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# Shaping Elmbridge A New Local Plan

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## **Absolute Constraints Update**

**August 2019**



**Elmbridge**  
Borough Council  
*... bridging the communities ...*

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# Absolute Constraints Update 2019

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## Introduction

- 1.1 National planning policy states that local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless; there is any adverse impact of doing so that would significantly and demonstrably outweigh the benefit, when assessed against the policies within the National Planning Policy Framework (NPPF) or where specific policies in the Framework indicate development should be restricted<sup>1</sup>.
- 1.2 The national Planning Practice Guidance makes it clear that whilst the establishment of development needs should be unbiased, relevant constraints, including environmental constraints need to be addressed when bringing evidence bases together and formulating policies. To ensure that the Council has taken necessary account of this and, can demonstrate that an appraisal of the constraints relevant to the Borough has been undertaken, it has carried out a Review of Absolute Constraints (RAC) 2016. This identified the 'absolute constraints' to be those that would prevent development from taking place and where it would not be possible to mitigate impacts. This assessment work has been used to shape the options for growth set out in the Strategic Options Consultation 2016 and in the Options Consultation 2019.
- 1.3 In accordance with Government policy which at the time, did not provide a definitive list of the constraints which needed to be addressed, the relevant 'absolute constraints' utilised for the RAC 2016 were as follows:
- Flood Zone 3b (1 in 20-year flood outline – undeveloped land);
  - Sites of Special Scientific Interest (SSSIs);
  - Special Protection Area (SPA) and Ramsar Sites;
  - Suitable Alternative Natural Greenspace (SANG);
  - Registered Parks and Gardens;
  - Ancient Woodlands; and
  - Registered Commons & Village Greens.
- 1.4 National policy does identify Green Belt as a constraint, however, through the plan making process there may be exceptional circumstances where it is

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<sup>1</sup> See Paragraph 11 and Footnote 6 of NPPF, February 2019, <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

appropriate to consider the alteration of existing Green Belt boundaries, these circumstances are set out in national planning policy<sup>2</sup>.

- 1.5 Green Belt was not included in the RAC 2016 because of the lack of developable land needed to meet the Borough's development needs. The Council was and continues to consider all reasonable options as part of the Local Plan preparation, including potential alterations and amendments to the existing Green Belt to meet the Borough's development needs. Furthermore, national and local Green Belt policy regards the construction of new buildings as inappropriate in the Green Belt. Therefore, whilst a 'policy on approach' opposes inappropriate development in the Green Belt, it is considered that the Green Belt designation itself did not fall within the definition of 'absolute constraints' where by any development is wholly prevented by national legislation and planning policy.
- 1.6 In addition, Local Green Space (LGS) was also identified as a constraint. The Local Green Spaces Designation Study 2016<sup>3</sup> prepared as part of the Local Plan evidence base has identified potential land in the Borough that is suitable for this designation. However, as designations are achieved through the adoption of new Local Plan, at this stage in the plan making process there is no LGS designation to be considered an 'absolute' constraint.
- 1.7 It should be noted that other designations such conservation areas, listed buildings, Tree Preservation Orders and ancient monuments are considered to be secondary constraints that would not preclude development coming forward but which may need to be considered if a site is to be deemed suitable for development.

## **Review of Absolute Constraints Methodology and Report 2016**

- 1.8 The Review of Absolute Constraints Methodology and Report (RAC) 2016<sup>4</sup> identified the relevant constraints, as listed in paragraph 1.3 that are located in the Borough which, in accordance with national policy at the time, would prevent development taking place as the impacts from such development could not be mitigated.
- 1.9 The RAC 2016 also provided comprehensive assessment of Local Areas land parcels as identified in the Green Belt Boundary Review 2016<sup>5</sup> and identified those areas of land entirely or partially affected by 'absolute' constraints that

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<sup>2</sup> NPPF Paragraph 136, <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> Local Green Spaces Designation Study 2016, <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

<sup>4</sup> Review of Absolute Constraints Methodology and Report 2016, <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

<sup>5</sup> Green Belt Boundary Review 2016 <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

would prevent development taking place and where it would not be possible to mitigate impacts.

