

Inception Planning  
Quatro House  
Frimley  
Surrey  
GU16 7ER

**Our reference:**

**Your reference:**

September 2024

**Regulation 19 Surrey Heath Local Plan 2019 – 2038 Representation on behalf of SCWW3 Ltd.**

Please see below for a representation made on behalf of our client, SCWW3 Ltd, to the Regulation 19 Surrey Heath Local Plan (2019 – 2038). Our client is progressing a scheme at St Margarets, Windlesham for the delivery of 9 residential dwellings and the demolition of an existing dwelling on the site.

The site was originally identified for residential development as part of the previous Surrey Heath Local Plan (Policy H8). The site is allocated for residential development through the Regulation 19 Plan, as a single site allocation with the neighbouring dwelling, The Ferns. Due to the different land ownership of the two parcels of land, proposals are being brought forward independently for each parcel of land.

**Plan Period**

We object to the plan period identified by the Regulation 19 Surrey Heath Local Plan. Paragraph 22 of the NPPF states:

*“Strategic policies should look ahead over a minimum 15 year period **from adoption**, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.” **(emphasis added)***

As the emerging plan has only reached Regulation 19 stage in August/September 2024, it is likely that the plan would be adopted in 2026. In order to comply with paragraph 22 of the NPPF, the plan period would need to extend to 2041. Even if the Council were to adopt the Local Plan within

the timetable set out in their LDS this would require a plan period extending to 2040. **As such, we object to the plan-period as it does not comply with the NPPF, nor is it positively prepared.**

### **Policy SS1: Spatial Strategy**

We support the identification of Windlesham villages as an appropriate location for new development within Part 1 of the Policy.

However, we note that through Policy SS1, the Council propose to deliver at least 5,578 new homes throughout the plan period of 2019 – 2038. This equates to below 300 dwellings per annum. The Government's proposed changes to the Standard Method for calculating housing need identifies a housing requirement of 658 dwellings per annum. Depending upon the time of the plan submission and the publication of the revised NPPF transitional arrangements **may** apply to the Surrey Heath Local Plan. **Due to the difference between the amount of housing planned for in the emerging plan, and the proposed changes in the NPPF, we object to SS1 as we do not consider it to be positively prepared or compliant with the NPPF.** If transitional arrangements do apply to the Surrey Heath Local Plan, we consider that Policy SS1 should be amended to require an immediate review of the Plan, to ensure that housing needs are met.

### **Small Site Allocations for sites projected to deliver between 10 – 24 net new homes (Ref HA1/23).**

We support the identification of our clients site (part of HA1/23) for residential development. We also note that the site directly to the east of our clients site is allocated under reference HA1/25.

Our clients site was previously allocated as a 'Reserve Housing Site' as part of the Surrey Heath Local Plan, and has consistently been seen as suitable for development through numerous iterations of the Council's Strategic Housing Land Availability Assessment (SHLAA).

We note that the site has been allocated, with the neighbouring site (The Ferns), for "16 net units". As previously stated, both sites are now being brought forward separately as both parcels of land are in separate land ownership. As both parcels of land contain existing residential dwellings, the development of the site would require the loss of 2 residential dwellings, requiring both sites to provide 18 new dwellings to meet the net requirement of the policy.

Our client has undertaken extensive assessments to provide a scheme which responds to the specific constraints of the site, most notably a number of significant trees on the site. In response to these constraints and balancing the need to deliver a sufficient level of housing to provide an effective use

of land, a scheme of 9 residential units (8 'net' dwellings) has been submitted to the Council, and refused on two occasions. Both of these applications are currently subject to an appeal to the Planning Inspectorate (Ref: APP/D3640/W/24/3343307), as is a scheme for 7 dwellings (net 6 dwellings) on the adjoining site (The Ferns – Ref APP/D3640/W/24/3341569). When taken together, this would require the two parcels of land to deliver 18 new dwellings, rather than the 16 provided. As such, we consider that the policy should be amended to "14 net units".

We note that paragraph 3.6 of the Regulation 19 Local Plan states:

*"Site allocations do not grant planning permission for the site. Planning applications will continue to be determined on their own merits in relation to the policies in this plan. The allocated approximate quantum of development for each site is based on an initial assessment of its potential capacity and is neither a maximum nor a minimum. Further detail and evidence will need to be considered at the planning application stage regarding constraints, design considerations, and the need to deliver the most efficient use of the land. Significant reductions from the approximate housing numbers as set out in the site allocations will be strongly resisted."*

Similarly, Policy HA1 3) states:

*"Where development proposals cannot clearly demonstrate that the identified site-specific considerations or requirements have been addressed, the planning application will be refused."*

As has been demonstrated by our clients site, and the adjoining parcel of land, the Council have a history of refusing planning applications on emerging allocations. We are concerned that the above paragraph would be used by the Council to refuse planning applications on sites which are needed to meet the housing needs of the District. **As such, we do not consider that this paragraph 3.6 and Policy HA1 (3) complies with the NPPF, or is positively prepared, and as such should be removed.**

#### **Policy H5: Range and Mix of Housing**

It is unclear from the drafting of the policy whether development is required to meet all of the 10 criterion provided in Policy H5, or is development should meet some or most of the criterion to be considered acceptable.

