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BY EMAIL

10<sup>th</sup> April 2018

Dear Sirs,

**RE: CONSULTATION PROPOSALS RELATING TO THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE**

Thank you for the opportunity to respond to the above consultation. Surrey Heath Borough Council has now had the opportunity to consider the proposals and has the following comments to make in respect of the National Planning Policy Framework.

**Chapter 2: Achieving Sustainable Development**

*Question 4: Do you have any other comments on the text for Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?*

Surrey Heath Borough Council generally welcomes the proposed changes to Paragraph 11 which revises the presumption in favour of sustainable development to address that strategic plans should provide for any needs that cannot be met within neighbouring areas. However, the Council would express significant concerns in respect of the removal of all references to Housing Market Areas both in this, and subsequent chapters of the proposed text for the NPPF. The success of the proposed revisions is considered to be dependent upon the NPPF continuing to recognise the value of defining Housing Market Areas. Housing Market Areas provide a robust starting point for authorities to undertake meaningful co-operation and ensure that in

the first instance, any unmet need arising within a local authority area can be met in the most suitable location. It is considered that use of 'neighbouring areas' is likely to create greater uncertainty in the plan-making process and may delay plan-making processes.

Revisions to Footnote 7 which add clarity in respect of which Policies within the Framework provide strong reasons for the scale type or distribution of development to be limited are welcomed. Surrey Heath Borough Council has no comments to make in respect of the proposed approach to providing additional certainty for neighbourhood plans in some circumstances.

### **Chapter 3: Plan-making**

*Question 6: Do you have any other comments on the text of Chapter 3?*

Surrey Heath welcomes revisions to Chapter 3 of the NPPF, which amplify the importance of collaboration and cooperation within the plan making process. The Council particularly welcomes the recognition of the potential for strategic policies to address cross-boundary issues (Paragraph 21), formalisation of the requirement to prepare statements of common ground and revisions to the 'positively prepared' and 'effective' tests of soundness, which will encourage unmet need and any other strategic matters to be dealt with more effectively as part of the plan making process.

### **Chapter 4: Decision-making**

*Question 10: Do you have any comments on the text of Chapter 4?*

The Council supports the renewed emphasis upon the benefits of pre-application engagement and frontloading set out within Chapter 4; this will support the Council's ongoing efforts to encourage developers to engage in the pre-application process.

### **Chapter 5: Delivering a wide choice of high quality homes**

*Question 13: Do you agree with the new policy on exception sites for entry level homes?*

Surrey Heath Borough Council objects to the policy approach set out within Paragraphs 65 and 72 of the proposed NPPF, which makes provision for 'entry level exception sites' that should incorporate a 'high proportion' of entry level homes for discounted sale or affordable rent.

Settlement boundaries and spatial strategies are set through the strategic planning process and great weight should be attached to them. The Council would not normally support the provision of housing outside of settlement boundaries that did not accord with the identified spatial strategy, unless the development in question should constitute a rural exception site; such sites are wholly exceptional, providing affordable housing to

meet local need in perpetuity in locations where access to affordable market housing is, and is likely to continue to be, extremely limited.

Although little clarity is provided, it seems likely that 'entry level homes' will not be an 'in perpetuity' product. This will lead to settlement boundaries being eroded and spatial strategies being undermined for short term benefit, the product having no capacity to meet affordable, or entry level housing needs into the future.

The Council would also express concern that the proposed policy mechanism is likely to stymie the delivery of rural exception sites; entry level homes exception sites may be perceived as a more viable opportunity than rural exception sites. This will affect the Council's capacity to secure schemes that meet the full development needs of the area.

Notwithstanding the above, the Council would welcome the inclusion of Policies within the revised framework to encourage the identification of 'entry level homes' on suitable sites through the plan-making process.

*Question 14: Do you have any other comments on the text of Chapter 5?*

In respect of Paragraph 65, it is suggested that the text in footnote 23 is incorporated into the main body text to avoid confusion.

In respect of Paragraph 69, which endeavours to support the delivery of small sites, the Council would recommend the removal of the requirements for local authorities to ensure that at least 20% of sites identified for housing in their local plans to be half a hectare or less; this is unlikely to be suitable for all areas and may result in delays in the plan making process, particularly where only a limited number of such sites are available.

It is also suggested that the requirement for local planning authorities to work with developers to encourage the sub-division of large sites in order to speed up the delivery of homes be removed. The piecemeal development of such sites is unlikely to make the best use of available land and risks sites not being built out to their full capacity. Surrey Heath is a constrained Borough and it is essential that the capacity of available sites is maximised.

### **Chapter 13: Protecting the Green Belt**

*Question 31: Do you have any other comments on the text of Chapter 13?*

Surrey Heath Borough Council welcomes the decision by Government to carry forward proposals from the Housing White Paper (Fixing Our Broken Housing Market, dated February 2017) clarifying that, before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all other reasonable options for meeting identified need for

development, including undertaking discussions with neighbouring Authorities about whether they could accommodate some of the identified need for development.

