

Planning Policy,
Surrey Heath Borough Council,
Surrey Heath House,
Knoll Road,
Camberley,
Surrey,
GU15 3HD

19th September 2024

Submitted by email only

Dear Sir / Madam

Representations to the Draft Surrey Heath Local Plan – Pre-submission Regulation 19 Consultation

I am writing to make representations to the above-named consultation event on behalf of Persimmon Homes (Thames Valley). We previously submitted representations on the Regulation 18, Preferred Options consultation, the comments made as part of this previous representation still remain valid and should read in conjunction with these ones.

Our first concern is that this consultation is undertaken in advance of a revised NPPF being published by the Government. The Government have been very clear that housing need and delivery is a top priority and that at present national planning policy does not go far enough to secure this. As a result, they have proposed changes to the NPPF (which are very likely to be adopted) which include updating the presumption in favour of sustainable development, strengthening obligations on cross boundary working, requirement to demonstrate a five year housing land supply, a revised standard method for calculating housing need and the introduction of the 'Grey Belt' to name but a few. The Council's reasons for progressing to a Regulation 19 consultation in advance of the NPPF changes being formalised is undoubtedly to take advantage of the transitional arrangements that the NPPF consultation has set out. However, this does not constitute proper plan making, as it will essentially result in a Local Plan that has failed to cooperate properly with its neighbouring authorities and secures policies that will not meet the needs of people living and working in the Borough.

With regard to the Councils Duty to Cooperate point, the draft Local Plan has been prepared on the basis that Hart District Council will take 42 dwellings per annum of the homes needed in Surrey Heath until 2032. However, under the proposed Standard Method in the draft NPPF, Harts own housing needs will increase from 297dpa to 734dpa. No evidence appears to have been sought from Hart to demonstrate that they will still be willing to provide for some of Surrey Heath's need, indeed it has to be assumed that they will simply not be able to honour this previous commitment as their Local Plan period progresses. It is foolish at best for Surrey Heath not to front into this issue now and either seek confirmation or otherwise from Hart, and plan accordingly. It is considered that this amounts to a clear failure in the duty to cooperate and risks the draft Local Plan being found unsound.

We are also concerned with the proposed plan period of 2019 to 2038 – the NPPF requires a Local Plan to extend for more than 15 years from which point the plan is adopted. Even if the Local Plan is adopted by Autumn 2025, as currently suggested, the plan period will need to be extended to 2041. Failure to address this means that the draft Local Plan is fundamentally flawed as it has not sought to understand, or evidence need for a legally compliant local plan period. Furthermore, how can the Council look to adopt a Local Plan that commenced over 5 years previous to its adoption. Local Plans are to look forward and plan, not be retrospective documents. Other Local Authorities have fallen foul of this deliberate attempt to inadequately plan for need and we strongly suggest that Surrey Heath do not follow a similar flawed approach, which will only lead to either the plan being found unsound, or a protracted Local Plan inquiry when the Authority are asked to rectify this issue at a later date.

Turning now to specific comments on some pertinent draft policies:

SS1 – Spatial Strategy – *it is considered that this policy is unsound, not positively prepared, unjustified, ineffective and inconsistent with National Policy.*

We previously acknowledged that Surrey Heath faces challenges due to the range of constraining factors it is subject to, and we understand that this means difficult decisions need to be made. However, this does not negate the need for a pragmatic approach to be taken towards proper planning for the future of the Borough. It is important that the Borough's need is assessed and understood fully. It is the Council's responsibility to ensure that the full spectrum of need is met, and not just simply an avoidance approach taken to policy. It is also important that it does not seek to overburden adjoining authorities through the failure to assess wider need and co-operate accordingly.

With this in mind our primary concern with this policy is whether it adequately provides for need, and specifically housing need. The draft Local Plan sets the baseline of 321 per annum which equates to 6,111 over the plan period. Taking away the 42 dwellings per annum that Hart previously committed to accommodating (533 homes until 2032), and which we have expressed concerns over above, the overall number of new homes that the draft plan makes provision for is 5,578.

It is very relevant to raise concerns regarding this assessment of need in light of the new Standard Method proposed in the consultation draft of the NPPF. This suggests 658 dwellings per annum is what Surrey Heath actually needs to plan for, which is 337 dwelling per annum higher than what is allowed for in the draft Local Plan and is far higher than any of the average annual supply levels expected by the Council in their housing trajectory. This means that even if the Council submit this Local Plan under the transitional arrangements of the draft NPPF, the draft Local Plan should still look to have regard to the increased in the baseline for housing need, or risk their Local Plan being outdate within 5 years, which would technically be before the plan is adopted, due to its 2019 start date. As such the Council is placing itself at risk of appeal challenges to their housing need and supply – all of which will just serve the purpose of adding uncertainty to the planning process for the Borough and lead to a situation of obtaining planning approvals by appeal which defeats the purpose of having an adopted Local Plan.

