

Statement of Common Ground

Spelthorne Borough Council and Elmbridge Borough Council


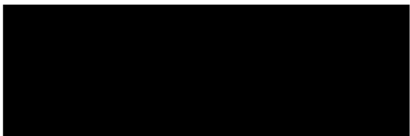
1. List of Parties Involved
<ul style="list-style-type: none">• Spelthorne Borough Council (SBC)• Elmbridge Borough Council (EBC)
2. Signatories
 28.07.2023 Councillor Malcolm Beecher, Environment and Sustainability Committee Chair Spelthorne Borough Council
 28.07.2023 Kim Tagliarini, Head of Planning & Environmental Services Elmbridge Borough Council
3. Strategic Geography
<p>The Statement of Common Ground (SoCG) is between the local authorities of Spelthorne Borough Council (SBC) and Elmbridge Borough Council (EBC).</p> <p>SBC and EBC share a common boundary within the Surrey County Council administrative area. The River Thames separates the two authorities with the A244 Walton Bridge providing the primary link point.</p> <p>Figure 1 identifies the strategic geography considered for cooperation on strategic matters as part of the preparation of our respective Local Plans.</p>



Figure 1: Strategic Geography of Spelthorne and Elmbridge Boroughs

4. Strategic Matters

SBC and EBC have engaged with one another to discuss duty to cooperate matters throughout the preparation of their respective draft Local Plans. This has included engagement on their evidence base documents; through meetings; and at the Regulation 18 & 19 Stages.

Their duty to cooperate activities up until their respective Regulation 19 Stages, are recorded in the following documents:

- SBC's Duty to Cooperate: Statement of Compliance, Regulation 19 Local Plan (May 2022)
- EBC's Duty to Cooperate: Statement of Compliance (June 2022)

Both authorities agree that the above documents are an accurate record of their engagement up until their respective Regulation 19 Stages.

SBC has updated its Duty to Cooperate: Statement of Compliance (November 2022) following the Regulation 19 stage to take account of cooperation since the end of the consultation. In addition, SBC has prepared Topic Paper 4: Duty to Cooperate with Elmbridge Borough Council (January 2023) setting out the current position between the two authorities. EBC notes the Topic Paper which includes SBC's narrative of activities between the two authorities from their perspective.

SBC invited representations on their draft Local Plan (Regulation 19) between 15 June and 21 September 2022. EBC's response is dated 15 September 2022. EBC invited representations on their draft Local Plan (Regulation 19) between 17 June and 29 July 2022. SBC's response is dated 28 July 2022.

Both authorities through their representations identified Housing and the Green Belt as outstanding strategic matters. The position of each authority in regard to these matters, as set out in their respective draft Local Plans, is as follow:

Housing

Housing Market and Need

Spelthorne

The joint Spelthorne and Runnymede Strategic Housing Market Assessment (2015) confirms that Spelthorne and Runnymede sit within the same Housing Market Area (HMA). It is also acknowledged that in this part of the South-East, HMAs tend to overlap due to the density of transport networks, both road and rail. This results in localised links across HMA boundaries. As such, there are localised cross boundary links between Spelthorne and Hounslow for housing matters despite these authorities sitting within neighbouring (albeit overlapping) HMAs.

The Local Housing Need figure for Spelthorne is derived from the Government's Standard Method for calculating housing need. This sets a Local Housing Need figure of 618 dwellings per annum. The Spelthorne SHMA update (2019) identifies a net need of 459 affordable units per annum, however this is not a direct derivation from the 618 overall need and the council should seek as much affordable housing as is viable.

Elmbridge

The Kingston & North-East Surrey Strategic Housing Market Assessment (SHMA) (2016) identifies that Elmbridge Borough sits in the same HMA as the Royal Borough of Kingston upon Thames, Epsom & Ewell Borough Council and Mole Valley District Council. It also acknowledged that in this part of the South-East, HMAs tend to overlap. This results in localised links across HMA boundaries. As such, there are localised cross boundary links between Elmbridge and the Runnymede / Spelthorne HMA and the West Surrey HMA (Guildford, Waverley & Woking Borough Councils).

The Local Housing Need figure for Elmbridge is derived from the Government's Standard Method for calculating housing need. This sets a Local Housing Need figure of 647 dwellings per annum. The Elmbridge Housing Needs Assessment (2020) identifies the net level of affordable housing need as 269 units per annum.

Housing Land Availability

Spelthorne

As part of the Draft Local Plan, Spelthorne BC has produced a housing trajectory which indicates that, through the release of a small amount of Green Belt, the borough has a pipeline of 9,474 new dwellings over period 2022-2037. Local Housing Need for the Borough is 9,270 (618 x 15) therefore Spelthorne is able to meet its own needs.

The most up to date SLAA for Spelthorne dates from 2022. This identifies an average expected delivery of 8,931 net units or 595 units per annum on average over the 15-year plan period. This uses a base date of 31 March 2022 and focuses on the urban area only. Information since 1 April 2022 is included in the Draft Local Plan.

Elmbridge

As part of the draft Local Plan, EBC has produced a Land Availability Assessment (LAA) (2022) which indicates the capacity of the borough (urban areas only) over the next 15-years

as 6,787 dwellings. The capacity represents a 30% shortfall on the Local Housing Need figure for Elmbridge.

The draft Local Plan sets out the Council housing requirement of providing 452 net units per annum over the 15-year plan period. As set out in the draft Local Plan, EBC has concluded that exceptional circumstances cannot be fully evidenced and justified to make changes to the Green Belt boundaries in the borough to meet 30% shortfall of meeting Local Housing Need.

Green Belt

Spelthorne

SBC commissioned Arup to undertake a Stage 2 Green Belt Assessment in 2019. This builds upon work undertaken in the Stage 1 Green Belt Assessment (2018). The review has been prepared in accordance with the National Planning Policy Framework (NPPF).