## **Absolute Constraints Update 2019**

- 1.10 Since the completion of the RAC in 2016, the Government has published a revised National Planning Policy Framework in July 2018 with a further update in February 2019. As a result, the list of constraints, now often referred to as the 'national constraints' is a definitive list. The list has also been expanded to include Ancient and Veteran Trees<sup>6</sup> which has been classified as an irreplaceable habitat.
- 1.11 To take account of the changes in national planning policy, the Council has revisited the 'absolute constraints' to ensure that they align with the 'national constraints' this has included undertaking an Ancient and Veteran Tree Assessment 2018<sup>7</sup>. The Council has also updated its Strategic Flood Risk Assessment 2015 and the 2019 assessment has provided updates of the flood risk zones across the Borough including the extent of Flood Zone 3b<sup>8</sup>.
- 1.12 At this stage in the Local Plan making, the position in relation to Green Belt land and Local Green Space has not changed, and it is considered that their omission from the 'absolute constraints' remains appropriate.
- 1.13 Table 1 below sets out the updated 2019 position on the 'absolute constraints' within the Borough. These are considered to be compatible with the current relevant 'national constraints' as defined in national planning policy.

## **Absolute Constraints Maps 2019**

- 1.14 Appendix A sets out a series of maps showing the location of 'absolute constraints' in the Borough providing an updated Flood Zone 3b map and a new Ancient and Veteran tree map.

## **Next Steps**

- 1.15 The outcomes of the Absolute Constraints Update 2019 together with further evidence base studies, consultation responses to the Options Consultation 2019 and the Sustainability Appraisal will inform the Council's preferred approach for the Local Plan and site selection.

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<sup>6</sup> Paragraph 175 of NPPF, <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>7</sup> Elmbridge Ancient and Veteran Tree Assessment 2018, <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

<sup>8</sup> Flood Zone 3b is the functional floodplain that comprises of undeveloped land within the 1 in 20 year flood outline, Strategic Flood Risk Assessment 2019, <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

<b>Table 1: Absolute Constraints<sup>9</sup></b>				
<b>Constraint</b>	<b>Reason</b>	<b>Relevant Local Policies</b>	<b>Areas affected</b>	<b>2019 Update</b>
<b>Flood Zone 3b (1 in 20 year flood outline – undeveloped land)</b>	Undeveloped areas within the 1 in 20 year outline where water has to flow or be stored in times of flood are defined as Functional Floodplain. In accordance with Core Strategy Policy CS26: Flooding and the Strategic Flood Risk Assessment (SFRA) they will be protected. Due to the frequency and extent of flooding in these areas and the need to maintain the natural function of the flood plain, additional development unless water compatible or essential infrastructure will not be permitted or allocated in these areas.	CS26: Flooding; Strategic Flood Risk Assessment	As set out in the SFRA - <a href="https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/">https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/</a>	The Strategic Flood Risk Assessment has been updated. There have been some minor alterations to Flood Zone 3b <sup>10</sup> . An updated Flood Zone 3b is available to view in Appendix A of this document.

<sup>9</sup> Review of Absolute Constraints Methodology & Report September 2016, page 2, <https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/>

	<p>It should be noted that those developed areas within the 1 in 20 year outline that are prevented from flooding due to the presence of existing infrastructure or solid buildings are not defined as Functional Floodplain. Some redevelopment may be appropriate in these areas subject to strict criteria. For this reason, these developed areas are not considered to be an 'absolute' constraint as there may be areas of previously developed land within the Green Belt where re-development could be supported.</p>			
<p><b>Within a Site of Special Scientific Interest (SSSI)</b></p>	<p>Nationally designated sites that are legally protected for their wildlife and geology value under the Wildlife and Countryside Act 1981. It is considered that any development on a SSSI</p>	<p>CS15: Biodiversity; DM 21: Nature conservation and biodiversity</p>	<p>Esher Commons; Knight and Bessborough Reservoirs; Ockham and Wisley Commons. See Policies Map - <a href="https://www.elmbridge.gov.uk/planning/planni">https://www.elmbridge.gov.uk/planning/planni</a></p>	<p>There have been no changes to the SSSIs. A map is available to view in Appendix A of this document.</p>

