



Elmbridge

Borough Council

... bridging the communities ...

Elmbridge Core Strategy

for the Local
Development Framework
to 2026

**Addendum:
RSS Conformity Statement
December 2010**



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1 Context

1.1 The Council has noted that on 10 November 2010 the High Court found that the decision of the Secretary of State for Communities and Local Government, announced in a Parliamentary statement on 6 July 2010, to revoke the Regional Strategies in place at that date was unlawful (*Cala Homes (South) Limited v Secretary of State for Communities and Local Government* [2010] EWHC 2866 (Admin)).

1.2 The High Court quashed the Secretary of State's decision on the basis that nothing in section 79 of the Local Democracy, Economic Development and Construction Act 2009 indicated that Parliament intended to reserve a power to the Secretary of State to set aside the statutory tier of regional planning guidance in the Regional Strategies.

1.3 It follows from this decision, and is noted by the Council, that Regional Strategies remain material to the Local Development Framework and, in this case, the South-East Plan is a strategy to which the Council should have regard in the preparation of its Core Strategy.

1.4 The Council also notes the intention of the Government to legislate for the abolition of Regional Strategies. There is a clause in the Localism Bill which will give effect to this commitment and revoke all Regional Strategies made under Part 5 of the Local Democracy, Economic Development and Construction Act 2009. The Government considers that its legislative intention is a matter on which local planning authorities are entitled to place due weight in their planning decisions (although the Council also notes that the materiality of this intention is an issue which the courts will be invited to consider further).

1.5 Accordingly, the Council has reviewed its submitted Core Strategy in the light of these developments. The Council considers that it has had due regard to the South-East Plan in the formulation of its strategy. The South East England Partnership Board (SEEPB) confirmed by letter dated 19 February 2010 that it was their view that the Core Strategy, as submitted to the Secretary of State in March 2010, was in general conformity with the South East Plan (see appendix A).

1.6 The Council has also noted, and where appropriate placed weight, on the emerging localism agenda and the Secretary of State's advice to local planning authorities on 27 May 2010. In response to this, and in agreement with the Planning Inspectorate, the Council undertook 'post submission consultation' with the local community in order to;

- Set an appropriate level of housing to be delivered over the next 15 years
- Address the accommodation needs of Gypsies, Travellers and travelling Showpeople
- Remove all references to the South East Plan within the body of the text in order to take account of the Government's intention to revoke the South East Plan, and the need to take a long term view with regards to the emerging planning framework.

1.7 The Council notes the letter from the Chief Planner of Communities and Local Government, dated 10 November 2010, which advises local planning authorities to have regard to the Secretary of State's letter of 27 May 2010 in their decision-making, pending the revocation of Regional Strategies.

1.8 The Council considers that the Core Strategy, as amended post submission, continues to be in general conformity with the South East Plan, whilst at the same time reflects local circumstances and the views of the community to a greater extent. Whilst the broad amount of housing to be delivered over the next 15 years represents a reduction in the South East Plan figure from 5,620 to 5,435, this represents a drop of only 3.3% overall. The high building rates delivered in the first five years of the South East Plan period (2006-2011- 412 pa), offers the Council the opportunity to deliver housing numbers broadly in accordance with the original South East Plan targets, with a reduced annual delivery of 225 units per annum between 2011 and 2026. This reflects local opinion as well as taking a cautious approach to housing land capacity given the changes to PPS3 introduced by the Government in June 2010.

1.9 Regardless of the changes made to the Core Strategy post submission to take account of the emerging localism agenda, the spatial strategy remains unchanged. The schedule overleaf indicates where previous references were made to the South East Plan within the Core Strategy submitted in March 2010, and the conformity of Core Strategy policies with the regional spatial strategy. Whilst the references no longer appear in the body of the text, the fact remains that the Core Strategy continues to be in general conformity and is therefore legally compliant.

1.10 The Core Strategy should be read in conjunction with this addendum until such time as the policies in the South East Plan are revoked.

