Executive Summary:

The Council is preparing a new Local Plan which will set out how communities and places within the Borough will develop over the next 15 years. The Local Plan is a statutory requirement and the Government has made it clear that all local authorities must have an up-to-date Local Plan. The current timetable for the delivery of the new Local Plan is set out in the Local Development Scheme (LDS) 2018 to 2021 which was adopted at the Cabinet meeting 10 October 2018.

This paper provides an overview of the draft Options Consultation Document and draft Options Consultation Questionnaire as well as the background information on national planning policy requirements, the current Local Plan programme and the work undertaken to date as well as the associated risks.

The draft Options Consultation Document, draft Options Consultation Questionnaire and Options Consultation Strategy have been discussed and recommended by Members of the Local Plan Working Group. The appended documents take into account the comments made by the working group which have been reported to Planning Committee to be considered at Cabinet.

Recommendation: that the Cabinet resolves as follows:

(a) the Council’s previous Preferred Option as set out in the Strategic Options Consultation 2016 be superseded;

(b) the need to review the Development Management Plan policies and the intention to incorporate this work into the Local Development Scheme be noted and agreed;

(c) the Options Consultation Document (attached in appendix A) and Options Consultation Questionnaire (attached in appendix B) be approved for the purposes of consultation subject to the Head of Planning Services in consultation with the Portfolio Holder for Planning being authorised to make any necessary final adjustments to wording; and

(d) a six-week consultation period commencing 19 August 2019, in accordance with the Options Consultation Strategy (attached in appendix C) and the Council’s Statement of Community Involvement 2018 be approved.
1.0 **Background and wider context**

1.1 The Council is preparing a new Local Plan which will set out how communities and places within the Borough will develop over the next 15 years. The Local Plan is a statutory requirement and the Government has made it clear that all local authorities must have an up-to-date Local Plan. The Council’s current plan was adopted in 2011 and although many aspects of policies within the plan remain compliant with national planning policy and are still highly effective in assisting to bring forward sustainable development in the Borough, the Council’s housing target is out of date.

1.2 It is proposed that the new Local Plan will contain allocations and designations along with reviewed development management policies which will support the implementation of the Council’s preferred development strategy.

1.3 The Government in the NPPF (published July 2018 and update in February 2019) reinforced its objectives to significantly boost the supply of homes in England and ensure that growth should be genuinely plan-led. It requires that, as a minimum, Local Plans should provide for an area’s housing and other development needs, as well as any that cannot be met within neighbouring areas, where it is practical to do so and is consistent with achieving sustainable development.

1.4 Specifically, paragraph 11 of the NPPF states that “plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) **Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;**

b) **Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses. As well as any needs that cannot be met within neighbouring areas, unless:**

i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type and distribution of development in the plan area [footnote 6 sets out the national constraints which include Green Belt]; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
1.5 With paragraph 11 in mind, the Council must be satisfied that its Local Plan and preferred development strategy does all it reasonably can to meet the Borough’s challenging development needs in a sustainable manner that conforms with current national policy.

1.6 The Local Plan will be examined by an independent Local Plans Inspector appointed by the Secretary of State to assess whether it has been prepared with legal and procedural requirements, and whether it is sound. Paragraph 35 of the NPPF specifies four tests of soundness; a) “positively prepared”, b) “justified”, c) “effective” and d) “consistent with national policy”. The Council must also demonstrate that it has met its obligations under the Duty to Co-operate on strategic matters.

1.7 The number of new homes the Council is expected to plan for is set by the Government’s standard methodology. This was introduced in July 2018 and the calculation for Elmbridge is 623 new homes per year. This is three times higher than what the Council had previously been planning for in its Core Strategy 2011 and currently there is on average 282 new homes built in Elmbridge each year.

1.8 The new Local Plan must be informed by an evidence base and over the past four years the Council has been preparing a series of technical documents on a wide range of topics to understand what new development is needed and to guide decisions on how much new development can be accommodated in the Borough and where it should be located.

