	<p>Surrey Heath Borough Council</p> <p>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</p> <p>Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD.

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First Name		Thomas	
Last Name		Rumble	
Job Title (where relevant)		Director	
Organisation (where relevant)	Rumsby Investments Ltd	Woolf Bond Planning Ltd	
Address Line 1	C/O Agent	The Mitfords	
Line 2		Basingstoke Road	
Line 3		Three Mile Cross	
Post Code		RG7 1AT	
Telephone Number		[REDACTED]	

E-mail Address

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	Yes	No
• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	
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Name or Organisation :

Rumsby Investments Ltd

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

Paragraph

Policy

SS1

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)

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No

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

Surrey Heath Borough Council

**Representations Submitted on behalf of
Rumsby Investments Ltd.**

Prepared by:

Woolf Bond Planning Ltd.

WBP REF: 7498

SEPTEMBER 2024



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

A: Omission Site Location Plan

B: Inspector's Report into Examination of Watford Borough Local Plan 2018-2036 (20 September 2022)

C: Inspector's Report into examination of Maidstone Borough Local Plan (8 March 2024)

1. INTRODUCTION AND SCOPE OF REPRESENTATIONS

Introduction

- 1.1 Our client, Rumsby Investments Ltd., has a controlling interest in a 3.3ha parcel of land located to the east of Snows Ride, Windlesham GU20 6LA (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 at Windlesham, adjacent to the settlement boundary. The Site has capacity for approximately 100 dwellings, along with associated landscaping and public open space. Adjacent land has also been proposed for allocation, indicating this location could form part of strategic growth option for meeting the housing needs arising in Surrey Heath Borough Council’s (“the Council”) administrative area.
- 1.3 In the evidence base The Site is given the identifier ‘site 276’ (Strategic Land Availability Assessment “SLAA” 2023) (Land to the East of Snows Ride, Windlesham). However, it (along with many other Green Belt sites in the east of the Borough) was discounted from the assessment process very early on, solely based on its location within the Green Belt. No robust assessment of The Site’s suitability, availability or potential delivery timescales has been undertaken, nor whether it could form part of a reasonable alternative strategy for meeting housing needs in the Borough. An earlier version of the SLAA (2016) concluded that The Site is indeed developable within 11-16 years (so by 2027 to 2032, within this plan period). We confirm again that The Site is available and suitable for development, as set out in these representations. It, together with other smaller Green Belt sites and other allocations, forms a reasonable alternative to the current strategy of delivering below the housing need level.
- 1.4 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.

-
- 1.5 The evidence base underpinning the Local Plan incorrectly identified The Site as being unavailable (Interim Sustainability Appraisal 2022). On that basis, a spatial strategy involving a combination of smaller Green Belt sites (referred to as 'Growth Scenario 2) was not considered to be a reasonable alternative strategy to that which has been selected (noting that the selected option fails to deliver the full housing requirement). This was because it was believed only 800 dwellings could come forward under Growth Scenario 2 alone – a figure which fails to factor in the 100 dwellings which could come forward on The Site at Snows Ride, and fails to consider the possibility of supplementation with additional sites in the Windlesham area and beyond.
- 1.6 The final version of the Sustainability Appraisal sought to correct this earlier error, noting The Site at Snows Ride is in fact available for development. Yet the conclusions of the final Sustainability Appraisal were that Growth Scenario 2 was still not preferred, in part due to the previous Government's/ Michael Gove's rhetoric around protection of the Green Belt and the anticipated hurdles in demonstrating sufficient grounds for Green Belt release as part of this Local Plan. Clearly the political context has moved on quite some way in the intervening period and Growth Scenario 2 (which involves delivery of a collection of smaller Green Belt sites in the countryside) warrants closer scrutiny. **All** discounted sites in the Green Belt in the east of the Borough should have been robustly assessed to determine whether they are suitable, available, developable and deliverable, and therefore whether there are reasonable alternatives to the selected growth strategy.
- 1.7 The Site is available and could deliver up to 100 homes on partially previously developed land in a sustainable location in the Green Belt. Additionally, an adjacent parcel of land to the north is also available. Collectively, such sites could deliver a significant number of new homes directly adjacent to existing settlements, and in sustainable locations. This clearly aligns with recent Ministerial Statements by the new Government (July 2024) and the direction of travel of the consultation draft of the NPPF (Aug 2024) which seeks to significantly boost housing delivery via release of Green Belt land in sustainable locations and prioritise the use of PDL first. The proposed changes to the NPPF would render development of PDL 'not inappropriate development'. Additional other non PDL land could also qualify as grey belt available for development, depending on the extent to which it contributes to the functioning of the wider Green Belt. Where a limited contribution is made, housing development

would not be classed as ‘inappropriate’. These points demonstrate that the selection of a growth strategy based on previous comments on protection of the Green Belt is unjustified, and out of date.