The Council would welcome greater clarity in respect of point (e) of Paragraph 144 which indicates a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt, except in a number of defined circumstances, including the limited infilling in villages. This replicates advice given in the current iteration of the National Planning Policy Framework (NPPF), but that has led to uncertainty in the decision making process where debate has arisen in respect of whether peripheral sites should be treated as being 'within' or 'outside' a village. It is the Council's opinion that all parties would benefit from stronger guidance which clarifies the circumstances in which point (e) should apply.

## **Annex 1: Implementation**

*Q40: Do you agree with the proposed transitional arrangements*

Surrey Heath Borough Council agrees with the proposed transitional arrangements but would however welcome further clarification in respect of timeframes for the implementation of revisions to Policy and Practice Guidance, to enable the authority, and others, to progress their plan-making with confidence.

## **Glossary**

*Q43: Do you have any comments on the glossary?*

Surrey Heath would welcome an amplification of the definition of Previously Developed Land to clarify that land accommodating polytunnels is not considered to be previously developed. The Council would also welcome clarification to ensure that residential gardens in non-built up areas should not be considered to constitute previously developed land.

The Council's comments in respect of the draft National Planning Practice Guidance are set out below.

## **Housing Delivery**

Although the Council raises no concerns in respect of the principle of authorities only being able to demonstrate a five year housing land supply where it has been established in a recently adopted Plan, or in a subsequent annual position statement, the Council has very significant concerns in respect of various aspects of the process of preparing an annual position statement. The guidance in respect of how an Annual Position Statement should be prepared is exceptionally vague. The lack of clarity in respect of how an Annual Position Statement should be formulated will add complexity to the planning process. Furthermore, the suggestion that local authorities will be

required to identify, consult on and review a broad range of unspecified assumptions in order to formulate the Statement will place a significant burden on both resource constrained Local Authorities and the Planning Inspectorate; this is likely to result in significant delays to the plan making process.

In addition to the above, the Council would also raise significant concerns in respect of the requirement for Authorities seeking to demonstrate a confirmed five year housing land supply through the Annual Position Statement process to demonstrate a minimum 10% buffer. Surrey Heath is subject to a number of significant constraints (including but not limited to large areas of Thames Basin Heaths Special Protection Area, Green Belt and operational MOD land). These have a substantial impact upon the availability of housing land. To date the Council has undertaken a significant portfolio of work to maximise every reasonable opportunity to deliver its housing need but is still likely to have a shortfall against its need which will need to be accommodated elsewhere. As such it seems that Surrey Heath, and other similarly affected Authorities will be incapable of ever identifying a 10% buffer and thus, will not be able to demonstrate a confirmed five year housing land supply. This seems unreasonable, particularly given that past appeals have identified a 5% buffer as suitable, given the Boroughs constraints. There is also potential for the arbitrary requirement for a 10% buffer to significantly undermine the plan making process.

To address these matters, it is suggested that if Annual Position Statements are to function effectively, National Planning Practice Guidance will need to set out a clear and concise methodology to enable Local Planning Authorities to undertake the required work expediently without jeopardising wider plan-making processes. The Council would also suggest that the requirements for a 10-20% buffer be removed to ensure that the plan-making process is not undermined. Guidance in respect of five year housing land supply and Annual Position Statements should be incorporated into current SLAA guidance to ensure clarity, avoid repetition and to better reflect the interrelationship between the processes.

Surrey Heath Borough Council welcomes the recognition that housing for older people (including C2 uses) should be incorporated into 5 year housing land supply calculations. The Council also welcomes proposals that make provision for five year land supply to be measured against stepped requirements for Plans with justified stepped rather than average annual requirements.

### **Housing Delivery Test**

The requirements for the preparation of Action Plans in areas where housing delivery is falling places an overwhelming burden on Planning Policy teams, and will divert resources away from plan-making. Rather than adding a new layer of complexity to planning practice, a more effective step would be to require Local Planning Authorities to undertake a Call for Sites and a Strategic Housing and Employment Land Availability Assessment (SHELAA) on a yearly basis, together with requiring Authorities to

undertake the steps set out under the heading “*what actions could local planning authorities consider as part of the action plan?*” as part of the (SHELAA) and plan-making processes.

### **Local Housing Need**

The approach to assessing housing need is generally welcomed, however Surrey Heath Borough Council would express concerns that there appears to be a disconnect between the requirement to use official projections required to calculate the average annual household growth (which cover a 10 year period) and the requirement for strategic policies to look over a 15 year period.

Concern is also raised in respect of the absence of a requirement to identify the housing market area in which a local authority is situated (please refer to comments set out in answer to Q.4 above).

In addition to the above, it should be made clearer that specified types of housing (such as family housing and housing for older people) should be counted within and not outside of the identified housing figure.

### **Neighbourhood Planning**

The section in respect of when Neighbourhood Plans are protected from the presumption in favour of sustainable development is overly complex and would benefit from simplification.

I hope these comments are of assistance to you.

Yours faithfully,

Kate Galloway  
Planning Policy and Conservation Team Leader  
On behalf of Surrey Heath Borough Council