1.9 There are several supporting documents produced to inform the Local Plan as it is being prepared to ensure the plan preparation complies with national policy and guidance as well as regulatory and legislative requirements. This includes a Sustainability Appraisal and Habitats Regulation Assessment which assist to shape the Local Plan. These will be published alongside the next consultation document.

2.0 Current Local Plan programme

2.1 The current Local Development Scheme (LDS) was agreed by Cabinet in October 2018 and published on the Council’s website. The below table provides a summary of the key milestones within the Local Plan preparation process which includes two further consultation stages.

2.2 Local Plan:

<table>
<thead>
<tr>
<th>Consultation Stage</th>
<th>Consultation Period</th>
<th>Submission</th>
<th>Examination</th>
<th>Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg 19 (draft plan) Jan/ Feb 2020</td>
<td>6 weeks</td>
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3.0 Local Plan preparation to date

3.1 Work on the new Local Plan commenced in 2014 with the formal decision to prepare a new Local Plan made by Cabinet in September 2016. Following the initial evidence gathering the first key stage of the plan preparation process is to identify the strategic issues and options for the Local Plan. This took the form of the Strategic Options Consultation (SOC).

3.2 The Strategic Options Consultation 2016 including an initial preferred option were presented to communities through a formal consultation document. The SOC was open from Friday 16 December 2016 until Friday 24 February 2017. Within the framework of national planning policy and guided by the evidence on development needs and land supply at that time, the Council formulated the initial Strategic Options for a new spatial strategy/development strategy. The options considered appropriate for the development strategy were:

Strategic Option 1: Increase densities in urban areas to meet needs in full and maintain existing Green Belt boundaries;
Strategic Option 2: Meet as much need as possible through a combination of amending Green Belt boundaries to remove land that is performing weakly against the criteria of that designation and through increasing densities in the urban area where appropriate;
Strategic Option 3: Meet needs in full by amending Green Belt boundaries regardless of the degree to which land was meeting the purposes of Green Belt.

3.3 At the time of examining the strategic options, the Council considered the Government’s continuing position which placed significant importance on Green Belt as a planning designation. However, the Council was acutely aware that Government also set out that councils must also seek to meet housing need and, as part of the plan making process, consider whether land currently designated as Green Belt still meets those purposes.

3.4 With this in mind and having considered the evidence base and the sustainability of the options, the Council considered Option 2 to be its preferred option. This initial preferred option was considered to balance the Government’s directive to increase the levels of development, and in particular, housing development in the Borough whilst recognising that there are constraints on the amount of developable land which could prevent us from meeting our development needs in full.

3.5 To support the SOC 2016, the Council set out an Exceptional Circumstances Case (2016) which sought to justify proposed changes to the Green Belt. Since publication of this document, the Government has outlined within the Housing White Paper and subsequently the NPPF 2018 and 2019 update what it considers amounts to exceptional circumstances.

3.6 The initial Option 2 stated that Green Belt boundaries should be amended where the designation is at its weakest; the areas are in sustainable locations;
and the areas are not, or are only partially, affected by absolute constraints. Following these principles, the Council considered there to be three Key Strategic Areas within the Green Belt where the designation could be removed.

3.7 Over the consultation period, 3,750 representations were received. The majority of responses received were from residents within Cobham including Oxshott and Stoke D’Abernon (1,800 residents (52%) and the Dittons including Hinchley Wood, Long Ditton and Weston Green (1,299 residents 38%).

3.8 A large number of representations commented that the three Key Strategic Areas in Option 2, identified through the Green Belt Boundary Review 2016 were too large and that further work should be undertaken to determine whether there were smaller local areas that could be released.

3.9 As such, in response the Council commissioned independent consultants to undertake an Urban Capacity Study to assist the Land Availability Assessment in boosting the Borough’s land supply and a fine-grained review of the Green Belt to identify smaller sub-areas that could be assessed against Green Belt purposes. The further Green Belt work was undertaken by independent consultants.

3.10 A Summary of Consultation Responses reporting all key issues raised was published on the Council’s website. This includes responses in relation to infrastructure, affordable housing and housing mix. These comments were applicable to all three of the proposed Strategic Options.