In terms of the housing supply identified, this equates to 6,012 dwellings over the plan period of 2019-2038 – however as detailed above, this plan period is unsound and inconsistent with National Policy. It is considered that the baseline for the plan period should be 2023/24 (as per the Standard Method requirements) and that to provide for the full 15 years post adoption it should run to 2040/41, this would mean that the draft Local Plan under provides for 1,267 dwellings (against its



current baseline of 321 dwellings per annum) or 898 if the supply for Hart is still available. This is the very minimum position that the draft Local Plan should be planning for.

With regard to the identified supply, we previously supported the broad stance towards regeneration of Camberley Town Centre, and this support remains. However, our concern is the over-reliance on this to meet the Borough's needs particularly in relation to housing. From 2023/24 this accounts for 26% of the total projected land supply, however we are not aware of any significant firm planning permissions that would amount to the delivery of significant amounts of dwellings in this allocation. Indeed, much is occupied by Civic and business uses which are yet to be relocated and no delivery partner has been identified (that has been made public). Further, quite a lot of the land allocated has been in the 'pipeline' for development for many years, yet limited progress has been made to actual delivery.

There also seem to be some mistakes or inconsistencies in the delivery rates presented – there are examples where some sites are anticipated to only deliver 5 houses per annum – e.g. HA1/04 , despite being a relatively small in site. No developer would only delivery 5 houses per annum. Yet on the other hand the expected delivery from larger scale flatted development (e.g. HA1/03 and HA2) that are expected to come forward quickly. Large flatted schemes tend not to come forward in a consistent manner and certainly not so early in the plan period when the allocation is at its early stages of development and to date no planning permission has been issued.

Generally, there is little detail of how the Council intends to bring forward this allocation and as such its inclusion in the housing trajectory is difficult to support. Lack of detail centres around the following issues:

- Existing uses will need to be relocated and rationalised – there is no clear strategy setting this out, including a large of amount of civic infrastructure, to ensure that the town centre does not experience a significant detriment to its function.
- Funding – development partners will need to be secured, which will take time and affect deliverability.
- Disposal of civic infrastructure – existing uses will need to be relocated and due processes undertaken when selling to potential development partners – this will also take a considerable amount of time and due diligence.
- Delivery times will be extensive – and those suggested later in the plan are unrealistic and not based on a qualified assessment of commercial practicalities.
- Cost – the removal and reconfiguration of existing uses is extremely expensive.
- From a housing perspective a significant proportion of the new accommodation will be flats – while from a tick box exercise numbers may well be provided, not everyone wants to live in a flat, particularly families or those with accessibility issues.
- Accessibility to open space – is very limited within the confines of the town centre itself.
- Infrastructure – local roads can be extremely congested already. Such a large additional volume of housing will require re-planning the highway network to reduce bottlenecks. There is no obvious up to date feasibility or design work that has been undertaken in this regard.
- Lack of master planning – there is nothing in the local plan which suggests how this allocation will practically come about and deliver all that it needs to. This suggests an aspirational nature to a key component of the plans strategy, which concerns us.



Our overarching view is that Surrey Heath needs to find and allocate more sites that have a quicker deliverability trajectory to ensure that the Local Plan does not fail in its early stages as we are very concerned that there is significance over reliance on the Town Centre allocations.

Turning now to the Green Belt, we previously raised concerns with the Council's Green Belt Review. We do not believe that all options have been robustly explored. In particular we raised questions about the assessment undertaken against the five purposes of the Green Belt and whether it was robust and consistent – some parcels have been scored to an elevated level that we do not consider is justified. This is particularly in relation to purpose 3 'safeguarding countryside against encroachment', which rejects a significant number of the parcel on rather erroneous grounds.

We also consider that the Council's failure to address the proposed changes to the NPPF in relation to the Green Belt is foolhardy at best. The Government has been very clear that it will be amending Green Belt policy and the changes proposed to the NPPF are significant in this regard. Not to consider the implications of this will only lead to the need to review the Green Belt post adoption of a new local plan to meet the Borough's housing needs in full. Further, given that we firmly consider the plan period of the draft Local Plan to be unsound, we believe the Council will have to review its Green Belt boundaries in a more robust manner to meet the uplift in housing need that results from a correct plan period. This in our view needs to be done before the plan is submitted for examination.