	would have a significant adverse effect on the site or its features.		ng-policy/core-strategy/	
<b>Within a Special Protection Area (SPA) or Ramsar Site</b>	SPAs are internationally designated sites classified and protected for their populations of wild birds under the EU Habitats Directive <sup>11</sup> and associated UK Regulations <sup>12</sup> . Ramsar sites are wetlands of international importance designated and protected under the Ramsar Convention. It is considered that any development within a SPA or Ramsar would have a significant effect and mitigation measures would not be capable of protecting its integrity.	CS13: Thames Basin Heaths SPA; CS15: Biodiversity	Thames Basin Heaths SPA; South West London Waterbodies SPA (Knight and Bessborough Reservoirs) (also Ramsar). See Policies Map – <a href="https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/">https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/</a>	There have been no changes to Thames Basin Heaths SPA. A map is available to view in Appendix A of this document.
<b>Within a Suitable Accessible Natural Greenspace (SANG)</b>	These sites are designed to help mitigate the impact of new development on the Thames Basin Heaths SPA by providing	CS13: Thames Basin Heaths SPA; CS15: Biodiversity	Brooklands Community Park; Part of Esher Commons. See Policies Map - <a href="https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/">https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/</a>	There have been no changes to SANG. A map is available to view in Appendix A of this document.

<sup>11</sup> Habitats Directive - [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>12</sup> Ramsar Convention - <http://www.ramsar.org/about/the-ramsar-convention-and-its-mission>



	alternative places for recreation.		ng-policy/core-strategy/	
<b>Registered Park and Garden</b>	These parks or gardens are fragile and finite resources that can easily be damaged beyond repair or lost forever.	DM12 - Heritage	Claremont & Painshill (Grade I); Oatlands (Grade II). See Policies Map - <a href="https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/">https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/</a>	There have been no changes to Registered Parks and Gardens. A map is available to view in Appendix A of this document.
<b>Ancient Woodlands</b>	These are areas of woodland that have been wooded continuously since 1600 AD identified by Natural England. It includes ancient semi natural woodland and plantations on ancient woodland sites. These woodlands are irreplaceable.	CS15 - Biodiversity	See Policies Map - <a href="https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/">https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/</a> <a href="https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/">https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/</a>	There have been no changes to Ancient Woodland. A map is available to view in Appendix A of this document.
<b>Ancient and Veteran Trees 2019</b>	The NPPF defines an ancient or veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not	NPPF paragraph 175 and Annex 2: Glossary	As set out in the Elmbridge Ancient and Veteran Tree Assessment (2018) <a href="https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/">https://www.elmbridge.gov.uk/planning/planning-policy/evidence-to-inform-the-new-local-plan/</a>	A new map of Veteran Trees is available to view in Appendix A of this document.