The stage 1 study assessed how far Local Areas of land in the borough meet the Green Belt purposes set out in the NPPF. The Stage 2 Green Belt Assessment was then undertaken to build on the Stage 1 Green Belt Assessment at a finer grained level to assess the performance of smaller sub areas. The assessment considered the performance of sub-areas against the NPPF purposes and the role and importance of these in terms of the function of the wider Green Belt. The Council has subsequently undertaken a Stage 3 Green Belt Assessment in house to consider specific individual parcels identified for potential release from the Green Belt through the Local Plan. This assessment has utilised a similar methodology used for the Stage 1 and Stage 2 Green Belt Assessments for consistency.

The assessment and subsequent assessment work has concluded that exceptional circumstances have been demonstrated justifying a release of Green Belt for housing development, recognising the inability of the Borough to meet the local housing need figure derived from the standard method for calculating need without releasing this land. Consideration has been given to the range of potential options to meet this need, including greater density of development in the built-up area and the possibility of neighbouring authorities taking up any unmet need. This has not offered any alternative options for meeting the full housing need identified through the standard method.

Elmbridge

EBC has commissioned Arup Ove to undertake two Green Belt Assessments. The first, Green Belt Boundary Review (GBBR) was published in 2016 and examined the performance of the Green Belt in and around Elmbridge against the Green Belt Purposes, as set out in the NPPF. The analysis was undertaken at two scales: Strategic Areas and Local Areas.

The 2018 Supplementary Review was a more spatially focused piece of work to better understand the performance of smaller 'sub-areas' against the Green Belt purposes, as well as their context in relation to the wider Green Belt (Local Areas and Strategic Areas, as assessed through the 2016 GBBR).

In addition to the above, the Council has also undertaken further evidence base work on the Green Belt:

- Green Belt Boundary Review – Assessment of Weakly Performing Local Areas 2019: The assessment identifies the extent of development potential within each Local Areas considered to be 'weakly performing' as part of the GBBR 2016 and sets out whether there is an opportunity for large / small-scale development or no development.
- Green Belt Boundary Review – Accessibility Assessment, June 2019: This assessment looks at the sustainability of specific Green Belt areas (weakly performing and smaller sub-divisions) using a range of accessibility standards.

- Green Belt Boundary Review – Assessment of Previously Developed Land, June 2019: This assessment looks at the level of Previously Developed Land (PDL) within specific Green Belt areas (weakly performing and smaller sub-divisions).
- Green Belt Site Proforma – Utilising the information from the above documents and other evidence base documents, the pro-forma considers specific areas of land for potential release from the Green Belt.

The evidence base documents set out that alongside further assessments and evidence base documents, they will be used to inform the Council's preferred approach for the Local Plan and site selection. This includes whether exceptional circumstances exist to justify releasing land from the Green Belt.

EBC's rationale for its proposed development strategy is set out in the Topic Paper: How the Spatial Strategy was formed (June 2022). The Paper sets out the options assessed when considering how to address the Borough's housing need and includes the Council's consideration of whether exceptional circumstances are fully evidence and justified to release land from the Green Belt. The Paper sets the rationale for the Council's recommended spatial strategy within the draft Local Plan; promoting sustainable development and place-making ambition and responding to the Council's commitment to tackle climate change.

On-going Duty to Cooperate Discussions

A meeting was held on 18 October 2022 to discuss their respective responses to the Regulation 19 Stages in more detail focusing on the matters of Housing and Green Belt.

At this meeting and through further written correspondence between the two authorities including discussions over the advice received by SBC from their Planning Inspectorate Advisory visit, it has been agreed by SBC and EBC:

- To prepare a draft SoCG setting out the outstanding matters that are being discussed and update this as discussions progress.
- Respond to the points raised in each other's Regulation 19 representations (see Appendix A).
- To set out and share the constraints to development with their respective Boroughs to help explore each authority has arrived at its preferred spatial strategy (see Appendix B).
- To explore the possibility of a joint PINS Advisory Meeting following EBC's Advisory visit.
- To continue discussions and keep each other and PINS / DLUHC informed of our progress.

In addition, SBC has prepared additional work to explore its constraints in more detail, particularly Green Belt performance. This includes those parcels of land discounted since the Preferred Options consultation. This work was undertaken to determine whether the spatial strategy is justified and the impacts of a higher growth scenario. This work was shared with EBC on 6 January 2023 as part of a topic paper on the Duty to Cooperate with Elmbridge BC.

EBC notes the additional work undertaken by SBC on testing a higher growth scenario in response to the Regulation 19 representations received including, that from EBC. The outcomes of the additional work as set out in SBC's Topic Paper 4 are acknowledged by EBC.

SBC requested that EBC undertake a similar exercise to ensure that all options have been fully considered in order to boost supply as much as possible. EBC's position is that this exercise has already been undertaken in regard to the performance of Green Belt sites and does not require revisiting.

Following EBC's PINS Advisory Meeting on 23 November 2022, it was agreed by both authorities that a joint PINS Advisory Meeting was not required.

Current positions:

Spelthorne Borough Council:

On Friday 25 November, Spelthorne Council submitted its draft Local Plan to the Secretary of State for Levelling Up, Homes and Communities for independent inspection.

SBC has undertaken additional work since submission to explore the impacts of adding the Green Belt sites discounted between Preferred Options and Regulation 19 (known here as the 'omission sites') to increase housing provision above the Local Housing Need figure of 618 homes per annum.

The conclusions drawn from the work by Spelthorne are that further release of Green Belt would result in adverse impacts that would significantly and demonstrably outweigh the benefits. As such, SBC do not consider there are sound grounds for assisting Elmbridge or any other neighbour in meeting their unmet need.