2 General Conformity with RSS

Core Strategy Policy/Section/Paragraph	In general conformity with South East Plan Policy/Guidance	Comments
2 The wider context	The South East Plan sets the wider context for the Core Strategy until such time as the Government's intention to abolish regional spatial strategies is given statutory effect.	Appendix B summarises the key themes contained within the South East Plan that have a specific relevance to Elmbridge.
4 Elmbridge 2026-Housing requirements	<p>H1 - Regional Housing Provision 2006-2026</p> <p>H5 - Housing Design and Density</p> <p>LF3 - Broad amount and distribution of future housing development</p>	<p>Taking account of;</p> <p>(i) high delivery rates in the first 5 years of the plan period,</p> <p>(ii) changes to national policy PPS3 - Housing, relating to the removal of garden land from the definition of previously developed land, as well as the removal of the indicative minimum density,</p> <p>(iii) changes to economic growth forecasts</p> <p>(iv) the Government's emerging localism agenda,</p> <p>(v) increasing SHLAA contingency from 10% to 15% to provide for a greater allowance for uncertainties,</p>

Core Strategy Policy/Section/Paragraph	In general conformity with South East Plan Policy/Guidance	Comments
		the broad amount of housing to be delivered over the remainder of the South East Plan period (2011-2026) has been subject to a modest reduction of 3.3%. Given the scale of this reduction, the Council consider that the housing number remains in general conformity.
4 Elmbridge 2026- Pitch requirements for Gypsies, Travellers and Travelling Showpeople	Pitch requirements for Gypsies, Travellers and Travelling Showpeople were intended to be addressed through partial review of the South East Plan.	It is no longer the Government's intention to undertake a partial review of the South East Plan. Pitch requirements have been set locally.
What is the best way to plan for development?	H1 - Regional housing provision 2006-2026 LF3 - Broad amount and distribution of future housing development	Comments relating to 4 Elmbridge 2026 - Housing requirements apply.
CS2- Housing provision, location and distribution	H1 - Regional housing provision 2006-2026 LF3 - Broad amount and distribution of future housing development	Comments relating to 4 Elmbridge 2026 - Housing requirements apply.
CS6- Whiteley Village	CC8 - Supporting an ageing population	

Core Strategy Policy/Section/Paragraph	In general conformity with South East Plan Policy/Guidance	Comments
CS12 - The River Thames Corridor and its tributaries	C7 - The River Thames Corridor	
CS13 - Thames Basin Heaths Special Protection Area	NRM6 - Thames Basin Heaths Special Protection Area	Policy NRM6 has been repeated within the Core Strategy in order to provide appropriate policy post RSS revocation.
CS14 - Green Infrastructure	CC8: Green Infrastructure; C4: Landscape and Countryside Management; C6: Countryside Access and Rights of Way Management; LF9 - Green Belt Management; S1: Supporting Healthy Communities; S5: Cultural and Sporting Activity; SP5: Green Belts South East Green Infrastructure Framework	Partial update to policy text to include the definition of 'Green infrastructure assets' and 'Key functions of green infrastructure' included in the South East Green Infrastructure Framework.
CS15 - Biodiversity	NRM5 - Conservation and Improvement of Biodiversity	Partial update to policy to include text relating to criteria based policies to be brought forward in the Development Management and Site Allocations DPD, text from policy NRM7 - Woodlands and reference to the European Directives.
CS16 - Social and Community Infrastructure	S3 - Education and Skills	

Core Strategy Policy/Section/Paragraph	In general conformity with South East Plan Policy/Guidance	Comments
CS17 - Local Character, Density and Design	CC4 - Sustainable Design and Construction	
CS19 - Housing type and size	H4 - Type and Size of New Housing	
CS20 - Older People	H3 - Affordable Housing; H4 - Type and Size of New Housing; LF4 - Affordable Housing; CC5 - Supporting an Ageing Population	
CS21 - Affordable Housing	H3 - Affordable Housing; LF1 - Core Strategy; LF4 - Affordable Housing	
CS22 - Gypsies, Travellers and Travelling Showpeople	Pitch requirements for Gypsies, Travellers and Travelling Showpeople were intended to be addressed through partial review of the South East Plan.	It is no longer the Government's intention to undertake a partial review of the South East Plan. Pitch requirements have been set locally.
CS23 - Employment land provision	RE5 - Smart Growth; T6 - Communications Technology; LF7: Town Centres	
CS24 - Hotels and Tourism	TSR4 - Tourism Attractions; TSR5 - Tourist Accommodation	

