

	<p><b>Surrey Heath Borough Council</b></p> <p><b>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</b></p> <p><b>Representation Form</b></p>	<p>Ref:</p> <p><b>(For official use only)</b></p>
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**Please return to:** [planning.consultation@surreyheath.gov.uk](mailto:planning.consultation@surreyheath.gov.uk)  
OR  
Planning Policy and Conservation, Surrey Heath Borough Council,  
Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD.

**By 12.00 noon 20<sup>th</sup> September 2024 NO LATE REPRESENTATIONS WILL BE ACCEPTED**

This form has two parts:  
Part A – Personal Details  
Part B – Your representation(s). (Please be aware that this together with your name will be made publicly available)  
**Please fill in a separate sheet for each representation you wish to make.**

Surrey Heath Borough Council's Privacy Statement is [here](#).

**Please read the separate guidance notes before completing this form.**

**Part A**

1. Personal Details*	2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</i>	
Title	Mr
First Name	Nigel
Last Name	Jarvis
Job Title (where relevant)	Director
Organisation (where relevant)	Luken Beck MDP ltd
Address Line 1	[REDACTED]
Line 2	[REDACTED]
Line 3	[REDACTED]
Post Code	[REDACTED]
Telephone Number	[REDACTED]

E-mail Address

Do you wish to be notified of when any of the following occurs? (place an X in the box to indicate which applies)

	Yes	No
• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	
• The independent examiner's recommendations are published?	X	
• The Local Plan has been adopted?	X	

Please note that your formal comments (known as representations) and your name will be made available on the Council's website. All other details in Part A of this form containing your personal details will not be shown.

The Council cannot accept confidential comments as all representations must be publicly available.

## Part B – Please use a separate sheet for each representation

Your representation should cover all the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Homes England
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**Name or Organisation :**

3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<table border="1"><tr><td>2.12 &amp; Table 3</td></tr></table>	2.12 & Table 3	Policy	<table border="1"><tr><td>SS1</td></tr></table>	SS1	Other, e.g. policies map, table, appendix	<table border="1"><tr><td>Policies Map, SLAA Appendix 1, 4, 6</td></tr></table>	Policies Map, SLAA Appendix 1, 4, 6
2.12 & Table 3								
SS1								
Policies Map, SLAA Appendix 1, 4, 6								

4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound (please refer to guidance notes)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.

Please refer to our covering letter which sets out our comments in detail:

- Delivery of the R19 draft plan housing requirement relies to a significant degree on housing supply drawn from commitments including within constrained areas of the district as set out in paragraph 2.12 and table 3 of the Plan.
- A significant part of housing supply forecast in years 1-5 is met by existing permissions (1,717) – para. 2.12 & Table 3.

- The Regulation 18 Plan allocated strategic site commitments which provided certainty for the delivery of these sites during the plan period. These sites are not allocated in the Regulation 19 Plan which raises uncertainty for their delivery in the plan period, particularly in constrained areas of the district.
- While a lapse rate has been assessed, the plan fails to provide certainty or the delivery of strategic commitments through appropriate policy support for these consented sites.
- This includes Land West of Sturt Road, Frimley Green – recently acquired by our client Homes England which has full planning permission for 160 homes (SBC ref: 20/1048/FFU). The permission is extant subject to implementation in April 2025.
- The site was previously (R18) identified as site HA1/10 for allocation on the policies map, but this is no longer the case.
- The NPPF is clear at paragraphs 11b, 16d, 35, 60 that plans should aim to meet all of an areas local housing needs (LHN), and contain unambiguous and clearly written policies that make it clear to the decision maker how to react to development proposals.
- As currently written Policy SS1 there is a risk that LHN may not be provided for over the plan period and a 5-year land supply maintained. This is because there is insufficient policy support for strategic site commitments in constrained areas of the district. Should existing consents lapse there is a risk of key strategic sites not being delivered and the overall housing requirement not being provided for. This is because the principle of development would need to be established again for these sites through the planning process. This poses a significant issue for the soundness of the Plan in relation to uncertainty in housing delivery. This is also a significant issue for the Plan given the level of constraints in the district and the ability to provide for LHN.
- Large sites like Land West of Sturt Road, Frimley Green are particularly important to the supply position and the current policies fail to recognise this, undermining the adopted lapse rate.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above.