Our concerns relate to the connection between Policy H5 2) and H5 3). Part 2 of this policy requires development to take account of the housing needs set out in the Housing Need Assessment 2023, or any subsequent update. Part 3 of the policy states that the dwelling mix reflects the size, characteristics and location of the site. In many circumstances, such as our clients site, providing a

dwelling mix which reflects the size, characteristics and location of the site may not comply with the needs set out in the Housing Need Assessment. Therefore, we consider that the policy should be amended to require that **either** part 2 of the policy (complying with Housing Need Assessment) **or** part 3 of the policy (reflecting local characteristics) is appropriate.

**Policy DH2: Making effective use of land**


We support that Policy DH2 of the Regulation 19 Local Plan confirms that site allocations will be expected to deliver the minimum density specified within Policies HA1 – HA5 of the Local Plan (i.e. the site allocations). We also support that the policy also states that development on non-allocated sites within the defined settlement areas of Windlesham should deliver a minimum net density of 30 dwellings per hectare.

**Policies Map**

We support and welcome the identification of our clients site as a Housing Allocation within the Policies Map. We also support and welcome the amendments to the settlement boundary which include our clients site within the 'Settlement Area' whereby policy SS1 would apply. This provides clarity to developers and local residents that the principle of residential development on the site is established.

Yours faithfully,

**Nick Griffin MRTPI**  
Inception Planning Ltd.

	<p><b>Surrey Heath Borough Council</b></p> <p><b>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</b></p> <p><b>Representation Form</b></p>	<p>Ref:</p> <p><b>(For official use only)</b></p>
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## Part A

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First Name	N.
Last Name	Griffin
Job Title (where relevant)	
Organisation (where relevant)	Inception Planning
Address Line 1	Quatro House
Line 2	
Line 3	Frimley
Post Code	GU16 7ER
Telephone Number	

E-mail Address

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

	Yes	No
• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	
• The independent examiner's recommendations are published?	X	
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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	2.9	Policy		Other, e.g. policies map, table, appendix	
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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	X
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.

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

We object to the plan period identified by the Regulation 19 Surrey Heath Local Plan. Paragraph 22 of the NPPF states:

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6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Plan period extended to 2041, with sufficient provision of additional housing to accommodate the extended plan period

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

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

Yes, I wish to participate at the oral examination


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

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To discuss matters relating to this issue.

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	<p><b>Surrey Heath Borough Council</b></p> <p><b>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</b></p> <p><b>Representation Form</b></p>	<p>Ref:</p> <p><b>(For official use only)</b></p>
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E-mail Address

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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox" value="SS1"/>	Other, e.g. policies map, table, appendix	<input type="checkbox"/>
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

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

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We support the identification of Windlesham villages as an appropriate location for new development within Part 1 of the Policy.

However, we note that through Policy SS1, the Council propose to deliver at least 5,578 new homes throughout the plan period of 2019 – 2038. This equates to below 300 dwellings per annum. The Government's proposed changes to the Standard Method for calculating housing need identifies a housing requirement of 658 dwellings per annum. Depending upon the time of the plan submission and the publication of the revised NPPF transitional arrangements **may** apply to the Surrey Heath Local Plan. **Due to the difference between the amount of housing planned for in the emerging plan, and the proposed changes in the NPPF, we object to SS1 as we do not consider it to be positively prepared or compliant with the NPPF.** If transitional arrangements do apply to the Surrey Heath Local Plan, we consider that Policy SS1 should be amended to require an immediate review of the Plan, to ensure that housing needs are met.

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

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Housing requirement increased or policy to be amended to require an immediate review of the Plan to ensure that housing needs are met.