- 1.8 The Sustainability Appraisal does accept that Windlesham “may also warrant ongoing consideration of higher growth scenarios via Green Belt release” but tentatively suggested “it is less clear that there are any realistic options at the current time”. Clearly any such lack of clarity on the Council’s part stems from the failure, in the SLAA, to undertake any assessment a multitude of Green Belt site options in the east, simply discounting them from consideration due to the Green Belt designation. No assessment of openness / extent of PDL, for example, was undertaken of The Site.
- 1.9 The Sustainability Appraisal also incorrectly concludes that much of land at Snows Ride has a “relatively high landscape sensitivity”– which is incorrect and inconsistent with other parts of the evidence base. The Council commissioned a Landscape Sensitivity Assessment (2021) which concludes that site 276 (which formed part of landscape assessment parcel SS6a, the settlement edges north and east of Snows Ride) has only a **moderate** landscape sensitivity. Moderate sensitivity is defined in that report’s methodology as meaning it **has potential to accommodate development with sensitive design and siting**. Even the more open areas of parcel SS6 away from the settlement edge (SS6b, wider landscape) were classified as having ‘moderate high’ landscape sensitivity (as opposed to ‘high’), making clear that the conclusion that edge of settlement sites at Snows Ride have ‘relatively high sensitivity’ is incorrect.
- 1.10 The Green Belt reviews identify The Site as ‘WIN1- Land to the East of Snows Ride / Hatton Hill’ and later as SL7. The 2018 study concluded that it was **one of very few potential housing sites which were relatively unconstrained by environmental issues**. The Council’s evidence base concluded that The Site only performed a strong Green Belt function in regard to the prevention of merging of towns. That analysis is clearly flawed, as Windlesham and Snows Ride are not towns. They were included in the analysis on the basis of their collective population (just over 3,000, which is the stated threshold for a town in the methodology employed). It was concluded that WIN1 plays a role in the prevention of merging of Windlesham and Snows Ride. This approach is flawed as neither of those settlement areas is a ‘town’ for the purposes

of analysis against strategic Green Belt purposes. The NPPF test is not whether it will cause the merging of villages. Furthermore, the approach taken by the Council fails to take account of the significant wooded edge to The Site which provides a strong defensible boundary which would prevent any actual coalescence or merging. This Site, on its own, simply could not cause the merging of towns, were it developed. We accept there is already some ribbon development between the two settled areas of Windlesham, which led to an earlier Green Belt review to conclude that those areas play a **WEAK** role in preventing merging, as they already feature ribbon development. Careful design of The Site (in terms of the relation of dwellings to Hatton Hill) could address any perception of further extension of that ribbon development though The Site to the settlement. These points are addressed in section 6 of this report.

- 1.11 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 housing allocation. 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).
- 1.12 To address these matters, further sites must be identified and allocated for residential development. For the reasons set out in these representations, The Site at Snows Ride, Windlesham is one such site which should be allocated. It is partially previously developed land, on the edge of a settlement, with only moderate landscape sensitivity. It benefits from a high degree of containment, and in its present form involves some impact on Green Belt openness due to the business operations on site.

Scope of Representations

- 1.13 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	Objection
Policy GBC1: Development of New Buildings in the Green Belt	Objection

Policy	Representation
Omission site – Land to the East of Snows Ride, Windlesham (SHLAA Site 276).	Objection

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

- Strategic Land Availability Assessment (SLAA) (2023);
- Sustainability Appraisal (Interim and Final) 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.

1.15 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
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- Surrey Heath BC monitoring data.
- 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 TESTS 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:

- increase level of housing requirement and planned supply, via inclusion of additional housing allocations;
- extend the plan period, to ensure a robust evidence base and compliance with NPPF policy; and

- review the Green Belt analysis and correct errors in methodology regarding purpose 2, the merging of towns. Sites have incorrectly been categorised as playing a strong role against purpose 2 when they are, in fact, grey belt land (and perform a weaker role against purpose 2) which poses a significant opportunity for delivering unmet housing need.

