound compared to inbound in the evening peak. Depending on which peak is more stressed/closer to capacity this could have a greater impact on the surrounding highways network. Junction modelling results for the additional 623 units should be provided so that it is clear what the actual impact of this approach will be. No evidence has been provided to date to justify this number as being acceptable, and the proposed delivery of these dwellings in the absence of an understanding of their impact run contrary to the principles of sustainable development within the NPPF.

Using the trip rates published in RCLP_45 Appendix C, a comparison has been made for 623 residential units as opposed to 62,260 sqm of office. Although there is reduction in trips over the majority of time periods, there is an increase in outbound trips in the morning peak. When leaving the site, it is reasonable to expect that a proportion of this residential traffic will route towards the A320 and M25 using Holloway Hill and junction 6 of the A320. This link had an RFC of 1.07 in 2017 and therefore is over capacity and will not be able to support this additional level of traffic.

Therefore, this Modification fails tests of soundness numbers 1, 2 and 4 and does not rescue the Plan from similar failure, therefore resulting in severe impact.

MM27, 28, 29, 30, and 31

Although the proposal of improvements to walking, cycling and public transport infrastructure for each site is beneficial, these proposals present a piecemeal approach, which will be a number of small-scale improvements, not providing enough benefit that a large-scale collaborative, holistic approach would offer. Where there has been large investment for the highways improvements for the A320, a similar corridor wide consideration should be taken for the active and sustainable travel modes to achieve a real modal split change.

**HOUSING TRAJECTORY**

The housing trajectory that underpins the Plan’s housing supply has been updated several times throughout the examination process, most recently in A320 Update Paper: September 2019 submitted scrutinised as part of Stage 3 hearings. As noted at the time of the hearings, the revised trajectory is not based on reasonable assumptions and sound principles to maintain housing delivery rates at the sites dependent on the A320 mitigation works. The key issues associated with the housing trajectory (proposed as Table 1 in MM11) are:
• RBCLP_44 makes clear that without the HIF funding and consequential mitigation, only 272 units within the seven A320-dependent sites could come forward before there would be an unacceptable impact on the highways network. 293 units are scheduled to complete by the end of 2020, which would mean that any further development at these sites, even if already permitted, would cause negative impacts on the A320 corridor. No evidence has been provided to justify the projected housing delivery (623 units) resulting from the trip rate credit system proposed for LGV (as referenced above) as being acceptable.

• If RBC’s HIF bid were unsuccessful, c. 3,377 units would be lost from its housing supply (roughly 44%).

• The trajectory assumes that developers will start to build and complete homes ahead of the A320 mitigation works being completed. It is unreasonable to expect developers to implement and complete schemes that are conditional on the delivery of mitigation works outside of their control, so it is also likely that even once the mitigation is in place a significant quantum of the expected homes will not yet have been built. Whilst the NPPG acknowledges that Grampian conditions may be used in some instances, it states that “Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.” Given the significant doubts relating to the delivery of the A320 mitigation works in a timely manner, if at all, the reasonableness of such conditions is in significant doubt.

• Longcross Garden Village’s anticipated end date of 2030 for 1,746 dwellings is significantly underestimated. NLP’s 2016 Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? report suggests that large sites (c. 1,000-2,000 units) are typically not quick to deliver and are unlikely to contribute to a five-year land supply in the absence of a live planning permission; this is not a typical case but one where there are specific problems. Given the trip rate concerns raised above and the lack of direction the HIF result, it is unlikely that the LGV units currently without planning permission and within RBC’s projected five-year supply are deliverable within these timescales.

• Capacities and delivery timescales for some of the allocated sites have been overestimated. The OAN for Runnymede requires a level of housing delivery which is considerably in excess of historic performance and, as such, it is our position that very conservative estimates of site capacity should be allowed for in the Plan to account for difficulties in delivering significant numbers of new homes in the borough. Refer to Appendix 2 to our representations dated 22 February 2018 and Appendix 4 to our representations dated 29 June 2018, which provide detailed assessment of each of the sites and allocations and their shortcomings, as well as our Matter 6 statement submitted to the EiP.