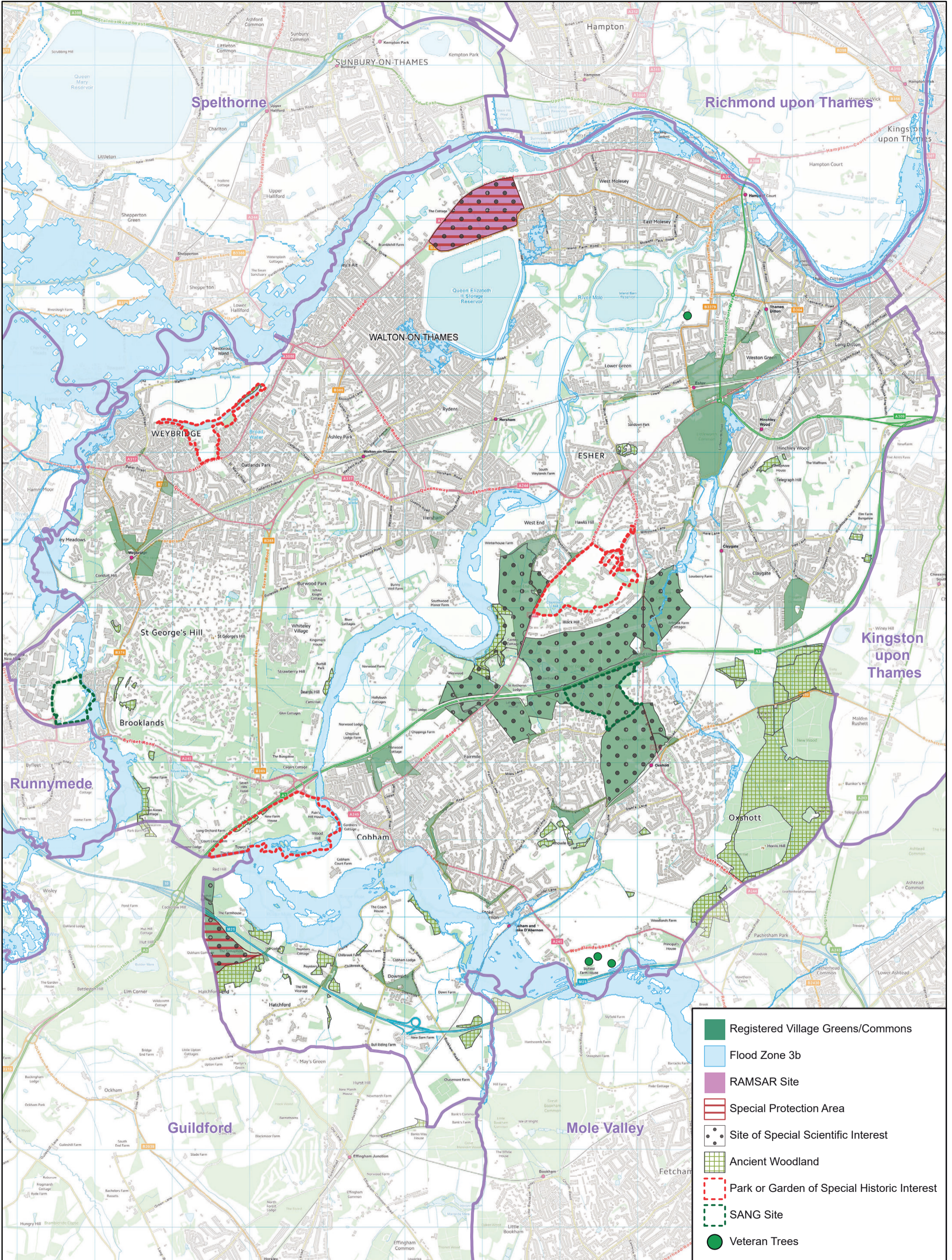
	all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.			
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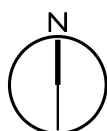
## Appendix A Absolute Constraints Maps

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# Absolute Constraints Map



- Registered Village Greens/Commons
- Flood Zone 3b
- RAMSAR Site
- Special Protection Area
- Site of Special Scientific Interest
- Ancient Woodland
- Park or Garden of Special Historic Interest
- SANG Site
- Veteran Trees

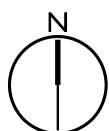


# Ancient Woodland Map



**Elmsbridge**  
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Civic Centre, High Street, Esher, Surrey, KT10 9SD



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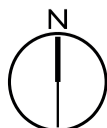
# Floodzone 3b Map