3. POLICY SS1: SPATIAL STRATEGY

Context

- 3.1 The Spatial Strategy is to direct new development to defined settlement areas in the west of the borough (with significant growth within Camberley Town Centre), with less development (727 dwellings) delivered in the east - which the Council considers to be more environmentally constrained. Not all parts of the east are, in fact, heavily constrained as detailed in section 6 of these representations. There is a need to release additional Green Belt land in order to meet the housing needs identified within this representation.

The Plan Period

- 3.2 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.
- 3.3 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.
- 3.4 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.

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

3.5 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.

3.6 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 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.”

3.7 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.

3.8 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.

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- 3.9 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

- 3.10 The Plan at present does not meet the minimum housing targets as set out in national policy. As such, further land should be identified, including our client's site to the east of Snow's Ride.
- 3.11 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.
- 3.12 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.

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- 3.13 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.
- 3.14 Finally, if the plan is adopted under the current NPPF, there is the 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

- 3.15 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.
- 3.16 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 41 dpa in the years 2023 to 2032, rather than 2019-2032.
- 3.17 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.

- 3.18 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.”

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

SLAA Sites as a Source of Supply

- 3.20 The sources of supply include a number of SLAA sites which are underpinned by limited information or evidence demonstrating their deliverability. They should either be formally allocated (consistent with paragraph 70 of the NPPF) or not relied upon as part of the housing supply (notwithstanding their possible potential to act as windfall opportunities). We address these points in relation to Policy HA1 Site Allocations.

Conclusion and Suggested Changes to Make Draft Policy SS1 Sound:

- 3.21 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 in full.
 - 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 and lack of evidence demonstrating the supply is deliverable.
 - d) It is not legally compliant as the Sustainability Appraisal fails to consider reasonable alternatives (including higher levels of growth) and contains errors in review of sites underpinning Growth Option 2 (smaller Green Belt sites).
 - e) It is not justified as the Green Belt review is based on flawed methodology as to performance against the 5 Green Belt purposes. In particular, it concludes that sites play a strong role against purpose 2 when their development would in no way at all contribute to any merging of towns. Rather, the land is situated within two disparate parts of one settled village. As a result, there are other sites available which could form part of a strategy which meets housing requirements in full.
 - f) 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.
- 3.22 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.

4. POLICY HA1: SITE ALLOCATIONS

4.1 Policy HA1 sets out details of proposed site allocations. We note the absence of any robust assessment of feasibility or site deliverability regarding Green Belt sites with PDL status. We do not, in these representations, seek to dispute any of the specific sites identified for allocation but we do wish to highlight a lack of rigour in the evidence of their selection and deliverability.

4.2 The focus of our representations on Policy HA1, therefore, is that our client's Site at Snows Ride, should be allocated in Policy HA1.

Suggested Changes to Make Policy HA1 Sound

4.3 The Plan as currently prepared is not sound for the following reason:

- The proposed site allocations are not proven to be deliverable or sufficient in number / dwelling capacity; as such the plan is not sound as it is not effective.

4.4 To address these matters of soundness, an additional site allocation should be included for our client's site to the east of Snows Ride (SLAA Site 276). Further work should also be completed to provide more detail on the SLAA sites which form a source of supply, so that each is clearly identified as a site allocation in Policy HA1, and shown on the policy map, making clear the extent of the developable area.

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. Its set 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 TO THE EAST OF SNOWS RIDE (SLAA SITE 276)

Introduction

- 6.1 Our client's site, to the east of Snow's Ride, is shown in Appendix A. It was previously submitted to the Council via the Call for Sites exercise and identified as Site 276.
- 6.2 The Site is located in close proximity to the Windlesham (Snows Ride) settlement boundary, on the opposite side of Snows Ride. The Site is located in an accessible location within walking distance of key services and facilities located in Windlesham and bus services running along the London Road.
- 6.3 Whilst the Site is located in the Green Belt, it is naturally contained by existing trees and hedges. Its entire eastern boundary abuts a mature woodland area. The northern, western and southern are defined by mature hedges and trees, some of which are protected by a Tree Preservation Order, thereby providing ongoing assurances as to continued screening and containment of the land in perpetuity. This strong degree of containment (due to the mature woodland on the eastern and southern boundaries and existing roads on the northern and western boundaries) provide a strong defensible Green Belt boundary, should the Site be released from the Green Belt and would enable a new defensible boundary on the edge of the settlement
- 6.4 Careful redevelopment would offer an opportunity to improve the existing appearance of the Site as well as enhancing the overall appearance of the area.
- 6.5 The land is also partially previously developed, in its northern-eastern extent. There is a residential dwelling, and several buildings used for varying commercial uses. There is a considerable hard surfacing area used as an access road between the buildings and an informal car park. The rest of the site is undeveloped land, used for nursery and agricultural purposes. The existing development has an undeniable impact on the openness of the Green Belt. An appropriately designed scheme would enable a potential improvement in landscape and openness terms to the existing arrangement.
- 6.6 There are no listed buildings located on the Site and the Site itself is not located in or near a Conservation Area. There is a suggestion in the evidence base that the land may formerly have been used as a cricket ground, possibly associated with the now

demolished Windlesham Court (such annotation appears on the OS Map 1899). This is not considered to represent any significant constraint on its development potential; any below ground archaeology can adequately be investigated via Written Scheme of Investigation to ensure mitigation of any heritage risk.

