
Schedule of Proposed Main Modifications

Elmbridge Local Plan



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

June 2023

Introduction

This document contains the proposed changes (known as ‘*main modifications*’) to the Elmbridge Local Plan. The modifications are structured by chapter of the document for ease of reference.

The modifications/errata below are expressed either in the form of ~~strikethrough~~ for deletions, **red text** for additions of text, or by specifying the modification in words. The modifications/errata set out below are sorted by the order of the Local Plan’s chapters and policy sections.

Format of changes

The following format has been used to set out what the changes are and distinguish between existing and new text.

Red text – new text proposed

~~Strikethrough text~~ – text proposed for removal

Changes to diagrams, tables etc described in *italic text*

Mod. Ref.	Policy Ref.	Page no.	Proposed Modification	Reason
M1.1	Vision	13	Add additional bullet under existing para. 2.1: <ul style="list-style-type: none"> Supporting our local businesses, enterprise and promoting business adaption. 	To improve clarity and accuracy and ensure soundness and compliance with the NPPF section 6.
M2.1	SS2	22	Addition to existing criterion 2(a) of Policy SS2: (a) Protecting and enhancing our natural, historic and built environment, including landscapes and green infrastructure, by:	To improve accuracy and ensure compliance with NPPF para. 20.
M2.2	SS2	22	Addition to existing criterion 2(a)(ii) of Policy SS2: ii) conserving and enhancing biodiversity, including through biodiversity net gain and creation of high-quality terrestrial and water dependent habitats.	To improve clarity of policy intent.
M2.3	SS2	23	Add additional criterion to Policy SS2 (2)(d): 2(d)(v) Providing access to wide ranging opportunities for sport and physical activity to support the health and well-being of communities.	To ensure soundness and compliance with NPPF para. 93 and 98.
M2.4	SS3	28	Amendment to existing criterion 1(a) of Policy SS3: (a) At least 6,680 6,785 net additional homes, with at least 30% to be affordable. Plus corresponding changes to criterion 4 of Policy SS3 to reflect change to net additional homes figure quoted in criterion 1(a).	To reflect removal of three sites from the site allocations as per M6.1 below.
M2.5	SS3	28	Amendment to existing criterion 1(c) of Policy SS3: c) Retail, sports, leisure, community and other town and village centre uses to support the evolving needs of residents, workers and visitors.	To improve clarity and ensure compliance with NPPF para. 93 and 98.
M2.6	SS3	29	Amendment to existing criterion 5(b) of Policy SS3: b) Lower Green for community led regeneration	To improve clarity.
M3.1	CC1	32	Amendment to existing criterion 1 of Policy CC1: 1. To help tackle mitigate the effects of climate change, developments will be expected to optimise building design and	To improve clarity and accuracy.

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			achieve the highest possible levels of energy efficiency, taking a 'fabric first approach' to mitigate the effect of climate change.	
M3.2	CC1	32	Amendment to existing criterion 2 of Policy CC1: 2. Development proposals for new housing will be permitted where, as minimum, carbon dioxide emissions are reduced by the Target Emissions Rate (TER) set out in Building Regulations. As a minimum development must reduce carbon dioxide emissions by the TER set out in Building Regulations. This reduction should be achieved through energy efficiency measures taking a fabric first approach and the provision of on-site renewables and low-carbon technologies, following the principles of the energy hierarchy. Development that seeks to significantly improve upon the TER will be supported where they meet the requirements of other policies in this Plan.	To improve clarity and accuracy and ensure policy reflects latest position with regards to Building Regulations Target Emissions Rate.
M3.3	CC1	32	Amendment to existing criterion 4 of Policy CC1: 4. The development of C carbon neutral/zero carbon developments will be strongly encouraged and supported where they meet the requirements of other policies in this Plan.	To improve clarity.
M3.4	CC2	34	Amendment to existing criterion 1 of Policy CC2: 1. All major development proposals will be required to adopt a circular economy approach to building design and construction to reduce waste, to keep materials and products in use for as long as possible, and to minimise embodied carbon.	To ensure soundness against the NPFF tests of soundness.
M3.5	CC2	34	Add additional criterion to Policy CC2(2): 2. Developments will be expected to: a) Seek to limit demolition and prioritise retention and refurbishment of existing buildings as far as reasonably practicable.	To improve clarity and accuracy.
M3.6	CC2	34	Add additional criterion Policy CC2:	To improve clarity with regards to how the Council will implement the policy.