3.11 In light of the SOC 2016 responses as well as the publication of a new National Planning Policy Framework, Planning Practice Guidance in particular the introduction of the new Standard Methodology for calculating housing need and confirmation of what the Government considered to be exceptional circumstances to justify amendments to Green Belt boundaries, it was considered appropriate to review and re-evaluate the options previously put forward in the SOC 2016.

3.12 The review and re-evaluation which has included additional technical work has led to the identification of five options as to how the Local Plan could respond to housing need. This includes the original three options which have evolved and two new options.

4.0 Draft Options Consultation Document

4.1 The draft Options Consultation document sets out the context for the Local Plan, the challenges and opportunities. This consultation will be focused on housing, however, it is recognised that the Local Plan must also support key employment areas and businesses, delivering vibrant local shopping centres and community hubs. The consultation document acknowledges the interrelationship between these wider matters on the formulation of the options. A high-level summary of the evidence base findings is portrayed through infographics. The document sign posts users to the Local Plan Evidence Base and there will be summaries within a suite of ‘useful summaries’.
4.2 It introduces the five options (three evolved from the SOC 2016 consultation and two new options) each have been informed by the evidence available on other spatial matters such as employment, infrastructure, transport and the environment. Each option responds to our housing challenges differently, specifically in terms of the location of where new homes could go in the borough. The document sets out the spatial planning advantages and disadvantages of each. A Borough-wide map has been produced to support each option indicating where residential development is likely to be located. They show the potential spatial distribution of development associated with each option.

4.3 It is important to clarify that at this stage no sites are being allocated for development, this does not happen until the draft plan is produced.

4.4 The document also introduces the need to review the Development Management Plan policies (the detailed day-to-day policies) as well as summarising the work undertaken in relation to infrastructure.

4.5 The latter section of the document includes information on how to get involved in the consultation, the next steps in the local plan preparation as well as ‘Local Plan Mythbusters’ to assist the reader.

Format and style

4.6 Responding to feedback from the previous consultation, the document has been drafted to be as accessible as possible. It has been written in plain English and the consultation document includes ‘useful definitions’ to help the document be as understandable as possible. The consultation document will be professionally formatted to ensure it is ‘reader friendly’, the style will reflect the Elmbridge Annual Report 2018.

4.7 The consultation document will be best viewed on-line as it will provide web links to sign-posted evidence base documents and further information. Including ‘useful summaries’ which will provide an explanation of the technical works and how findings and outcomes have influenced the options. It should be noted that these links are not ‘live’ in the draft appended to this report.

4.8 The maps within the draft consultation document are of a high resolution and in addition will be included on the ‘my maps’ tab of the ‘My neighbourhood tool’ on the Council’s website. This will enable readers to identify sites in their area easily either via the Borough-wide map in the consultation document or an address point.

Infrastructure

4.9 Infrastructure is a key concern for our communities. The Local Plan must be supported by an infrastructure plan to ensure that the necessary facilities and improvements are delivered at the right time to support growth. This will be provided through an Infrastructure Delivery Plan and continued close working with providers and agencies.
4.10 At this stage of the plan preparation, a high-level assessment with the providers and agencies has been undertaken to assess the impact on infrastructure from delivering all the homes needed over the plan period. Specifically, each agency has considered the effect of meeting housing need each year for the next 15 years across our urban areas. This was considered to be the most ‘infrastructure intensive option’ to consider. This indicated that there is unlikely to be a severe impact that could not be mitigated.

4.11 Once the Council has chosen its preferred option for the Local Plan, more detailed work will be undertaken with the relevant providers and agency. As part of this the Council will share with the agencies the details of our preferred option including how many new homes are going to be built and where and assess the cumulative impact of development. The same approach will be taken in the next stage of the Transport Assessment and Modelling.

Duty to Co-operate

4.12 The challenge of meeting development needs where there is a constrained supply of urban land is not unique to Elmbridge or Surrey. Indeed, it is prevalent in the wider South East and beyond, especially for those authorities surrounding and adjoining Greater London. Many of those have decided that exceptional circumstances exist to justify the release of Green Belt Land for development.

