



The Planning  
Inspectorate

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# **Report to Surrey Heath Borough Council**

**by Michael J Hetherington BSc(Hons) MA MRTPI AIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 4<sup>th</sup> January 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE SURREY HEATH CORE STRATEGY  
AND DEVELOPMENT MANAGEMENT POLICIES**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 27 October 2010

Examination hearings held between 15-23 February 2011 and 18 November 2011

File Ref: PINS/D3640/429/4

## Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
CEA	Core Employment Area
CSDMP	Core Strategy and Development Management Policies
DIO	Defence Infrastructure Organisation (formerly Defence Estates)
DPD	Development Plan Document
ECJ	European Court of Justice
GTAA	Gypsy and Traveller Accommodation Assessment
IDP	Infrastructure Delivery Plan
HA	Highways Agency
HRA	Habitats Regulations Assessment
LDD	Local Development Document
LDS	Local Development Scheme
LP	Local Plan
PPS	Planning Policy Statement
PRB	Princess Royal Barracks (Deepcut)
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADPD	Site Allocations DPD
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SCC	Surrey Council Council
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEP	South East Plan
SHBC	Surrey Heath Borough Council
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNCI	Site of Nature Conservation Importance (non-statutory)
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
TA	Transport Assessment
TBH	Thames Basin Heaths
TBH SPA DF	Thames Basin Heaths Special Protection Area Delivery Framework

### **Non-Technical Summary**

This report concludes that the Surrey Heath Core Strategy and Development Management Policies (CSDMP) Development Plan Document (DPD) provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Housing requirement increased to align with the South East Plan;
- Clearer policy references to the Thames Basin Heaths SPA introduced;
- Removal of proposal to delete housing reserve sites (Local Plan policy H8) as being premature to the consideration of the Site Allocations DPD;
- Deletion of reference to provision of 6,000 square metres of retail and associated floorspace at the Princess Royal Barracks site, Deepcut;
- Introduction of requirement to meet local need for travelling showpeople site provision, and revisions to the policy on Gypsies and Travellers to accord with existing and emerging national policy;
- Amended shopping floorspace total for Camberley Town Centre; and
- Updated references to transportation issues in the light of the M3 Corridor Study.

Many of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes to overall housing numbers and to the retail floorspace total for Camberley Town Centre have been the subject of a further consultation period, with a reopened public hearing. However, the changes do not alter the thrust of the Council's overall strategy.

## Introduction

1. This report contains my assessment of the Surrey Heath Core Strategy and Development Management Policies (CSDMP) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement 12: *creating strong safe and prosperous communities through Local Spatial Planning* (PPS 12) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted Surrey Heath CSDMP document which is the same as the document published for consultation in August 2010.
3. This report deals with the changes that are needed to make the DPD sound: these are identified in **bold**. Most of these changes have been proposed by the Council and are presented in Appendix A<sup>1</sup>. The changes that I recommend, set out in Appendix C, are limited in number<sup>2</sup>. Most of the Council's proposed changes do not materially alter the substance of the plan and its policies, and are consistent with the sustainability appraisal and participatory processes that were undertaken prior to submission. However, the revisions proposed to policy CP3's housing totals in response to my Interim Conclusions<sup>3</sup> (which were issued on 1 March 2011 at the end of the main series of examination hearings) and to the retail floorspace total in policy CP10 *do* amount to significant changes to the plan as submitted. As such, they were the subject of a further public consultation exercise as well as a revised Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). An additional hearing session was arranged to enable public discussion of these changes. I have taken the consultation responses into account in writing this report.
4. My report also takes account of responses to consultations held during the examination period in respect of the 'Planning for Growth' Ministerial Statement (23 March 2011) and the draft National Planning Policy Framework, issued in July 2011.
5. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report – although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
6. The CSDMP was submitted after the Secretary of State's decision to revoke the South East Plan (SEP) on 6 July 2010, but before the quashing of that

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<sup>1</sup> Changes proposed by the Council are shown in bold thus **[SC1]** and use the reference number from the Council's schedule of changes (Core Document ref. CD/SHBC/1/07d).

<sup>2</sup> Changes recommended by the Inspector are referenced as IC, thus **IC1**.

<sup>3</sup> Inspector's Interim Conclusions (Core Document ref. ID/13)

decision by the Court in November 2010<sup>4</sup>. Where this matter bears upon the plan's soundness, it is discussed in more detail below. The Council proposes a number of additional changes in order to reflect the continued intention to revoke the SEP. Some of these relate to matters of fact (such as the disbanding of the South East England Partnership Board) and are set out in the schedule of minor changes (Appendix B). However, a number of others – notably the deletion of references to specific SEP designations such as Camberley's role as a secondary regional centre – would potentially fall foul of the requirement of general conformity set out in section 24(1) of the Planning and Compulsory Purchase Act 2004. Given that the SEP remains extant at the time of writing this report, I am not able to recommend that these changes should be made<sup>5</sup>. They do not appear in Appendices A or B.

## Assessment of Soundness

7. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified five main issues upon which the soundness of the plan depends.

### **Main Issue 1: Are the plan's proposals for sustainable growth and the provision of new housing deliverable, sufficiently justified and consistent with the local evidence base, the South East Plan, national policy and the proximity of protected sites of international nature conservation interest?**

8. Surrey Heath Borough lies within an area of significant nature conservation interest. Four Sites of Special Scientific Interest (SSSIs) occupy over 20% of the Borough's area: these form part of the larger Thames Basin Heaths Special Protection Area (TBH SPA)<sup>6</sup>, which has been designated as being of international importance - specifically by supporting breeding populations of three species (Nightjar, Woodlark and Dartford Warbler) that are protected by Annex 1 of the EC Directive on the Conservation of Wild Birds<sup>7</sup>.
9. The potential effects of residential development on the integrity of the SPA, notably as a result of increased disturbance arising from greater recreational pressures, have significantly influenced the Council's approach to housing delivery. The CSDMP has been prepared in the context of the strategic approach to housing development in the TBH area set out in the South East Plan, and developed in the TBH SPA Delivery Framework (TBH SPA DF)<sup>8</sup> (endorsed by the TBH Joint Strategic Partnership Board in 2009). An earlier TBH Interim Avoidance Strategy (IAS) was prepared by the Council in 2008<sup>9</sup>. Underpinning this approach is the view that, as a result of factors including the fragmented nature of the SPA and the substantial local pressure for new housing, all net new residential developments are likely to have a significant effect on the SPA either alone or in combination with other projects. Accordingly, the TBH SPA DF seeks to ensure that such developments provide,

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<sup>4</sup> Cala Homes (South) Ltd v SSCLG 2010 EWHC 2866.