• There is little certainty that provision of C2 accommodation through the allocated sites will be brought forward in sufficient volume to make any significant contribution to meeting the need for this type of house and contributing to the housing supply. As set out in the NPPG, the need to provide housing for older people is critical and the evidence of Nigel Appleton appended to our Matter 8 hearing statement suggests that there is a shortfall in the projected provision of specialist accommodation for older people in various tenures.

Text throughout the document is proposed to be updated through modifications MM9, MM13, MM14, MM16 and MM17 to align with the revised housing trajectory, which itself is updated at MM11. In light of the above failings these modifications will not remedy the existing soundness issues arising from the housing trajectory.

MM18 similarly reflects the flawed assumptions of the revised trajectory, including 3,229 units expected to be delivered through strategic allocations and opportunity areas (row H) and 1,649 units from Longcross Garden Village, 679 of which sit within the 5-year housing land supply (2019-2024) (row G). Row B shows that 1,541 units have been completed from 2015-2019, although it is not clear whether these units come directly from sites within the housing trajectory and whether the trajectory has been adjusted accordingly. These Modifications, therefore, fail the tests of soundness and do not rescue the Plan from similar failure.
MM21 updates policy SD6 related to infrastructure provision and timing to clarify that planning permission may be granted for proposals prior to critical infrastructure works being completed “where the council is content that the infrastructure or phase of that infrastructure will be in place within a reasonable timetable from the date of permission.” As stated above, this will require Grampian conditions to be placed on planning permissions to prevent occupation until the infrastructure is in place. It is unrealistic to expect developers to commence and complete works without clarity on the ability for the dwellings to be occupied, and reference to a “reasonable timetable” does not provide any certainty. Whilst the NPPG acknowledges that Grampian conditions may be used in some instances, it states that “Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.” Given the significant doubts relating to the delivery of the A320 mitigation works in a timely manner, if at all, the reasonableness of such conditions is in significant doubt.

This Modification is unclear and fails to give developers and communities clear expectations of what development will be permitted. In the absence of identifying what the criteria are for judging acceptability at the development management stage, these measures are not a sound basis for establishing a housing trajectory and therefore this modification fails the test of soundness and does not rescue the Plan from similar failure.

The Plan does not identify an adequate supply sites to be allocated for contemporary, flexible and attractive models of C2 provision that will appeal to that majority of its older citizens who are home owners, which provides no confidence that RBC deliver an adequate supply of specialist accommodation for older people. As suggested in our letter to the Inspector dated 22 February 2019 as part of the examination process, additional sites beyond LGV and St. Peter’s Hospital are required to bring forward and adequate supply of specialist older persons’ accommodation to meet the projected need for such accommodation. MM41 incorporates some of our suggested text for this policy but should go farther and specifically reference additional sites for this use in policy SL23. This modification is therefore inconsistent with the NPPF which requires positive planning for accommodation for older persons, which is considered critical.

SUMMARY

The fact that the process under s.20(7B-C) is being invoked apparently means that the Inspector considers and the LPA accepts that the Plan as drafted falls short of meeting the relevant tests for soundness, although, as elaborated on in the appended letter, objectors are in the dark as to their reasons for so concluding, which makes it impossible for objectors to engage with the current consultation on a proper basis. For reasons set out above, the fundamental shortcomings which we and others have identified in the Plan have not been adequately addressed by the proposed Main Modifications to the Plan. Subject to and without prejudice to our representations on the important procedural failings, addressed in the appended letter, we must add, on the substantive issues, that further, more significant, revisions are required in order to make the Plan sound, including:

- Allocation of additional housing sites that are:
  - Deliverable within the Plan period (and the immediate five-year period in particular).
  - Not reliant on mitigation works to the A320 corridor, and which will not negatively impact on the strategic highways network.
  - Able to contribute to the permanence of the Green Belt boundaries beyond the Plan period.
  - Specifically identified for the provision of specialist accommodation for older people.

- Provision of a spatial strategy that does not rely on A320 mitigation works that are not yet committed or funded, including policy support to prioritise sustainable transport modes and reduce reliance on motor vehicles.
We expect that further Examination hearing sessions will need to be convened in order to address these topics.