Elmbridge Borough Council notes the additional work undertaken by SBC on testing a higher growth scenario in response to the Regulation 19 representations received including, that from EBC. The outcomes of the additional work as set out in SBC's Topic Paper 4 are acknowledged by EBC.

Following an Extraordinary Council Meeting on 6 June 2023 where a motion was agreed to pause the remainder of the Local Plan examination hearings, the Chief Executive wrote to the Planning Inspectorate to put forward this request on behalf of the Council. The Council will meet on 14 September 2023 to determine what actions may be necessary before the Local Plan examination may proceed.

In the three-month pause period, the Council is undertaking training for Members and critical friend exercises of the Local Plan. The Council will keep under review the implications for the Duty to Cooperate and its Statements of Common Ground.

Main Matter 1: Legal Requirements and Overarching Issues was discussed in Week 1 of the Spelthorne Local Plan hearings in May 2023. The Inspector has not raised any concerns regarding the Duty to Cooperate at this point in time.

Elmbridge Borough Council:

It is the Council's intention to submit its draft Local Plan to the Secretary of State for Levelling-Up, Housing and Communities for independent examination in July 2023.

Regarding EBC's rationale for its preferred spatial strategy for the borough, this is set out in its Topic Paper: How the spatial strategy was formed (June 2022). This provides a comprehensive audit of how the options for the spatial strategy have evolved / been discounted with reference to the evidence base including the Sustainability Appraisal. EBC is content that its preferred spatial strategy for the borough is supported by its evidence base and that 'no stone has been left unturned' in meeting its housing need. This will be investigated thoroughly through the Examination-in-Public process whereby it will be for the Planning Inspector to determine if the strategy is sound.

SBC notes the decision-making process that has led to the adoption of the Elmbridge Local Plan strategy. Spelthorne acknowledges the Local Plan timetable for submission and note that proposed changes in national policy have the potential to impact the Elmbridge Local Plan. SBC will continue to engage with EBC on strategic matters where further cooperation is required.

Constraints analysis:

Both authorities agree that a similar approach has been followed in assessing the constraints present in each borough, with absolute constraints taken account of and other non-absolute constraints subject to robust assessment to determine how this may impact development options. Across the two authorities it is agreed that there are a notable number of constraints present, thus restricting development options.

Whilst there is a degree of similarity in the approach taken to assessing constraints and the conclusions drawn from these impacts, there has been differentiation in the weight given to the constraints and how this has subsequently led to the development of the spatial strategy of each authority. Having reviewed the constraints in detail, each authority feels that their Local Plan spatial strategy is justified.

Duty to Cooperate:

Neither party has objected to each other's Regulation 19 Local Plan for failing to comply with the duty. It is a duty that requires cooperation, not agreement, and the two authorities agree that they have cooperated in an ongoing and effective manner as set out in their respective Statements of Compliance and associated updates, as well as this SoCG.

Both parties agree that cooperation has taken place to fulfil the requirements of the Duty to Cooperate.

At the time of writing, the outstanding need identified of Elmbridge remains the current position.

Matters not specifically addressed in this Statement of Common Ground

The two parties agree:

The following matters are defined in the NPPF as strategic matters but are not specifically addressed in the context of this Statement of Common Ground.

- Gypsies, Travellers, and Traveller Showpeople;
- Houseboat Dwellers;
- Employment, retail and leisure;
- Transport;
- Flooding;
- Green & Blue Infrastructure;
- Climate Change;
- Historic Environment; and
- Heathrow Airport.

The authorities agree that the engagement undertaken on these issues as set out in their respective Duty to Cooperate: Statement of Compliance documents is, an accurate record and that there are no unresolved issues.

It is also agreed that the authorities will continue to work on these matters as appropriate.

5. Governance Arrangements

The authorities are committed to working positively together, sharing information and best practice, where appropriate, throughout the final stages of their plan preparation and beyond. This co-operation and collaboration takes place at senior member, chief executive, and senior officer as well as at technical officer level.

Joint working will include the following existing governance arrangements:

- Surrey Leaders;
- Surrey Chief Executives:
- Surrey Futures;
- The Surrey Planning Officers' Association (SPOA);
- Surrey Planning Working Group (PWG); and
- Heathrow Strategic Planning Group (HSPG).

In terms of governance, the authorities agree:

- that in response to any new evidence / changes in circumstances, informal discussions will occur between the two authorities on the cross-boundary issues referred to in this SoCG in the form of officer level meetings with escalation of matters to Member level where necessary;
- that this SoCG will be reviewed at the above meetings or, when required by either authority e.g. for the purpose of their Examination.
- To continue to work collaboratively on plan preparation and evidence, whilst acknowledging others' timetables and timescales; and
- To respect each other's right to develop their own plans that fit the specific circumstances of the local authority's communities.

Appendix 1: Elmbridge Borough Council's Regulation 19 Representation to Spelthorne Borough Council's draft Local Plan - June 2022