- 6.7 There are no public rights of way or footpath running through the site. There are two existing points of access from Snows Ride in the form of a tarmac road, which leads directly towards the built-up part of The Site. The Site is conveniently located within a short distance of M3 and A332 offering a convenient access to M4. As mentioned, public transport provision is located within a short walking distance from The Site.
- 6.8 The Site is located within flood zone 1 and is not subject to any national or local ecological policy designations.
- 6.9 Collectively these factors make a strong case for release of the Site and allocation in the Local Plan. It is clear that there are exceptional circumstances warranting Green Belt release in Surrey Heath, in order to meet housing needs.

Site Analysis in the Evidence Base

- 6.10 As far back as 2016, the Council's SLAA concluded that The Site (276) was developable with an estimated delivery timescale between 11-15 years.
- 6.11 The SLAA 2023 (March 2024), which now forms part of the evidence base, replaces earlier iterations of the SLAA (and we note that all earlier versions have apparently now been removed from the evidence base library). Appendix 3 to the SLAA 2023 indicates that The Site (under reference 276) was discounted from the assessment solely due to its location within the Green Belt.

"Suitability concerns - Site not suitable for development due to Green Belt designation".

- 6.12 The evidence base fails to undertake any analysis of the Site's development potential and this error has then followed through into the Sustainability Appraisal, which purports to analyse options (and reasonable alternatives) for delivery of growth.

- 6.13 Appendix 1 (Methodology) of the SLAA 2023, at paragraph 3.15 (Table 2), indicates that sites would only be discounted as being ‘unsuitable’ where located within a European Protected Site, the 400m zone around Thames Basin Heaths SPA, flood zone 3b (functional flood plain) or is within a SSSI. The Site meets none of these criteria. Table 2 makes clear that location within the 400m-5km buffer around the Thames Basin Heaths SPA would only preclude development if SANG capacity is unavailable.
- 6.14 As such, it appears that The Site (and others within the Green Belt) have been incorrectly discounted from the SLAA 2023. This comprises a failure to follow the report’s own stated methodology. As such, there is no robust assessment of The Site’s suitability, or whether it is developable, in the evidence base supporting the Regulation 19 Local Plan. This reinforces our submission that the Plan is unjustified as it is not based upon robust evidence and not legally compliant, as it fails to even assess reasonable alternatives to the selected growth strategy.

Sustainability Appraisal

- 6.15 The Sustainability Appraisal purports to consider strategic options for delivery of housing across the Borough. Despite noting the importance of “close scrutiny” of the sites discounted from the SHLAA (as stated at paragraph 5.3.4), the Interim Sustainability Appraisal incorrectly records our client’s site, Site 276, as being unavailable, suggesting a lack of rigour.
- 6.16 It then concludes that the collection of sites at Windlesham which were discounted in the SLAA do not have the potential to deliver housing, given the small scale of what could be delivered. This is partly due to this error – the option of 100 dwellings coming forward at our client’s Snows Ride site, 276, was not factored into the assessment. As such, the conclusion at Table 5.2 of the Interim Sustainability Appraisal, that Growth Scenario 2 could only deliver 800 homes, is flawed, as it fails to include 100 dwellings at Site 276. So too is the conclusion at 6.3.39 that growth Scenario 2 presents little opportunity, given the small scale of site options.
- 6.17 A different conclusion could have been reached had all relevant up to date information been considered. This is particularly evident given the statement at

paragraph 6.3.44 that “the Snows Ride area of Windlesham potentially stands out as a location where there is a growth related opportunity” and “it is possible to envisage new community infrastructure (e.g. a new play facility, or perhaps even a small local centre with a village hall) and/or new strategic greenspace to the benefit of the existing community.” Growth Scenario 2 also represented an opportunity for “potential to deliver new family homes with access to private gardens, which is an important consideration from a communities and health perspective...” (Para 6.3.46).