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			3. Applications for major development should include a statement, such as a sustainability statement or equivalent, setting out how the matters in this policy have been addressed. Smaller developments are encouraged to include information proportionate to the size of the development in the planning application.	
M3.7	CC3	36	Amendment to existing criterion 1(d) of Policy CC3: d) All residential development of 10 or more dwellings must should achieve a Home Quality Mark 4 star as a minimum and aim towards achieving a higher mark where possible, or any equivalent new or equivalent standard.	To ensure soundness against the NPPF tests of soundness.
M3.8	CC3	36	Amendment to existing criterion 1(f) of Policy CC3: f) All major non-residential development must achieve a minimum of BREEAM 'Excellent' UK New Construction standard or equivalent, or any equivalent new standard. This standard should be achieved through the provision of on-site renewable and low carbon technologies, and /or by increasing the energy efficiency of the proposed buildings.	To ensure soundness against the NPPF tests of soundness.
M3.9	CC3	36	Add additional criterion to Policy CC3: 2. Applications for major development should include a statement, such as a sustainability statement or equivalent, setting out how the matters in this policy have been addressed. Smaller developments are encouraged include information proportionate to the size of the development in the planning application.	To improve clarity with regards to how the Council will implement the policy.
M3.10	CC5	39 - 41	Amendments and additions to Policy CC5: To reduce the overall and local risk of all forms of flooding and manage water resources:	To improve accuracy and ensure policy is effective and ensure soundness and compliance with NPPF para. 159 – 169.

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			<p>1. Development must be located, designed and laid out to ensure that it is safe; the risk from flooding from all sources is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. Planning permission therefore will only be granted, or land allocated for development where it can be demonstrated that:</p> <p>a) Through a sequential test it is located in the lowest area of flood risk from all sources appropriate flood risk zone in accordance with national policy and the Elmbridge Strategic Flood Risk Assessment (SFRA);</p> <p>b) It would not constrain the natural function of the flood plain or surface water flow route, either by impeding flood flow or reducing storage capacity; and</p> <p>c) Where sequential and exception tests have been undertaken, any development that takes place where there is a risk of flooding from all sources will need to ensure that flood mitigation measures are integrated into the design to minimise the risk to property and life should flooding occur.</p> <p>Add additional criterion between existing criterion 3 and 4: 4. Development proposals in the 'developed' Flood Zone 3b – Functional Floodplain will only be approved where the footprint of the proposed building(s) is not greater than that of the existing building(s) and there will be no increase in development vulnerability or intensification in use.</p> <p>Replace existing criterion 4 and 5:</p>	

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			<p>4. Development proposed must attenuate surface water run-off so that the run-off rate is no greater than the run-off prior to development taking place or, if the site is previously developed, development actively reduces run-off rates and volumes.</p> <p>5. All new development is required to ensure that sustainable drainage systems are used for the management of surface water.</p> <p>5. All development proposals are required to demonstrate that land drainage will be adequate and that they will not result in an increase in surface water run-off. Sustainable drainage systems are required on all developments, unless proved to be not reasonably practicable, and should:</p> <p>a) Ensure surface run-off is managed as close to the source as possible and does not increase flood risk elsewhere;</p> <p>b) Be in accordance with the rainwater disposal hierarchy of Buildings Regs Part H3 (3);</p> <p>c) In circumstances where it has been proved that infiltration is impractical, discharge of surface water to watercourse/sewer shall not exceed the following peak rates:</p> <ul style="list-style-type: none"> • at pre-development greenfield runoff rates on all new development; • as close as reasonably practicable to greenfield run off rates from all other brownfield sites. <p>d) Be designed to be multi-functional and incorporate sustainable drainage into landscaping and public realm, including maximising</p>	