Core Strategy Policy/Section/Paragraph	In general conformity with South East Plan Policy/Guidance	Comments
CS25 - Travel and Accessibility	T14 - Transport Investment and Management Priorities (Appendix A)	
CS27 - Sustainable Buildings	W2 - Sustainable Design, Construction and Demolition	
CS28 - Implementation and Delivery	LF10 - Small Scale Site Tariff; S6 - Community Infrastructure	
Glossary-Development Plan		The South East Plan forms an ongoing part of the development plan. However, the Government's intention to abolish all regional strategies will be given statutory effect in due course.
Glossary-Local Transport Plan		Local transport plans should be consistent with the policies and priorities set out in the Regional transport Strategy as an integral part of the Regional Spatial Strategy. However, the Government's intention to abolish all regional strategies will be given statutory effect in due course.

Appendix A: Certificate of General Conformity



Martin Parker
Head of Town Planning
Elmbridge Borough Council
Civic Centre,
High Street
Esher, Surrey
KT10 9SD

19 February 2010

BY EMAIL

Dear Mr Parker,

RE: PUBLICATION OF THE ELMBRIDGE CORE STRATEGY – PROPOSED SUBMISSION TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Under Section 24 of the Planning and Compulsory Purchase Act 2004, the South East England Partnership Board as the Regional Planning Body (RPB) assesses consultations on Development Plan Documents (DPDs) on the extent to which they would cause significant harm to the implementation of the Regional Spatial Strategy (RSS) and therefore whether the document is in 'general conformity' with the RSS. Under the Act, the current statutory RSS for the South East is the South East Plan (May 2009). The Partnership Board is of the view that the Core Strategy is in general conformity with the South East Plan.

We also wish to make a number of other representations on the document (Regulation 27), which are outlined in the attached schedule. These additional comments indicate how it is considered the DPD should expand upon guidance in the RSS and take forward the regional context. We do not consider it necessary to participate at the oral examination.

I trust that the above is of assistance. Please contact Sue Janota on 01483 555200 or at suejanota@se-partnershipboard.org.uk if you would like to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink that reads "Catriona Riddell".

Catriona Riddell
Director of Planning
Cc Ian Dunsford GOSE

South East England Regional Assembly – Representations on the Proposed Submission Core Strategy for Elmbridge, January 2010 (Regulation 27)

Representation 1: Employment Land Provision

In order to promote smart growth and help reduce future transport demands, Policy CS23 should actively encourage the development of communications technology infrastructure in accordance with Policies RE5 and T6 of the South East Plan and set out how opportunities to promote advances in ICT and new ways of working through the development of ICT-enabled sites, premises and facilities will be realised.

Representation 2: Sustainable Construction, Renewable Energy and Energy Conservation

There should be a target for CO₂ emissions reduction set out in Policy CS27 to help deliver Policy CC2 of the South East Plan. A renewable energy generation target for the area should also be set out in the policy to indicate the contribution the authority is seeking to make to the regional and sub-regional renewable energy targets.

Appendix B: RSS themes

The South East Plan

The Regional Spatial Strategy (RSS) for the South East of England (known as the South East Plan) sets out the long term spatial planning framework for the region over the years 2006-2026.

It includes spatial policies for:

- the scale and distribution of new housing,
- priorities for new infrastructure and economic development,
- strategy for protecting countryside and biodiversity, and
- tackling climate change and safeguarding natural resources, for example water and minerals.

The South East Plan identifies 9 sub-regions to be the focus for growth and/ or regeneration. Elmbridge lies within the London Fringe sub-regional area. The overarching challenge for this area is how to deal with development pressures without compromising the quality of life for residents. Key issues in the plan that relate to Elmbridge are listed below.

Development and Infrastructure - Provision should support economic growth, while conserving and enhancing environmental assets. Local authorities should work in partnership with infrastructure and service providers and take account of the cumulative effect of small scale development.

Climate change - Measures should be taken to mitigate and adapt to the effects of climate change. Policies should help reduce carbon dioxide emissions in line with regional targets.