Elmbridge Borough Council's (EBC) Representation	Spelthorne Borough Council's (SBC) Response
<p>EBC queried how SBC's approach to meeting its housing requirement is consistent with paragraphs 11b(ii) and 124 (for example) of the NPPF and how, overall, it has been positively prepared.</p> <p>EBC raised the query in response to the draft Local Plan foreword which stated that: "the net effect will be to increase housing densities and make Spelthorne a less attractive place to live" and, that development within the town centres will consist of "sterile, high-rise blocks", "something that no Councillor wants to support".</p>	<p>Despite frustrations being vented by our politicians over the Government's standard method, the Council voted in favour of the Local Plan by a majority of 3:1 as it supported a strategy that meets our housing need in full, however that figure is arrived at.</p> <p>The Local Plan is considered to be supported by a balanced spatial strategy that considers local needs, character and available evidence to ensure it positively seeks to meet the requirements of the current and future community.</p> <p>The foreword has been removed from the submission Local Plan.</p>
<p>In regard to the Topic Paper (Background to Strategy and case for Exceptional Circumstances to amend Green Belt boundaries) EBC noted that this was published on SBC's website on 25 July 2022; five weeks after the Regulation 19 Stage started on 15 June 2022.</p> <p>EBC set out two questions in regard to this point:</p> <ol style="list-style-type: none"> 1. How SBC will deal with any representations submitted before 25 July 2022 that have been made without the full evidence available which is fundamental to understanding the strategy of the draft Local Plan? 2. How has this evidence base document informed the preparation of the draft Local Plan and was taken into account in the Council's decision-making process? 	<p>The consultation period was extended to allow sufficient time for further comments. The opportunity was present for those who had previously submitted comments earlier in the consultation process to submit additional representations to the consultation.</p> <p>Members were advised throughout the preparation of the Plan of key evidence to inform their decisions, even if final versions or updates were not published until later in the process. It is noted that Elmbridge referred to documents during their own recent Regulation 19 consultation that were not made publicly available and as this remains the case, so we have requested sight of these. They include their Exceptional Circumstances paper.</p>
<p>More fundamentally, EBC queried the robustness of the consideration of exceptional circumstances for the release of the Green Belt and how, and at what stage, this information was taken into account in the decision-making process given the publication date of the Topic Paper.</p>	<p>Whilst the topic paper was published after the start of the consultation, this is not a decision-making document in itself and instead sets out the process as to how the spatial strategy was devised. The spatial strategy and the justification for Green Belt release has been informed by the NPPF, evidence on</p>

	<p>housing supply and need, Duty to Cooperate discussions as well as the Green Belt Assessment study to determine whether exceptional circumstances existed. Evidence has informed discussions with Members and spatial strategy consultation options with it determined that Exceptional Circumstances do exist to justify Green Belt release.</p>
<p>EBC raised concern as to where / how within the process, SBC has taken into account the unmet housing needs of neighbouring authorities.</p> <p>It was noted that SBC makes reference to EBC and its draft Local Plan throughout the Topic Paper, acknowledging our unmet housing need. However, at no stage does the Topic Paper set out how this was taken into account in forming the preferred spatial strategy for Spelthorne Borough and the weight given to this in determining the amount of Green Belt to be released.</p> <p>It was asked whether SBC tested through its evidence base the possibility of delivering above its Standard Methodology requirement (which has varied over the preparation of the draft Local Plan) in order to assist in meeting potential unmet housing need from neighbouring authorities?</p>	<p>Whilst an option to deliver housing at a level higher than our OAN figure was considered at the Issues & Options stage, we have taken the opportunity to review this position again in light of representations made at Regulation 19. The conclusion is that delivering a higher number of homes to assist neighbours would necessitate further Green Belt release, which would result in adverse impacts that would not be outweighed by the benefits and, as such, exceptional circumstances to not exist. In any case, Spelthorne does not consider Elmbridge to have evidenced its own position that they are unable to meet their housing need in full and that they do not have exceptional circumstances to release any Green Belt. Elmbridge is the only neighbour who has asked us to assist in meeting their housing need.</p>
<p>In regard to the Green Belt, EBC asked how the strategy aligns / or how SBC has taken into account and considered paragraph 143 of the NPPF which states that when defining Green Belt boundaries, plans should:</p> <p>“ c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.</p> <p>e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period”.</p>	<p>The Local Plan extends for a period of 15 years and aims to meet needs in full. The Local Plan strategy has been developed to meet current development needs and will be reviewed at the five-year stage so determine if it is still up to date. The future beyond the plan period is uncertain therefore it is not considered necessary to safeguard land for development.</p>
<p>With reference to the document “Discounted Alternative Site Allocations – Officer Site Assessment (May 2022)”, EBC queried the planning justification</p>	<p>The allocated sites have been robustly assessed using the Council's site selection methodology where they were deemed to fulfil the Local Plan strategy and identified as suitable for allocation</p>

as to why two sites have been discounted.

The two sites were: HS1/010 - Land to the South and West of Stratton Road, Sunbury and RL1/007 Land off Worple Road, Staines.

EBC stated it was unclear how these sites are to be considered substantially 'larger' in comparison to a site that is proposed for allocation and thus discounted. It was stated that the approach appears inconsistent.

based on planning judgement. The sites identified for allocation were agreed by members of the Local Plan Task Group and subsequently agreed by Full Council by majority. The inclusion of smaller sites is deemed to aid the dispersal of impact across the borough and reduce the opportunity for concentrated adverse impacts, including on the specific settlement area in which they are sited.

A piece of work has been undertaken since the Reg 19 consultation to further consider the potential impacts of the release of the Green Belt allocation sites discounted following the Preferred Options consultation. The sites referred to by EBC were included in this work and it was concluded that the cumulative impacts of additional Green Belt release would have a greater number of adverse impacts than positive.