<sup>5</sup> Suggested changes SC1, SC2, SC3, SC8, SC9, SC10, SC11, SC29, SC31, SC37, SC43 and SC67 in the Council's schedule of changes.

<sup>6</sup> Three of these SSSIs are also designated as a Special Area of Conservation (SAC).

<sup>7</sup> Directive 2009/147/EC (Core Document ref. CD/SHBC/7/02).

<sup>8</sup> Core Document ref. CD/SHBC/9/06.

<sup>9</sup> Core Document ref. CD/SHBC/4/22. The Council confirms that this will be updated and adopted as a supplementary planning document (SPD).

or make an appropriate contribution towards, measures that avoid adversely affecting the integrity of the SPA – specifically, the provision of Suitable Alternative Natural Greenspace (SANG) and access management measures<sup>10</sup>. A key principle of this approach is that developments that can provide adequate measures will not have to undergo an Appropriate Assessment (AA).

10. The CSDMP seeks to translate this approach to the local level. I comment below about the implications of this matter for the plan's housing policies. However, on a more general level I share the concerns of a number of representors, including Natural England (NE), about the degree of clarity with which the CSDMP addresses the TBH issue. While policy CP14 (Biodiversity and Nature Conservation) incorporates some elements of the TBH approach summarised above, it does not articulate the policy in sufficient detail. For example, it does not refer to the provision of Strategic Access Management and Monitoring (SAMM) measures, discussed further below.
11. The Council accepts these comments and suggests a number of changes, which have been developed in consultation with NE. These include incorporating the key features of SEP policy NRM6 within the CSDMP in the form of a new policy CP14B, amending the supporting text and adding a caveat to policy CP3 to clarify that the Council will not permit development which, either alone or in combination with other development, would have an adverse effect upon the integrity of European sites [**SC12 (part), SC39, SC42**]. These changes are endorsed for effectiveness reasons.
12. Although the Council's approach is both endorsed by NE (subject to the above-noted changes) and consistent with the requirements of the SEP, it is not accepted by all representors. While various matters of detail are raised, a key objection is that convincing evidence (with reference to the **Waddenzee**<sup>11</sup> decision) has not been presented to demonstrate that the avoidance measures will be effective. At the examination hearings, NE stated that while bird populations within the SPA are being monitored, insufficient time has elapsed since the TBH SPA DF was approved to reach a view on the effect of the policy measures on the species concerned. Bearing in mind that such an assessment would require a variety of other factors, such as the effects of recent cold weather on wintering Dartford Warbler numbers, to be 'screened out', this is understandable. In any event, as was emphasised by NE at the hearings, it is the achievement of no net increase in visitor numbers that is the key element in the policy's delivery – as this is the impact path of particular concern. Monitoring of both visitor numbers and populations of the Annex 1 bird species are among the objectives of the SAMM project – which also includes on-the-ground wardens. The SAMM Memorandum of Agreement was completed in June 2011 and the project is now underway.
13. While some SANGs have now been implemented within the Borough, the SAMM project is at an early stage. Evidence about the effectiveness of such measures is, for the reasons set out above, yet to be forthcoming. However, the principles underlying the approach set out in the TBH SPA DF derive from specific studies of the effects of recreation on lowland heaths: these are

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<sup>10</sup> On-site habitat management also forms part of the agreed approach to avoiding likely significant effects: however, the TBH SPA DF focuses on the two measures noted above.

<sup>11</sup> ECJ [2004] C-127-02. Core Document ref. CD/SHBC/7/06.

summarised in the submitted HRA document<sup>12</sup>. They have also been the subject of a significant degree of technical scrutiny during the preparation of the SEP. Therefore, while I am aware of the concerns of some representors, I see no substantive reason to depart from the assessment of NE in respect of the likely effectiveness of the proposed avoidance measures.

14. Objections were also raised about the principle of taking avoidance measures into account when assessing whether significant effects on the SPA would or would not be likely. However, this approach is consistent with the view expressed in **Hart DC v SSCLG & Others**<sup>13</sup> that avoidance or mitigation measures forming part of a plan or project can, as a matter of law, be considered at the screening stage in the decision making process that is required by relevant legislation<sup>14</sup>. Although reference has been made to a number of other ECJ decisions, these do not cause me to take a different view.
15. It is the Council's case that the CSDMP's overall requirement of 3,333 dwellings for the period 2006-2027 (which, given completions prior to 2010, equates to 2,502 dwellings within the period 2010-2027) is deliverable given the evidence of the availability of suitable and effective SANGs as avoidance measures. This figure is below the total allocated for the Borough in the South East Plan (SEP) and is markedly less than the level of need indicated by the Council's Strategic Housing Market Assessment (SHMA). Nevertheless, the CSDMP – which was submitted following the Secretary of State decision in July 2010 to revoke regional strategies – explicitly seeks not to continue with the housing targets contained in the SEP.
16. It appears from the evidence base, notably the Strategic Housing Land Availability Assessment (SHLAA) and the housing trajectory, that sufficient sites exist in principle to meet the SEP total. The trajectory, which excludes the effect of SANG-related constraints, projects some 3,500 completions during the period 2010-2027 – well in excess of the plan's requirement. While the merits of most specific sites remain to be assessed, the evidence before me suggests that it is the availability of suitable SPA avoidance measures, rather than a lack of housing sites, that is the key factor constraining housing deliverability. As such, the CSDMP housing total for 2010-2027 derives purely from the Council's estimate of SANG capacity known to be definitely available or deliverable as at March 2010. Indeed, the relevant figure in the table in CSDMP paragraph 5.15 is described as 'SANGs based capacity'.
17. Policy NRM5(iii) of the SEP requires local planning authorities to distribute housing allocations in such a way that it avoids adversely affecting the integrity of European sites. In the event that a local planning authority concludes that it cannot distribute an allocation accordingly, or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without such adverse effects. Nevertheless, as detailed in my Interim Conclusions, the evidence base fails to provide robust support for the reduced housing requirement provided for in the CSDMP – for three main

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<sup>12</sup> Core Document ref. CD/SHBC/1/03.

<sup>13</sup> [2008] EWHC 1204 (also known as the Dilly Lane judgement). Core Document ref. CD/SHBC/8/33.

<sup>14</sup> The relevant EC Directives are transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (SI 2010/490).

reasons. First, both the capacity of specific SANGs and the list of SANGs from which the Council has derived its overall housing figure have been subject to change during the examination period – and appear likely to change further. Given that the process for identifying and implementing SANGs is not straightforward, such uncertainty is understandable. However, this calls into question the robustness of basing a long term housing requirement on an assessment of SANG based capacity at any one point in time.