We trust that these representations and the appended letter will be uploaded onto the Examination website upon receipt and we request to be kept informed of the Plan’s progress through the conclusion of the EiP.

Yours faithfully

DP9 LTD. on behalf of ELYSIAN RESIDENCES
Appendices
Appendix A

A320 Junctions with developments sites

Source: Arcadis A320 Corridor Study Report (April 2018)
## Appendix B

### Table 1: Development Sites and Impact on the A320 (Based on A320 Topic Paper (July 2018), and IDP (January/May 2018))

<table>
<thead>
<tr>
<th>No</th>
<th>Development Sites</th>
<th>No. of Units</th>
<th>Phasing based on RBC Local Plan CD-091A</th>
<th>Likely contribution based on Topic Paper calculations</th>
<th>Infrastructure improvements in close proximity*</th>
<th>Schemes which development may need to contribute to/fully fund/deliver (Taken from the A320 Topic Paper (July 2018, p.22-24))</th>
<th>Greenbelt</th>
<th>Borough</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Longcross Garden Village</td>
<td>1,718 agreed, 200 built</td>
<td>2017-2030 contingent on delivery of mitigation to the A320</td>
<td>£9,879 per unit, Total &lt;£14,818,590 (based on remaining 1000 units not consented)</td>
<td>6, 6</td>
<td>Junction 6a and 6b (Guildford Rd/Green Lane and A320 Guildford Rd/Holloway Hill) (£5.2 million) Junction 10 (A320 Guildford Rd/Murray Rd/Chobham Rd) (£5.0 million)</td>
<td>Y</td>
<td>Runnymede</td>
</tr>
<tr>
<td>2</td>
<td>Farnsfield Airfield</td>
<td>2,000</td>
<td>2019-2030</td>
<td>Estimate of £9,879,000</td>
<td>3, 10, 11</td>
<td>Link 3 A320 Guildford Road (£2.9 million) Junction 10 (A320 Guildford Rd/Murray Rd/Chobham Rd) (£6.8 million) Junction 11 (A320 Guildford Road/Brook Road) (£3.3 million)</td>
<td>Y</td>
<td>Surrey Heath</td>
</tr>
<tr>
<td>3</td>
<td>Martyn's Lane</td>
<td>1,200</td>
<td>2027-2040</td>
<td>Estimate of £11,954,000</td>
<td>3, 10, 11</td>
<td>Link 3 A320 Guildford Road (£2.9 million) Junction 10 (A320 Guildford Rd/Murray Rd/Chobham Rd) (£5.0 million) Junction 13 (A320 Cherseby Rd/Monument Rd/Ridgwood Rd/Shires Rd) (£2.9 million) Junction 14 (Chertsey Road/A320 Victoria Way) (£1.1 million)</td>
<td>Y</td>
<td>Woking</td>
</tr>
<tr>
<td>4</td>
<td>Chertsey Billards</td>
<td>635</td>
<td>2019-2027 contingent on delivery of mitigation to the A320</td>
<td>£2.08m</td>
<td>6, 6</td>
<td>Junction 6a and 6b (Guildford Rd/Green Lane and A320 Guildford Rd/Holloway Hill) (£5.2 million) Junction 8 (A320 Guildford Rd/Hillwood Drive/Billards Lane) (£1.7 million)</td>
<td>Y</td>
<td>Runnymede</td>
</tr>
<tr>
<td>5</td>
<td>St Peter's Hospital</td>
<td>400</td>
<td>2019-2023 contingent on delivery of mitigation to the A320</td>
<td>£1.6m</td>
<td>2, 5</td>
<td>Junction 8 (A320 Guildford Rd/Hillwood Drive/Billards Lane) (£1.7 million) Link 2 Guildford Road (£1.7 million)</td>
<td>Y</td>
<td>Runnymede</td>
</tr>
<tr>
<td>6</td>
<td>Pyecroft Road</td>
<td>275</td>
<td>2022-2027 contingent on delivery of mitigation to the A320</td>
<td>£1.12m</td>
<td>1, 5</td>
<td>Junction 1 (Chilse Green Road/St Ann's Road/B308 Thorpe Road/Staines Road) (£1.3 million) Contributions are also likely to be sought to enhance the pedestrian and cycle facilities at the Pyecroft Road/A320 Bell Bridge Rd/Cowley Lane junction (at junction 3)</td>
<td>N</td>
<td>Runnymede</td>
</tr>
<tr>
<td>7</td>
<td>Cottenham Town</td>
<td>200</td>
<td>2016-2025 contingent on delivery of mitigation to the A320</td>
<td>£928,000</td>
<td>3, 10, 11</td>
<td>Link 3 A320 Guildford Road (£2.9 million) Junction 10 (A320 Guildford Rd/Murray Rd/Chobham Rd) (£3.5 million)</td>
<td>N</td>
<td>Runnymede</td>
</tr>
<tr>
<td>8</td>
<td>Vodacare Lab Site</td>
<td>150</td>
<td>2023-2026 contingent on delivery of mitigation to the A320</td>
<td>£600,000</td>
<td>10</td>
<td>Junction 10 (A320 Guildford Rd/Murray Rd/Chobham Rd) (£6.6 million)</td>
<td>Y</td>
<td>Runnymede</td>
</tr>
<tr>
<td>9</td>
<td>Hanworth Lane</td>
<td>340 (including 130 units already consented and u/c)</td>
<td>2017-2022 contingent on delivery of mitigation to the A320</td>
<td>£914,751 (for 210 dwellings)</td>
<td>1, 6, 8</td>
<td>Junction 6a and 6b (Guildford Rd/Green Lane and A320 Guildford Rd/Holloway Hill) (£5.2 million) Junction 1 (Chilse Green Road/St Ann's Road/B308 Thorpe Road/Staines Road) (£1.3 million) Link 1 (Guildford Road) (£0.7 million)</td>
<td>N</td>
<td>Runnymede</td>
</tr>
<tr>
<td>10</td>
<td>Box End Nursery</td>
<td>40</td>
<td>2019-2021</td>
<td>£43,795,951</td>
<td></td>
<td></td>
<td>N</td>
<td>Runnymede</td>
</tr>
</tbody>
</table>