Appendix 2: Spelthorne Borough Council's Regulation 19 Representation to Elmbridge Borough Council's draft Local Plan - June 2022

Spelthorne Borough Council's (SBC) Representation	Elmbridge Borough Council's (EBC) Response
<p>SBC responded that whilst it is supportive of Elmbridge's approach to maximising supply in the urban area and making an efficient use of land, it is felt that Elmbridge have not fully considered all options to meet housing needs.</p> <p>It is felt that Elmbridge has discounted alternative options to meeting housing needs prematurely highlighting that the previous Options Consultation (2019) identified several alternative strategies including the release of some areas of Green Belt, with a 'mixed' approach performing well against the Sustainability Appraisal framework.</p> <p>Whilst it is acknowledged that housing requirements and supply positions have moved on since this time, SBC believes that alternative strategies should again be reconsidered at this stage in order to ensure no stone has been left unturned in meeting housing needs.</p>	<p>EBC's rationale for its preferred spatial strategy for the borough is set out in its Topic Paper: How the spatial strategy was formed (June 2022). This provides a comprehensive audit of how the options for the spatial strategy have evolved / been discounted with reference to the evidence base including the Sustainability Appraisal.</p> <p>EBC is content that its preferred spatial strategy for the borough is supported by its evidence base and that 'no stone has been left unturned' in meeting its housing need.</p> <p>This will be investigated thoroughly through the Examination-in-Public process whereby it will be for the Planning Inspector to determine if the strategy is sound.</p>
<p>Given the past identification of alternative strategies that could potentially meet needs, Spelthorne is concerned that the Regulation 19 version of the plan is no longer seeking to meet housing need in full and that there is insufficient justification for not doing so.</p>	<p>As part of its Local Plan preparation EBC has consulted upon several options that could have formed the development strategy for the borough including some that could meet our development need in full.</p> <p>As set out in EBC's Topic Paper: How the spatial strategy was formed (June 2022), the options were based upon the evidence available at the time and our discussions with neighbouring authorities as part of our continued Duty to Cooperate activities.</p> <p>However, as the Council's evidence base emerged and was read as a whole, it has been determined that exceptional circumstances cannot be fully evidenced and justified to amend the boundaries of the Green Belt in order to meet the Local Housing Need figure in full.</p>

	<p>EBC's approach is considered consistent with the NPPF (paragraphs 11b(i) and (ii)) and will be investigated thoroughly through the Examination-in-Public whereby it will be for the Planning Inspector to determine if the strategy is sound.</p>
<p>This has the potential to increase pressure on other nearby authorities, including Spelthorne, to pick up unmet need. Spelthorne has already indicated that it does not consider it is able to take on any unmet need from Elmbridge due to the constraints present within the Borough.</p>	<p>EBC's has not indicated within its draft Local Plan nor its evidence base that its unmet housing need should be met by another authority.</p> <p>EBC understands neighbouring authorities may be concerned however, this should not lead to objections that its plan is unsound i.e., for fear that their housing number may increase.</p> <p>Rather, it will be for the Planning Inspectors examining neighbouring authorities' Local Plans to determine whether any of Elmbridge's unmet need should be accommodated. However, it is EBC's position that if a neighbouring authority has sufficiently tested that they cannot meet a higher local housing need and that their evidence is sufficiently robust on this point, then they will be able to defend their position at the Examination.</p>
<p>As per national policy, in the absence of any agreement through the Duty to Cooperate to meet development needs, the authority must revise its Local Plan strategy to accommodate the minimum requirement derived according to Local Housing Need.</p> <p>Elmbridge should therefore reconsider its position on Green Belt release, considering the value and benefits of a small amount of Green Belt release against the potential harm. Spelthorne consider that Elmbridge has not sufficiently undertaken this exercise and should therefore re-examine specific sites that may hold limited Green Belt value and could help to meet development needs.</p>	<p>EBC's interpretation and application of the NPPF differs to that of SBC on this point. This will be investigated thoroughly through the Examination-in-Public process whereby it will be for the Planning Inspector to determine if the strategy is sound.</p> <p>EBC's rationale for its preferred spatial strategy for the borough is set out in its Topic Paper: How the spatial strategy was formed (June 2022). This provides a comprehensive audit of how the options for the spatial strategy have evolved / been discounted with reference to the evidence base including the Sustainability Appraisal.</p> <p>Applying the Calverton Case, the Council considered in detail the potential benefits of releasing areas of</p>

	<p>Green Belt however, considered that these (as well as other factors) were outweighed by the nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed).</p> <p>This will be investigated thoroughly through the Examination-in-Public process whereby it will be for the Planning Inspector to determine if the strategy is sound.</p>
<p>Spelthorne is concerned that the Local Plan strategy does not fully utilise the findings of the Green Belt Boundary Review 2016 and Green Belt Boundary Review- Sub-Division Work 2018 which identify a number of weakly performing local areas and sub areas for further consideration. These are independent studies that utilise objective approaches, also using a methodology broadly agreed by many local authorities in the wider region. Elmbridge Borough Council however disagrees with these findings on a number of sub-areas.</p> <p>Additionally, the Council previously produced an Exceptional Circumstances case in 2016 setting out considerations which could amount to the justification of Green Belt release including affordability and smaller units. It is considered that this has not been sufficiently regarded in the development of the current spatial strategy.</p>	<p>It is the Council's position that, on the whole, the Ove Arup assessment in regard to the Green Belt sites forming Option 5a, undervalues their 'performance' against the Purposes of Green Belt as well as ensuring the fundamental aim of Green Belt in preventing urban sprawl by keeping land permanently open.</p> <p>Each evidence base document relating to the Green Belt clearly sets out that the Council will need to carefully consider whether there are any 'exceptional circumstances' that justify the Green Belt boundary in Elmbridge Borough to be altered through the preparation of the Local Plan and that the evidence base needs to be read as a whole.</p> <p>This document was prepared in 2016 in support of the Strategic Options Consultation which identified three potential options for meeting Elmbridge's development needs. This included options for releasing land from the Green Belt. A preferred options was also identified which included the option of releasing three areas of land from the Green Belt. Following the consultation, the completion of additional evidence base work and the refinement / involvement of the options, the Council rescinded the identification of its preferred option and undertook its next Regulation 18 Consultation in August 2019.</p> <p>Through the continued preparation of the Local Plan and utilising its additional evidence base documents prepared since 2016/17 including for example, which areas of Green Belt formed</p>