18. Second, on the Council's evidence there remains a shortfall in SANG provision in respect of the scale of new housing that is proposed within the western part of the Borough. While the Council initially argued that the mix of dwellings likely to come forward in the Camberley area would justify adopting a lower household size figure when assessing SANG based capacity for this area, such an approach is at odds with its adoption of a standard household size in both its IAS and its assessment of SANG capacity at the Princess Royal Barracks (PRB) site at Deepcut. In the event, the Council withdrew this line of argument during the examination hearings. On its own terms, the plan's evidence base does not therefore fully support the suggested approach.
19. Third, with the exception of the PRB site, the Council's assessment of SANG based capacity takes no account of the potential for additional capacity to come forward during the Plan period. However, and without commenting on the merits of the specific solutions that have been mentioned during the examination, the evidence submitted suggests a number of possible ways in which additional SANG based capacity could be delivered.
20. For example, there is the potential for SANG to be delivered as part of, or in association with, specific development proposals. Such SANGs have already been secured in the Borough at Notcutts (Bagshot) and Burrow Hill School. It is apparent from the case of the Defence Infrastructure Organisation (DIO) (formerly Defence Estates) that additional land (some 10-11 ha) is potentially available for release as SANG at Deepcut. It was clarified during the examination hearings that the availability of this land is not dependent upon acceptance of the higher housing figure sought by DIO (discussed below). It has not been 'signed off' by NE, as the details of any SANG design have not been agreed. Nevertheless, while stressing that it would be premature to rely on this land, NE accepts that there may be potential for a small amount of capacity at this site to be linked to off-site developments. In principle, this could support some development in the west of the Borough
21. Furthermore, although not relying on such sources in its capacity assessment, the Council has itself raised the possibility of additional capacity arising from the Heather Farm SANG and at Hawley Meadows – as well as the possibility of shared capacity at a SANG in an adjoining council area. Indeed, the CSDMP itself refers to the potential to acquire land at Lake Road/St Catherine's Road, Frimley Green for SANG use: this also lies within the western part of the Borough, although a number of constraints would need to be overcome to put this proposal into practice.
22. Taking these matters together, and noting the substantial level of housing need identified for the Borough in the SHMA, the CSDMP's departure from the South East Plan's dwelling requirement is insufficiently justified. Even if the present SANG based capacity could be robustly determined, which is not the



case in the submitted plan, it is unduly restrictive to use what is inevitably a 'snapshot in time' to determine long term housing requirements. For the reasons set out above, it appears likely that additional SANG based capacity will be forthcoming during the plan period. The proposed addition of a caveat to policy CP3 in respect of the SPA (as mentioned above) would provide an added safeguard in respect of the protection of international nature conservation sites. As such, and irrespective of the present constraints on capacity, I see no reason to justify a departure from the SEP dwelling requirement over the length of the plan period.

23. Following receipt of my Interim Conclusions, the Council proposed changes to policy CP3 and its supporting text [**SC12, SC13**]. In summary, these restore the SEP annual dwelling requirement (of 187 dwellings) and extend the period of provision to 2028. In addition to the reference to international nature conservation sites already noted, a new clause is added to policy CP3 stating that if after 2025 insufficient sites have come forward within settlement areas, provision will be made by releasing suitable sites in the Countryside beyond the Green Belt. These changes are endorsed as being necessary for the plan to be both effective and justified. As noted above, the housing trajectory already identifies sites in excess of the numbers needed to meet the increased target. As a result, the greater level of development that is now proposed does not require any change to be made to Green Belt boundaries – as has been sought by some representors.
24. While the Council's updated housing supply figures<sup>15</sup> make some allowance for windfall developments, these do not fall within the first 10 years and, as such, accord with PPS 3. Only limited reliance is placed on windfalls in years 11-15. Development would be concentrated in the west of the Borough, thereby supporting the plan's spatial strategy: while there is a present SANG capacity constraint in this area, I am satisfied for the reasons set out above that in principle adequate capacity could come forward to support development in this part of the Borough. NE has confirmed that, subject to adequate monitoring, the policy framework that is now proposed is adequate to deliver measures to avoid or mitigate the adverse effects of development on the SPA.
25. As noted above, the proposed changes to policy CP3 have been the subject of an additional consultation exercise. In framing its policy approach, the Council considered two further options for increased housing totals, with SHLAA- and SHMA-based targets. While these options attracted some support from the development sector, I accept the Council's assessment that, on the evidence available, neither would have a reasonable prospect of delivery. Indeed, the SHMA-based figure would substantially exceed the potential housing supply set out in the SHLAA. Both targets would be in excess of the figure set out in the SEP, while neither is supported by the revised HRA. In the circumstances, I agree with the Council that the exceptional circumstances that are required by paragraph 2.6 of Planning Policy Guidance Note 2: *Green Belts* (PPG 2) to justify alteration of the general extent of the Green Belt (which would be a likely consequence of either of these options) have not been demonstrated.
26. The proposed revisions to policy CP3's supporting text include a table showing anticipated phasing. This shows that a five year housing land supply would

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<sup>15</sup> Background Paper on Housing Land Supply 2011-2028 (Core Document ref. CD/SHBC/4/38a)

not be provided – an outcome that is not unexpected given that the difficulty of providing SANG has seriously constrained housing delivery in the Borough in recent years. At best, there was less than 2½ years supply at April 2011. Furthermore, the phasing table suggests that there would also be a shortfall at the end of year 15 – although provision would be made in years 16 & 17. As a result of these factors, the plan's approach clearly conflicts with PPS 3's requirement (paragraph 53) that a continuous delivery of housing should be enabled for at least 15 years from the date of adoption. Nevertheless, the resulting strategy represents a pragmatic attempt to address a real and pressing local constraint on housing delivery. As is accepted by NE, the Council has put in considerable effort in locating land for SANG. On balance, I am satisfied that the circumstances described above justify departing from national policy in respect of this matter.

