



Surrey Heath Borough Council
**Pre-Submission Surrey Heath Local
Plan (2019 – 2038) : (Regulation 19)**

Representation Form

Ref:

**(For
official
use only)**

Please return to: 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 20th 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*

**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.*

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

Address Line 1

Line 2

Line 3

Post Code

Telephone Number

2. Agent's Details (if applicable)

Mr

Thomas

Rumble

Director

Woolf Bond Planning

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• The independent examiner's recommendations are published?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• The Local Plan has been adopted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

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Part B – Please use a separate sheet for each representation

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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.

Name or Organisation :

Knowles Property Group

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

Paragraph Policy Other, e.g. policies map, table, appendix

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

No

4.(2) Sound (please refer to guidance notes)

Yes

No

4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)

Yes

No

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.

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See supporting statement that outlines soundness concerns.

(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.
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As detailed at end of Section 3 in supporting statement.

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Yes



No

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**Pre-Submission Surrey Heath Local
Plan (2019-2038) (Regulation 19)
(July 2024)**

Surrey Heath Borough Council

**Representations submitted on behalf of
Knowles Property Group**

Prepared by:

Woolf Bond Planning Ltd.

WBP REF: 8525

SEPTEMBER 2024



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

A: Site Location Plan

B: Previous Illustrative Block Plan and Landscape Strategy for Land south of Fenns Lane, West End

1. INTRODUCTION AND SCOPE OF REPRESENTATIONS

Introduction

- 1.1 Our client (Knowles Property Group) has a controlling interest in a 2.6ha area of land to the **south of Fenns Lane, West End**, hereafter referred to as **'the Site'**.
- 1.2 The Site (the extent of which is shown by the red line on the location plan in Appendix A) is partially previously developed land ("PDL") situated in a sustainable location adjacent to the settlement boundary of West End. The Site has capacity for approximately 99 dwellings along with associated landscaping and public open space. This Site, along with others adjacent to the built up area of West End, could form part of an alternative strategic growth option for more fully meeting housing needs arising in Surrey Heath Borough Council's ("the Council's") administrative area.
- 1.3 In the evidence base the Site is given the identifier 'site 153' (Land South of Fenn's Lane, West End)' (Strategic Land Availability Assessment "SLAA" 2023). Appendix 2 of the SLAA sets out the conclusion that the Site is a realistic candidate for development. This conclusion reflects the extent of PDL buildings on the Site at present; it is the quantum which would not be considered 'inappropriate development' under current NPPF green belt policy, and therefore there is a recognition that this quantum of housing could come forward as windfall housing (meaning it is potentially double counted in the supply figures).
- 1.4 For the reasons detailed in these representations, the Site actually has capacity (circa 99 dwellings) to make a much more significant contribution to unmet housing needs in Surrey Heath.
- 1.5 Paragraph 35 NPPF (December 2023) makes clear that a plan must be 'justified', meaning the selected strategy must be appropriate, and must have been selected following consideration of reasonable alternatives, based on proportionate evidence. In this regard the plan and evidence base is lacking, and unsound at present.

- 1.6 The Council's Green Belt Review 2022 confirms that the Site plays no function in respect of purposes 1 and 4, and only a weak function in respect of purpose 2 (merging of towns). However, the Council considers the site to play a strong role in terms of purpose 3 (encroachment into the countryside) which we consider an overstatement of the Site's role. There is a strong defensible boundary to the south of the Site that would form a new Green Belt boundary around West End; the land to the south is within the 400m buffer of the Thames Basin Heaths SPA and is at higher risk of flooding, so will be maintained in an undeveloped state in perpetuity. Site 153 could be developed without risk of the settlement of West End gradually encroaching further into the countryside. The Site at present contains built form and has been confirmed as PDL involving commercial uses (so, not necessarily rural/ countryside or agricultural uses). If the July 2024 changes to the NPPF come forward in the form presently proposed, it is possible that the large PDL portion of the Site would be developable as appropriate development in the Green Belt providing the proposed 'golden rules' are met (50% affordable housing etc).
- 1.7 The Council's evidence base agrees that the Site, along with adjacent land to the south-west of West End, could be released from the Green Belt with low impact on its wider strategic function. It is therefore clear that the only reason for not allocating the Site for its full 99 dwelling capacity is a strategic decision by the Council not to meet housing needs in full, and not to release Green Belt sites in the countryside in order to achieve this. The analysis set out in the Sustainability Appraisal is clear that Green Belt release in the countryside was not a preferred strategy (Growth Scenario 2) as it was not considered there was any need to do so – given the previous Government's statement that LPAs would not be required to review Green Belt boundaries to meet housing needs. This is now clearly an outdated notion, given the clear statements by the new Government in the Written Ministerial Statement 30 July 2024 'Building the Homes we Need'. That statement makes clear that the Government "will start by requiring local authorities to review their Green Belt boundaries where they cannot meet their identified housing...needs. There will be a sequential approach, with authorities asked to give consideration first to brownfield land, before moving onto grey belt

sites and then to higher performing Green Belt land...” The accompanying letter sent to Local Planning Authorities, MHCLG 30 July 2024, clearly states the Deputy Prime Minister and Secretary of States view: “I want to be clear that local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method”.

- 1.8 The approach taken in Surrey Heath’s Regulation 19 plan is unsound in so far as it fails to plan for housing needs in full and fails to robustly and proactively consider options for Green Belt release in order to meet those needs. In the recent Examination of Elmbridge’s submission local plan (which also failed to release Green Belt sites to fully meet housing needs), the Inspector recently confirmed her view that this renders the plan unsound. We discuss this further in Section 6 below.
- 1.9 The Pre-Submission Surrey Heath Local Plan 2019-2038 (Regulation 19) (hereafter referred to as the “Regulation 19 Local Plan”) fails to include the Site as a large housing allocation for 99 dwellings. Accordingly, and for the reasons set out in these representations, including the failing to provide for identified local housing needs, and failing to adequately consider reasonable alternatives, the Regulation 19 Local Plan fails to comply with the tests of soundness at paragraph 35 of the NPPF (December 2023).
- 1.10 To address these matters, further sites must be identified and allocated for residential development. For the reasons set out in these representations, the Site, south of Fenns Lane, West End, is one such site which should be allocated for 99 dwellings. The Site is partially PDL, on the edge of a settlement, with only moderate landscape sensitivity. It benefits from a high degree of containment, and would provide a strong defensible boundary for a revised Green Belt boundary. In its present form the Site involves substantive impact upon Green Belt openness due to the commercial operations on the site.

Scope of these representations

- 1.11 The scope of our client’s representations on the Regulations 19 Local Plan are summarised in the table below.

Policy	Representation
Policy SS1: Spatial Strategy	Objection
Policy HA1: Site Allocations. Land to the south of Fenns Lane, West End	Objection (should be allocated to make efficient use of the site for up to 99 dwellings)
Policy GBC1: Development of New Buildings in the Green Belt	Objection

1.12 In our submission, the following amendments are required in order to make the Local Plan sound:

- **Land at Rosedene Farm, south of Fenns Lane, West End should be allocated in Policy HA1 for up to 99 dwellings.**

1.13 In preparing these representations, account has been taken, inter alia, of the following evidence base documents:

- Strategic Land Availability Assessment (SLAA) (2023);
- Sustainability Appraisal of the draft Local Plan;
- Housing Needs Assessment (November 2023);
- Housing and Green Belt Exceptional Circumstances Topic Papers;
- Local Development Scheme (March 2024); and
- Earlier evidence base reports commissioned by the Council, including Green Belt and Site Assessment reports in 2017, 2018 and 2022 and LUC's Landscape Sensitivity Assessment 2021.