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination)

You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We consider the following changes are required to,

**Either;**

- Policy SS1 requires modification;
  - o To make clear how the Council will treat the principle of development on sites with existing planning permission
  - o To confirm that should further applications be required and/or the existing consent lapses the Council will support the principle of residential use – subject to the detailed consideration of other material considerations and compliance with other policies in the plan.
  - o Under part 2 of SS1, after criteria ‘c. Other sources to meet the housing requirement will include windfalls’ add criteria ‘d. The Council will consider further applications for residential development on existing sites with planning permission (that make up the supply set out in Table 3 above)’ favourably in principle.

**Or;**

- Policy HA1 must instead include large sites (we suggest a threshold of 50+ dwellings), including “Land West of Sturt Road” as was proposed previously at the Regulation 18 stage.

**Or;**

- Revise the existing proposed extents of settlement boundaries to include respective sites to clarify the plan’s position of hte principle of development of these sites via the expressed spatial strategy.

(Continue on a separate sheet / expand box if necessary)

**Please note** your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.**

7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?

**No**, I do not wish to participate at the oral examination

**Yes**, I wish to participate at the oral examination

Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Presently the plan is not likely to be sound.

Whereas SBC's Regulation 18 draft proposed to allocate large sites with planning permission the Regulation 19 version does not.

Given the draft plan's reliance on meeting the area's housing requirement depends upon significant numbers of homes on sites through existing planning permission (34%) – 2,034 of 6,012 – the lack of policy support for those sites should further applications be submitted to the Council undermines the prospects of the plan meeting the supply position set out by para. 2.12 & Table 3.

Insufficient certainty of the Council's support for sites with planning permission going forwards reducing certainty and investor confidence in those sites and may undermine their delivery.

It is not robust to assume a lapse rate of 2% without providing increased certainty that the principle of residential development.

**Please note** - the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Surrey Heaths Borough Council  
[planning.consultation@surreyheath.gov.uk](mailto:planning.consultation@surreyheath.gov.uk)

18 September 2024

Our Ref:  
Your Ref:

Dear Policy Team,

**Response to consultation: Pre-Submission Surrey Heath Local Plan (2019-2038):  
(Regulation 19)**

I write in respect of the above and set out, in parallel with the attached completed representation proforma, views on the draft plan on behalf of Homes England.

**Context**

Below we set out information about Homes England's role and their ability to shape and deliver quality proposals at pace and their interest in this site.

Thereafter, the core purpose of this letter, is to raise Homes England's reservations about the approach in the draft Regulation 19 plan to existing planning permissions, like Sturt Road, given that these make up a considerable proportion of the identified housing supply to meet the area's requirement.

Homes England acquired the land and buildings at 'Land West of Sturt Road, Frimley Green' in April 2024. The Council will be familiar with the site having granted planning permission under 20/1084/FFU for the erection of 160 homes in 2022 and having considered it in relevant documents in its evidence base. The site is previously developed land – identified on the Council's Brownfield Register<sup>1</sup> - and presently designated as 'Countryside Beyond the Green Belt'.

Considered by the Council's planning committee in 2020 the scheme was found to be acceptable on all policy, technical and environmental grounds, other than effects on the

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<sup>1</sup> Ref: SHBR65

character and appearance of the countryside which were readily outweighed by the significant benefits of the proposals providing a significant amount of residential development.

The site was, indeed, included in the Regulation 18 draft consultation as a proposed allocation under draft policy HA1 reflecting its status as a medium sized site with planning permission. 'Land West of Sturt Road' (the site) remains identified in the latest (2023) Strategic Land Availability Assessment in Appendix 4 (Sites with Planning Permission) and Appendix 6 (Site Delivery).