27. The above-noted changes also imply amendments to the details of the housing trajectory set out in Appendix 1 of the CSDMP, which was formulated on the basis of the housing requirement in policy CP3 as submitted. The deletion of the trajectory [**SC53**] is therefore endorsed. The Council intends to regularly update the housing trajectory in subsequent annual monitoring reports and, as such, does not propose to introduce a replacement into the CSDMP. Bearing in mind that a phasing table is being added to the text supporting policy CP3, I have no reason to take a different view.
28. Concern has been raised that the plan's housing strategy is unduly reliant on the implementation of one site – the strategic allocation at PRB Deepcut. I address this proposal in more detail under my second main issue. However, in general terms, it is clear that the PRB site represents a significant large development opportunity with the capacity to deliver a substantial area of on-site SANG as part of the SPA avoidance measures. Given the constraints that apply elsewhere in the Borough, the inclusion of the PRB site is both understandable and justified. I have seen no evidence that delivery of new housing at the PRB site is likely to be significantly delayed – indeed, the Council has recently (September 2011) adopted the Deepcut Supplementary Planning Document (SPD). Nevertheless, the addition of a clause allowing for the release of sites in the Countryside beyond the Green Belt in the event of insufficient sites coming forward in settlements provides additional flexibility in respect of overall housing delivery within the Borough.
29. As submitted, the CSDMP proposes the deletion of policy H8 of the Surrey Heath Local Plan 2000 (LP), which identifies sites at West End and Windlesham as being reserved to meet possible long-term development needs. CSDMP Appendix 2 states that the sites concerned should be shown on the Proposals Map as being included within the Green Belt. It was confirmed by the Council at the hearings that, contrary to a view expressed in many representations, these sites did not originally lie within the Green Belt. As such, their inclusion within the Green Belt would amount to an extension of that designation. This would be contrary to CSDMP policy CP1, which states that the current extent of the Green Belt as shown on the Proposals Map will be maintained. Furthermore, the Council has not sought to demonstrate the exceptional circumstances that PPG 2 requires to justify altering the general extent of the Green Belt. The Council accepts this point and suggests that Appendix 2 is amended to allocate the sites as 'Countryside beyond the Green Belt'.

30. The intended deletion of the policy H8 reserve sites has significant local support. However, the supporting LP text (paragraph 8.27) makes it clear that the release of these sites for development will 'depend upon a further review of the Local Plan when it will be necessary to demonstrate that strategic housing requirements cannot be met by the release of other more appropriate land'. Such a review has yet to take place. With the exception of the PRB site at Deepcut, the CSDMP does not identify specific land allocations; the detailed identification of development sites will be through the forthcoming Site Allocations DPD (SADPD). The SHLAA, which includes the H8 reserve sites, does not in itself determine whether a site should be allocated for development. Given the strategic nature of the CSDMP DPD, it would be inappropriate to assess the relative merits of sites identified within the SHLAA at the present stage. Yet, as is implied by LP paragraph 8.27, such an exercise is necessary to assess whether the reserve sites should be released. Accordingly, and irrespective of the merits of the sites themselves, the evidence base supporting the CSDMP does not support their deletion in advance of the consideration of this matter in the SADPD.
31. I therefore conclude that the CSDMP's proposal to delete the H8 reserve sites is unsound as a result of not being justified. This concern is not overcome by the Council's suggested change (noted above)<sup>16</sup>, which is not recommended and does not appear in Appendices A or B. To ensure that the plan is effective, I recommend in **IC1-IC2** that the reference to the replacement of LP policy H8 is removed from Appendix 2 and that maps 12A and 12B are deleted.
32. The amended policy CP3 clarifies that the housing numbers envisaged for Chobham include an allowance for rural exceptions. This responds to a concern raised by the local community, and is a necessary change in view of the requirements of CSDMP policy DM2 and the constraints on new development resulting from Chobham's status as a 'washed over' settlement within the Green Belt. Nevertheless, given the policy's strategic nature, I accept the Council's view that further clarification of the scale of any rural exception housing within the settlement would be unduly prescriptive.
33. Subject to the changes set out above in respect of this main issue, I conclude that the plan's proposals for sustainable growth and the provision of new housing are deliverable, sufficiently justified and consistent with the local evidence base, the South East Plan, national policy and the proximity of protected sites of international nature conservation interest.

**Main Issue 2: Are the plan's proposals for the Princess Royal Barracks (PRB) site at Deepcut realistic, deliverable and adequately justified?**

34. The PRB site at Deepcut is the only strategic allocation in the CSDMP. Part of the site lies within Guildford Borough, and changes are needed to the submission proposals map and the plan in the main body of the document to clarify that the allocation (which overwhelmingly lies within Surrey Heath Borough) does not extend outside the plan area. Revisions are also needed to update the extent of the land release. The Council proposes changes accordingly [**SC18, SC57**], which are needed for reasons of effectiveness.

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<sup>16</sup> Suggested change SC55 in the Council's schedule of changes.

35. Given that the PRB site has been declared surplus to requirements, the principle of its redevelopment within the rural village concept is not generally disputed by local residents. However, there are significant objections to the scale of development that is now proposed (1,200 dwellings), with many residents seeking a reduced site capacity. In contrast, the site's owner (DIO) seeks a larger scheme of some 1,400 dwellings. I address this matter first.
36. While the boundary of the PRB site is shown within the CSDMP document, detailed guidance on the type and location of development within that boundary is a matter for the SPD. Nevertheless, significant work has been undertaken by the Council in order to determine the site's capacity for new development<sup>17</sup>, based upon comparative assessments of other proposals, a land budget approach and a design-led approach. A viability assessment has also been undertaken: while DIO raised some concerns about this exercise, it now accepts that the scheme would be viable based upon the Council's evidence – although the detailed costs remain to be determined. There is broad agreement between the Council and DIO on many of the scheme's requirements<sup>18</sup>, including housing mix (subject to a change to policy CP6 described later in this report) and the 35% affordable housing target set out in policy CP4. It is also agreed (and supported by NE<sup>19</sup>) that there would be a bespoke package of SPA avoidance measures to support a 1,200 dwelling development – namely SANG (including a minimum 20 hectare block), contributions to the SAMM project and off-site biodiversity enhancement measures. Sufficient land is available to meet on-site open space needs, and sites of nature conservation importance (SNCI) would remain as open space.
37. DIO has also undertaken a capacity assessment, which supports the higher figure of 1,400 dwellings. As already noted, the CSDMP does not seek to allocate development to specific parts of the PRB site. Nevertheless, it is accepted by both main parties that in view of the particular constraints applying to the site and its surroundings, including the generally agreed wish to avoid repeating the scale, character and intensity of development at Dettingen Park, the differences in the two parties' assessments of site capacity (some 4-5 hectares of development land) generally relate to the development potential of specific parts of the PRB site. The key areas in this respect are: (1) land to the north of Dettingen Park; (2) the playing field to the south-east of Blackdown Road; and (3) some of the land to the south of Brunswick Road.
38. In all three cases, I agree with the Council's concerns about the potential developability of the areas concerned. The land to the north of Dettingen Park has an undeveloped character, comprising woodland and open space. While the Council accepts that there are development opportunities immediately adjacent to Dettingen Park and on the eastern part of the Officers' Mess site, the remainder of this area contributes to the clear separation between Deepcut and Heatherside to the north: specifically, the wooded belt alongside Deepcut Bridge Road provides an undeveloped linkage between the cricket ground and the land to the north of Alma Gardens, while the cricket ground

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<sup>17</sup> Notably within Core Document ref. CD/SHBC/4/26.