1.14 Additionally, the below datasets / publications / appeal decisions have informed our representations:

- National data sets including Median Workplace based affordability ratios, results of the 2021 Census, travel to work data, economic growth/ performance information and sub-national projections;
- Inspector's reports / findings into Examinations of Watford Borough Local Plan 2018-2036 (20 September 2022), Maidstone Borough Local Plan (8 March 2024) and North Norfolk;

- Correspondence with respect to the examination of other submitted Local Plans including those of Elmbridge Borough, West Berkshire Council, Horsham District Council and Mid Sussex District Council;
- Surrey Heath BC monitoring data; and
- Announcement of the current Government including the draft NPPF and associated correspondence with local authorities, stakeholder and the Planning Inspectorate (in particular, letters dated 30 July 2024).

2. THE NPPF TEST OF SOUNDNESS

2.1 Section 3 of the NPPF (December 2023) sets out relevant national policy on the making of Local Plans. Of particular note is paragraph 35, which details the requirement for Local Plans to be prepared in accordance with relevant legal and procedural requirements. Additionally, plans must be examined and found to be 'sound'. Paragraph 35 makes clear that the test of soundness includes consideration of the following factors:

- **Positively prepared** – the plan's strategy should, as a minimum, seek to meet the area's objectively assessed needs; such needs are to be assessed using a clear and justified method as set out in paragraph 61 of the NPPF (December 2023). The strategy can be informed by agreements with other authorities, as to accommodation of unmet need in neighbouring areas "where practical to do so" and so long as this is "consistent with achieving sustainable development". As such, there is a requirement to examine whether agreements under the duty to cooperate will actually deliver sustainable development.
- **Justified** – the strategy should be appropriate, should take into account the reasonable alternatives and should be based upon proportionate evidence;
- **Effective** – the strategy should be deliverable over the plan period; cross boundary strategic matters should be dealt with rather than deferred to a later point; &
- **Consistent with National Policy** – in order to deliver sustainable development as contemplated with the NPPF.

2.2 In our view, and for the reasons set out in these representations, there are several shortcomings in the Regulation 19 Local Plan (and its supporting evidence base) which must be addressed in the interests of soundness. The amendments which are necessary, to ensure soundness are:

- extend the plan period, to ensure a robust evidence base and compliance with NPPF policy;

- increase level of housing requirement and planned supply, as a result of the need to alter the plan period, plan for the uncapped need figure, and not rely on delivery in Hart DC. The increased required should be addressed via inclusion of additional housing allocations;
- Review the spatial strategy, and in particular the approach to Green Belt release and make additional allocations of Green Belt sites which are in sustainable locations can contain PDL (including our client's site south of Fenns Lane, West End).

3. POLICY SS1: SPATIAL STRATEGY

Context

3.1 The Spatial Strategy identifies a preferred hierarchy of development locations, as set out at paragraph 4.41 of the Housing Topic Paper. Paragraph 4.41 sets out the Council's sequential preference and makes clear that Green Belt release in the countryside does not form part of the strategy for meeting housing needs in the Borough:

- i. Settlement areas within the Western Urban Area (comprising Bagshot, Camberley, Deepcut, Frimley, Frimley Green, and Mytchett),
- ii. Villages inset from the Green Belt (comprising Bisley, Chobham, Lightwater, West End, and Windlesham)
- iii. Countryside beyond the Green Belt, and
- iv. Policy compliant development within the Green Belt, such as rural exception sites.

3.2 It is clear that the strategy has been developed with a goal to minimise the need for any Green Belt release. Where Green Belt sites are included in the supply these are largely either sites within settlements or, as is the case with our client's site, SLAA 153, sites which could come forward as windfalls as they are not considered 'inappropriate development' under current NPPF policy (being PDL sites with a quantum which would not have a greater impact on openness of the Green Belt). The Council have failed to grapple with housing needs in the Borough and devise a strategy to ensure needs are met in full and affordability is improved. Green Belt release is required, and there are available sites which could make a more significant contribution to unmet need without significant impact on the strategic function of the Green Belt. This is accepted in the Council's own evidence: WE12, WE14-WE16, for example, could collectively make an additional contribution to unmet need with low impact on the strategic function of the Green Belt.

3.3 In the course of examination of the Elmbridge Local Plan, the Inspector recently wrote (11 September 2024) to Elmbridge Council to express their clear view that

the failure to consider Green Belt release in order to meet their housing needs is unsound:

- “The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.” In the case of Elmbridge’s submission plan, the Inspector concluded it would fail to do this as housing needs would not be met in full;
- The “approach means the boroughs needs will not be met and the plan is not positively prepared and represents neither a justified or effective approach to plan making.”
- “As matters stand, it is the Council’s position that there are not exceptional circumstances to justify an amendment to the Green Belt boundaries in Elmbridge.”...” Whilst it is generally accepted that there is no definition of what constitutes exceptional circumstances, it is my assessment that in the case of Elmbridge, there are a number of factors which provide a very clear steer towards the consideration of Green Belt sites to address the acute housing needs within the borough and the very significant shortfall in housing delivery which the plan as submitted would result in”...” In terms of affordable housing, the plan as submitted would do little to address affordable housing needs over the plan period, in a Borough recognised as one of the most expensive places to live nationally. Elmbridge has one of the highest average house prices in the South East and affordability levels are amongst the highest within Surrey”
- “the Green Belt Boundary Review Accessibility Assessment (OTH002) paper sets out the relative sustainability of a number of the Green Belt sites assessed and subsequently discounted. A significant number of these sites are in clearly sustainable locations, (rated as excellent, good or fair) in terms of their overall accessibility performance with access to services and facilities comparable with a number of the site allocations contained within the plan as submitted.”
- “a number of the other options considered and subsequently discounted by the Council would in the round, enable a greater number of homes to

be delivered, as well as meeting a significantly greater proportion of the Boroughs identified affordable housing needs”

- “The approach adopted would fail to deliver anything near the level of need for the plan period, and the strategy as adopted would be unsound as it would also not be effective in addressing the acute affordable housing need of the borough, including the backlog, which I shall go onto address in further detail below. Contrary to the views expressed by the Council, it is my view that the benefits of doing so would outweigh the harm to the Green Belt and as a result, exceptional circumstances do exist to warrant an element of Green Belt release. To conclude, having taken into account the circumstances set out above, the release of an element of Green Belt land to meet the identified housing needs would be a justified and effective approach in this instance”
- “In accordance with Paragraph 11b (i) of the Framework, I do not consider the Green Belt in Elmbridge provides a ‘strong reason’ for restricting the overall scale, type or distribution of development in the Plan Area. The Council should revisit the Sustainability Appraisal, the options for meeting local housing need, the conclusions drawn in relation to the Green Belt work already completed and consideration of all alternative sites, including the potential release of Green Belt sites, to address the 6300 housing shortfall.”

- 3.4 Similar conclusions are warranted in respect of Surrey Heath’s Regulation 19 plan. The growth options need to be revisited, with an open mind as to the option for additional Green Belt release. Affordability is a problem in Surrey Heath, as recognised at paragraph 1.36 of the plan. Since that paragraph was written affordability has further worsened, with the ratio rising to 12.08.

The Plan Period

- 3.5 Policy SS1 plans for a period spanning 2019 – 2038, to which we object. The plan period needs to be altered to 2023 - 2042 (and, as a result, the housing requirement recalculated) for the reasons set out below.

