

SPELTHORNE LOCAL PLAN EXAMINATION

Main Matter 1 – Legal Requirements and Overarching Issues

Duty to Cooperate

Has the Council met the duty to cooperate and is this clearly evidenced? In particular:

- Have all the relevant strategic matters in relation to this duty been clearly identified?
- Has the Council maximised the effectiveness of plan-making activities by engaging constructively, actively and on an on-going basis with the prescribed bodies, in the preparation of the Plan in the context of these relevant strategic matters? Does the evidence clearly set this out?

In our representations the HBF highlighted that the Council had failed to identify in their Duty to Co-operate statement the scale of any unmet needs in neighbouring areas. In particular that no reference is made by the Council to the fact that London cannot meet its own housing needs or and the impact this will have on the demand for housing in those areas such as Spelthorne that are adjacent to the capital. Whilst the HBF considers the most effective approach to this pressing issue is through strategic joint working at a regional or sub-regional level this has not happened. As such it rests with individual authorities to take responsibility and identify opportunities to deliver beyond minimum housing needs. We note that the Council has asked for an updated position as to housing needs and supply in London¹ and reports that they are yet to respond. However, as we have stated in our representations, the GLA have acknowledged there are unmet housing needs arising in the capital between 2019 and 2029 and that they are seeking partners to meet some of these unmet needs. It is also not difficult to identify the scale of unmet need, which can be ascertained from the panel report on the London Plan as we set out in our representations.

¹ Page 27 Duty to Co-operate Statement (CD014)



However, if this issue is not even recognised by the Council as a strategic or cross boundary issue then we would question whether the duty to co-operate has been used to maximise the effectiveness of plan making in Spelthorne. A failure to acknowledge this issue means that the Council cannot have considered the wider implications of these unmet needs and the additional pressure this will place on its own housing market. In order to be effective, the approach to the duty to cooperate cannot be one that turns its back on key issues but must face these and ensure that decision making is at the very least informed by a thorough assessment of this issue. Such considerations are important given the areas proximity to London and the excellent transport links to the capital which make the area a suitable and sustainable location for meeting some of London's unmet housing needs. As we set out in our representations there are a number of additional sites in the Green Belt that could be allocated with minimal harm. However, in taking no account of unmet needs arising in London the Council's decision making is flawed and it is questionable whether the duty to co-operate has been met. Even if it is considered that the legal duty has been met by the Council, we would suggest that the significance of the unmet needs in London give weight to the argument for additional amendments to Green Belt boundaries and to the exceptional circumstances required to justify such an approach.

With regard to unmet needs elsewhere the Council have produced a topic paper (TOP004) in relation to co-operation with Elmbridge. This primarily sets out why the Council cannot meet the needs of Elmbridge and the potential consequences of doing so it does not appear to set out what constructive or active engagement has happened during plan making to try and resolve this issue. As to the evidence set out in Appendices, we will address this in our comments on the Sustainability Appraisal and in our matter 2 statement.

Also, at the time of writing this hearing statement the Council is still to publish any Statements of Common Ground and we therefore reserve the right to comment on these at the hearings.

Sustainability Appraisal

Has SLP been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?

The HBF set out concerns in its representations to the submitted local plan that the Sustainability Appraisal (SA) was not sufficiently robust and that alternative strategies that could have provided a more robust housing supply to meet Spelthorne's needs or addressed housing needs in neighbouring areas were not considered in any detail. As we set out in our representations any potential option that went beyond minimum housing need were effectively dismissed in the SA supporting the Preferred Options and its considerations of policy H1.

The Council have clearly taken on board the concerns raised by the HBF and others regarding the failure to consider a spatial strategy that went beyond minimum housing needs with the publication of the SA Addendum in Topic Paper 4 (TOP004). TOP4 appraises a sixth growth option that would deliver 10,736 homes over the plan period— an additional 1,466 homes compared to the strategy in the submitted local plan – with Table 3 setting out the Council's appraisal of this option against the SA objectives. However, the same failings outlined in our representations are also seen in the Addendum.