### **Homes England's Role**

Homes England are the government's housing and regeneration agency. Their mission is to drive regeneration and housing delivery to create high quality homes and thriving places. They are a catalyst for urban renewal, helping to create thriving communities. Homes England promote innovation, ensure homes are safe, and drive sustainable communities.

Their Strategic Plan 2023-2028 sets out how Homes England will use their land, funding and expertise to deliver better homes and places for the people who need them. To achieve this, Homes England will:

- Support the creation of vibrant and successful places that people can be proud of, working with local leaders and other partners to deliver housing-led, mixed-use regeneration with a brownfield first approach;
- Facilitate the creation of the homes people need, intervening where necessary, to ensure places have enough homes of the right type and tenure;
- Promote the creation of high-quality homes in well-designed places that reflect community priorities by taking an inclusive and long-term approach;
- Build a housing and regeneration sector that works for everyone, driving diversification, partnership working, and innovation;
- Enable sustainable homes and places, maximising their positive contribution to the natural environment and minimising their environmental impact.

It is also Homes England's role to partner with local government and to work collaboratively with Local Planning Authorities to help tackle these challenges and enable the delivery of high-quality, sustainable new homes and regeneration. They believe that engagement with communities is critical to designing places that meet peoples' needs and this is something that is embedded in their approach.

### **The plan-led system**

Overarchingly it is important to state that Homes England welcomes, and is very supportive of, the Council progressing preparation of the new Local Plan. The new Local Plan will be a very important tool in guiding decision making at the local level over the next 14 years.



## Changes to the housing strategy policies (from R18 to R19)

We have identified that where it was previously proposed to include sites with planning permission as allocations, in our client's case 'Land West of Sturt Road', in the Regulation 18 draft plan (along with respective changes to the policies map), this is no longer the case in the consultation draft (Regulation 19). We can find no explanation given over to this within the draft policies or supporting text in the draft plan (or more widely in the supporting evidence base). This is despite the credentials of the site, which is registered as brownfield, and a medium sized site that can be delivered quickly and therefore make an important contribution<sup>2</sup>.

We have reservations about this change in strategy, from the perspective of site 'owner', and the effect generally on the soundness of the plan as a body which promotes housebuilding and the delivery of sufficient housing to meet people's needs.

We note that a significant part (approximately 1/3) of SHBC's forecast housing supply over the draft plan period is met first by existing permissions and that the majority of that (1,717 homes) is relied upon for the first 5 years of delivery in the Borough<sup>3</sup>. Given the scale of reliance on commitments is substantial, there are risks to the spatial strategy delivering sufficient homes in the plan period, if the status of those sites is not sufficiently clear or safeguarded in policies expressed by the plan.

We would expect the plan to have provided clarity on its continued support for the site as well as other important 'commitment' sites to provide sufficient certainty. If the Council's approach, per the Regulation 19 draft plan's is to no longer allocate such sites it should clarify its support in another form. The Regulation 18 Plan's approach of allocating strategic site commitments provided certainty for the delivery of these sites during the plan period. We note that the Council has projected site delivery through engagement with promoters and has applied a low permission lapse rate (of 44 dwellings). SHBC has perhaps not considered the relationship of that lapse figure with the size of sites involved or potential delays (pushing back delivery later in the plan period) requiring further/alternate planning permissions. There are 6 no. such larger sites<sup>4</sup> - with permissions generating 505 homes - set out within Appendix 6 of the Strategic Land Availability Assessment. The yield from any of these sites is larger than the total permission lapse rate (being <1% in total).

Policies have not been calibrated to provide certainty to the delivery of large commitment sites through appropriate policy support for these consented sites. In addition to the reliance of housing delivery on commitment sites, the Borough faces particular constraints: nearly half is within the Green Belt<sup>5</sup>, the whole of it is within 5km of the Thames Basin Heaths SPA. As recognised in the SLAA these constraints suppress the relative range of alternatives to come

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<sup>2</sup> See paragraph 70, NPPF (December 2023)

<sup>3</sup> Per paragraph 2.12 & Table 3 of the consultation draft R19 plan

<sup>4</sup> With planning permission, not yet commenced, >25 dwellings

<sup>5</sup> Paragraph 1.31 of the consultation draft R19 plan

forwards. Indeed, these constraints and other designated national and local sites of nature importance are also recognised in the draft plan to impact upon options for housing delivery<sup>6</sup>.