-
- 3.6 The plan period should commence in April 2023 rather than April 2019. Plans are required to be “underpinned by relevant and **up to date** evidence.” It is clear that the Council has access to a full set of data using an April 2023 base date (including completion data up to March 2023) and as such, this should consistently form the basis of the analysis of housing need and supply.
- 3.7 The Council has used 2023 as the ‘current year’ for the Local Housing Need calculation, as specified in the PPG¹. As such, dwelling completions in the period 2019 to 2023 should not be deducted from the housing requirement, as they are already factored into the household projections. See paragraph 2.2 of Appendix 9 to the SHLAA 2023, published March 2024, which confirms that Step 1 of the Local Housing Need calculation used a base date of 2023 to review average change in households. The plan period should commence in the ‘current year’ also, i.e. 2023. Step 2 of the Local Housing Need Calculation (affordability adjustment) adequately deals with past under delivery.
- 3.8 We refer the Council to other Local Plan examinations which have dealt with this same issue. In the examination of Watford Local Plan, the commencement date was revised to ensure completions were omitted from the supply of dwellings. That plan was examined under identical wording to relevant provision in the December 2023 NPPF. The examination of Local Plans in West Berkshire and Maidstone Borough Council also highlighted the need to ensure the base date of the plan aligns with the evidence base.
- 3.9 The above points were also emphasised in an Inspector's post hearing note relating to the North Norfolk Local Plan which stated as follows in relation to a proposed plan period there starting in 2016 and ending in 2036:

“At present, there are only 12 years of the plan period remaining, and once the further steps necessary to ensure a sound plan have been taken, it is likely to be nearer to 11 years. The National Planning Policy Framework (NPPF) states in paragraph 222 that strategic policies should look ahead a minimum 15 years from

¹ See PPG Housing and Economic Needs Assessment ID red 2a-004-20201216

adoption, and to be consistent with this the plan period should be extended to 31 March 2040 to allow for adoption during the next 12 months. Turning to the base date of the plan, this should correspond to the date from which the housing needs of the district are quantified. As set out in paragraph 12 below, this should be April 2024. The plan period should therefore be 2024-40.”

- 3.10 Surrey Heath BC also needs to extend the end date of the plan period, from 2038 to 2042 to provide for at least 15 years after envisaged adoption (NPPF paragraph 22). The Council’s Local Development Scheme (March 2024) (“LDS”) indicates that submission is anticipated in winter 2024/25 and adoption in autumn 2025. We do not consider this a realistic timescale. Presently the plan only provides for 12 years post adoption (1 April 2026 to 31 March 2038) which fails to satisfy the requirements of paragraph 22 NPPF.
- 3.11 A review of timeframes for examination and adoption of recent Local Plans indicates that they have taken (on average) 606 days from submission to issuance of the Inspector’s report. Such a timescale would indicate adoption of this plan will not take place before February 2027.
- 3.12 To ensure a full 15 years’ monitoring (April to March annually), this would suggest an appropriate plan period would be **1 April 2023 to 31 March 2042**. The housing requirement (and associated spatial strategy) should be recalculated on that basis.

The Housing Requirement and Plan Period

- 3.13 The Plan at present does not meet the minimum housing targets as set out in national policy. As such, further land should be identified, and this should include a larger allocation on our client’s site south of Fenn Lane, West End.
- 3.14 We object to the use of the 40% cap over household projections (Appendix 9 of the SLAA). Whilst the PPG (ID ref 2a-004-20201216) contemplates such a cap may be allowable, subsequent guidance (ID ref 2a-007-20190220) is clear that such a cap reduces the “minimum number generated by the standard method, but does not reduce the need itself”. Local Planning Authorities are advised to still consider

whether a high level of need could realistically be delivered. In our submission, the Regulation 19 plan should plan for housing needs in full.

- 3.15 We note that the LDS suggests submission of this plan in Winter 2024/2025 by which point the forthcoming changes to the NPPF (as published for consultation in July 2024) may have been made. This could have a significant bearing on the approach to housing need and supply. Given the new Government's objective to ensure construction of at least 1.5 million dwellings before the next general election (which must be held on or before 29 August 2029) the final version of the NPPF is expected before the end of 2024. It is possible, therefore, that this plan could fall for examination under the new NPPF which sees a significant increase in housing requirements in Surrey Heath, using the new standard method. The indicative figure is 658dpa, which is significantly in excess of the capped figure of 321dpa for which the Council are presently planning. Even if the Council are able to proceed to examination of this Plan under the current December 2023 NPPF, the draft wording suggests the Council will be required to begin work on a plan for the higher requirement immediately following adoption. Pragmatism suggests the Council could identify and allocate additional sites now, to assist with housing supply and the housing trajectory in the coming years.
- 3.16 The Written Ministerial Statement dated 30 July 2024, from the Secretary of State to Local Authorities provides important guidance on how the draft NPPF should be treated. This makes clear that for plans at an advanced stage (regulation 19), these would be allowed to continue to examination "unless there is a significant gap between the plan and the new housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure." We urge the Council to take the opportunity now, before submission, to increase the housing supply which is being planned for by the allocation of additional sites. The 30 July 2024 letter also urges Councils to "review boundaries and release Green Belt land where necessary to meet unmet housing or commercial need." As such, the Council's current approach of planning for a figure lower than LHN and failing to assess available Green Belt sites (including PDL and grey belt sites) is contrary to the Government's clear guidance.

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- 3.17 Finally, if the plan is adopted under the current NPPF. There is a necessity for a strong review policy that sets out clear dates as to when a new plan will be submitted, and the consequences should that plan not come forward in the agreed timescale. This would be consistent with emerging paragraph 227 of the draft NPPF.

Review of supply

Duty to co-operate and unmet need from neighbouring authorities

- 3.18 The plan relies upon 41 dpa from Hart DC, by virtue of a policy in Hart's adopted plan to this effect. That plan only covers the period up to 2032 (and in fact did not plan for supply for the final year of that plan period). As such, Surrey Heath can only rely on a limited contribution from Hart DC in this regard.
- 3.19 As a result of the necessary amendments to the Surrey Heath BC plan period, changing this to 2023- 2042, there are now fewer years upon which the Council can rely on 41dpa from Hart DC. The contribution would now only be 41dpa in the years 2023 to 2032, rather than 2019-2032.
- 3.20 Additionally, we note that should the forthcoming changes to the NPPF be introduced in their current form, Hart DC's housing requirement will rise significantly from 297dpa to 734dpa. Hart's adopted Local Plan is due for review in 2025 at which point they will need to start planning for (and determining applications upon) this higher figure. The statement of common ground with Hart DC pre-dates the publication of the Government's proposed amendments to the NPPF and the standard method. It should be reviewed and updated to confirm Hart DC's position moving forward, in light of this hugely significant change to their own future housing need.
- 3.21 We highlight also that the Council's own evidence base casts doubt on whether Hart DC will in future be as willing to assist Surrey Heath. It is not clear that the 41dpa planned for in Hart DC up to 2032 will actually be delivered – Hart may need to devise a new strategy and count all planned housing towards their own increased requirements. Paragraph 5.2.53 of Surrey Heath BC's Sustainability

Appraisal summarises consultation feedback on an earlier stage of the Local Plan. In particular, it indicates that Hart may dispute the justification for them providing any further assistance with housing delivery for Surrey Heaths BC in future:

“Hart (housing market area) Hart District objected to discussion of a Housing Market Area (HMA) covering Surrey Heath, Rushmoor and Hart. Hart DC are of the view that “national policy has moved on, and that the [HMA] is an outdated concept based on old evidence that has not been updated.”