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			<p>opportunities to establish surface water ponding areas, urban watercourse buffer areas and multi-use flood storage areas in locations of high surface water flood risk and critical drainage areas to improve flood resilience, amenity and biodiversity.</p> <p>e) Achieve improvements in water quality through a sustainable drainage system management train;</p> <p>f) Be designed with consideration of future maintenance and climate change; and</p> <p>g) Make improvements in accordance with the Council's most up to date Infrastructure Delivery Plan.</p> <p>Additional criterion added after existing criterion 5: 6. Any basement development connected to the sewerage network shall be fitted with a positive pumped device to protect the basement from sewer flooding.</p>	
M4.1	ENV1	43	<p>Amendment to existing criterion 1 of Policy ENV1:</p> <p>2. The council will support proposals which meet the identified needs of local communities or provide new green and blue infrastructure and connections between existing green and blue infrastructure assets.</p>	To improve clarity and accuracy.

Mod. Ref.	Policy Ref.	Page no.	Proposed Modification	Reason
M4.2	ENV2	45	<p>Amendment and addition to Policy ENV2:</p> <p>2. Development must not result in the loss of, or damage to, ancient trees, trees, woodlands and hedgerows that make or are capable of making a significant contribution to the character or amenities of an area, unless the benefits would clearly outweigh the loss and replacement planting is provided.</p> <p>3. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland, ancient or veteran trees) will be refused, unless there are wholly exceptional reasons.</p>	To improve accuracy and ensure soundness and compliance with NPPF para. 180.
M4.3	ENV3	46	<p>Additional Local Green Spaces to be designated:</p> <p>Stoke D'Abernon Memorial Park Walton Lane Open Space Kingston Grammar School Playing Fields/ Ditton Field, Thames Ditton</p> <p><i>These additional Local Green Spaces will be added to the table at Appendix 4 and the map at figure 8.</i></p>	To improve accuracy and ensure soundness and compliance with NPPF para. 101 and 102.
M4.4	ENV4	48	<p>Amendment to existing criterion 1 of Policy ENV4:</p> <p>1. Land which is designated as Green Belt on the Policies Map will be protected against inappropriate development in accordance with national policy.</p>	To improve accuracy and ensure soundness and compliance with NPPF para. Section 13.
M4.5	ENV5	50	<p>Additional criteria added after existing criterion 4 of ENV5:</p> <p>5. The following principles apply to the provision of SANG: a) A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.</p>	To ensure soundness and compliance with para. 181 of the NPPF and the Council's legal obligation to protect the Thames Basin Heath Special Protection Area.

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			<p>b) Developments must fall within the catchment of the SANG that provides avoidance, except developments of fewer than 10 net new residential units.</p> <p>c) The Council will collect developer contributions towards avoidance and mitigation measures, including SANG (unless bespoke SANG is provided) and SAMM.</p> <p>d) Developments may secure or provide bespoke SANG. Proposals for new SANGs are unlikely to be acceptable unless agreed by Natural England. Large developments may be required to provide bespoke SANG.</p> <p>e) The Council will cooperate with Natural England and other landowners and stakeholders in monitoring the effectiveness of avoidance and mitigation measures and monitoring visitor pressure on the SPA and review/ amend the approach set out in this policy as necessary.</p> <p>6. The Council will work with Natural England and landowners to bring forward adequate SANG capacity, and where necessary will consider using all options available.</p> <p>7. Where further evidence demonstrates that the integrity of the SPA can be protected using different distance thresholds or with alternative measures (including standards of SANG provision different to those set out in this policy), the Council will agree these in consultation with Natural England.</p>	