<sup>18</sup> Statement of Common Ground between SHBC and Defence Estates (now DIO) (Core Document ref. SHED/9).

<sup>19</sup> Statement of Common Ground between Defence Estates (now DIO) and NE (Core Document ref. REP/179/12).

itself comprises a significant open area. More substantial development within this area would materially diminish the rural setting and distinctive identity of Deepcut. It would also conflict with the principle set out in criterion (xiii) of policy CP4 that the countryside gap between Deepcut and Heatherside should be maintained.

39. The playing field to the south-east of Blackdown Road is not easily seen by passers-by and does not play a major role in maintaining the setting of Deepcut. Nevertheless, it is the only significant area of open space to the west of Deepcut Bridge Road and is well-related to existing housing areas and the potential residential development site at the Bellew Sergeants' Mess. It is clearly valued by local people. Accordingly, I accept the Council's case that it should be retained for use as a neighbourhood open space. Although it is common ground between the Council and DIO that some of the land to the south of Brunswick Road could be developed, I share the Council's view that the remainder of the 'Brunswick Woods' area<sup>20</sup> is also well-located to accommodate SANG to act as an 'interceptor' between the main development areas and the SPA lying to the south of the Basingstoke Canal. Bearing in mind the need to put in place effective SANG provision, the Council's more cautious approach to this area's development potential appears justified.
40. The increased housing numbers sought by DIO at the PRB site have not been the subject of a formal HRA exercise. The stance of the landowner is, in summary, that the availability of open space that could contribute to SANG means that AA is not required. However, such a view is at odds with the approach in the TBH SPA DF, which requires large residential developments to be considered on a case-by-case basis. Such a bespoke package has not been agreed in respect of the 1,400 dwelling scheme and, as noted above, the availability of additional SANG at the PRB site is yet to be 'signed off' by NE. Accordingly, I am unable to prejudge the outcome of an HRA in respect of the larger development.
41. In any event, bearing in mind my comments above (and accepting that both the detailed location and density of development within the PRB site are not matters to be determined by the CSDMP), I share the Council's assessment that the higher capacity suggested by DIO would be likely to conflict with scheme's wider planning objectives, to the detriment of its underpinning rural village concept. As described under this report's first main issue, the SHLAA indicates that sufficient capacity exists elsewhere in the Borough. The increase in dwelling numbers sought by DIO is not therefore needed in order to make the plan sound.
42. In contrast to DIO's position, local residents seek a reduction in the 1,200 dwelling total set out in policies CP3 and CP4. This exceeds the 900 dwelling figure that was presented to the community early in the consultation exercise: while the Council accepts that, with hindsight, it might have been better not to have quoted this figure, it stresses that at no stage did the 900 dwelling total represent a specific commitment. I have no reason to take a different view. In any event, it is clear that even the 900 dwelling total is seen as too high by many local residents.

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<sup>20</sup> As defined in the Deepcut SPD.

43. In addition to the TBH issue, local concerns focus on three interlinked topics – sustainability, transport and shopping. The Council acknowledges in CSDMP paragraph 5.19 that the PRB site is not a highly sustainable location due to poor local facilities, distance from local centres and poor accessibility by alternatives to the private car. The identification of this site as a major development location represents, in part, a pragmatic response to the availability of a large area of previously-developed land within a Borough in which such opportunities are necessarily limited. However, the site's redevelopment also presents an opportunity to regenerate the existing settlement at Deepcut and to enhance the provision of local services and facilities. As such, it is necessary that any development is of a sufficient scale to ensure that key facilities can be delivered – as well as making sure that land is used efficiently.
44. The submitted evidence base, including a financial viability assessment<sup>21</sup>, indicates that the 1,200 dwelling scheme proposed in the CSDMP would be of a sufficient scale to deliver a bespoke infrastructure package, including a two form entry primary school, early years facilities, open space (including a village green), and highway and transport improvements. Alternative uses for the site have been considered and dismissed. As already noted, DIO does not dispute the broad viability of a 1,200 unit development. At the examination hearings, both the Council and DIO confirmed that these conclusions would not be affected by the changes that the Council has now proposed to policies CP4 (in respect of retail development – see below) and CP6 (see this report's third main issue).
45. In respect of the scheme's transport implications, Surrey County Council (SCC), as highway authority, accepts that it would be possible to accommodate the impact of the PRB scheme (at some 1,200 units) on the local transportation network. A preliminary transport assessment (TA) has been undertaken<sup>22</sup>, based upon standard and accepted methodologies. Additional clarification was provided during the examination about the approach taken to modelling the effects in respect of the railway bridge on Deepcut Bridge Road<sup>23</sup>. While the TA does not support the need for *major* highways infrastructure improvements, it identifies a requirement for more detailed studies to be undertaken to confirm whether mitigation is needed in respect of localised impacts. SCC accepts that there are deliverable, technically feasible and viable solutions to all of the highway capacity issues that have been identified in respect of the local network.
46. Three junctions are highlighted where mitigation will be required (although the exact nature of the works remains to be finalised), with further junctions requiring possible improvement subject to the final detail of the development scheme – notably the location of vehicular access points. These are set out in detail in the TA and the statement of common ground between Defence Estates (now DIO) and SCC<sup>24</sup>. Minimum requirements in respect of public transport, cycling and pedestrian facilities are also set out. Taking these matters together, I am satisfied that the approach set out in the CSDMP,

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<sup>21</sup> Core Document ref. CD/SHBC/4/31.

<sup>22</sup> Core Document ref. CD/SHBC/4/29b.

<sup>23</sup> Core Document ref. SHED/13.

<sup>24</sup> Core Document ref. REP/179/11.

notably by policy CP4(x), will ensure that necessary mitigation is delivered.

47. Concerns have also been raised about the scale of retail development in policy CP4(iv), which allows for approximately 6,000 square metres of retail and associated Class A uses. On the evidence submitted<sup>25</sup>, a development of this scale would serve a significantly wider catchment area than Deepcut itself – the Retail Needs Assessment defining 'Deepcut' as the GU16 6 postcode. While a significant part of the projected expenditure growth derives from the intended development of the PRB site, the remainder is based upon an assessment of expenditure from the entire GU16 6 postcode – which also includes Mytchett and Frimley Green. As such, the intended class A floorspace would, to some extent, draw from these settlements. This appears at odds with the rural village vision mentioned above. Given the degree of separation between Deepcut and these settlements, it would also conflict with the ambition of reducing traffic impacts set out in policy CP4(x). The Council's suggestion that the floorspace figure should be deleted from policy CP4(iv), to be replaced by a more general reference to creating sustainable shopping patterns **[SC15]**, is therefore endorsed in order to meet the criterion of being justified. However, its proposal that text should be added before paragraph 5.23 supporting a supermarket of around 2,985 square metres gross floorspace, a pub/restaurant and 5-6 lock-up shops fails the criterion of being justified – in that this scale of development also derives in part from demand arising outside Deepcut itself. I do not therefore recommend that this change should be made<sup>26</sup>, and it does not appear in Appendices A or B.
48. Subject to the changes set out above in respect of this main issue, I conclude that the plan's proposals for the PRB site at Deepcut are realistic, deliverable and adequately justified.