- 3.22 On this basis, the 41dpa to be delivered by Hart should be omitted from the supply figures.

SLAA Sites as a Source of Supply

- 3.23 The sources of supply include a number of SLAA sites which do not benefit from a specific allocation policy. These sites should be formally allocated (consistent with paragraph 70 of the NPPF) in order to be relied upon as a deliverable source of housing supply. We address these points in relation to Policy HA1 Site Allocations.

Summary and Conclusions regarding Policy SS1: Spatial Strategy

- 3.24 In summary, draft Policy SS1 as drafted is not sound for the following reasons:
- a) It is not positively prepared as it does not seek to address the Plan area’s housing needs; it fails to address the uncapped housing need.
 - b) It is not justified, and fails to comply with national policy with regard to the timeframes for adoption and plan period beyond adoption.
 - c) It is not justified in terms of the purported sources of supply, reliance on SLAA sites which will also likely amount to windfall sites (double counted) and lack of evidence demonstrating the supply is deliverable.
 - d) It is not effective as it relies upon contributions from Hart DC which may not be maintainable, given forthcoming changes to the NPPF and standard method.
 - e) Furthermore, as detailed later in these representations, it is not legally compliant as the Sustainability Appraisal fails to consider reasonable alternatives (including higher levels of growth in the countryside via Green Belt release). Whilst it identifies the possibility, as Growth Scenario 2, it

essentially discounts this as it concludes there is insufficient need for Green Belt release.

- 3.25 To address these matters of soundness the plan period should be amended to 2023-2042; Policy SS1 should be amended to make provision for the delivery of at least **6,555 new homes**. This figure is derived from the revised plan period, removes completions in the 2019 -2023 period and also removes contributions from Hart DC. Housing needs should be met in full, and additional site allocations are necessary to achieve this. Our client's Site south of Fenn's Lane West End should be allocated for higher levels of growth (circa 99 dwellings), to make efficient use of this part PDL site adjacent to the built up area of West End.

4. POLICY HA1: SITE ALLOCATIONS

- 4.1 Policy HA1 sets out details of proposed site allocations. The focus of our representations on Policy HA1 is that our client's Site south of Fenns Lane, West End should be included as a specific housing allocation in Policy HA1, rather than being included in a list of SLAA sites which may come forward in future as a source of supply.
- 4.2 In section 6 of these representations were set out in full the reasons why our client's Site should form the basis of an HA1 allocation; the Council has endorsed the Site as being suitable for development (as confirmed in Appendix 2 of the SLAA (site ref. 153). However, the Site has significantly greater capacity for development than this but would require Green Belt release. The level of unmet need in the Borough is such that grounds exist for the review and release of Green Belt boundaries in the Borough.

Suggested Changes to Make Policy HA1 Sound

- 4.3 The Plan therefore as currently prepared is not sound for the following reason:
- It is not **positively prepared** or **effective** as it fails to include formally allocate our client's land at south of Fenns Lane, West End as a housing allocation.
- 4.4 To address this matter of soundness, our client's land (consistent with the other representations submitted) should be included as an allocation in Policy HA1. This is a consequential revision to reflect the other changes sought. The benefits of this would be a more **effective** and **positively prepared** plan by formally identifying sites as allocations to meet defined housing needs.

5. POLICY GBC1: DEVELOPMENT OF NEW BUILDINGS IN THE GREEN BELT

- 5.1 Policy GBC1 sets out proposed policy for the development of new buildings within the Green Belt. It seeks to replicate current NPPF (December 2023) policy by requiring Very Special Circumstances (“VSC”) for any inappropriate development in the Green Belt. It sets out guidance for PDL and infill applications in the Green Belt.
- 5.2 We note that forthcoming changes to the NPPF may significantly change the approach to development of PDL and grey belt sites in the Green Belt. During the examination of this plan, it will be necessary to ensure that future decision making on PDL and grey belt sites (which will be determined in accordance with the new NPPF) is not compromised by inconsistent or more restrictive Local Plan policy contained within Policy GBC1. Therefore, even if the plan falls to be examined under the December 2023 version of the NPPF, it will be necessary to ensure that the approach taken to development management decisions on development in the Green Belt is no more restrictive than the new national policy for Green Belt decision making. The final wording is not yet known, so we seek to highlight the issue here, so as to reserve our right to elaborate on these concerns during the Examination in Public.
- 5.3 In summary and in our experience of policy relating to Green Belt, a policy that requires consistency with national policy is the safest way to ensure appropriate consistency with national policy throughout the plan period and avoid the policy becoming out of date potentially at an early stage post adoption. Accordingly, a policy that follows such an approach would ensure a sound policy that is consistent with national policy and justified as a reasonable alternative to the approach currently proposed.

6. OMISSION SITE: LAND SOUTH OF FENNS LANE, WEST END (SLAA SITE ID: 153)

Introduction

6.1 Part of our client's land (Rosdene Farm, south of Fenn's Lane – which is the eastern most portion of SLAA site 153) has been identified by the Council as being suitable for development; it is included in Appendix 2 of the SLAA as a "Realistic Candidate for Development". As the Council relies upon this, and other SLAA sites, as a source of supply then the site should be the subject of a specific allocation policy, in HA1. As presently drafted these sites form part of the supply but their delivery is not planned for nor secured.

6.2 Furthermore, our client's site at Fenns Lane has capacity for a significantly more comprehensive development of up to 99 dwellings. For the reasons detailed in this submission, Policy HA1 should be amended to include an allocation at this scale on the Site, for the reasons set out below. The Site is adjacent to the built up area of West End and is sustainably located with access to services and facilities; there is sufficient capacity beyond the environmentally constrained parts of the Site (which are within the 400m buffer around Thames Basin Heaths SPA and at higher risk of flooding); they play only a moderate function in terms of the overall strategic Green Belt designation. The Site is partially previously developed land and is expected to satisfy the forthcoming definition of 'grey belt' within the draft NPPF (July 2024). Whilst that draft is still open for consultation, the Ministerial Statement that accompanied it is a material consideration and makes clear the case for development on lower value Green Belt sites in order to address unmet housing need. In that context, the Council should revisit its approach towards Green Belt release and allocate this site for a larger scale development of up to 99 dwellings.

Planning History and extent of PDL at the Site

6.3 The extent of PDL within the Site has been confirmed via a Certificate of Lawfulness and subsequent s78 planning appeal at the Site, as detailed below.

- 6.4 A Certificate of Lawfulness for existing use or development (LPA ref SU/19/0214) was issued at the Site in December 2019². This related to **“the use of land cross hatched in blue was as a builders’ yard (sui generis) including the open storage of building materials and associated equipment and that the use of land hatched in blue for the storage of caravans and motorhomes (use class B8 of The Town and Country Planning Use Classes Order 1987, as amended)”** within the areas shown on the extract of the plan below.