4.13 The Local Plan status of neighbouring Surrey authorities and wider ‘home counties’ are at differing stages. A number have an adopted Local Plan or are in advanced stages where the development strategy includes Green Belt release to meet their local housing need. However, similar to Elmbridge due to the nature of neighbouring boroughs and districts, they are not able to accommodate our residual housing needs. This will be evidenced through a series of Statements of Common Ground (SoCG).

4.14 Officers are working closely with neighbouring authorities alongside relevant organisations and agencies on strategic matters such as highways, education, health services and on securing infrastructure improvements. Similarly, this will be evidenced through a series of Statements of Common Ground (SoCG).

Overview of the options

4.15 Within the framework of national planning policy and guidance and informed by the feedback on the Strategic Options Consultation 2016 and the evidence on development needs, land supply and other strategic matters, the following options have been considered as reasonable alternatives for the development strategy to underpin the new Local Plan:

Option 1 intensify urban area
Approx. number of new homes: 9,345
Approx. unmet housing need: 0
Option 1 would deliver all the new homes needed in our borough over the next 15 years by:
- Significantly increasing densities on all sites across the urban area; and
- Identifying open spaces, such as allotments and playing fields for redevelopment and relocating these uses within the existing Green Belt.

Option 2 optimise urban area and 3 areas of Green Belt release
Approx. number of new homes: 6,800
Approx. unmet housing need: 2,500

Option 2 would not meet need in full but would deliver new homes over the next 15 years by:
- Optimising densities and ensuring effective use of land across the urban area and that new homes are of the right type to meet local needs.
- Create areas for new homes by removing land from the Green Belt where:
  - It is weakly performing the purpose(s) of Green Belt policy;
  - It is in a sustainable location for new homes; and
  - It is not, or only partially, affected by absolute constraints which prevent development coming forward
- Using the Duty to Co-operate to see if other authorities’ can meet some of our need

Option 3 optimise urban land and large Green Belt release
Approx. number of new homes: 16,300
Approx. unmet housing need: 0

Option 3 would deliver all the new homes needed in our borough over the next 15 years and would be able to help other boroughs and districts meet their housing need by:
- Optimising densities and ensuring effective use of land across the urban area and that new homes are of the right type to meet local needs.
- Creating areas for new homes by removing land from the Green Belt where:
  - It is weakly performing, or it is not essential for the Green Belt policy to work properly,
  - It is being put forward for development by the landowner regardless of strength or importance; and
  - It is not, or only partially, affected by absolute constraints which prevent development coming forward

Option 4 optimise urban land
Approx. number of new homes: 5,300
Approx. unmet housing need: 4,000

Option 4 would not meet need in full but would deliver new homes over the next 15 years by:
- Optimising densities and ensuring effective use of land across the urban area and that new homes are of the right type to meet local needs.
- Using the Duty to Co-operate to see if other authorities’ can meet some of our need.
Option 5 optimise urban land and small areas of Green Belt release

Approx. number of new homes: 9,400
Approx. unmet housing need: 0

Option 5 would deliver all the new homes needed in our borough over the next 15 years by:
- Optimising densities and ensuring effective use of land across the urban area and that new homes are of the right type to meet local needs.
- Creating areas for new homes by removing smaller sub-divided parcels of land from the Green Belt where:
  - It is weakly performing, or it is not essential for the Green Belt policy to work properly; and
  - It is not, or only partially, affected by absolute constraints which prevent development coming forward

Review of Development Management detailed day-to-day policies

4.16 In April 2015 the Council adopted the Development Management Plan (DMP) which contained the day-to-day policies against which planning applications and enforcement action will be assessed. The aim being to deliver high quality sustainable development. Initially the Council was not intending to review the Development Management Plan as part of the preparation of the new Local Plan as it was considered that the policies were not directly affected by strategic policies on the location and scale of development that are set in the Core Strategy. In addition, the DMP was recently adopted and post- NPPF 2012 compliant.

4.17 It was anticipated that a review would be undertaken post adoption of the new Local Plan. However, as the preparation stage of the Local Plan has extended and importantly the revised NPPF published by Government in July 2018 and updated in February 2019. It is considered an appropriate time to take stock of the performance of the DMP policies over the past four years and undertake a review to ensure they are fit for purpose to support the delivery of the new strategic policies.