	<p>option 5a and the potential impacts of developing these on the Green Belt, the Council was able to reassess whether exceptional circumstances had been fully evidenced and justified. In light of these additional stages, a difference judgement was reached.</p>
<p>Although 'Topic Paper 1: How the Spatial Strategy was formed' sets out that the council is not convinced that releasing Green Belt will improve affordability, little evidence has been provided as to how this need would otherwise be met. In developing the Spelthorne Local Plan, a small amount of Green Belt release has been identified to help improve affordability, with a higher rate of 50% Affordable Housing viability tested and confirmed on greenfield sites. This will also aid the delivery of family dwellinghouses and a range of units to meet community needs. It is considered that Elmbridge's current strategy and reliance on urban sites alone offers limited opportunity for affordable housing provision, which is exacerbated by the overall under-delivery of housing in the Borough and missed opportunity for affordable housing contributions. It is unclear if the proposed Local Plan strategy will overcome these concerns and sufficiently provide the needed mix of homes for the borough including the type of homes and amount of affordable housing.</p>	<p>As set out in Topic Paper, it is the Council's position that the Government, as part of its standard methodology, has incorrectly assumed that delivering more homes within a borough will improve affordability.</p> <p>Therefore, rather than releasing land from the Green Belt, the Council has sought to optimise development within the urban areas; making most efficient use of land and ensuring that its housing provision is located within the most sustainable locations within the borough. In addition, the Council continues to seek to collect affordable housing contributions from small sites and from some forms of older persons accommodation.</p>
<p>The Council also refer to a report titled Exceptional Circumstances Case: Green Belt (January 2022) however this is not publicly available. It is felt that this should be made available to stakeholders and Duty to Cooperate partners so that they can have sight of all information used to develop the strategy and consider whether the Plan is sound and justified.</p>	<p>This paper was prepared (on a draft confidential basis) to assist Councillors in their consideration of the preferred development strategy for the borough to be set out in the draft Local Plan 2037.</p> <p>Prepared by officers, the paper identified and considered whether exceptional circumstances could be fully evidenced and justified to make amendments to the boundary of the Green Belt in accordance with national policy and guidance and case law.</p> <p>The paper set out that, having considered the provisions of the NPPF, case law; the Local Plan evidence; and</p>

	<p>other factors that Councillors consider relevant, that it was for them to exercise their planning judgement and reach a conclusion as to whether exceptional circumstances were fully evidenced and justified.</p>
<p>Regarding the brownfield-first approach, having reviewed the Land Availability Assessment 2022, Spelthorne queries the extent to which Elmbridge has maximised its brownfield land supply. Whilst Spelthorne acknowledges the need to take account of local character in setting site yields, it is felt that site capacities could be further explored and increased.</p> <p>Whilst density is not the only measure of site capacity, those identified in the LAA appear to be modest with scope to consider increases, particularly if the strategy is to focus on brownfield urban land and if no Green Belt land is to be released.</p>	<p>EBC is content that its approach to assessing the capacity of brownfield sites has been undertaken thoroughly. The capacity of each site is based upon an individual assessment that has included a review of site constraints and character as well as a review of a sites' planning history for example.</p> <p>EBC is happy to provide the rationale behind the capacity of sites which SBC consider could provide more homes should these be highlighted alongside their reasoning.</p> <p>In addition, the capacities identified in the LAA do not prevent sites from coming forward with a higher number of units proposed.</p>

Spelthorne Borough Council and Elmbridge Borough Council – Constraints
April 2023

Both Spelthorne Borough Council and Elmbridge Borough Council recently sought representations on their Regulation 19 Local Plans, ending 19 September 2022 and 29 July 2022 respectively. Duty to Cooperate discussions have been ongoing between both authorities in order to engage constructively on outstanding strategic matters.

Spelthorne BC has adopted a Local Plan strategy including the following elements:

- Increase densities in town centres and near transport facilities where the character can accommodate it, allowing high rise development where appropriate and where they are of high-quality design.
- Release some weakly performing Green Belt that would not adversely affect the integrity of the strategic Green Belt. Protect the borough's strongest Green Belt.
- Make use of a masterplan approach for Staines.
- This approach will meet housing needs in full.

This approach provides for at least 9,270 units. Green Belt sites will provide 50% Affordable Housing and brownfield urban sites will provide 30% Affordable Housing.

The proposed growth strategy for Elmbridge Borough is centred on sustainable place-making and is in response to the need to balance growth with protecting and continuing to conserve and enhance the natural environment which shapes Elmbridge's places and communities.

Elmbridge's proposed growth strategy focuses on delivering development and increasing capacity in its existing urban areas (a 'brown-field' approach). This includes the reallocation and diversification of employment land, encouraging mixed use development and ensuring the potential of sites is optimised.

- This approach seeks to conserve and enhance the qualities and characteristics of localities including the Green Belt and open spaces and also respond to the climate change emergency
- Within or on the edge of Elmbridge's town, district and local centres and sites adjacent to train stations, this approach seeks to deliver new homes by the provision of higher density housing such as flats and terraced homes; encouraging infilling and back land development to the rear of existing frontage properties; promoting mixed use development and increased building heights; and seeking comprehensive development that leads to more efficient and effective site layouts.

This approach provides for 6,785 units, 30% of which are affordable. The total Local Housing Need, figure, as set by the Government's Standard Methodology, is 9,705 (647 dwellings per annum) over 15-years, equating to a shortfall of 2,920 homes (30%).