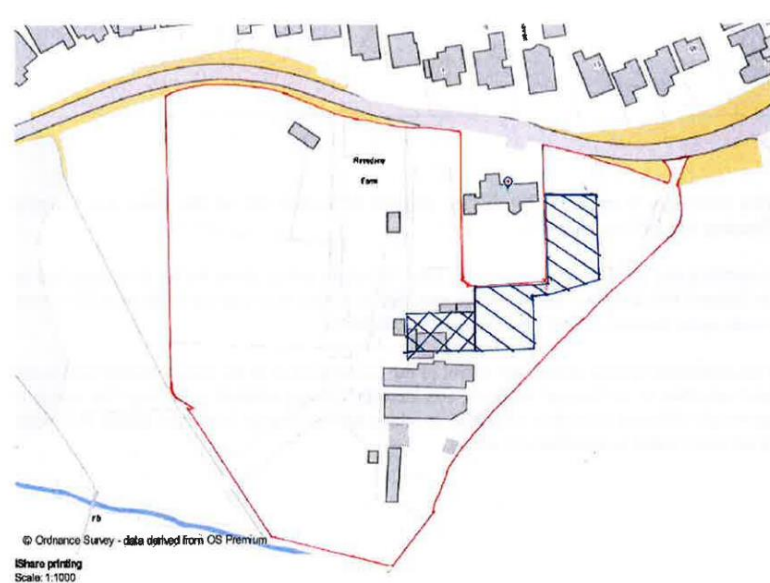


Figure 1 Extract from Block Plan identifying the parts of the Site relevant to the 2019 Certificate of Lawfulness.

- 6.5 Then in 2019 an outline application for a comprehensive redevelopment of the Site was submitted (LPA Ref. 19/0154); this proposed 74 dwellings together with landscaping and open space, following the demolition of existing buildings. The proposal was refused by the LPA in January 2020 and a subsequent appeal was dismissed in May 2021 (PINS ref 3251262)³. Nevertheless, the assessment undertaken provides useful guidance on the planning constraints at the Site, and whether there are any technical issues other than its Green Belt status which impact its developability.

² See appendix F.

³ See Appendix C.

- 6.6 An extract taken from the Illustrative Site Layout that supported the outline application proposing the erection of 74 dwellings is shown below.



Figure 2 Extract from Illustrative masterplan for application 19/0154

- 6.7 Through the appeal process, the Council indicated its position with respect to the definition of PDL on the Site and how this compared to the position taken by the appellant. This was helpfully relayed in an email dated 26th March 2021 (extract below) which detailed the **agreed** areas of previously developed land for the appeal scheme (shaded in yellow) alongside those areas that the Council disputed were included in this status (shaded green). The image showing the approved and disputed areas of previously developed land from the email sent to the Planning Inspectorate is extracted below.



Figure 3 Extent of Areas Confirmed by the Council to be PDL (yellow); (disputed areas shaded green, which inspector considered were also PDL)

6.8 Consequently, the Inspector (at paragraphs 23 and 24) considered how the appeal scheme related to the extent of previously developed land on the wider site. The Inspector's findings indicate that:

23. *It is common ground between the parties that substantial parts of the site meet the definition within the Framework for previously developed land. However, there was a disagreement over the precise extent of the land which was previously developed. It would appear that the areas of disagreement are presently in use as paddocks and are therefore similar in characteristics and use to those areas where there is agreement.*

24. *In this respect, I am persuaded by the submissions from the appellant in relation to the extent of previously developed land on the site. (our emphasis)*

6.9 The implications of the above findings are that all of the area shaded in **yellow and green** on the above plan comprises PDL. It is in a mixed commercial equestrian, builder's yard and storage of caravan use. This represents a significant portion of the part of the Site which lies beyond the Thames Basin Heaths SPA 400m buffer and the areas at higher risk of flooding.

Green Belt Function of the Site

6.10 The Council's assessments of the Site's Green Belt function have varied over time, showing inconsistency and casting doubt on the veracity of their conclusions. In summary, and as set out in the Green Belt Study 2022 summary for site 'WE15 Land at Fenns Farm and Rosedene Farm):

- 2017 Green Belt and Countryside Study (Parcel G71) - No function against purposes 1 and 4, but strong function against purposes 2 and 3. In terms of purpose 2 (prevention against merging of towns) the study highlighted the site's position in the narrow gap between Lightwater, Bisley and West End.
- 2018 (Site WE1)– The above conclusions were downgraded; again – still no function against purposes 1 and 4, a moderate function against purpose 2 and still a strong function against purpose 3.

- 2022 (Site WE15) – The above conclusions were downgraded further still; no function against purposes 1 and 4, a weak function against purpose 2 and still a strong function against purpose 3.

6.11 It was explained in the 2022 study that the reason for downgrading from a ‘strong’ function to a ‘weak’ function in terms of purpose 2 (merging of towns) reflects the finer grained nature of the later study and a refinement to the methodology to provide more emphasis on the role of connectivity in settlement gaps. We agree that the Site only serves a weak purpose in respect of purpose 2.

6.12 We consider the Council’s assessment of the Site’s performance against purpose 3 (encroachment into the countryside) is overstated. In the Green Belt Addendum (2023) it was concluded that the Site performs a strong function, for the following reasons:

“The parcel principally comprises open agricultural fields and farm/ equestrian buildings, which although having an impact upon the openness of the countryside, are not unexpected within the countryside. There is little sense of urbanising influence from adjacent land.”

6.13 As shown in Figure 3, extensive areas of the Site (both yellow and green areas) were confirmed by the appeal Inspector to be PDL. Whilst the equestrian paddocks have a more open character, the buildings are not farm buildings; they are in commercial use for storage purposes/ builder’s yard. As such they do indeed have an urbanising influence and an impact on the openness of the countryside. The methodology for assessing function against purpose 3 is set out from page 34 of the 2022 Green Belt study. At paragraph 3.92 it states:

“3.92. ‘Urbanising features’ are considered to be built forms of development or other building operations normally associated with urban land uses, including (but not limited to) highways infrastructure, housing estates, prisons and commercial facilities. Such features are considered to compromise the rural character and openness of the countryside. Urbanising features may have both a spatial and

visual impact upon openness and hold potential to compromise the rural character and openness of the countryside.” (our emphasis added).

6.14 At paragraph 3.96 it is then explained that the percentage of urbanising features lead to the classification; less than 7% urbanising features was considered to perform strongly; 8-15% moderate and 16%+ weak. Referring to the Illustrative Landscape Strategy provided in Appendix B, a large portion of Site 153 is excluded from the developable area, as it is within the 400m Thames Basin Heaths Buffer. The built form would come forward only on the northern portion of the Site. As such, the existing urbanising features clearly take up (at least) more than 7% of the developable portion of the Site. On this basis, the Site does not perform a strong function against purpose 3; we consider it to perform a low to moderate function at best.

6.15 The discussion of findings concludes that were WE15 (our client’s site) released as part of a larger Green Belt release, along with WE12, WE14 and WE16, there would be a LOWER IMPACT on the strategic green belt. This is due to:

- i. the presence of strong wooded field boundaries which could provide a reasonable alternative boundary for the Green Belt designation;
- ii. the contained nature of the landscape, impacting its visual openness; &
- iii. presence of Thames Basin Heaths SPA 400m buffer to the south which assists in containing and preventing development.

As such, the release of this group of sites to the south-west of West End represents a reasonable alternative to the selected growth strategy, which has been given little consideration. It should be reassessed, in light of our earlier comments regarding the need to increase the housing requirement and allocate additional sites.

6.16 For reference below is the identification map in Appendix 2 to the Green Belt Study 2022, showing the location of this network of adjacent sites to the south-west of West End. We also summarise in the table below the Council’s conclusions regarding the landscape sensitivity and Green Belt function of this network of sites.