* = Junctions identified in A320 Topic Paper (July 2018) which may need to contribute to/fully fund/deliver
## Appendix C

### Calculated Factors

<table>
<thead>
<tr>
<th>Hospital</th>
<th>Factor</th>
<th>Unit</th>
<th>AM</th>
<th>PM</th>
<th>Total</th>
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</thead>
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<tr>
<td>231 - St Peter's Hospital</td>
<td>Calc. Factor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>232</td>
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<td>XX</td>
<td></td>
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</tbody>
</table>

### Total Dwellings

<table>
<thead>
<tr>
<th>Total Dwellings</th>
<th>Private</th>
<th>Affordable</th>
</tr>
</thead>
<tbody>
<tr>
<td>158</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>280</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>152</td>
<td>40%</td>
<td>39%</td>
</tr>
<tr>
<td>644</td>
<td>40%</td>
<td>39%</td>
</tr>
<tr>
<td>230</td>
<td>40%</td>
<td>39%</td>
</tr>
<tr>
<td>1320</td>
<td>40%</td>
<td>39%</td>
</tr>
</tbody>
</table>

### Additional Information

- Total area assumed to be divided into A1, A3, A4 & A5
- AM Peak Period: 0600 - 0800
- PM Peak Period: 1500 - 1500
21 February 2020

Mary Travers

Dear Ms Travers

RUNNYMEDE LOCAL PLAN 2030 – EXAMINATION IN PUBLIC

We write in relation to the ongoing Runnymede Examination in Public (“EiP”) of the draft Runnymede Local Plan 2030 (“the Plan”) and to express our grave concern with the developments following the Stage 3 hearing session and the direction of travel for the Plan itself.