Overall, we are not convinced the draft Spatial Strategy is a robust one. The constraints of the Borough, which are not being contested, need to be viewed in the context of the exceptional need that housing presents and the authority should be looking to proactively address this. Instead the plan has been drafted entirely on the basis that the constraints render a full assessment and consideration of wider land potential unnecessary rather than embracing them as a challenge and taking a progressive stance towards future planning.

Policy SS3a – Climate Change Mitigation – *policy is unsound, unjustified and inconsistent with national policy*

We do have concerns in relation this policy. In particular 1(a) which requires all major applications to deliver net zero carbon development unless feasibility / viability evidence is provided, and then where it does contributions to offsite measures are to be secured. It is not clear if the full viability implications of this have been understood by the Authority and they certainly are not demonstrated.

As highlighted in our previously consultation response, while we acknowledge that it is important that Local Planning Policy acknowledges the aspirations of National Government, their application in the decision-making process need to account for the fact that technology at the moment is somewhat lacking in support of national aspirations and targets. Local policy needs to be tailored to ensure that it supports development delivery and is not used as a means to stall delivery.

In this regard policy SS3a needs to be better aligned to Building Regulations to ensure that they are not more onerous or present conflict with technical requirements and regulations. It would be simpler if this policy considered and made reference to Building Regulations and the changes relating to climate change that National Government are bringing in.

Policy SS3b – Climate Change Adaption – *policy is unsound, unjustified and inconsistent with national policy.*



Overall, this policy is quite aspirational and while the development industry needs to adapt to climate change, as above, policy should account for the fact that technology is needed to catch up with the more aspirational element of the wider agenda. Again, it would be simpler if this policy considered and made reference to Building Regulations and the changes relating to climate change that National Government are bringing in.

Policy HA1 – Site Allocations – *policy is unsound and unjustified*

As stated above we have a concern about the over reliance on allocations within Camberley Town Centre to meet such a significant level of housing numbers. While the regeneration of the town centre is much needed, and no doubt housing can be accommodated, the amount and type of accommodation is unlikely to meet needs.

Policy HA2 – London Road Block Site Allocation – *Policy is unsound*

As the drafting of the policy has not changed since the previous consultation draft our comments are as previously submitted (in italics below for ease of reference) – we urge the Inspector(s) to robustly assess the deliverability of this allocation, including the quantum of development that it can provide:

We acknowledge that this block of development in its current form is underperforming on all bases – under-occupancy, poor contribution to public realm, poor configuration of built form, poor aesthetics, and dysfunctional relationship to the A30 contributing to congestion. Therefore, we support the principle of its redevelopment. However, the quantum of new homes is considered in excess of what can be provided both in capacity and urban design terms. The homes will be predominately flatted accommodation, and there is already a lot of this the town centre as a result of recent PD conversions. There also does not seem to be any meaningful feasibility or design work undertaken to support the aspirations of the allocation, particularly in relation to highways and how the improvements listed will be delivered. Commercial viability also seems to be lacking. With urban regeneration schemes it is crucial that costings are understood for both the land use and infrastructure delivery. These will affect the cashflow of a project and therefore the likely chances of policy aspirations being met.

Also what is the strategic SANG solution for this allocation? The TBHSPA study of 2020 acknowledges a lack of SANG to support development in Camberley Town Centre, therefore the authority is at the mercy of adjoining authorities to provide for their additional capacity requirements to deliver this allocation. Even if suitable sites can be identified it is highly likely this will further complicate delivery aspirations. This really goes back to the need for some concept master planning work (including of infrastructure) in order to understand properly whether the quantum of development (of all uses) can actually be achieved.

Policy HA3 – Land East of Knoll Road Site Allocation – *Policy is unsound*

As the drafting of the policy has not changed since the previous consultation draft our comments are as previously submitted (in italics below for ease of reference) – we urge the Inspector(s) to robustly assess the deliverability of this allocation, including the quantum of development that it can provide:



We acknowledge that this Council owned site could indeed be put to better use, and if civic services can be rationalised, condensed and potentially relocated then this is an ideal redevelopment.

Our concerns therefore do not relate to the principle of development instead they centre on the quantum of development that is considerable achievable, and the fact that the type of housing delivered will be flats. It is also likely that deliverability will take longer than anticipated (not least due to an acknowledged lack of a SANG solution) and again there is a lack of underpinning feasibility and masterplanning work to demonstrate how this allocation will come forward in a meaningful way.