4.18 This also provides an opportunity to assimilate the policies into the new Local Plan to create one document containing all policies, allocations and designations. Furthermore, if the Local Plan includes large sites it will be possible to create detailed Development Management (DM) policies for how these sites should be designed. Such policies will form part of the development management aspect of the Local Plan.

4.19 Any amendments including any additional policies will need to be consulted upon and therefore should be incorporated into the Local Plan consultation documents. The soundness of the day-to-day DM policies will be tested at an examination in public alongside the strategic policies and the update to the CIL Charging Schedule. Given the expense of examinations, it is considered that combining these elements into one examination is a more prudent use of resources.
4.20 To date a high-level draft Initial Review of the Development Management policies has been undertaken and the majority are working well and will not require significant amendments regardless of the option chosen as the preferred development strategy. However, there a number that will require significant amendments and there is a lot of repetition within the policies in the Core Strategy and the DMP which can be confusing for those applying for planning permission. It is also clear that there are not enough day-to-day policies on environmental issues, such as renewable energy and the sustainability of new buildings.

4.21 It is considered that including the introduction to the DM policies review in the draft Options Consultation Document is logical. However, as the strategic policies will influence the detailed policies to varying degrees, at this stage there is not enough detail to fully meet the requirements of a Regulation 18 consultation in relation to the detailed day-to-day policies. As such, as the Local Plan preparation progresses a further consultation exercise will be required to share with stakeholders the issues and options relating to this day-to-day detailed policies. This work will need to be supported and informed by Sustainability Appraisal process. It is intended that the next Local Development Scheme will incorporate this work into the Local Plan programme.

5.0 Draft Options Consultation Questionnaire

5.1 This public consultation seeks the community’s views on the five possible options for housing growth. The draft Options Consultation Questionnaire can be found in Appendix B of this report.

5.2 Respondents to the Strategic Options Consultation 2016 felt the response form was too lengthy, complicated and complex. Residents said that this had been done on purpose to put people off replying. Another respondent said that the time it had taken to fill out was unacceptable and many stated the amount of days it took to complete. Several respondents said it was not user friendly and inaccessible to many. Many felt the questions included were odd and ill-phrased making it difficult to respond and unfair. Others stated it was overwhelming, contained repetition and had an examination like format.

5.3 Therefore, the draft Options Consultation Questionnaire is much simpler to use and contains only questions that are relevant to the five options being presented and development management matters.

5.4 The Consultation Document and response forms will be available to view at the Borough’s libraries and the civic centre for people to view. It is important that respondents register and complete the questionnaire online to ensure compliance with data protection laws and the Council’s privacy notices.

6.0 Consultation strategy and process

6.1 A Consultation Strategy, attached in Appendix C, has been prepared which sets out how we will consult with residents and key stakeholders for the next Local Plan consultation which is scheduled to start on Monday 19 August and finish on 30 September 2019.
6.2 This is an important document as it seeks to respond to the issues raised in our previous consultation held on the 16 December 2016 to the 24 February 2017. Residents said that ‘the Council and community should be working together and there should be better communication and transparency’. We have listened to this and suggested several early publicity methods and other consultation techniques to help to inform people about the consultation and encourage involvement and participation.

6.3 Prior to preparing the strategy, in April 2019 officers met with all Group Leaders to reflect on the lessons learnt from the previous consultation and discuss the approach of next consultation. This was a highly valuable exercise which fed into the preparation of the draft Consultation Strategy.

6.4 As well as responding to residents and Councillor’s concerns, the consultation must also comply with consultation requirements prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council’s Statement of Community Involvement 2018. These elements are signposted throughout the strategy.

6.5 There is a section on engagement with Elmbridge Councillors, Surrey County Councillors and Claygate Parish Council with a timetable setting out the key milestones for communication. This is then followed by the early publicity methods including pre-consultation meetings with residents’ associations and community groups to help improve communication and build relationships with the community.