We were notified on 18 December 2019 that Runnymede Borough Council (“RBC”) had been invited to prepare a schedule of proposed main modifications (“MMs”) that appear to be necessary for the soundness of the Plan. Throughout the EiP participants raised and discussed fundamental issues with the Plan’s soundness, including:

1. The inadequate Plan period, which will have less than 10 years to run following its adoption;
2. The lack of permanence and long-term strategy in relation to the revised Green Belt boundary, contrary to the NPPF;
3. Significant flaws in the methodology applied to the Green Belt Review that underpin the revised boundaries put forward in the Plan;
4. The lack of a sustainable spatial strategy;
5. Inadequate housing supply for both the Plan period and five-year housing land supply;
6. Lack of adequate provision for affordable housing over the Plan period; and
7. Reliance on significant mitigation works to the A320 corridor being carried out to deliver a significant proportion of the housing supply, including the five-year housing land supply, the lack of a committed timescale and evidence to establish delivery of the necessary works, lack of committed funding for these works, and unsustainability of bringing forward such mitigation on a site-specific, piecemeal basis.

These matters remain unresolved and the relevant evidence has still to be produced. Although a draft schedule of proposed MMs has been prepared by RBC, and is currently the subject of ongoing consultation, it is our view that these modifications are not sufficient to remedy the fundamental soundness issues. We infer from the Inspector’s update from 18 December 2019 and the RBC officers’ report to committee dated 7 January 2020 that correspondence regarding the proposed MMs between
the two parties has taken place, although this correspondence has not been made public. The officers’ report states that the proposed MMs have been reviewed and agreed by the Inspector, and it would appear from the nature of the correspondence that the Inspector is prepared to find the Plan sound subject to these proposed MMs.

If that is the case, and the Plan moves forward subject only to incorporation of these proposed MMs and the supporting evidence so far provided to the EiP, the Plan will, in our view, be unsound. We have strong concerns that the evidence is deficient and flawed, the reasons for which were presented throughout the EiP process. These challenges remain unresolved. If the Plan is found sound in light of this evidence, it will be exposed to a serious risk of a statutory challenge in the Courts. Indeed, the Plan’s reliance on the A320 mitigation works happening on time, if at all, underpins the very principles of the Plan; in the absence of the timely completion of the works, the degree of uncertainty of the Plan if found sound would be wholly unwarranted. Instead of a sound trajectory, provision for meeting all forms of OAN, including market, affordable and specialist elderly and student housing, would be based on unevidenced aspiration.

Moreover, we are advised that the procedure adopted does not conform to the relevant statutory requirements or PINS guidance as a result of which our interests and potentially those of all objectors to the Plan have been prejudiced. Prejudice has occurred because:

1. there appear to have been communications passing between the Inspector and the LPA which have not been made public nor has the scope or content of Main Modifications been discussed at the hearings;

2. no reasons have been publicly expressed by the Local Planning Authority or the Inspector to demonstrate whether and/or why the Inspector and Council purport to be acting under the procedure set out in subsections 7(A) to (C) and (8) of s.20 of the Planning and Compulsory Purchase Act 2004 to make the proposed Main Modifications as opposed to concluding that the Plan is unsound.

The PINS Guidance on the Examination of Local Plans states, at paragraph 8: “The legislation allows for three possible outcomes to the examination:

• The Inspector finds that the plan is sound and legally-compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;

• The Inspector finds that the plan is unsound and/or legally noncompliant as submitted, but that it is possible to make it sound and legally-compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested to do so by the LPA. The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant;

• The Inspector finds the plan unsound and/or legally non-compliant…”

Paragraph 1.3 of the Guide states:

“1.3. Once the plan has been submitted, further changes may only be made in accordance with section 23 of the PCPA. This allows main modifications [MMs] to be made only if they are necessary to make the plan sound and/or legally compliant, provided that the LPA has formally requested that such modifications be recommended by the Inspector. The LPA may also make additional (minor) modifications to the plan on adoption, but only if they do not materially affect the plan’s policies. Additional modifications are not subject to the formal examination process.” (emphasis added)
We have not seen any “formal request” from the LPA to the Inspector and are therefore left guessing as to the contents of any communications passing between them. As well as running counter to the guidance, which embodies the well established Franks principle of openness, this situation is particularly objectionable and prejudicial here, given the lack of any public information about the outcome of the HIF bid for the A320 North of Woking works which are agreed to be of such significance to the Plan.