Given the unmet need within Elmbridge, Spelthorne and Elmbridge carried out an exercise on 18 October 2022 to consider the constraints present in both authorities and how this has impacted the development of Local Plan strategies, respectively. This exercise has helped to consider the unmet need of Elmbridge in more detail between the two authorities under the Duty to Cooperate. **The outcome of this exercise is reflected in the SoCG.**

Table 1: Constraints affecting Spelthorne and Elmbridge

Spelthorne Borough Council	Elmbridge Borough Council
Absolute Constraints	Absolute Constraints
Flood Risk Functional floodplain (3b): 618 ha (12%) Functional floodplain in Green Belt (3b): 572.6 (17% of GB)	Flood risk Functional floodplain (3b): 742 ha (8%) Functional floodplain in Green Belt (3b): 642 ha (7%)
SPA and Ramsar 577 ha (11%) Site Special Scientific Interest (SSSI) 732 ha (14%) (7 sites: Poyle Meadows, Wraysbury Reservoir, Dumsey Meadow, Shortwood Common, Kempton Park Reservoir, Staines Reservoirs, King George VI Reservoir)	Ramsar Sites 63 ha (<1%) SPA – Thames Basin Heaths and the South-West London Waterbodies SPA (Knight and Bessborough Reservoirs) 87.42 ha (1%) Site Special Scientific Interest (SSSI) 456 ha (5%) (3 sites: Esher Commons, Knight & Bessborough Reservoirs, and Ockham & Wisley Commons)
Common land 148ha (3%)	Common Land & Village Greens 570 (6%)
Ancient woodland 1.6 hectares (<1%)	Ancient Woodland 267 ha (3%)
Waterbodies: 1126.11 ha (22%)	Reservoirs

<p>Area of Green Belt in Spelthorne covered by waterbodies: 1115.7 (34% of Green Belt)</p> <p>Reservoirs 870 ha (17%)</p>	<p>228 ha (2%)</p> <p>Waterways Network 434 ha (5%)</p>
	<p>Registered Parks & Gardens</p> <p>170 ha (6%) - Claremont (Grade I); Painshill (Grade I); and Oatlands (Grade II)</p>
	<p>Existing Suitable Alternative Natural Greenspace (SANG) & Proposed SANG</p> <p>64 ha (existing) and circ. 55 ha (proposed) (1%)</p>
<p>Heathrow constraints (noise, heights, public safety zone) Public safety zone: 3 ha (<1%) Within 66Leq noise contour: 244.4 ha (5%)</p>	
<p>Non-Absolute Constraints</p>	<p>Non-Absolute Constraints</p>
<p>Green Belt Green Belt: 3324 ha (65% of Spelthorne)</p> <p>Green Belt Assessment Stage 1 2018</p> <p>This assessment examined the performance of the Green Belt in and around Spelthorne against the Green Belt Purposes, as set out in the NPPF. The analysis was undertaken at two scales:</p> <ul style="list-style-type: none"> • Strategic Areas – two broad strategic areas of Green Belt which form part of a wider Green Belt network, stretching into surrounding boroughs and districts, and beyond; and • Local Areas – 59 smaller land parcels within the Green Belt bounded by readily recognisable, durable physical features. <p>At the strategic level, Strategic Area A plays an important role in meeting the fundamental aim of Green Belt policy to prevent urban</p>	<p>Green Belt Green Belt: 5490 ha (57%)</p> <p>Green Belt Boundary Review 2016</p> <p>This review examined the performance of the Green Belt in and around Elmbridge against the Green Belt Purposes, as set out in the NPPF. The analysis was undertaken at two scales:</p> <ul style="list-style-type: none"> • Strategic Areas – three broad strategic areas of Green Belt which form part of a wider Green Belt network, stretching into surrounding boroughs and districts, and beyond; and • Local Areas – 78 smaller land parcels within the Green Belt bounded by readily recognisable, durable physical features. <p>While the Green Belt closest to London (Strategic Area A) was found to be part of a fragmented network, its role in preventing the</p>

sprawl, in this case the sprawl of London, by keeping land permanently open.
At the strategic level, Strategic Area B plays an important role in meeting the fundamental aim of Green Belt policy to prevent urban sprawl, in this case the sprawl of settlements in Surrey, by keeping land permanently open.

All of the Local Areas meet one or more of the NPPF purposes to varying degrees.

In order to summarise the outcomes from the assessment, the Local Areas have been categorised as follows

- 30 Local Areas are judged to be strongly scoring Green Belt, meeting at least one of the purposes strongly (4 or 5);
- 21 Local Areas are judged to be moderately scoring Green Belt, with a moderate score (3) against at least one purpose and failing to score strongly against any purpose (4 or 5);
- Eight Local Areas are judged to be weakly scoring Green Belt, failing to meet, or weakly meeting all purposes (scoring 1 or 2).

Green Belt Assessment Stage 2 2019

The stage 2 assessment split the local areas into smaller sub areas to allow for a finer grained assessment of Green Belt. A total of 71 sub-areas were identified for assessment as part of this Study.

Overall:

- 18 areas are recommended for further consideration in isolation ('RA's) – if removed from the Green Belt, these areas would not result in harm to the wider Green Belt; and
- Four areas are recommended for further consideration in combination ('RC's) – if removed from the Green Belt in combination, these areas would not result in harm to the wider Green Belt, but the constituent sub-areas could not be removed in isolation without resulting in harm.

outward sprawl of the metropolitan area and its coalescence with surrounding towns was deemed particularly important. The next band of Green Belt moving outwards from London (Strategic Area B) was identified as being more coherent, acting as a barrier to the sprawl of large built-up areas in Surrey and other surrounding counties, as well as preventing towns from coalescing. The Green Belt furthest from London at the southern fringe of Elmbridge (Strategic Area C) was considered to primarily prevent encroachment into more extensive, unbroken areas of open countryside.