**Main Issue 3: Does the plan provide effectively for local housing needs, including the delivery of affordable housing and provision for gypsies, travellers and travelling showpeople?**

49. Policy CP5 sets out the Core Strategy's approach to the provision of affordable housing. The proposed thresholds and targets, which include a sliding scale of provision based upon development size, derive from a viability study updated in 2010<sup>27</sup>, the methodology and findings of which have not been substantively challenged. The study indicates, in summary, that Surrey Heath remains an area of relatively high property values: this creates affordability problems, but also drives relatively strong residual land value results when considering the effects of the affordable housing policy on viability. The study also states that the proportions of affordable housing to be sought should be regarded as the basis for a negotiated approach, and policy CP5 makes appropriate provision for scheme viability to be considered as appropriate.
50. The Council proposes additional text to state that the targets and thresholds set out in policy CP5 will be used as a basis for considering affordable housing provision in the SADPD **[SC22]**: this is necessary for reasons of effectiveness.

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<sup>25</sup> Retail Needs Assessment for Deepcut (Core Document ref. CD/SHBC/4/32) and additional retail justification (Core Document ref. CD/SHBC/4/32a).

<sup>26</sup> Suggested change SC17 in the Council's schedule of changes.

<sup>27</sup> Core Documents refs. CD/SHBC/4/01 and CD/SHBC/4/02.

For similar reasons, and in order to comply with PPS 3, it is necessary to clarify that the requirement to provide affordable housing in private retirement homes, sheltered accommodation and extra care homes only applies to such accommodation falling within Class C3 **[SC20]**. However, the Council's suggested deletion of the even split between social rented and intermediate housing set out in policy CP5 (a split that is supported by the evidence base) and its replacement with a general reference to the SHMA would be at odds with paragraph 29 of PPS 3, which requires that such targets should be set out in LDDs. These changes<sup>28</sup> are not recommended and do not appear in Appendices A or B.

51. Consistent with the requirements of PPS 3, paragraph 5.28 of the CSDMP sets a target for the provision of affordable homes during the plan period. This is derived from the overall dwelling total set out in policy CP3 which, as noted above, has increased. The affordable housing target (which is derived as a percentage of the total requirement) should be raised to reflect this and I recommend a change accordingly in **IC3**. Although not appearing in its list of suggested changes, the Council confirms that it has no objections to such an amendment.
52. Subject to evidence of need and viability considerations, policy CP6 sets out a breakdown of the expected size and type of new dwellings. Although derived from the current SHMA, I share the concerns of some representors that this is unduly inflexible. The Council accepts that the SHMA (or future equivalent studies) will need to be updated and that, as a consequence, the need and demand for different types of dwelling may change through the plan period. It proposes changes accordingly **[SC23, SC25]**, which are necessary for the policy to be effective. It also proposes additional text to emphasise the need to provide for specialised forms of accommodation, such as for older persons, in line with the SHMA and other supporting evidence. This change **[SC24]**, which is necessary in light of the evidence base, is endorsed. While concerns have been voiced about the deletion of LP policy H12, which sought to retain a stock of small rural dwellings, its effect has been largely negated by changes to planning legislation<sup>29</sup>. In any event, policy DM4 provides adequate clarity and appropriate flexibility in respect of proposals involving the replacement, extension or alteration of existing dwellings in the Countryside beyond the Green Belt, while national policy applies within the Green Belt itself.
53. Policy CP7 requires provision to meet a need for an additional 19 pitches for Gypsies and Travellers in the plan period. No specific provision is identified for Travelling Showpeople. In assessing the need for Gypsies and Travellers, the Council has had regard to the findings of the West Surrey Gypsy and Traveller Accommodation Assessment (GTAA)<sup>30</sup>. However, this document also indicates that there is a need for sites for Travelling Showpeople within the Borough – equating to some 10 households. This figure is not accepted by the Council, which raises concern about an unauthorised site near Chobham. The Council has not been able to provide any alternative evidence to dispute the findings of the GTAA – although anecdotal evidence discussed at the public hearing

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<sup>28</sup> Suggested changes SC19 and SC59 in the Council's schedule of changes.

<sup>29</sup> Specifically, the 2008 amendments to Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995.

<sup>30</sup> Core Document ref. CD/SHBC/4/10.



suggests that a figure of 6-8 households may be a more accurate assessment. At the hearing, the Council stated that it was not its position that there was *not* a need to provide for Travelling Showpeople in the wider area that includes the Borough, a view that is consistent with a 2008 appeal decision<sup>31</sup> in respect of the Chobham site. However, it did not accept that this need should be met within the Borough. Nevertheless, it provided no evidence that such provision was likely to be forthcoming in any other local authority area.

54. There is considerable local concern about the issue of Travelling Showpeople within the Borough. Nevertheless, national policy in Circular 4/2007 requires that local authorities deal with needs fairly and effectively. Emerging national policy seeks to ensure that local planning authorities develop fair and effective strategies to meet need through the identification of land for sites. The stance set out in policy CP7 in respect of this matter therefore is neither justified by the evidence base nor consistent with national policy.
55. Notwithstanding the findings of the GTAA, it was clear from the debate at the public hearing that the exact level of local need for Travelling Showpeople remains uncertain. The GTAA is under review, and it can be expected that a future assessment will provide a more accurate and up to date picture. However, the evidence before me indicates that a current need exists and, as such, I recommend in **IC4-IC5** that policy CP7 and its supporting text are amended to reflect this position. Given the uncertainty in determining the exact scale of this need, this recommendation makes reference to the ongoing GTAA review, rather than requiring the provision of a specific number of sites.
56. Policy DM6 provides guidance on the allocation of sites for Gypsies, Travellers and Travelling Showpeople in future DPDs and the consideration of planning applications. It applies a sequential approach that requires that such sites should, in the first instance, be located within defined settlements. However, while policy CP1 provides, in general terms, that most development will come forward on previously developed land, it does not apply a specific sequential test to residential development schemes. Indeed, the plan's main housing development opportunity (the PRB site, which is identified as a location for some Gypsies and Traveller pitches in the Deepcut SPD) lies outside defined settlement boundaries, while policy CP3 (as amended) allows in principle for the release of housing sites in Countryside beyond the Green Belt.
57. The Council accepts that there is some inconsistency in this approach, contrary to existing and emerging national policy, and proposes to amend policy DM6's first criterion [**SC44**]. This is endorsed. However, the sequential approach remains in the second paragraph of that policy (and its supporting text), and further changes are therefore needed for reasons of internal consistency, as well as to accord with national policy. I recommend these in **IC6**, a change that also includes a minor change suggested by the Council to correct an error<sup>32</sup> (and that does not now appear in Appendices A or B), and **IC7**.
58. Subject to the changes set out above in respect of this main issue, I conclude that the plan provides effectively for local housing needs, including the

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<sup>31</sup> APP/D3640/A/05/1192248 Field 2100 Bonds Drive, Pennypot Lane, Chobham (Core Document ref. CD/SHBC/8/34).