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M4.6	ENV6	53	<p>Amendments to Policy ENV6:</p> <p>1. The council will work with the Surrey Nature Partnership, statutory and voluntary bodies and specialist advisers to conserve and enhance the borough's biodiversity value, including through local nature recovery networks, to contributeing towards a national network of wildlife-rich habitats and wider ecological networks to restore nature.</p> <p>3. Development proposals must seek to protect, enhance and conserve wildlife habitats and species, including Habitats of Principal Importance and Species of Principal Importance, by creating new natural areas or restoring and enhancing existing habitats.</p> <p>4. Development proposals must:</p> <p>a) Lead to a net gain in biodiversity of a minimum of 2040% (or the latest standard in national guidance, whichever is greater) on all sites, unless an exemption applies, in accordance with the provisions of the Environment Act. The achievement of net gain should be informed by an ecological assessment of the site's existing features and development impacts and demonstrated using a net-gain calculator and biodiversity gain plan;</p> <p>b) The achievement of net gain should be informed by an ecological assessment of the site's existing features and development impacts and demonstrated using a net-gain calculator and biodiversity gain plan. The latest biodiversity metric calculation tool and principles set out in the biodiversity metric</p>	To improve clarity and accuracy, ensure soundness and compliance with NPPF para. 179 – 182 and ensure compliance with the provisions of the Environment Act, 2021.

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			<p>guidance produced by Natural England must be used.</p> <p>b) Protect, conserve and enhance existing biodiversity features, including Habitats of Principal Importance, and secure their long-term management and maintenance;</p> <p>6. Where development would result in harm to biodiversity, permission will not be granted unless it has been demonstrated that the need for, and the public benefits arising from, the development clearly outweigh the harm. The need to account for a net gain overall will remain.</p>	
M4.7	ENV7	56	<p>Amendments to Policy ENV7:</p> <p>Amendment to criterion 1:</p> <p>a) Incorporate site zoning of pollution sources and receptors, or to ensure that existing and future occupiers are not subject to unacceptable levels of odour pollution, noise, vibration or light disturbance, both within buildings and externally, unless the impact can be acceptably mitigated.</p>	To improve clarity and accuracy and ensure policy is sound and effective.
M4.8	ENV7	57	<p>Add two additional criteria between existing criterion 4 and 5:</p> <p>5. The Water Framework Directive (WFD) status of all waterbodies in the Borough will be protected. Development that impacts the WFD status of the Borough's waterbodies will be required to undertake a WFD assessment.</p> <p>6. Source Protection Zones (SPZs) should be taken into account when considering the environmental impact of a development and development proposed in Source Protection Zone 1 (SPZ1) must connect to a mains sewer.</p>	To improve accuracy and ensure the policy is sound and effective.

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M4.9	ENV10	62	<p>Amendments to Policy ENV10:</p> <p>2. Development proposals should be designed to sustain and, where possible, enhance the significance of these assets, their curtilage and their settings. They should do this by describing the significance of the affected heritage assets and explaining how the proposal has been formed to take this into account. Any negative impact on the significance of a designated heritage asset (whether arising through harm or total loss) must have a clear and convincing justification. The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and national planning policy and guidance.</p> <p>5. Development proposals should take into account the potential for heritage assets of archaeological importance being present on the site. A desk-based assessment, at a minimum, will be required for sites affecting the area or setting of Scheduled Monuments and County Sites of Archaeological Importance, or which are located within Areas of High Archaeological Potential, and for any site outside of these which is greater in area than 0.4ha.</p>	To improve accuracy and ensure soundness and compliance with NPPF section 16, as well as legal compliance with regards to the approach to archaeological sites.
M5.1	HOU2	67	<p>Remove criterion 1 of Policy HOU2:</p> <p>1. Development must make efficient use of land and optimise sites within the urban area of the borough.</p>	To improve clarity and accuracy.