- 6.18 As set out above, the earlier 2016 SLAA had concluded that the Site was developable within 11-16 years, by 2027-2032 which would now equate to delivery within the early plan period (given the base date of 2023 should be set at 2023). The Site is available, suitable and deliverable, and could make a significant contribution to delivery of higher levels of growth on Green Belt sites in sustainable locations at Windlesham.
- 6.19 We turn next to the final Sustainability Appraisal, within the evidence base. At 5.2.51 that document recaps that Growth Scenario 2 was not preferred, on the basis of the flawed understanding of site availability. Paragraph 5.2.52 states that “It is not possible to rule-out Scenario 2, or a newly defined growth scenario akin to Scenario 2 (i.e. a scenario involving support for one or more modest Green Belt sites), simply on the basis of the above conclusion from the Interim SA Report. However, taking this conclusion into account alongside consultation responses received and also latest evidence / understanding does serve to suggest a strong argument for now ruling out Scenario 2, or a growth scenario akin to Scenario 2”
- 6.20 The decision not to adopt a strategy of allocating smaller Green Belt sites was based on the earlier flawed reasoning in the interim SA (which incorrectly records our client’s site as being unavailable), but also based on statements by the previous Government, in particular Michael Gove’s letter to Local Authorities dated 5th December 2022, which 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.”
- 6.21 Therefore, the selected growth strategy was chosen partly on the basis of statements of the previous Conservative Government which have clearly now been superseded

by the current Labour Government's statement issued in July 2024 as to the approach to development in the Green Belt and the need to increase housing delivery.

6.22 Paragraph 5.4.104 of the final SA corrects the earlier error re: site 276's availability and highlights a number of positive factors associated with The Site (and its adjacent neighbour to the north):

6.23 Furthermore, there was an identified potential to improve public rights of way/pedestrian connectivity via development of the Site.

"The final site is then Site 276 which was thought to be unavailable in 2022, but is now thought to potentially be available...Sites 276 and 809 – are adjacent sites at the northeast extent of Windlesham...There is a degree of landscape containment, Site 276 includes some PDL (an employment area) and Site 809 benefits from access to the A30 such that there is connectivity to Bagshot Station to the west and Sunningdale station to the east (both within 2.5km; there is also a footpath along the A30 but not a cycle path)."

6.24 The final Sustainability Appraisal then draws the conclusion that Windlesham / Snows Ride could in fact feasibly deliver a higher growth scenario than previously thought:

*"There are higher growth scenarios involving Green Belt release **that could feasibly be considered. However, as discussed in Section 5.2, there are now considered to be limited strategic arguments for Green Belt release....Also, it is important to recognise that almost the entire edge of Windlesham/ Snows Ride is shown by the Landscape Sensitivity Assessment (2021) to have relatively high landscape sensitivity (see Appendix II)...**"* (our emphasis added in bold).

6.25 This is patently incorrect, and out of date. There is a strong strategic argument for Green Belt release following the July 2024 Ministerial Statement and proposed changes to the NPPF. Furthermore, the Landscape Sensitivity Assessment 2021 concludes that parcel SS6 (which contains site 276) is only of **moderate landscape sensitivity**, which is defined by the authors as having **potential to deliver development, with careful siting and layout**.

6.26 Finally, the Sustainability Appraisal concludes that Windlesham “may warrant ongoing consideration of higher growth scenarios via Green Belt release... However, it is less clear that there are any realistic options at the current time.”

6.27 These factors combined clearly demonstrate that reasonable alternatives to the growth strategy (which focuses on Chobham) have not been robustly identified, nor assessed. On that basis, the proposed plan is not justified and is unsound.

Green Belt Assessments

6.28 The Council has analysed whether The Site (Land east of Snow’s Ride) performs strongly against any of the Green Belt purposes/ functions and concludes that it plays a role in preventing the merging of towns. This analysis is flawed, as set out below.

6.29 The Site plays a very limited role in the Green Belt and is likely to satisfy the forthcoming definition of ‘grey belt’ land. The Site is not fully open at present, being PDL with commercial buildings. It is naturally contained within a wooded landscape and would provide a clear defensible boundary to the Green Belt even if released and developed.