Flood Zone 3b

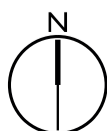
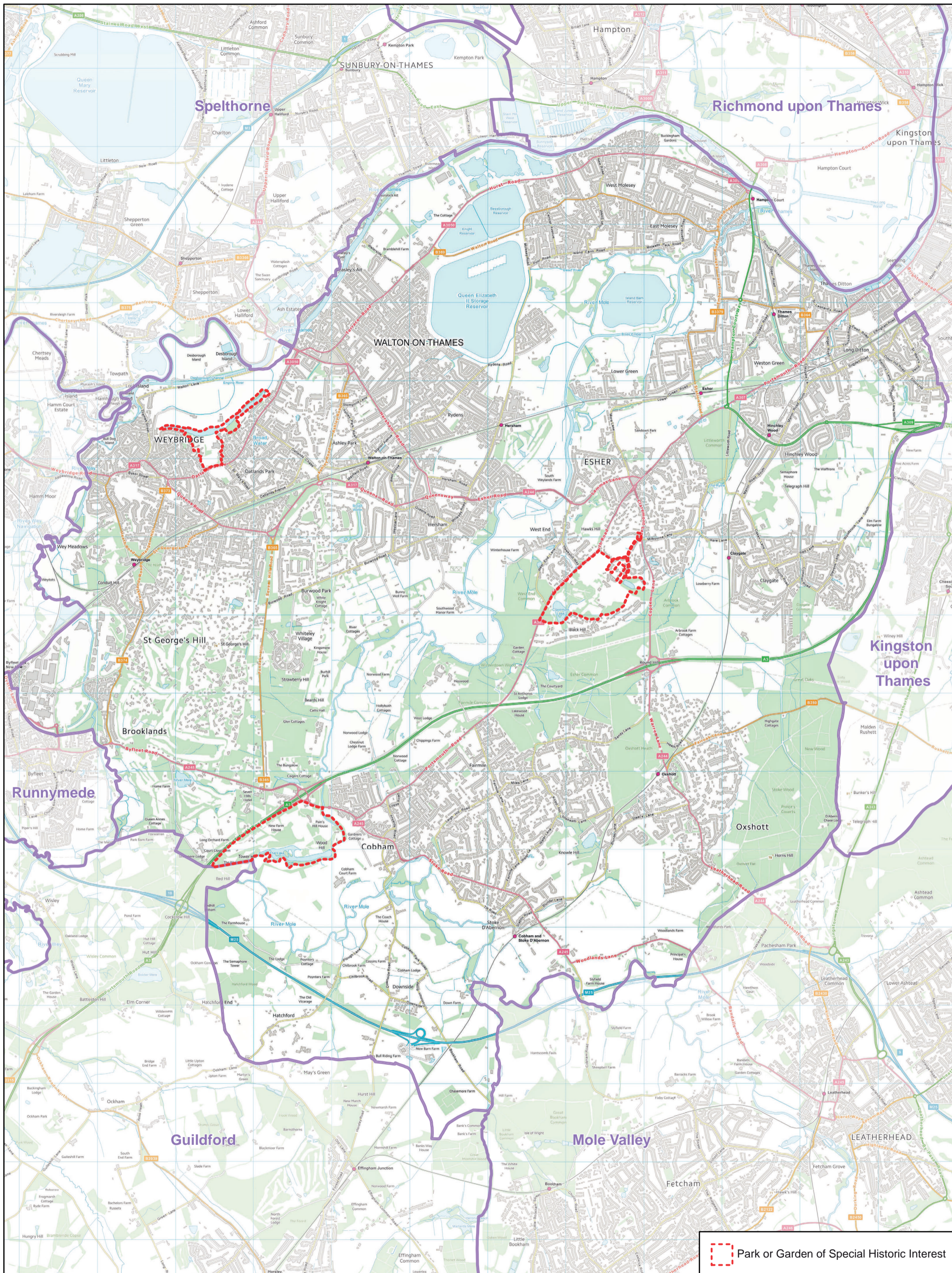