GB Study 2022 Parcel ID	Landscape Sensitivity Assessment 2021	Green Belt Study 2022 – GB Function	Considered in SLAA? Capacity?
WE12	Moderate	Purpose 2 and 3: Moderate	Not included in SLAA
WE14	Moderate	Purpose 2 Weak; Purpose 3 Strong	Not included in SLAA
WE15	Moderate	Purpose 2 Weak; Purpose 3 Strong (We suggest Low to Moderate at most)	SLAA Site 153 – capacity for 99 dwellings
WE16	Moderate	Purpose 2 Weak, Purpose 3 Strong.	SLAA site 239 – capacity for 78 dwellings (see para 5.159 of 2018 GB Study)

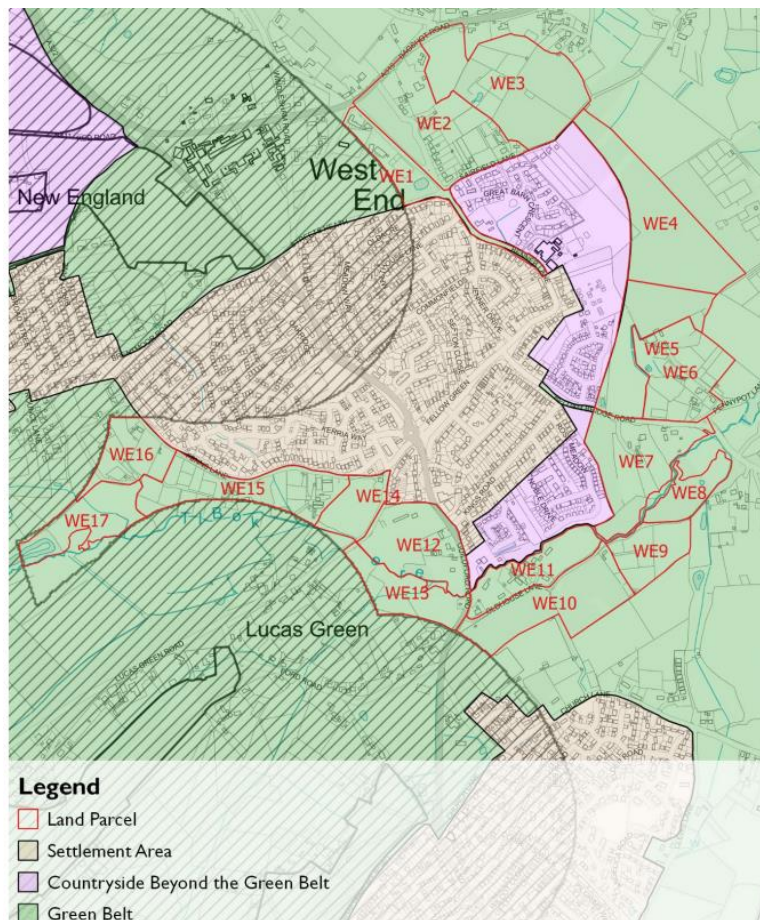
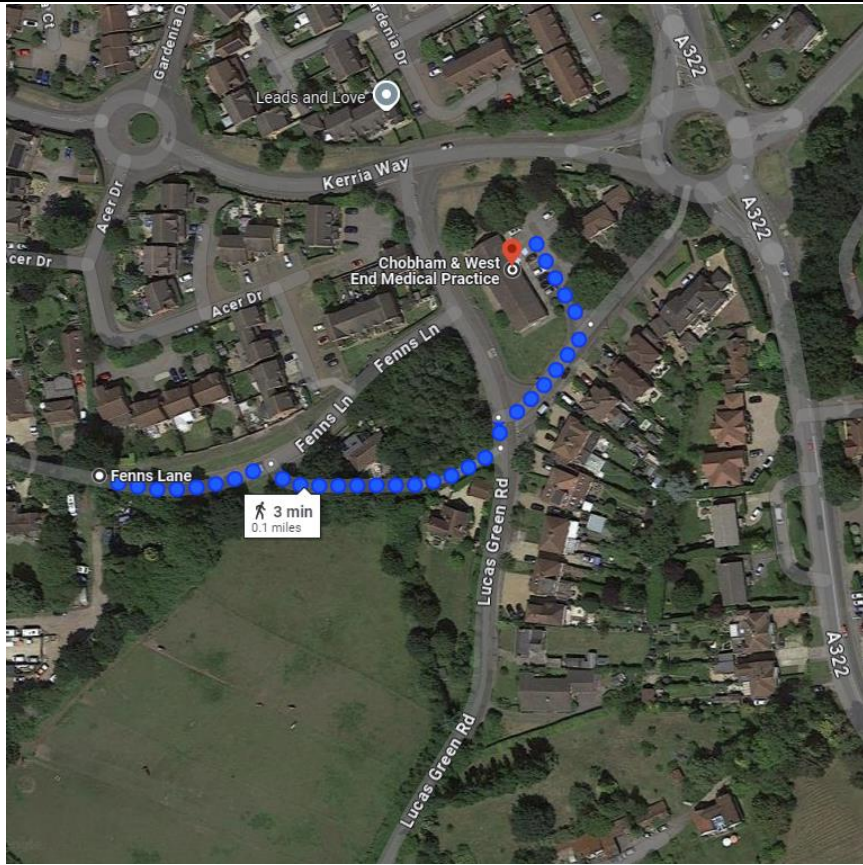


Figure 4 Extract of Green Belt Study 2022 Appendix 2, identifying group of sites to south-west of West End which could be released from green Belt with lower impact (WE12, WE15, WE15 and WE16).

- 6.17. Turning to the approach detailed in the Green Belt Study, it is clear that purpose 3 relating to the parcel should be re-categorised as either low (or moderate at most). The approach then used to identify an overall function assessment for the parcel means that the parcel functions (at most) moderately against at least one purpose and therefore the site's overall level of function would change to "low moderate" or even "low" (when compared to its present "moderate high" rating). This illustrates how the overall function that the site plays in Green Belt terms is substantively moderated when compared to the Council's assessment.
- 6.18. In summary, the Council's assessment of the Site is overstated in relation to purpose 3. When a precise assessment is undertaken, that purpose is identified to have a lower categorisation and the parcel WE15's overall level of function then drops to either "low moderate" or "low". The Council's evidenced base requires reassessment on this basis. In addition, it is noted that the site is PDL and is well served by public transport. On a sequential basis, paragraph 147 of the NPPF requires that where Green Belt land is released, priority should be placed upon PDL and / or land that is well served by public transport. As described above, a substantial percentage of this parcel does form PDL. Further, the below high level plans illustrate that the site is in close walking distance to a local M & S Foodstore, GP surgery, regular bus service and the Gosden Road Neighbourhood Parade.