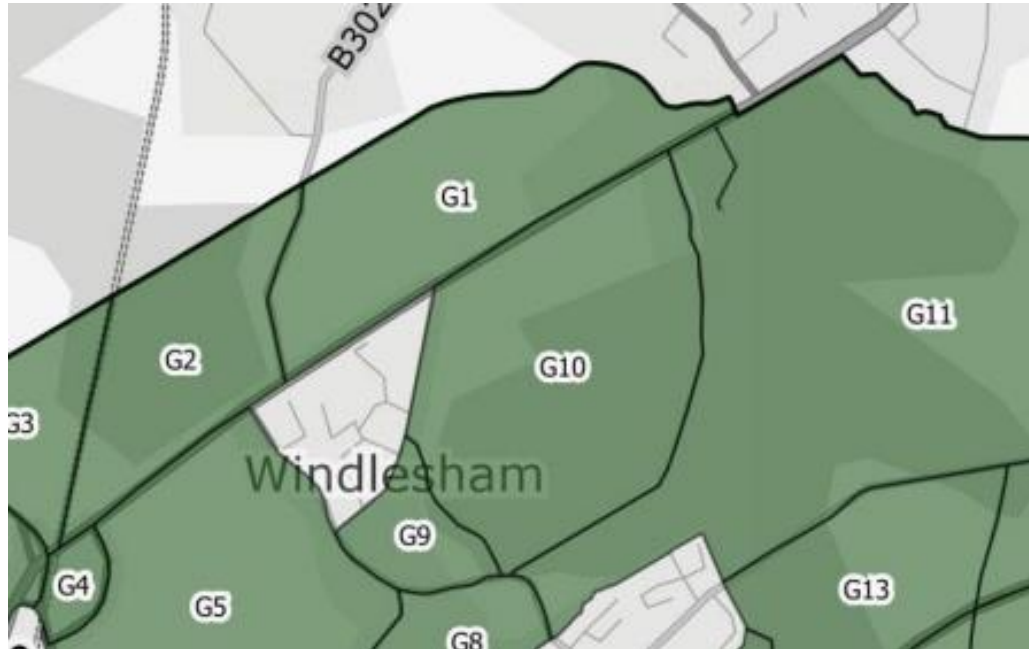
6.30 The five Green Belt functions / purposes are set out in paragraph 143 of the NPPF:

- Purpose 1: To check the unrestricted sprawl of large built-up areas
- Purpose 2: To prevent neighbouring towns from merging into one another
- Purpose 3: To assist in safeguarding the countryside from encroachment
- Purpose 4: To preserve the setting and special character of historic towns
- Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Surrey Heath Local Plan (2014 – 2032) Green Belt and Countryside Study (October 2017)

6.31 This 2017 study contains the Council’s initial appraisal of how various parcels were performing against the NPPF Green Belt purposes. For completeness we note there was no assessment against purpose 5 due to perceived difficulties in undertaking an accurate assessment of the same (Para 5.8.2 of the 2017 Study).

6.32 The Site, at Snows Ride, Windlesham is in the south-western part of a larger assessment parcel, G10 and is adjacent to parcel G9, which is the land south of Hatton Hill.



6.33 The conclusions for parcels G10 and G9, at that time, were broadly similar with the exception of purpose 2 (prevention of merging). Neither site plays any appreciable function in terms of purposes 1 or 4; they play only a moderate function in respect of purpose 3. The main difference relates to purpose 2 – the merging of towns.

6.34 G10 was considered to play a strong role in preventing the merging of Windlesham / Snows Ride and Sunningdale, whereas G9, being further south, played a weak role in preventing the merging of any towns. Given The Site's position in the south of G10, adjacent to G9, it is clear that a finer grained assessment could have led to a different conclusion as to its performance against purpose 2, similar to that reached for G9.

6.35 It is also important to note that at this stage, the assessment was not looking at the risk of settled areas of the village of Windlesham / Snows Ride merging together via increased development along Hatton Hill. Otherwise, G9 could not have received a 'weak' score. The analysis suggested that it played a weak role as there is already ribbon development along the road in assessment parcel G9. This is an important

point to note, when compared to the final Green Belt assessments, discussed below, which takes a very different and inconsistent approach.

Surrey Heath Local Plan Appraisal of Sites Green Belt Sites Prepared by LUC March 2018