6.6 Included in the document, is key information about our statutory requirements and timescales. It then explains how we will consult with people and how the document and associated information can be accessed. Detailed information is provided about the public meetings with a timetable of dates and times. At members of the LPWG request and subsequently approved by all Group Leaders, the public meetings are to be held at the Civic Centre. This is to ensure maximum capacity and utilisation of webcasting technology.

6.5 The strategy concludes with a section to explain that a consultation response document will set out the results from the consultation. It will discuss the key issues raised and how these will inform the next stage in the Local Plan production and how respondents will be notified.

7.0 Risks

7.1 The Government has made it clear that an increase in the level of new housebuilding is a national priority. It is vital that the Council has an up-to-date Local Plan in place as soon as possible, alongside a 5- year housing supply in order to avoid the risk of development proposals not in accordance the Council’s preferred development strategy being submitted and approved on appeal.
7.2 The greater the length of time without an up-to-date Local Plan and housing target the more challenging it will be to successfully defend speculative planning applications proposing development in the Green Belt and in locations contrary to the existing spatial strategy as set in the Core Strategy 2011. This could result in large unplanned development being approved and implemented on a piecemeal basis.

7.3 Whatever development strategy is ultimately taken forward in the Local Plan, it is highly probable it will be challenged by relevant stakeholders including developers, landowners, residents and other local authorities both in terms of soundness and in terms of legal compliance. The Council must manage those risks as best it can. The Local Plan programme seeks to manage those risks through the use of legal advisors and specialist consultants where in-house expertise does not exist.

7.4 Any forthcoming Local Plan Examination will test whether the Local Plan can do more to meet housing needs. Put simply- the Council will be extensively tested on whether it can do more.

7.5 If the Council were to choose an option that failed to meet all housing need, it is highly likely that such a strategy will attract significant objection from the development industry and neighbouring local authorities. The greater the unmet need, the higher the risk and realistic prospect that the Local Plans Inspector will conclude that such a development strategy is not sound and raise issues.

7.6 If this was the case, the ability to increase the number of homes to be delivered in the Plan would be through identifying more developable land. This may only be achieved through an alternative development strategy. It is unknown if an Inspector would seek modifications to the submitted plan or recommend that the Council withdraw the plan.

8.0 Next steps

8.1 Should Cabinet agree with the recommendations the Options Consultation will begin on the 19 August 2019 for a six-week period. The consultation itself will be in accordance with the Council’s adopted Statement of Community Involvement (SCI) 2018 and the Options Consultation Strategy.

Financial implications:
Financial resources have been made available to the Local Plan project to facilitate its delivery. The anticipated future cost of the Plan will be met within committed resources as well as CIL funding to deliver the infrastructure aspects of the Local Plan programme

Environmental/Sustainability Implications:
A Sustainability Appraisal of the options forms an integral part of the plan-making process. The Sustainability Appraisal Report is subject to consultation and will be published alongside the consultation document.
**Legal implications:**
The preparation of a Local Plan is a statutory requirement for each Local Authority. The Local Plan must be prepared in accordance with the provisions within the Planning and Compulsory Act 2004 (Part 2 - Local Development) (as amended) and the related Town and County (Local Planning) (England) Regulations 2012 (as amended) and must be consistent with national planning policy.

The Council must also demonstrate it has complied with the Duty to Co-operate with other local planning authorities and other prescribed bodies in the preparation of the Local Plan in accordance with Section 33A of the 2004 Act, otherwise known as the Duty to Co-operate.

**Equality Implications:**
An equalities impact assessment (EqIA) has been undertaken to support the Consultation Document and the Consultation Strategy these will be published alongside the Regulation 18 Options consultation document. The assessments identified no potential adverse impacts to any particular group. Further assessments will be undertaken to inform the draft Local Plan.

**Risk Implications:**
The risks of not preparing a new Local Plan are set out in the report and the draft Consultation Document.

**Community Safety Implications:**
None for the purposes of this report.

**Principal Consultees:**
None for the purposes of this report.

**Background papers:**
None for the purposes of this report.

**Enclosures/Appendices:**
Appendix A: Draft Options Consultation Document
Appendix B: Draft Options Consultation Questionnaire
Appendix C: Options Consultation Strategy

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