Policy H5 – Range and Mix of Housing – the policy is unsound and unjustified

We support the approach that a range and mix of housing needs to be encouraged to meet needs. We also support the alignment with Building Regulations.

However, with regard to self-build and custom build housing we do not consider there is a justification to require 5% of plots on sites of 20 or more homes to be self-build. The Local Housing Needs Assessments states that there are only 2 active individuals registered on the self-build register, and only a need for 29 Right to Build plots over the next 10 years. This is a very small element of the Boroughs housing need.

We previously raised concern about the suitability of large predominantly flatted schemes and new estate developments providing for this sort of housing need. It would be far better that smaller specific sites to be allocated for self/custom build housing, or they come through windfall delivery.

As such we consider the self-build element of Policy H5 should be deleted.

Question 12 – Policy CTC1 – Camberley Town Centre – the policy is unsound and unjustified

As the drafting of the policy has not changed since the previous consultation draft our comments are as previously submitted (in italics below for ease of reference):

We support the regeneration of Camberley Town Centre, it is definitely needed and the aspirations of the previous Core Strategy have not really come to fruition. However, we question the amount of housing that is being directed to it, and whether this will be secured at the expense of other vital town centre functions. We also question whether the town centre, which will accommodate high density, predominately flatted accommodation will actually meet the needs of housing both in the market and affordable sectors. A summary of the concerns we have stated above on this allocation are:

- As previously stated, over providing on flats is a huge concern. Families and older generations often do not want to live in large flatted blocks.*
- People need space and easy access to open green space and the small park that is currently within the town centre area does not provide for the needs of circa 1,330 dwellings. A loose statement is made about a comprehensively planned public realm and maximising green space, but the reality is that green space in particular will be limited. Given so much housing is being focused in the town centre, where are young children to play, learn to ride a bike, kick a football around? How far away is significant open green space that would support that quantum of people? Is it within walking distance? The reality is an urban town centre does not meet limiting housing needs, for communities to flourish and people not to feel*



isolated they need easy access to open green space and areas where communities and friendship groups can meet.

- *Lack of master planning that sits behind this allocation and question how deliverable the aspirations of this policy are.*
- *Multiple existing ownership, incumbent tenants / active uses also have been given little consideration – site accumulation and delivery for all aspects of the policy aspirations will all be affected by this.*
- *Highway impacts and how the regenerated town centre will resolve the muddled and congested highway network that surrounds the town centre have not been given much consideration.*
- *There is no firm SANG solution for the town centres regeneration – The TBSSPA Study acknowledged that there is no certainty at this time what capacity adjoining Borough's may be able to provide. Therefore, how realistic at this stage is the redevelopment of the town centre?*
- *The authority has previously sought to regenerate Camberley Town Centre and even have a dedicated SPD on this – however delivery of these aspirations has been slow (the document was adopted in 2006). The draft Local Plan is therefore just another policy document looking to address how the town centre can better function without a comprehensive master plan that is underpinned by the commercial practicalities associated with delivery.*

Therefore, while we are in agreement that Camberley Town Centre needs re-planning, policy needs to ensure that the same mistakes as previously are not made. At the moment all policies relating to the town centre and the various allocations within it have the feel of an unsubstantiated policy that lacks meaningful consideration and planning to ensure its delivery and actually provide what the residents of the area (current and future) need.

Policy E1 – TBSPA – Unsound and Undeliverable

Is there sufficient strategic SANG being planned for to support the delivery of the allocations? Provision is not much for any strategic SANG in the draft Local Plan.

Many of the urban locations (e.g. Camberley Town Centre and the Frimley allocations) will not be able to deliver bespoke on-site solutions; yet there appears are no allocations for Strategic SANG – indeed there is almost a total reliance on adjoining authorities to identify solutions. Bespoke site-specific solutions are only possible for large greenfield development opportunities, the large town centre allocations in particular will not be able to be delivered without access to Strategic SANG. Until this is identified the draft Local Plan and its allocations are unsound and undeliverable.

We have previously discussed land within our ownership and control with Council officers that could contribute towards the delivery of a strategic SANG. We would be happy to have further discussions with the Council on this and indeed such a dialogue could help to unlock the delivery of their Town Centre aspirations.

Policy E3 – Biodiversity Net Gain – this policy is unjustified

As previously raised we firmly believe the 20% BNG will lead to a lot of sites being undeliverable, especially smaller sites which will have to look at off-site solutions. National guidance published by the Government on 14th February makes it clear that:



“... plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”.