- 6.36 This 2018 report states that it is an appraisal of the sustainability credentials of potential housing site allocations, prepared with a view that it would be brought together with the Council's own work on Green Belt function, to make an informed assessment of whether there are sustainably location sites which can address housing need, and whether or not there is a need for Green Belt release.
- 6.37 As set out in paragraph 21.6 of the report, the earlier 2017 findings were reviewed and then a further assessment undertaken to align the new site boundaries with those contained in the 2017 report. Our client's site is identified as 'WIN1' – Land east of Snows Ride / Hatton Hill. The parcel of land to the north was identified as WIN6.
- 6.38 Table 3.2 summarises the constraints at each of the sites. WIN1 is only notable for its location within the 400m-5km buffer around Thames Basin Heaths SPA and SSSI Impact Risk Zone, presence of Tree Preservation Orders, and Landscape issues. In respect of the latter, all Windlesham sites received identical scores. Site WIN1 scores better than the majority of other Windlesham sites in that table for Green Belt purpose 3 (safeguarding the countryside from encroachment), in recognition of its strong woodland boundary. Only WIN5 played a weak role, with WIN1 and WIN6 playing a moderate role. All other site options played a strong role in preventing encroachment. Looking at the assessment of other sites against purpose 2 (merging of towns), only WIN1 and WIN6 were said to play a strong role, with others play moderate or weak roles. We dispute this conclusion and consider it unjustified and unbalanced.
- 6.39 The Achievability of WIN1 is set out at paragraph 5.209 of the report and reproduced below for ease of reference. There are clearly a number of positive attributes to the Site as detailed in these representations and accepted in the 2018 report. We note also that the Site was recorded as having "Low-Moderate Landscape Sensitivity" in this summary which further compounds the error in the Sustainability Appraisal which discounted it due to of it being of a 'relatively high' landscape sensitivity.

WIN1 (276) Land East of Snows Ride/Hatton Hill

- 5.209 **Maximum number of homes at 30dph:** 96.
- 5.210 **Site positives:** The site has no significant physical constraints, or constraints relating to SNCIs, LNRs, ancient woodland, priority habitats, open space, agricultural land or flood risk. It is well-located for some local services; primary schools, bus stops, outdoor and indoor leisure facilities.
- 5.211 **Potential issues and measures to overcome them:** The site lies within the 400m to 5km Thames Basin Heaths SPA buffer but, as it cannot accommodate greater than 100 homes, would not need to provide on-site SANG. Instead, developers would need to contribute to and/or make use of off-site SANG provision.
- 5.212 The presence of the site within a SSSI impact risk zone means that potential impacts on nearby SSSI(s) would need to be assessed at the site level and any necessary mitigation agreed with Natural England. The nearest SSSIs are Chobham Common SSSI and Broadmoor to Bagshot Woods and Heaths SSSI, which are c.2km away and part of the SPA. It may therefore be that the potential impact on the SSSIs from residential development is picked up by the required SPA mitigation; however, other potential impacts may need to be considered and ruled out.
- 5.213 There are potential effects on heritage assets that require further investigation to identify and may need to be mitigated. Whilst there are no recorded assets on site, there are two buildings that may be of heritage interest and whose setting may have the potential to be affected by development within the site. Refer to **Appendix 3** for further detail. This would require further investigation.
- 5.214 There are some TPO trees on the site and immediately adjacent that could constrain the layout of development.
- 5.215 The site has low-moderate landscape sensitivity to new housing developments. The site has no particular features or qualities to make it significantly sensitivity to development, but there is a degree of separation from the urban area of Windlesham. Preservation of the perimeter tree cover would be important in retaining the settlement-edge character of Snows Ride.
- 5.216 With regard to the Green Belt, Snows Ride creates a clear distinction between Windlesham and the adjacent countryside, but the Site's commercial uses have an impact on countryside character. The site was assessed to perform strongly in relation to Purpose 2, moderately in relation to Purpose 3 and make no contribution to Purposes 1 and 4.
- 5.217 The site exceeds maximum recommended distances to employment areas, a shopping area and secondary schools (slightly), railway stations and hospitals (moderately), and GP surgeries (greatly for the majority of site). Although the site is well located in terms of distance to bus stops, it is also noted that bus services in this area are infrequent.

6.40 The report concludes by assigning sites to one of four categories:

- Relatively constrained larger sites;
- Relatively unconstrained larger sites
- Relatively constrained smaller sites
- Relatively unconstrained smaller sites.

6.41 **The number of sites which were considered to be relatively unconstrained was very limited.** In summary, there is one larger site (WIN6 directly adjacent to The Site) with potential capacity for 201 homes. In addition, there are 8 smaller sites, which collectively could deliver an additional 591 homes. WIN1, (which is **our client's site, SHLAA site 276**), is one of these 8 smaller, relatively unconstrained sites, with the **capacity to deliver up to 96**. Therefore, viewing WIN1 and WIN6 collectively, they have the capacity to deliver 297 of the 798 homes available on relatively unconstrained sites (37%). Yet neither has been included as a site allocation.