Presumably the Inspector has concluded that the second circumstance in paragraph 8 of the guidance applies but, in the absence of any reasoning it is impossible to understand and therefore consider and meaningfully respond to the rationale which lies behind the proposed Main Modifications or to understand how it is said:

- a) that absent these Modifications, the Plan would be unsound: and
- b) whether / how the proposed Main Modifications would make the Plan sound (the statutory criteria).

Working on the basis of inference, as we are forced to do, we consider that the proposed Main Modifications are wholly inadequate to meet the many failures of the Plan in terms of the soundness test. Specifically, they do not address the 7 points set out above, all of which have been supported in written and oral representations during the Examination.

In the circumstances, objectors to the Plan and in particular our clients, who have invested a large amount of time and money in engaging with the process, had a legitimate expectation that, following the last hearing sessions, the Inspector would set out her interim conclusions / proposals for the rest of the Examination. Instead, there have, apparently, been communications between the LPA and the Inspector, to which other participants have not been privy, followed by a set of proposed Main Modifications which do not begin to deal with our fundamental objections or even explain whether and, if so, why those objections have been rejected. This set of circumstances renders the current consultation ineffective, not only because of the breach of legitimate explanation, but also because the well established Gunning Principles have been breached. These principles, laid down by the High Court in R v London Borough of Brent ex parte Gunning and endorsed by the Court of Appeal in R v North and East Devon Health Authority ex parte Coughlan, are to the effect that a consultation is only legitimate when the following four principles are met:

1. Proposals are still at a formative stage; a final decision has not yet been made, or predetermined, by the decision makers.
2. There is sufficient information to give ‘intelligent consideration’; the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
3. There is adequate time for consideration and response. There must be sufficient opportunity for consultees to participate in the consultation.
4. ‘Conscientious consideration’ must be given to the consultation responses before a decision is made; decision-makers should be able to provide evidence that they took consultation responses into account.
Without seeing any reasoning for apparently invoking the limited subsection (7A) to (7C) process, principle 2 is breached; no reasons have been publicly stated for apparently concluding that the Plan’s strategy is capable of being made sound notwithstanding the continued absence of evidence of necessary infrastructure funding. As it is unclear if or when sufficient information will be released, principle 3 is also breached – representors are being forced to respond to the consultation ‘blind’ in relation to the fundamental point. Without seeing any reasoning from the Inspector who is charged with deciding whether or not the Plan is (or can, by exercise of the limited power of modification under subsections (A) to (C), be made) sound, it is likely to be impossible to tell whether or not principles 1 and 4 are met; at any rate, there will be a lack of transparency, in breach of the Franks Principles under which the Planning Inspectorate acts.

Accordingly, we are advised that the fundamental flaws of the Plan, as outlined at points 1 to 7 above, must be revisited and, if possible, remedied before further action is taken to progress the Plan. We appreciate that remedies may be lengthy and substantive, but in the light of the fundamental failings in the evidence before us, we cannot see how the Plan can be found sound in the absence of serious intervention. In all the circumstances, we are advised that, at the very least, the Plan should not proceed to adoption without further Examination hearing sessions being convened. Assuming that the LPA decides to continue with the current unfair and legally flawed consultation on Main Modifications, we shall respond on behalf of our clients as best we can but, since the consultation only allows comment on the proposed Modifications and these Modifications fail to address the fundamental issues raised in our earlier written and oral representations, our responses at this stage must be treated as being made without prejudice to the breaches of process set out above and without prejudice to any steps which we might be forced to take if the LPA proceeds to adoption of the Plan.

Yours sincerely

DP9 Ltd on behalf of Elysian Residences Ltd

DPDS Consulting Ltd on behalf of SMECH Management Company Ltd

Point Consultancy Ltd on behalf of Re-creo Samuels (Addlestone) Ltd

Rapleys LLP on behalf of Stellican Ltd

cc: Trevor Saunders, Interim Local Plan Lead, Runnymede Borough Council