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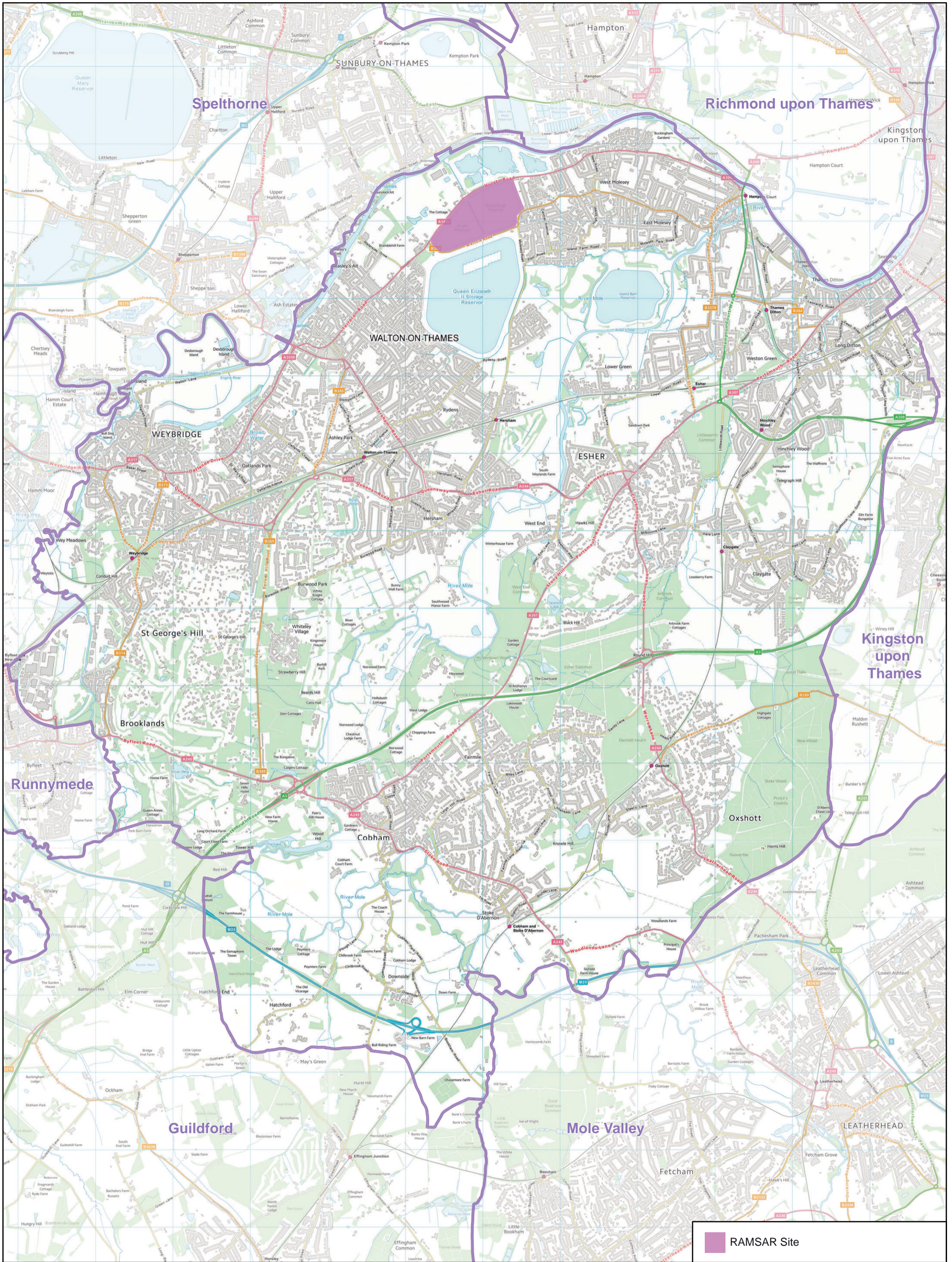


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# Park or Garden of Special Historic Interest Map