Therefore, local plans should not seek to place a higher requirement on development. In this instance the Authority has not presented any tangible evidence that there is a need to go beyond the national policy requirement of 10%. Further, the Viability Assessment that accompanies the local plan, does not sufficiently assess the impact of BNG creation, maintenance or management, rather it just uses the Government’s 2019 Impact Assessment, which used broad development costs and was before BNG became mandatory. In order to raise the BNG threshold in the Borough above the national level, there needs to have been a thorough review of the viability impacts of doing so. This needed to include the impact of a reduction in developable area that will result from on-site BNG provision, the financial impacts of buying into off site solutions (either land or existing BNG sites), the impact of different habitat values and the requirements / impact of the trading rules. Finally, the Authority has significantly underestimated the cost of an offsite credit – by using the 2019 Impact Assessment the cost of an offsite credit is set at £11,000. The actual real-world cost is between £30,000 - £50,000 per credit. A significant difference that simply has not been considered.

The lack of robust assumptions means that the viability assumptions are fundamentally flawed, rendering the policy unsound and unjustified. The policy should be re-written to bring the BNG requirements to align with the 10% of national guidance.

It is disappointing that the Council seem not to have taken any work on identifying potential strategic BNG solutions. Placing the entire burden on developers and individual applicants could render many sites, including those that the Council are seeking to allocate for development undeliverable. The national bank that is to be set up could well be punitive for many. What relationships have the authority sought to make with local wildlife groups etc who may be able to assist with offsetting plans?

BNG is having, and will continue, to have huge implications on development and it is the Council’s role to assist in developing strategies that will ensure need is met through development in the Borough. If the Council does not have a robust strategy in this regard, many of its urban allocations are likely to fail, rendering the plan unsound and undeliverable.

DH8: Building Emissions Standards – policy is unjustified

Tying into commentary made on policies SS3(a) and (b) we question whether part 1 of the policy is justified. Part 1 of this policy will be achieved by the implementation of the Future Homes Standard. This will see all new homes built to this standard being zero carbon ready. This means that once the national grid de-carbonises these homes will be zero carbon homes. As such all new homes will, through building regulation, already positively contribute to addressing climate change rendering part 1 of DH8 unnecessary. It is also the case that no testing has been undertaken by the Council as part of the Local Plan preparation as to the impact of going beyond the Future Homes Standard and reducing carbon emissions further.



Conclusion

We believe that Surrey Heath could do more to accommodate more than its minimum requirements, particularly in terms of housing. We consider that some aspects of both the Countryside Capacity Study and Green Belt review are open to scrutiny and that further legitimate capacity could be found here. This would also better align with the requirements of the draft NPPF, which will be adopted before this Local Plan has its EIP. There is huge need and demand for housing and the burden of providing for its own needs should not be pushed onto overloaded allocations, or other authorities.

It is clear that the starting point for assessment in the Local Plan has been the constraints that the Borough faces and while constraint planning is indeed an important element, the reality is that all Boroughs' in the South of England have many constraints, but this does not mean that Local Plans should not look to adequately plan for and meet development needs. Not to do so will only over inflate already high demand and prices and ultimately mean that local people will not be able to afford to live in the area.

The plan as drafted places an over reliance on delivery at Camberley Town Centre to meeting housing supply, and for the reasons identified in this representation we consider that aspirations here are over-relied on and while the principle of the town's redevelopment is supported it cannot meet all need requirements. There is no clear master planning or feasibility baseline to these allocations and there is no identified SANG solution.

We continue to question the pro-activeness of the approach taken to the drafting of this Local Plan. It very much seeks to control development, rather than creating proactive development management policies. This is a significant limitation as it fails to acknowledge the importance of development in creating thriving places which adequately meet the needs of its current and future population. We fear the Local Plan could be used to stymie and frustrate development, placing burdensome requirements that just cannot be delivered at the present time. In particular, there is no account for a phased ramping up of achieving climate change requirements over a staggered process. There is also a lack of alignment with technical regulations and while some of the aspirations of the policies drafted are to be applauded, we are not convinced the Council understands the wider commercial realities of delivering development against them.

Overall, we question whether the Council has robustly undertaken the analysis necessary to determine whether it can accommodate their need and the viability implications of drafted policies. On these grounds we continue to maintain the view that the draft Local Plan lacks soundness, has not been positively prepared, its position relating to housing need in particular is not justified, and as a result the plan is not effective.

We thank you for the opportunity to comment on the Plan and would like to be kept informed of the progress of the Plan and consultations that may take place in the future.

Yours Sincerely



Laura Jackson BA (Hons) MA MRTPI
Head of Planning





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