Renewable energy - The South East Plan includes regional renewable energy targets which aim to result in an annual saving of almost two and a half million tonnes of carbon dioxide by 2026. Local authorities, energy providers and communities need to assist in the delivery of these targets.

Sustainable Flood Risk Management - Local authorities should adopt a sequential approach to the location of development in flood risk areas. Specific flood risk management strategies should be taken into account. The Lower Thames Flood Risk Management Strategy is of particular relevance to Elmbridge.

Regional hubs and spokes - There are no regional hubs identified within the Borough although there is cross borough dependency on Guildford and Woking, particularly for shopping and transport interchange to national and regional services. Supporting and developing regional spokes in a way that rebalances the transport system in favour of non car modes should be addressed in Local Development Documents (LDD).

Economic Development - Sufficient employment land should be provided and mixed use development encouraged. A broad base of economic activity should be encouraged. Smart growth should contribute to increasing the region's prosperity while reducing its ecological footprint.

Housing provision - The South East Plan sets a target of 5,620 new dwellings to be built in Elmbridge between 2006 and 2026 (an average of 281 dwellings per annum).

Affordable housing - 40% of all new housing in the sub region should be affordable. Provision should be made on all sites where this can be justified by local housing assessments and the economics of provision.

Supporting an ageing population - There will be a significant increase in older people over the plan period and there is a need to assess and plan for the social needs that will arise.

Green Belt - The South East Plan acknowledges that the broad extent of Green Belts is considered to be appropriate. Selective reviews are/ may be appropriate in some locations to meet regional development needs.

Walton Bridge - A new bridge is listed as a strategic priority, and is due to be completed by 2014.

Airtrack - is listed as a strategic transport infrastructure priority. This rail proposal includes a new rail link between Staines and Heathrow, linking into the existing network to the South and West, including Reading, Guildford and Waterloo. The route will run through Elmbridge between Woking and Chertsey but will not pass through any stations.

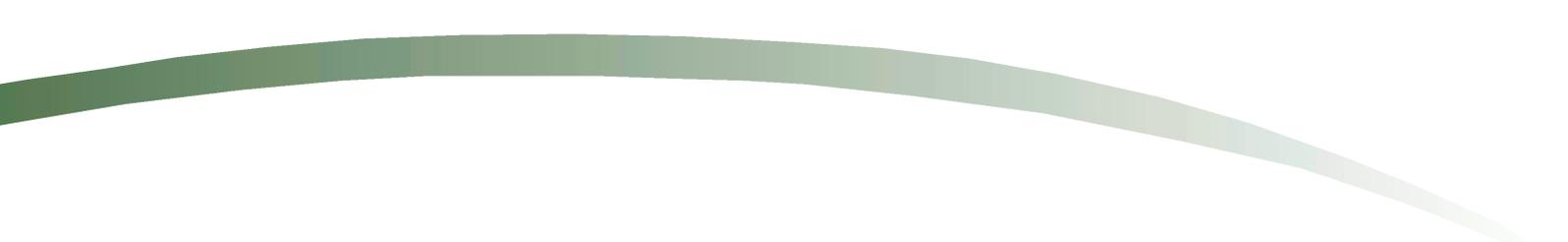
River Thames - This is identified as a priority area for tourism. A coordinated policy framework should reflect the River's environmental, heritage and recreational value.

Tourism - Existing attractions should be improved and the need for hotel developments considered.

Thames Basin Heaths Special Protection Area - New residential development needs to avoid or mitigate any significant effect on the ecological integrity of the Heaths.

Town centres - Town centres within Elmbridge cater mainly for local needs and are not considered to be of strategic significance. Local authorities should assess the need for additional floorspace and set out a vision and hierarchy of centres within their area.

Suburban renewal - neighbourhoods that would benefit from an integrated approach to area management should be identified.



Suburban intensification - There is a need for a positive and planned approach to urban intensification which takes account of local character.

Historic environment - Policies and proposals should protect, conserve and enhance the historic environment and the contribution it makes to local distinctiveness and a sense of place.

Villages - There is a need for positive planning in order to meet local needs based on the function they perform.