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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="text" value="3.6"/>	Policy	<input type="text" value="HA1"/>	Other, e.g. policies map, table, appendix	<input type="text"/>
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	<input type="text" value="X"/>	No	<input type="text"/>
4.(2) Sound (please refer to guidance notes)	Yes	<input type="text"/>	No	<input type="text" value="X"/>
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Remove paragraph 3.6 and Policy HA1 (3) from the plan

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We note that the site has been allocated, with the neighbouring site (The Ferns), for "16 net units". As previously stated, both sites are now being brought forward separately as both parcels of land are in separate land ownership. As both parcels of land contain existing residential dwellings, the development of the site would require the loss of 2 residential dwellings, requiring both sites to provide 18 new dwellings to meet the net requirement of the policy.

Our client has undertaken extensive assessments to provide a scheme which responds to the specific constraints of the site, most notably a number of significant trees on the site. In response to these constraints and balancing the need to deliver a sufficient level of housing to provide an effective use of land, a scheme of 9 residential units (8 'net' dwellings) has been submitted to the Council, and refused on two occasions. Both of these applications are currently subject to an appeal to the Planning Inspectorate (Ref: APP/D3640/W/24/3343307),

as is a scheme for 7 dwellings (net 6 dwellings) on the adjoining site (The Ferns – Ref APP/D3640/W/24/3341569). When taken together, this would require the two parcels of land to deliver 18 new dwellings, rather than the 16 provided. As such, we consider that the policy should be amended to “14 net units”.

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

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend site allocation HA1/23 to “14 net units”

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

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

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

Yes, I wish to participate at the oral examination


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

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

To discuss matters relating to this issue.

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	<p><b>Surrey Heath Borough Council</b></p> <p><b>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</b></p> <p><b>Representation Form</b></p>	<p>Ref:</p> <p><b>(For official use only)</b></p>
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**By 12.00 noon 20<sup>th</sup> September 2024 NO LATE REPRESENTATIONS WILL BE ACCEPTED**

This form has two parts:  
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## Part A

1. Personal Details*	2. Agent's Details (if applicable)
<small>*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.</small>	
Title	Mr
First Name	N.
Last Name	Griffin
Job Title (where relevant)	
Organisation (where relevant)	Inception Planning
Address Line 1	Quatro House
Line 2	
Line 3	Frimley
Post Code	GU16 7ER
Telephone Number	

E-mail Address

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

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

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

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

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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph		Policy	H5	Other, e.g. policies map, table, appendix	
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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	X	No	
4.(2) Sound (please refer to guidance notes)	Yes		No	X
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	X	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.

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

It is unclear from the drafting of the policy whether development is required to meet all of the 10 criterion provided in Policy H5, or is development should meet some or most of the criterion to be considered acceptable.

Our concerns relate to the connection between Policy H5 2) and H5 3). Part 2 of this policy requires development to take account of the housing needs set out in the Housing Need Assessment 2023, or any subsequent update. Part 3 of the policy states that the dwelling mix reflects the size, characteristics and location of the site. In many circumstances, such as our clients site, providing a dwelling mix which reflects the size, characteristics and location of the site may not comply with the needs set out in the Housing Need Assessment. Therefore, we consider that the policy should be amended to require that **either** part 2 of the policy (complying with Housing Need Assessment) **or** part 3 of the policy (reflecting local characteristics) is appropriate.

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

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We consider that the policy should be amended to require that **either** part 2 of the policy (complying with Housing Need Assessment) **or** part 3 of the policy (reflecting local characteristics) is appropriate.

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

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

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


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

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## Part A

1. Personal Details*	2. Agent's Details (if applicable)
<small>*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.</small>	
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First Name	N.
Last Name	Griffin
Job Title (where relevant)	
Organisation (where relevant)	Inception Planning
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Line 3	Frimley
Post Code	GU16 7ER
Telephone Number	

E-mail Address

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

	Yes	No
• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	
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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox" value="H5"/>	Other, e.g. policies map, table, appendix	<input type="checkbox"/>
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

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

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

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We support that Policy DH2 of the Regulation 19 Local Plan confirms that site allocations will be expected to deliver the minimum density specified within Policies HA1 – HA5 of the Local Plan (i.e. the site allocations). We also support that the policy also states that development on non-allocated sites within the defined settlement areas of Windlesham should deliver a minimum net density of 30 dwellings per hectare.

(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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E-mail Address

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• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	
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<b>Name or Organisation :</b>	SCWW3 Ltd
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3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox"/>	Other, e.g. policies map, table, appendix	<input checked="" type="checkbox"/> Policies Map - Windlesham
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

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

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

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We support and welcome the identification of our clients site as a Housing Allocation within the Policies Map. We also support and welcome the amendments to the settlement boundary which include our clients site within the 'Settlement Area' where policy SS1 would apply. This provides clarity to developers and local residents that the principle of residential development on the site is established.

(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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n/a

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

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

To provide any necessary information relating to our clients site.

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