<sup>32</sup> Suggested change SC45 in the Council's schedule of changes.

delivery of affordable housing and provision for gypsies, travellers and travelling showpeople.

**Main Issue 4: Are the plan's approaches to town centre, employment and community uses adequately justified and in line with national policy and the South East Plan?**

59. Policy CP10 of the CSDMP seeks to consolidate the role of Camberley as a secondary regional shopping centre, consistent with the SEP. Among other headline requirements, the policy provides for some 41,350 square metres of *net* new additional retail floorspace in the period to 2027. The Council accepts that this provision, which would allow for an approximate 20% increase in market share, represents an error. It proposes to amend the policy to refer to 41,000 square metres of *gross* retail floorspace, with consequent changes to the supporting text **[SC32, SC33]**. This revision is endorsed as being justified by the plan's retail evidence base<sup>33</sup>. Subject to that change, and noting that the primary catchment area is defined in the evidence base, further clarification of the catchment area in the policy's first bullet point (as requested by a neighbouring authority) is not needed for soundness reasons.
60. Detailed policy guidance for the town centre will be developed through an Area Action Plan (AAP). The need for regeneration on the London Road frontage, an area requiring some improvement, is highlighted in policy CP10. However, the Council's view that the reasoned justification to this policy contains detail that is more properly addressed at the AAP stage is accepted, and its suggested change in this respect **[SC34]** is endorsed for reasons of effectiveness. This change also addresses the above-noted floorspace error.
61. Guidance on appropriate uses for Core Employment Areas (CEAs) is set out in policy CP8. In general terms, this strikes an adequate balance between the objectives of providing flexibility and preventing adverse pressures on businesses from higher value land uses. The policy's stance is supported by the 2009 Employment Land Review<sup>34</sup> – the methodology and findings of which have not been substantively disputed.
62. The principle of allowing 'alternative uses' in CEAs is set out in policy CP8, subject to their supporting the integrity and function of these areas as centres of employment. At the examination hearings, the Council did not in principle rule out the acceptability of hotels as an 'alternative use' in the terms of this policy: however, factors such as the scale and location of any specific development proposal, together with the particular characteristics of the CEA involved, would need to be considered in such an assessment. As such, any extension of the list of 'alternative uses' in paragraph 5.54 (as has been suggested) would be both unjustified and potentially misleading.
63. Nevertheless, the Council accepts that greater clarification is needed about the definition of employment uses in the context of policy CP8 and its suggested changes **[SC27, SC28]** are endorsed for reasons of effectiveness. For the same reasons, I endorse the Council's suggested clarification of the tests that are required by policy DM13 to justify the loss of employment sites outside

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<sup>33</sup> Core Document refs. CD/SHBC/4/12-14.

<sup>34</sup> Core Document ref. CD/SHBC/4/11.

CEAs and Camberley Town Centre [**SC50**], including the need for a marketing exercise to be undertaken.

64. Support for the retention of community and cultural facilities is provided by policy DM14. As the examples of such facilities in paragraph 6.91 are not intended to be exhaustive, the Council's intended addition of museums to the list is not needed for soundness reasons: this appears as a minor change in Appendix B. I accept the Council's case that public houses do not amount to community or cultural facilities in the terms of this policy: national policy on assessing proposals affecting public houses and other similar uses in local centres and villages is set out in PPS 4. Subject to the changes set out above in respect of this main issue, I conclude that the plan's approaches to town centre, employment and community uses are adequately justified and in line with national policy and the SEP.

**Main Issue 5: Does the plan provide satisfactorily for the delivery of development, with particular reference to transportation infrastructure, and enable adequate monitoring of its effectiveness?**

65. Although concerns were initially voiced by the Highways Agency (HA) about the implications of the general scale and location of development in the CSDMP, changes to the plan's supporting text have been agreed between the parties to clarify the approach towards securing appropriate mitigation in respect of the strategic road network<sup>35</sup>. These changes (which do not affect the text of policy CP11 itself) reflect the preparation of the cross-authority Transport Assessment for the M3 Corridor J3-4A<sup>36</sup>, which was completed during the examination period (May 2011). In summary, this study concludes that while the cumulative level of development within the study area may require mitigation measures on the strategic road network by 2026 (albeit as a 'worst case scenario'), this is not seen as a bar to development. The amended text clarifies that the M3 Joint Study Group (including SHBC) will continue to work together to identify specific mitigation measures, delivery mechanisms and funding streams – and that any specific schemes will be identified through the Surrey Heath Infrastructure Delivery Plan<sup>37</sup> (IDP). This change [**SC35**] is endorsed in order to meet the criterion of being justified.
66. Fair Oaks Airport lies within the Borough, to the east of Chobham. Concern has been raised that the CSDMP does not include a specific policy in respect of this facility, which is used for business aviation purposes and where the number of flights is expected to increase during the plan period. However, the airport is already subject to two LP policies – RE17 (major developed sites in the Green Belt) and M21 (Fair Oaks Airport) – which remain saved and are not proposed for replacement by the CSDMP. Reference to Fair Oaks Airport is already made in the CSDMP (paragraph 2.26): however, the Council accepts that a clearer approach to aviation matters, including references to national policy and the presence of Farnborough Airport just outside the plan boundary, is justified. It proposes new text accordingly [**SC36**], which explains both that the above-noted LP policies will form the context of an airport masterplan and that these policies will be updated and reviewed through the SADPD. This change is

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<sup>35</sup> Statement of Common Ground between SHBC and HA (Core Document ref. SHED/20).

<sup>36</sup> Core Document ref. CD/SHBC/4/15a.

<sup>37</sup> Core Document ref. CD/SHBC/4/23.

endorsed for reasons of effectiveness. In the circumstances, there is no need for a separate policy in respect of this matter in the CSDMP.