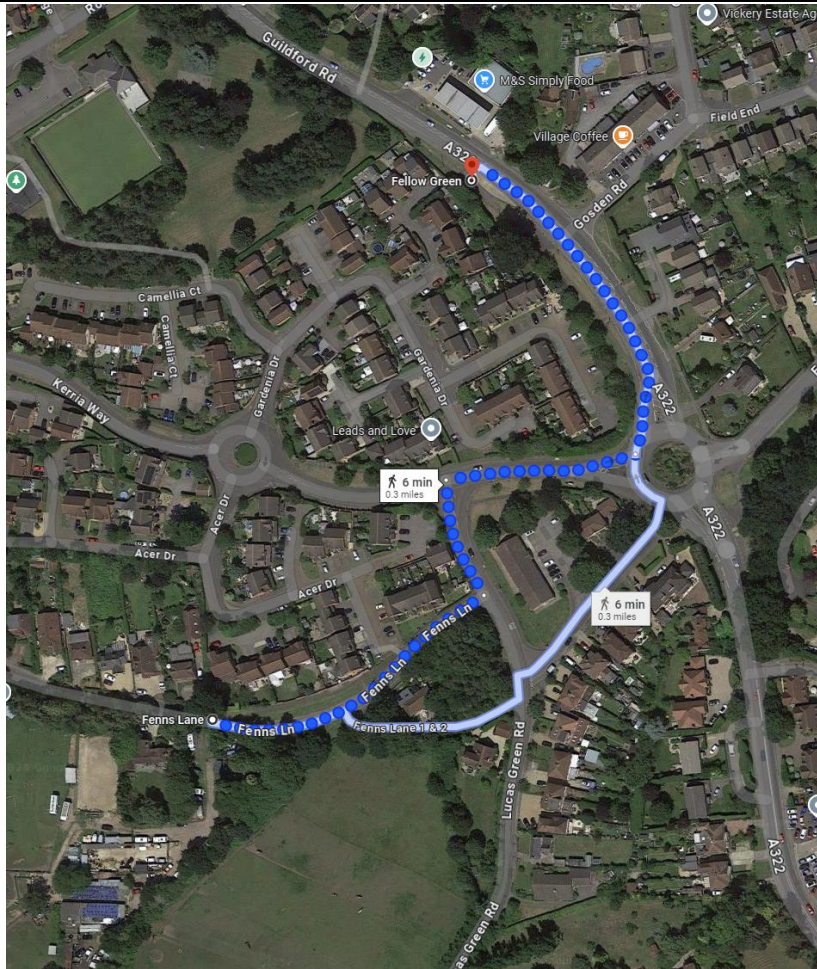


Figure 5 Satellite Images illustrating proximity to local services and facilities

6.19. In summary, when assessed using the Council's own methodology towards assessing the Green Belt purposes, it is evident that there are inconsistencies in the evidence base that would result in the land South of Fenns Lane site being categorised as having a lower contribution towards the Green Belt purposes than the Council's assessment presently suggests. Further there is acknowledgement that if the site is released in combination with other parcels the risk to the integrity of the wider Green Belt reduces to having only a lower risk. Finally, and on a sequential basis, the site benefits from forming part previously developed land and well served by public transport as sequentially prioritised by paragraph 147 of the NPPF.

Sustainability Appraisal ("SA")

- 6.17 Growth Scenario 2 included the release of smaller Green Belt sites in the countryside. Paragraph 5.2.52 of the SA states that there was a strong argument for ruling out Scenario 2 based on consultation responses received (opposing Green Belt release) and the findings in the Interim SA as to availability of sites. This conclusion appears to have at least partly been based on statements by the previous Government that Local Authorities would not be compelled to review Green Belt boundaries in order to fully meet housing needs. In his letter to local authorities dated 5 December 2022, Michael Gove had explained: "Green Belt: further clarifying our approach to date in the National Planning Policy Framework and the Localism Act, we will be clear that local planning authorities are not expected to review the Green Belt to deliver housing. This is in line with commitments made by the Prime Minister in the Summer." The SA concludes that there is therefore "limited strategic argument" for Green Belt release and so growth Scenario 2 was discounted as a reasonable alternative to the selected growth strategy.
- 6.18 However, there are reasonable alternatives to the selected growth strategy which have not been adequately assessed in the Sustainability Appraisal. One such alternative is the development of our client's land at Fenn's Lane (WE15), either on its own, or alongside the group of sites identified as WE12 and WE14-WE16 in the Green Belt Study 2022.
- 6.19 In the Sustainability Appraisal (para 5.4.86) it was noted that there is capacity for homes on the Site without the need for Green Belt release, due to the site's PDL status and the NPPF's approach (at paragraph 154g of the current NPPF December 2023). We note that at present, that 154g test requires "no greater impact on the openness of the Green Belt", which limits the scale of development to the volume/ floorspace of existing built form. The proposed changes to the NPPF (July 2024) would amend this to "no substantial impact" which would allow for a higher quantum of development on the Site without the need for Green Belt release (as it would not be classified as 'inappropriate development'.

6.20 At para 5.4.87 of the Sustainability Appraisal it was noted that release of site 153 was factored into Growth Scenario 2 (release of smaller green belt sites), at a scale of approximately 100 dwellings. The Sustainability Appraisal noted the constraints of the Thames Basin Heaths SPA 400m buffer, a bridleway along the river corridor, and listed buildings along the same. These factors fed into their conclusion that:

- There is limited strategic argument for Green Belt release at West End, and none of the available sites stand-out as having particular merit. There is a need to consider that West End is associated with relatively high recent and committed growth and is likely associated with quite high rates of car dependency, e.g. noting that there is only a neighbourhood centre. There is a need to avoid piecemeal expansion and focus on growth options that delivers benefits to the community, e.g. a local centre.

And at 5.4.11, the conclusion that:

- **West End and Chobham** – are the other settlements where there is feasibly the potential to explore higher growth via Green Belt release, but there appears to be less case for further work to explore this possibility, having accounted for available sites / site-specific considerations and strategic factors.

6.21 As set about above, paragraph 4.41 of the Housing Supply Topic Paper makes clear that release of countryside Green Belt sites does not feature in the Council's list of sequentially preferable spatial options. At paragraph 4.43 it is stated that this is driven by paragraph 145 of the NPPF (December 2023) which indicates that "once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated." At paragraph 4.44 the Council expressly concludes that "it is not necessary to release land from the Green Belt for the express purpose of accommodating new homes."

6.22 We refer again to the conclusions of the Inspector in respect of the Elmbridge Local Plan. Given the affordability position in that authority, and the proposed housing requirement significantly below actual housing needs, the Inspector has concluded that the approach to an absence of Green Belt release was unsound. Affordability is also a problem in Surrey Heath, with the affordability ratio continuing to increase year on year. In the ten year period from 2013 to 2023 the affordability ratio has increased from 9.34 to 12.08.

6.23 Turning to consider other Surrey Green Belt authorities, we note that Mole Valley, Guildford, Spelthorne and Runnymede have all proposed Green Belt release in order to increase housing supply when reviewing their Local Plans. There is