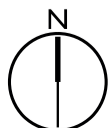


# RAMSAR Site Map



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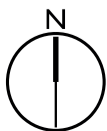
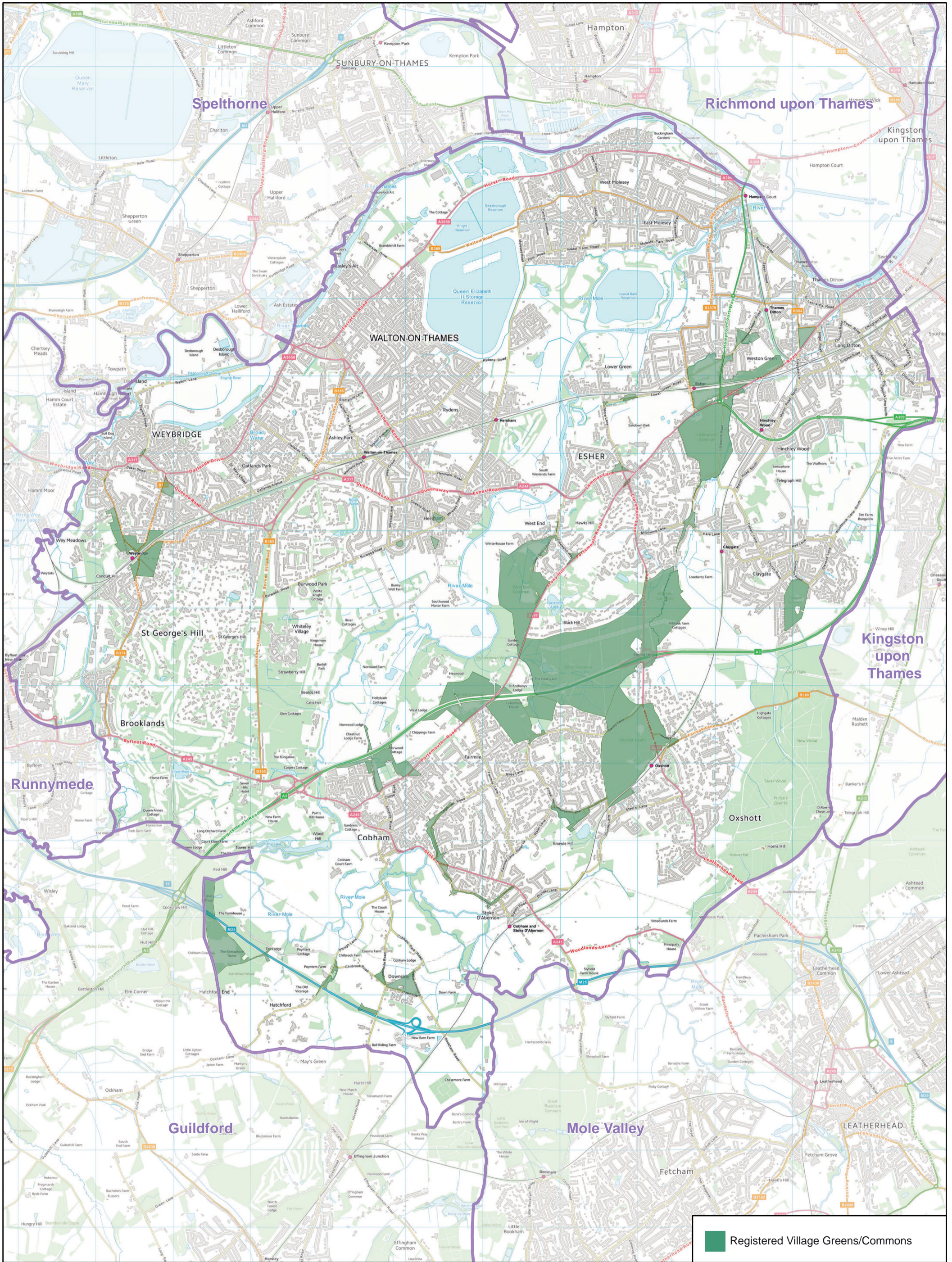
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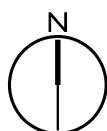
# Registered Town and Village Greens Map