Considering the Green Belt at a smaller scale (Local Areas), the Review concluded that Green Belt in its entirety meets one or more of the NPPF purposes, although the degree to which different parts of the Green Belt contribute to the individual purposes varies across the Borough.

The assessment noted that 13 areas were considered to be 'weakly performing' through this review; warranting further consideration and needing to be subject to more detailed assessment in the next phase of the Green Belt Boundary Review, to determine the appropriateness and feasibility of adjustments to the Green Belt boundary. In addition, that following this work, further decision making by the Council in updating the Local Plan will determine which areas, if any, might be released from or added to the Green Belt.

The Review also set out that the Council will need to carefully consider whether there are any 'exceptional circumstances' that justify the Green Belt boundary in Elmbridge Borough to be altered through the preparation of the Local Plan.

Green Belt Boundary Review 2018 – Supplementary Work

The majority of Green Belt in Spelthorne is performing an important role in terms of NPPF purposes at the strategic and local level.

The 2018 Review was a more spatially focused piece of work to better understand the performance of smaller 'sub-areas' against the Green Belt purposes, as well as their context in relation to the wider Green Belt (Local Areas and Strategic Areas, as assessed through the 2016 GBBR).

The assessment split the Local Areas into smaller sub areas (92 in total) to allow for a finer grained assessment of Green Belt.

The Review concludes that the majority of Green Belt in Elmbridge is performing an important role in terms of NPPF Purposes at the strategic and local level. The review identifies 19 sub areas that meet the Purposes weakly. These are recommended for further consideration by the Council, in some instances together with adjacent sub-areas.

This assessment also identifies 23 moderately performing and five strongly performing additional sub-areas recommended for further consideration by the Council, including whole sub-areas, 'clusters' of sub-areas.

Green Belt Boundary Review – Assessment of Weakly Performing Local Areas 2019

The assessment identifies the extent of development potential within each Local Areas considered to be 'weakly performing' as part of the GBBR 2016 and sets out whether there is an opportunity for large / small-scale development or no development.

The Assessment identified three Local Areas that could provide an opportunity for large scale development and five Local Areas that could provide an opportunity for small scale development / redevelopment of existing PDL areas.

The eight Local Areas were recommended for further consideration

including whether exceptional circumstances exist to justify their release from the Green Belt as well as a detailed assessment of the availability and deliverability of the areas.

Green Belt Boundary Review – Accessibility Assessment, June 2019

This assessment looks at the sustainability of specific Green Belt areas (weakly performing and smaller sub-divisions) using a range of accessibility standards.

The report concludes that 90 areas were considered to 'fair', 'moderate' or 'limited' accessibility overall. 13 areas were considered to have 'good' accessibility and 1 area 'excellent' accessibility overall.

The assessment does not make any recommendations to discount or progress an area for further consideration. Rather, it states that this assessment together with other evidence base documents will be used to inform the Council's options and preferred approach for the Local Plan and site selection.

Green Belt Boundary Review – Assessment of Previously Developed Land, June 2019

This assessment looks at the level of Previously Developed Land (PDL) within specific Green Belt areas (weakly performing and smaller sub-divisions).

The assessment found that circ. 70 of the areas examined are considered to have an element of PDL.

The conclusion states that together with other evidence base documents, the assessment will be used to inform the Council's options and preferred approach for the Local Plan and site

	<p>selection. This includes whether exceptional circumstances exist to justify releasing land from the Green Belt as well as a detailed assessment of Local Areas and Sub-Areas.</p> <p>Green Belt Pro-Formas</p> <p>The pro-forma comprises an assessment of each sites' development potential taking into account the suite of Local Plan evidence base documents.</p>
<p>Flood risk</p> <p>Total area in flood zone 3: 1072 ha (21%) Total urban area in flood zone 3: 198 ha (4%) Green Belt area in flood zone 3: 874 ha (17%)</p> <p>Flood zone 2: 1039 ha (20%)</p> <p>This information has not yet been updated to take account of the latest (2022) modelling from the River Thames. This work is currently underway with AECOM and the Environment Agency.</p>	<p>Flood risk</p> <p>Total area in Flood Zone 3: 1036 (11%) Total urban area in Flood Zone 3: 240 (3%) Green Belt area in Flood Zone 3: 796 (8%)</p> <p>Flood Zone 2: 2143 ha (22%)</p> <p>Areas Liable to Flood: 1032 ha (11%)</p> <p>This information has not yet been updated to take account of the latest (2022) modelling from the River Thames. This work is currently underway with AECOM and the Environment Agency.</p>
<p>Site Nature Conservation Importance (SNCI) 777ha (26 sites) (15%)</p>	<p>Lowland Fens Priority Habitat 42 ha (<1%)</p> <p>Site Nature Conservation Importance (SNCI) 969 ha (10%)</p> <p>Local Nature Reserve (LNR) 243 ha (3%)</p> <p>Biodiversity Action Plan Habitat Areas 584 ha (6%)</p>

	Biodiversity Opportunity Areas 2651 ha (28%)
Open spaces and recreation 1315 ha (25.7%) Open spaces and recreation in the Green Belt 1218.6 ha (37% of GB) Proposed Local Green Space 60 ha (1%)	Urban Green Spaces (includes residential gardens) 5195 (54%) Green Spaces (as identified in the Open Space & Recreation Assessment) 1507 (16%) Proposed Local Green Space 923 ha (10%)
Minerals Sites 952 ha (19%) Waste Sites 20 ha (<1%) Mixed 9 ha (<1%)	Minerals Safeguarding Areas 1211 ha (13%) Waste Sites 6 ha (<1%)
River Thames Scheme Safeguarding Areas 325 ha (6%)	
Colne Valley Regional Park 1091ha (21%)	

Note: There is overlap between the constraints recorded therefore area totals should not be summed.