67. Similarly, the Council confirms that the safeguarding of land at the Sturt Road 'chord' Frimley Green for future public transport use (LP policy M18) is a matter that will be reviewed through the SADPD. As already noted, with the exception of the PRB site at Deepcut, the CSDMP does not set out site-specific proposals. A representor considers this site would be suitable for housing development. However, this would not represent a strategic development site and, irrespective of the site's particular merits, is not a matter that is appropriately considered in the CSDMP – a view that is consistent with my comments in respect of the intended deletion of the policy H8 reserve housing sites (see the first main issue above). Accordingly, neither the evidence base supporting the CSDMP nor the evidence supplied by the representor concerned justify the deletion of policy M18 in advance of the consideration of this matter in the SADPD. This change is not needed for soundness reasons.
68. Infrastructure requirements arising from the PRB proposal at Deepcut are discussed under the second main issue above. These are set out in more detail in the Deepcut SPD. More generally, the Council has prepared an extensive Infrastructure Needs Assessment<sup>38</sup> and, as already noted, an IDP. The latter is intended as a 'living document' with annual updates: this will allow infrastructure requirements to be regularly reviewed against various factors. This is a realistic approach to the uncertainties that are inherent in any infrastructure planning exercise, and is consistent with the advice in the Planning Inspectorate's *Examining Development Plan Documents: Learning from Experience* document. Such flexibility will assist the deliverability, and hence the effectiveness, of the CSDMP. For these reasons, the IDP is appropriately kept separate from the CSDMP itself. Nevertheless, this necessarily limits the weight that can be afforded to its provisions: as such, the relevant infrastructure requirements will need to be carried forward into forthcoming LDDs – and subject to consultation as appropriate at that time.
69. Concern is raised that, as submitted, policy CP12 makes inadequate allowance for considerations of development viability and does not clearly express the requirements of national policy (notably in Circular 05/2005) on planning obligations. In respect of the first of these matters, CSDMP paragraph 5.93 recognises that viability will be a consideration when considering developer contributions. However, this is not reflected in the policy itself. Given that this is a matter of policy, such a reference is needed in policy CP12 for reasons of effectiveness, and I recommend accordingly in **IC8**.
70. Despite the lack of explicit references to Circular 05/2005 or the requirements of the CIL Regulations, the provisions of policy CP12 and its supporting text do not depart from national policy or legislation in respect of developer contributions. Indeed, it is clear from its first paragraph that policy CP12 relates to infrastructure that supports the development identified in the CSDMP. No change is needed in this respect for soundness reasons.
71. Subject to the changes set out above in respect of this main issue, I conclude that the plan provides satisfactorily for the delivery of development, with

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<sup>38</sup> Core Document refs. CD/SHBC/4/24 and CD/SHBC/4/24a.

particular reference to transportation infrastructure. While the Council suggests minor changes to the monitoring and delivery framework set out in Appendix 4, this is sufficient to enable adequate monitoring of the plan's effectiveness.

## Legal Requirements

72. My examination of the compliance of the CSDMP with the legal requirements is summarised in the table below. I conclude that the CSDMP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy & Development Management Policies DPD is identified within the approved LDS (June 2010) which sets out an expected submission date of October/November 2010. The timing and content of the Core Strategy & Development Management Policies DPD complies with the Act and the Regulations.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission changes proposed to policies CP3 and CP10.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment (as updated) sets out why AA is not necessary.
National Policy	Subject to the changes recommended in this report, adequate regard has been paid to national policies.
Regional Strategy (RS)	Subject to the changes recommended in this report, the Core Strategy & Development Management Policies DPD is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	Subject to the changes recommended in this report, the Core Strategy & Development Management Policies DPD complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**73. I conclude that with the changes proposed by the Council, set out in Appendix A, and the changes that I recommend, set out in Appendix C, the Surrey Heath Core Strategy and Development Management Policies DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Council's proposed minor changes, set out in Appendix B.**

*M J Hetherington*

INSPECTOR

This report is accompanied by:

Appendix A (separate document) Council Changes that go to soundness

Appendix B (separate document) Council's Minor Changes

Appendix C (attached) Changes that the Inspector considers are needed to make the plan sound

## Appendix C – Changes that the Inspector considers are needed to make the plan sound

These changes, which are in the order that they are referred to in this report, are necessary to make the Core Strategy sound.

Proposed changes are highlighted in **bold and underlined** for additional text and as ~~struck through~~ for deleted text.

Inspector Change No.	Policy/Paragraph/Page	Change
IC1	Page 71: Appendix 2	<del>H8 – Reserve Housing Sites (see maps 12A and 12B) – Deleted and sites to be shown on Proposals Map as being included within the Green Belt.</del>
IC2	Pages 95 & 96: Appendix 2	<i>Delete maps 12A and 12B.</i>
IC3	Page 31: Paragraph 5.28	... For this reason a figure of 35% which would deliver <del>876</del> <b><u>1,134</u></b> affordable homes in the period <del>2006-2027</del> <b><u>2011-2028</u></b> is considered to be an ambitious target for Surrey Heath.
IC4	Page 33: Policy CP7	<del>In respect of Travelling Showpeople no specific provision is identified.</del> <b><u>Provision shall be made for Travelling Showpeople in accordance with the review of the Gypsy and Traveller Accommodation Assessment.</u></b>
IC5	Page 33: Paragraph 5.41	<del>The Council did not accept the findings of the GTAA in respect of Travelling Showpeople, not did it accept the allocations contained within the now discontinued Partial Review of the South East Plan. In accordance with this approach the Council does not accept a need to make provision for Travelling Showpeople within the Core Strategic policies. The Council will review the Gypsy and Traveller Accommodation</del>

		Assessment in 2011 and <del>consider the need to</del> make further provision accordingly.
IC6	Page 52: Policy DM6	<del>Provided there are no available sites within settlement areas, the</del> <b>The</b> Borough Council will <b>also</b> consider applications or allocations in rural locations outside of the Green Belt, giving priority to rural fringe locations <del>and which in the first instance considers</del> <b>that comprise</b> previously developed land and meets criteria <b>on</b> (ii) and <del>(iii)</del> above.
IC7	Page 53: Paragraph 6.38	The Borough Council is committed to ensuring a sustainable pattern of growth in the borough and as such will seek additional pitches in settlement areas, <del>in the first instance.</del> However ...
IC8	Page 41: Policy CP12: 3 <sup>rd</sup> paragraph	Where funding gaps for infrastructure projects have been identified, the Borough Council will, <b>subject to viability</b> , require developers to make a contribution toward the shortfall in funding by way of either a financial or in-kind contribution. In the ...