# SANG Site Map

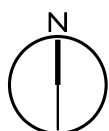
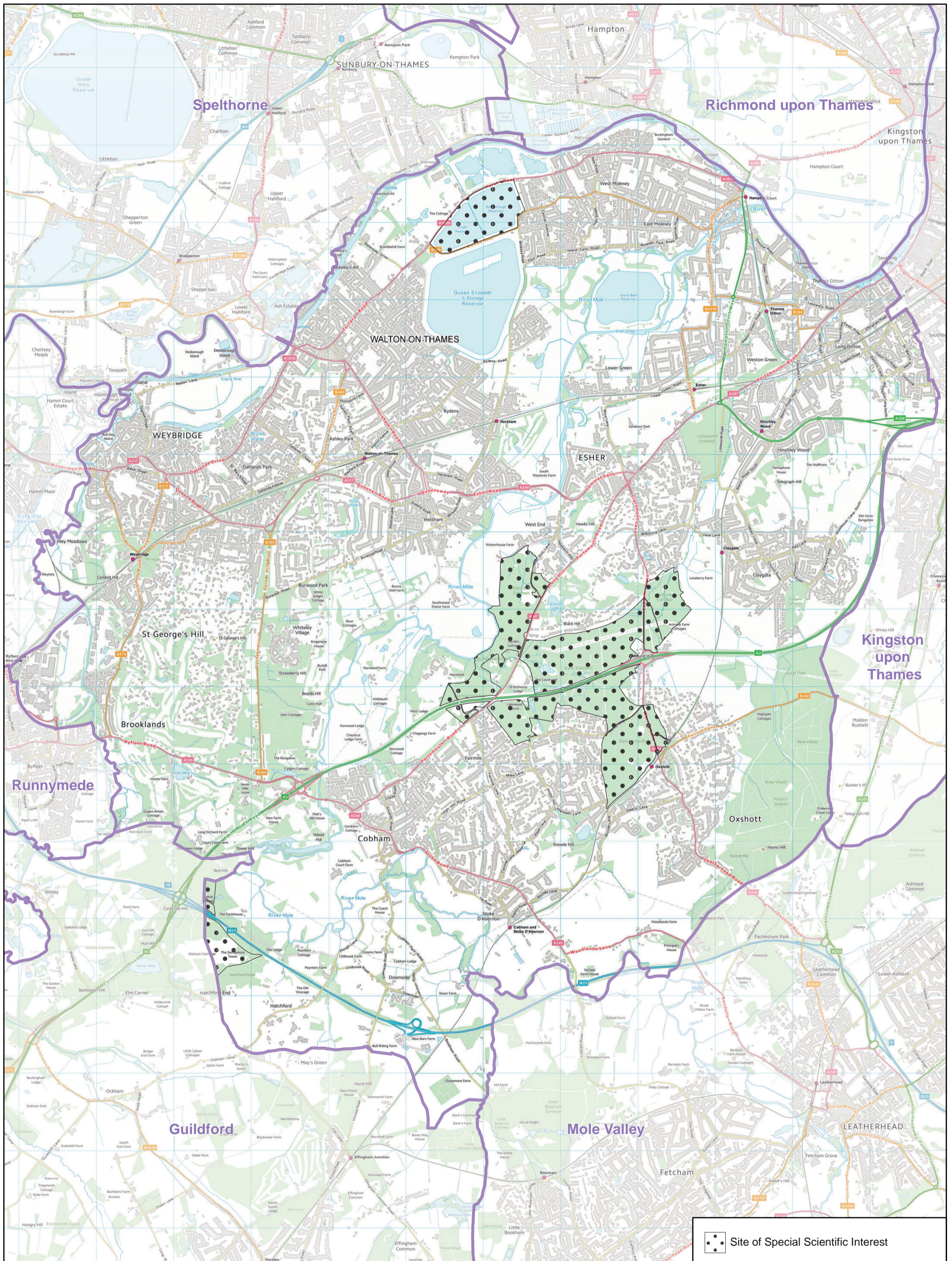


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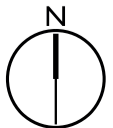
# Site of Special Scientific Interest Map



# Special Protection Area Map



 Special Protection Area



# Veteran Trees Map