Green Belt Review (2022)

6.42 The 2022 study concluded that our client's Site performs a strong role in preventing the merging of towns in the Green Belt. This is based upon a mis-application of the NPPF Green Belt purposes test. Purpose 2 relates only to the merging of towns, not rural villages. Windlesham and Snows Ride were scoped into the assessment of purpose 2, based on their *collective* population over 3,000+ (which just tips over the requirement for classification as a 'town' for the purposes of the assessment, as stated in the methodology). As such, the assessment recognises the two settled areas functioning as one settlement – Windlesham. The two settled areas (Windlesham and Snows Ride) do not qualify, individually, as two separate towns. As such, the NPPF Green Belt test of purpose 2, merging of towns, is not intended to question whether two parts of the village could become merged (i.e. Windlesham and Snows Ride), particularly so where these settled areas are already connected by ribbon development.

6.43 The Site is identified as parcel SR7 in the final 2022 Green Belt study. That study concluded that the parcel had an overall 'moderate-high' Green Belt function. This was based on similar reasoning to that described above; namely no function against purposes 1 or 4, a strong function against purpose 2 (merging of towns) and a moderate function against purpose 3 (encroachment into the countryside). The conclusion regarding purpose 2 was discussed as follows:

"The gap between Windlesham and Snows Ride is narrow at under 1km. The settlements are connected over their narrowest point by a number of highways, many of which have notable degree of ribbon development. As a result the existing gap is fragile and any loss of openness in this gap, particularly where adjacent to the connecting highways, is likely to lead to the appearance of the settlements merging."

6.44 Table 2 of this report identifies the settlements which were treated as 'towns' for the purposes of assessing the role played by various Green Belt sites in preventing the merging of 'towns' (NPPF purpose 2). Windlesham was included – collectively - as a town. The assessment should therefore have looked at whether any Green Belt sites pose a risk of merging Windlesham and Snows Ride (collectively) to other settlements

such as Sunningdale. Our client's Site at Snow's Ride clearly does not play any significant role in that regard.

6.45 Therefore, **we strongly contest the suggestion in the evidence base that Site 276 plays a strong role in preventing the merging of towns, for the purposes of the Green Belt purposes test in the NPPF.** The Council's methodology for selecting 'towns' and assessing the function / role is fundamentally flawed and overstates the role played by sites situated between the two settled areas of the village.

6.46 We highlight again the conclusion reached earlier in the Local Plan preparation process, in the 2018 Green Belt study, that the parcel to the south of Hatton Hill plays a **weak** role in preventing the merging of towns, because there is already ribbon development extending along the road. The approach now being taken in respect of the adjacent parcel of land (our client's site) is clearly inconsistent and the conclusions reached in the Green Belt Study 2022 do not stand up to scrutiny.

6.47 Furthermore, we note that our client's Site, 276, could not on its own cause any merging of towns, were it developed. It is contained within a mature woodland which provides a defensible buffer of land that will not be developed. Careful design of The Site (in terms of the how any dwellings address Hatton Hill) could adequately prevent any perception of further extension of the existing ribbon development on Hatton Hill to Windlesham / Snows Ride.

Forthcoming change to national Green Belt policy for decision making

6.48 Forthcoming changes to the NPPF will fundamentally change the approach to development of Green Belt sites in sustainable locations, such as the Site at Snows Ride. Land which makes a limited contribution to Green Belt functions / purposes will be classified as 'grey belt'. In the context of decision making under the new NPPF (if adopted in its current form) a housing development on The Site would not be classified as 'inappropriate development', as it would utilise grey belt land in a sustainable location (paragraph 152), could satisfy the golden rules (at paragraph 155), and there would be a demonstrable need for the land to be released to deliver development of local importance (i.e., meeting unmet housing needs). An absence of five year supply would also be relevant.

- 6.49 We acknowledge that the draft NPPF is not capable of full weight at present, but the general direction of travel, as set out in the accompanying Ministerial Statements is a strong material consideration in plan making and decision making.
- 6.50 Therefore, we urge the Council to revisit its evidence base, and ensure it has robust evidence underpinning its growth strategy and site allocations. At present, the plan and evidence base is unjustified. Additional sites, including our client's site at Windlesham/ Snows Ride (Site 276) should be allocated for housing. The Site can deliver up to 100 dwellings in a sustainable location, adjacent to the settlement, on PDL (and grey belt) land.

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 amendments we think are necessary 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 our client's site, SLAA 276, for up to 100 dwellings; and
- Include a Local Plan review policy that details clear timescales.

7.3 These matters can be addressed through amendments prior to Council agreeing a Draft Submission Local Plan.

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.

Location Plan



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