### **Implications for soundness**

The NPPF is clear at paragraphs 11b, 16d, 35, 60 that plans should aim to meet all of an areas local housing needs (LHN), and contain unambiguous and clearly written policies that make it clear to the decision maker how to react to development proposals.

The delivery of the Regulation 19 draft plan housing requirement relies to a significant degree on housing supply drawn from commitments including within constrained areas of the district as set out in paragraph 2.12 and table 3 of the Plan.

As currently written, Policy SSI, imbues a risk that LHN may not be provided for over the plan period or a sufficient, 5-year housing land supply, maintained. Should existing consents lapse there is a risk of key strategic sites not being delivered and the overall housing requirement not being provided for with the principle of development needing to be established again for these sites through the planning process – in the case of Sturt Road, the land designation would revert to ‘Countryside Beyond the Green Belt’. This poses a significant issue for the soundness of the Plan in relation to uncertainty in housing delivery. This is also a significant issue for the Plan given the level of constraints in the district and the ability to provide for LHN. Reinforcing policy support for strategic site commitments would resolve this and safeguard the principle of development in the future.

‘Land West of Sturt Road, Frimley Green’ -- has full planning permission for 160 homes (SBC ref: 20/1048/FFU). The permission is extant subject to implementation by April 2025. Having recently acquired the site it is Homes England’s intention to implement the permission, following identification of a development partner which will take time due to public procurement processes. As Homes England do not directly deliver homes, and given the difficulties the site has faced in being delivered thus far, flexibility and the opportunity to pursue an amended scheme is required to ensure proposals can adapt where necessary and unlock delivery. This provides a direct example of why we are raising concerns about the draft plan.

Larger commitment sites like ‘Land West of Sturt Road, Frimley Green’ are particularly important to the supply position and the current policies now fail to recognise this.

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<sup>6</sup> See paragraph 1.58 and Figure 2 – Constraints Map on pp26 of the consultation draft R19 plan

## Proposed changes

It is important to ensure policies make clear how the Council will treat the principle of development on sites with existing planning permissions and on which it relies to meet housing needs.

Policies should provide confidence to site owners, promoters and developers that the Council will support, in principle, further applications on such sites should they be required and/or the existing consent lapses – subject of course to the detailed consideration of other material considerations and compliance with other policies in the plan.

We consider changes should be considered now to ensure that the plan can be considered to be sound and have given careful thought to how the issue may be remedied and the plan modified in the most straightforward manner to address this issue.

To that end we have recommended approaches to modifying the plan. The simplest is to modify the present policy setting the spatial strategy – SSI. Part 2 of the policy ‘New Homes’ deals with how the identified housing requirement will be met.

By way of addition to the policy after criteria ‘c’ we recommend the Council adds further criteria ‘d’ confirming that;

*“The Council will consider further applications for residential development on existing sites with planning permission (that make up the supply set out in Table 3 above)’ favourably in principle.”*

There are alternatives to this approach. The first, which the Council has moved away from, would be to allocate large commitment sites, like Land West of Sturt Road, and others over a certain size . In that case Policy HA1 must instead include large sites (we suggest a threshold of 50+ dwellings), including “Land West of Sturt Road” as allocations, as was proposed previously at the Regulation 18 stage. A further option would instead be to revise the settlement boundaries’ extents to include the respective sites within these. We do not have a strong preference as to how the plan is modified, however, it is especially important that the delivery of commitment sites within the plan period is clearly recognised and supported by its policies, when considering how dependent the plan will be upon their contribution to meeting LHN.

We trust that SHBC will take this representation and its concerns under careful consideration. We would be more than willing to meet to discuss these further. On the basis that the suggested modifications are taken forward, we are supportive of the Plan and its purpose to bring forward much needed housing for the Borough.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



Nigel Jarvis MRTPI

**Director**



Tel: 