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M5.2	HOU4	71	<p>Amendments to Policy HOU4:</p> <p>Amendment to existing criterion 4 (b): b) The overall viability of the scheme and based on any site-specific abnormal costs.</p> <p>Amendment to existing criterion 8: 8. In exceptional circumstances, w Where the council agrees a lower reduced affordable housing provision, following a viability review at the application stage. It reserves the right through a legal agreement to require a review mechanism(s) to reassess the viability of a site at different later stages of the development.</p>	To improve clarity and accuracy and ensure compliance with PPG on viability para. 9.
M6.1	ECO1	79	<p>Amendments to existing criterion Policy ECO1:</p> <p>2. Development proposals for the provision of smaller and incubator office space, flexible workspaces for co-working, and Small and Medium Enterprises (SMEs) will be supported in the most sustainable locations, in particular in town, district and local centres. Development proposals will be permitted where they:</p> <p>a) D Deliver high quality, well-designed flexible and adaptable spaces of different unit sizes and; types for a range of uses and occupants as part of mixed-use development.; and</p> <p>3.b) S Speculative developments for which there is no identified end user will be expected to be supported by a marketing strategy for the use and occupation of the employment spaces to be delivered.</p>	To improve clarity and accuracy.

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			<p>43. Outside of Strategic Employment Land (SEL) (as defined on the Policies Map) the loss of floorspace occupied by employment-generating uses will only be permitted where it is demonstrated that:</p> <p>a) The site is vacant and there is no reasonable prospect of the site being retained in employment use; or</p> <p>b) The site is no longer suitable for its existing use or other employment uses;</p> <p>c) The existing use creates (or any other employment use would create) significant amenity issues for neighbouring occupiers, best remedied by encouraging a replacement with a non-employment use; and</p> <p>d) The development provides opportunities for sustainable co-location with other non-employment uses.</p>	
M6.2	ECO2	81	<p>Amendment to existing criterion 4 of Policy ECO2:</p> <p>4. Residential accommodation development in SELs will only be acceptable supported if it forms part of a larger redevelopment proposal and it would:</p> <p>a) It would b Bring investment to floorspace which has been demonstrated to be redundant for employment uses; and</p> <p>b) The proposal would c Comprise a mix of flexible uses.;</p> <p>c) Comply with the Agent of Change Principle; and</p>	To improve clarity and accuracy.

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			d) Meet the requirements of the other policies in the Plan.	
M7.1	INF2	89	<p>Add additional criterion 4 to Policy INF2:</p> <p>4. Existing sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <p>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</p> <p>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</p> <p>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.</p>	To ensure soundness and compliance with NPPF para. 99.
M7.2	INF6	95 - 96	<p>Amendments to Policy INF6:</p> <p>Additional criterion between existing criterion 3 and 4:</p> <p>4. Opportunities to create and/or enhance water dependent habitats to improve rivers and the movement of terrestrial and aquatic species between habitats will be supported where they meet the requirements of other policies in this Plan.</p> <p>Amendment and addition to existing criterion 7:</p> <p>7. Development proposals that contain or are adjacent to watercourses should consider the impact that development can have on them and provide a minimum of a 10 meter undeveloped</p>	To improve clarity and accuracy as well as ensure the policy is sound and effective.

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			<p>buffer from the river bank, measured from the top of the bank. Buffer zones must be free from built development including lighting, domestic gardens and formal landscaping.</p> <p>Additional two criterion added between existing criterion 7 and 8:</p> <p>9. Opportunities for de-culverting of watercourses should be actively pursued. Planning permission will only be granted for proposals which do not involve the culverting of watercourses and which do not prejudice future opportunities for de-culverting.</p> <p>10. Proposals for hard engineering approaches to riverbank protection, such as sheet piling, will be discouraged. Soft engineering approaches should be used wherever possible.</p>	
M8.1	Site Allocations	103, 104 & 107	<p><i>Remove Site ESH15 (US39) Unit A & B Sandown Industrial Park, Esher, KT10 8BL</i></p> <p><i>Remove Site WOT2 (US350) Leylands House, Molesey Road, Walton-on-Thames</i></p> <p><i>Remove Site H8 (US389) Hersham Sports and Social Club, 128 Hersham Road, Hersham, KT12 5QL</i></p>	Landowners have advised that the sites are no longer available.
M8.2	Site Allocations	105	<p>Amendment to allocation at Site H15 (US374) Hersham Library, Molesey Road, Hersham, KT12 4RF:</p> <p>Allocated for 13 residential units and re-provision of community use library</p>	To improve accuracy as Surrey County Council, who own the library, have said in their representations that the Borough's libraries will be retained.