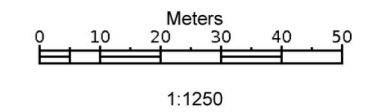
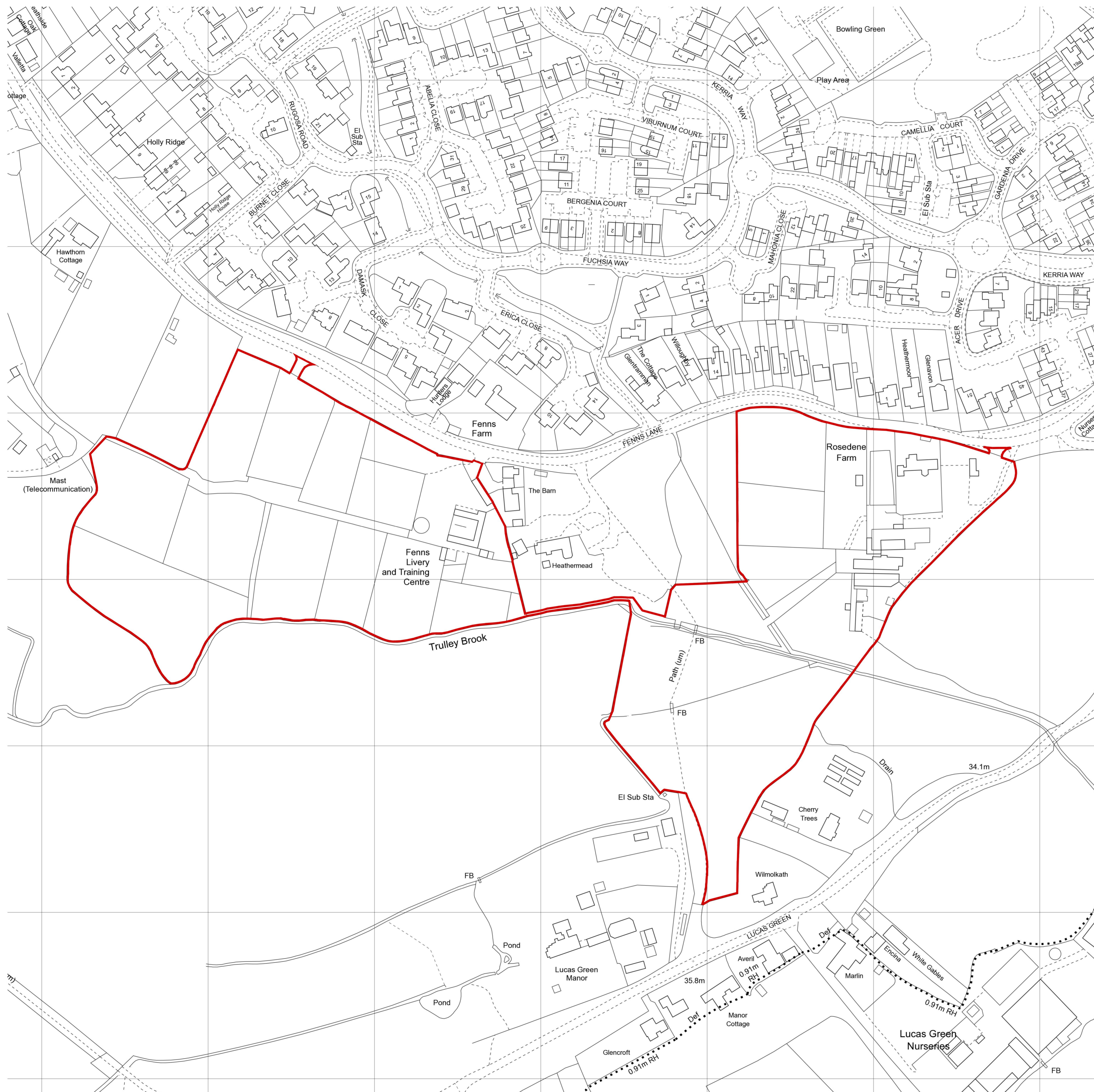
nothing exceptional about Surrey Heath Borough which is a similar Green Belt constrained authority and one subject to very substantial affordability issues. There is no constraint that justifies Surrey Heth Borough being treated as exception and not having to follow an option of Green Belt release.

Suggested Changes to the Local Plan

- 6.24 To ensure that the plan is sound as detailed in the representations, land south of Fenn Lane, West End should be included as a residential allocation in Policy HA1 for up to 99 dwellings.

7. SUMMARY AND CONCLUSION

- 7.1 Our representations to the draft Local Plan have identified a number of objections to the document as drafted in respect of its soundness.
- 7.2 The amendment we propose to make the Local Plan sound can be summarised as follows:
- Increase the housing requirement and adjust the plan period;
 - Remove completions in the 2019-2032 period and the contribution from Hart DC from the sources of supply;
 - Include additional site allocations (including in the Green Belt) to plan fully for housing need;
 - Allocate in Policy HA1 an allocation at Land south of Fenns Lane, West End (SLAA site 153) for 99 dwellings; &
 - Include a Local Plan review policy that details clear timescales.
- 7.3 This would provide for a more effective plan in specifically identifying (acknowledged) appropriate sites for residential development in a plan led manner and one more consistent with national policy.
- 7.4 We trust our representations are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.
- 7.5 We welcome the opportunity to engage with the Council to discuss our soundness concerns as well as the merits of the land and the contribution it can make in meeting housing requirements during a refined plan period.
- 7.6 Finally, we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.



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 Reference: 01188979
 Centre coordinates: 484409 160414



Fairfax

FAIRFAX ACQUISITIONS LTD

project:

Land at:

FENNS LANE,
 WOKING
 SURREY

title:

LOCATION PLAN

date: Dec '18

scale: 1:1250 @ A1

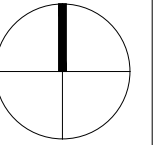
drawing number:
 1811/PL.01

Rev.

Paul Hewett R.I.B.A.
 CHARTERED ARCHITECT

Paul Hewett BA(Hons) DipArch(Hons) R.I.B.A.
 CHARTERED ARCHITECT
 51 Foxdale Drive : Angmering : West Sussex
 BN16 4HF
 Tel: 01903 778701
 email: hewett439@btinternet.com

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1 Play



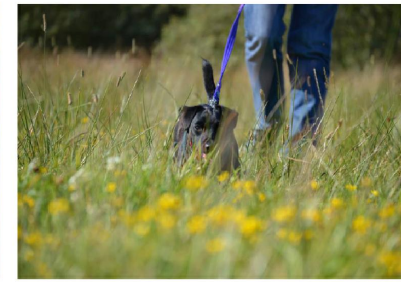
2 New & Enhancement Planting



3 Bridge Crossings



4 Attenuation Pond



5 Dog walking






6 Boardwalk path



FOR PLANNING

KEY

-  Site Boundary
-  400m buffer from Thames Heath Basin Special Protection Area (SPA)
-  Existing PROW (approx 150m within site)

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RevA. Reference to SANG removed 190916 AEL

REVISIONS

H | E | D
Hyland Edgar Driver

Landscape Architects and Urban Designers

One Wessex Way Colden Common Winchester Hampshire SO21 1WG
Telephone 01962 711600 Facsimile 01962 713945

PROJECT

Land South of Fenns Lane, West End Surrey

SUBJECT

Illustrative Landscape Strategy

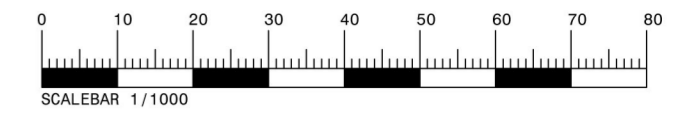
DATE 24.09.2018 DRAWN BY HG/MA






SCALE 1:2000 @A3 CHECKED BY IN

DRAWING NUMBER HED-1322-101 REVISION A

DRAWING STATUS B

A - PRELIMINARY	B - ISSUED FOR PLANNING	C - ISSUED FOR DESIGN / INFORMATION	D - ISSUED FOR TENDER
E - ISSUED FOR APPROVAL	F - ISSUED FOR CONSTRUCTION	G - AS BUILT	



- KEY**
-  PROW
 -  400m BUFFER TO SPA LAND
 -  WILDLIFE PONDS
 -  RAIN GARDEN
 -  TIMBER BOARDWALK OR SIMILAR WITH BALUSTRADE

Fairfax

FAIRFAX ACQUISITIONS LTD

project:
Land at:
FENNS LANE,
WOKING
SURREY

title:
INDICATIVE BLOCK PLAN

date: Sep '19 **scale:** 1:1000 @ A1

drawing number: 1811/PL.03	Rev. C
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Paul Hewett R.I.B.A. Paul Hewett BA(Hons) DipArch(Hons) R.I.B.A.
CHARTERED ARCHITECT
51 Foxdale Drive : Angmering : West Sussex
BN16 4HF
Tel: 01903 778701
email: hewett439@btinternet.com

CHARTERED ARCHITECT

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