The addendum recognises the positive affect that option 6 would have on housing delivery and economic growth, but overall, the Council consider the option to perform negatively against the SA objectives. However, as with the considerations of H1 limited recognition is given in this assessment as to the potential benefits of delivering more new homes has on other objectives. In relation to health for example the increased delivery of affordable housing will help alleviate overcrowding and reduce the number of people in poor accommodation which will in turn improve the health and well-being of many families. We agree there will be additional demand on health services, but also further development will lead to increased funds to help improve these services for all. Also, improvements in public transport and active travel infrastructure to support this development would have wider benefits allowing existing communities to walk and cycle more. Therefore, to suggest that the chosen strategy will have a positive effect and option 6 a negative effect on health and well-being is not justified.

The Council also highlight ST2 as having a neutral effect on biodiversity but option 6 would be negative. However, this ignores the fact that development is required to deliver net gains in biodiversity, and it is arguable that option 6 would have a positive impact in the medium to long term. With regard to climate change, option 6 allows a greater number of households to live in more energy efficient homes which will have a positive impact on this objective. It may also allow more people who work in Spelthorne to live closer to their work place reducing the need to commute from further away. Finally, in relation to water the Council state that the impacts are largely unknown at this stage with regard to proposed spatial strategy yet considered to be negative for option 6. If this is the case, then a similar assessment would be more appropriate with regard to option 6, unless the Council have more evidence to support its consideration with regard to option 6 and the chosen spatial strategy.

As such the assessment is not a balanced consideration of positive and negatives but one seemingly undertaken to dismiss option 6 and reinforce its support the chosen strategy in the submitted local plan. The HBF recognises that there are negative impacts of increasing housing supply, but this should not mean the potential positives or mitigation measures are ignored. Such an approach inevitable leads to strategies that go beyond minimum development needs being discarded when taking local plans forward.

As set out in our representations the overly negative assessments of going beyond minimum needs led in the first instance, to the Council only considering strategic growth options that met their own housing needs when preparing the local plan. This approach was inappropriate and meant that the Council failed to consider spatial strategies that delivered more homes than the minimum required. Whilst the Council have now considered an alternative strategy after the regulation 19 consultation, the SA of this alternative strategy has the same failings as those undertaken earlier in the plan making process. As such the HBF continues to question whether there has been a robust assessment of reasonable alternatives, and given its publication after the regulation 19 consultation the degree to which it could have informed the local plan that has been submitted for examination.

Consistent with National Policy (Policy ST1)

Does SLP accord with national policy for plan making in the NPPF, specifically:

Has it been positively prepared 'in a way that is aspirational but deliverable?'
(Paragraph 16 of the NPPF)

Compared to other authorities in Surrey the Council have been positive in seeking to prepare a plan that at least met their own housing needs. However, in our representations the HBF considered that the Council could have done more to examine spatial strategies that delivered additional sites to address the unmet needs of neighbouring areas. As outlined above and in our representation any strategy that went beyond minimum needs was dismissed relatively early in the plan making process, without proper consideration of the benefits or the disadvantages. As noted above an alternative spatial strategy has now been considered following the regulation 19 consultation that would deliver 10,736 homes. Whilst this assessment is welcomed, the HBF remain concerned that the consideration of this option lacks objectivity and takes an overly negative approach to considering the impact of housing delivery beyond minimum requirements.

Is SLP consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?

The key inconsistency the HBF has identified in relation to the strategic policies is that the plan period is inconsistent with national policy. Paragraph 22 of the NPPF states that plans should look ahead over a minimum timeframe of 15 years. Even if this plan is adopted prior to April 2024, it would only look ahead for a period of 13 years and as such should be extended to ensure consistency with the Framework. Extending the plan period will also mean that the overall housing requirement will need to be increased by 1,236 homes. This will require additional sites to be allocated to ensure housing needs are met in full.

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