



Report to Spelthorne Borough Council

by Sara Morgan LLB (Hons) MA

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 8000

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
SPELTHORNE DEVELOPMENT PLAN CORE STRATEGY AND POLICIES
DEVELOPMENT PLAN DOCUMENT**

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List of Abbreviations used in this report

¶	Paragraph
2004 Act	Planning and Compulsory Purchase Act 2004
2004 Regulations	The Town and Country Planning (Local Development) (England) Regulations 2004
AA	Appropriate Assessment under the EU Habitats Directive
AMR	Annual Monitoring Report
AQMA	Air Quality Management Area
ATWP	Air Transport White Paper
CD	Core Document
CIL	Community Infrastructure Levy
CS	Spelthorne Development Plan Core Strategy and Policies Development Plan Document
DCLG	Department of Communities and Local Government
DPD	Development Plan Document
EA	Environment Agency
EIP	Examination in Public
GOSE	Government Office for the South East
HLAA	Housing Land Availability Assessment
HMA	Housing Market Assessment
HNS	Housing Needs Survey
LDD	Local Development Document
LDF	Local Development Framework
LDS	Local Development Scheme
LTP	Surrey Local Transport Plan second edition
LP	Spelthorne Borough Local Plan 2001
LPA	Local Planning Authority
MGB	Metropolitan Green Belt
MPS1	Minerals Policy Statement 1: Planning and Minerals
PAS	Planning Advisory Service
PC	Change proposed by the Council
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
RPG9	Regional Planning Guidance for the South East
RSL	Registered Social Landlord
SAR	Sustainability Appraisal Report
SCI	Statement of Community Involvement
SEERA	South East England Regional Assembly
SEP	South East Plan
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SP	Surrey Structure Plan
T5	Heathrow Terminal 5

All references to policies in the South East Plan (SEP) are references to the policies as proposed to be changed by the Secretary of State in her proposed changes of July 2008, unless otherwise stated.

1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the 2004 Act, the purpose of the independent examination of a development plan document (DPD) is to determine:
 - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document;
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Spelthorne Development Plan Core Strategy and Policies DPD and Proposals Map (CS) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the CS meets the requirements of the Act and Regulations. My role is to consider the soundness of the submitted DPD against the tests of soundness set out in Planning Policy Statement PPS12. When the DPD was submitted, PPS12 (2004): *Local Development Frameworks* was in force, but in June 2008, it was replaced by PPS12 (2008): *Local Spatial Planning*, which is a material consideration. Although the tests of soundness are now presented in a different and simpler way, they cover the same matters as before. The revised PPS12 requires that to be sound, a DPD should be justified, effective and consistent with national policy, along with a continuing requirement for the DPD to satisfy the legal/procedural requirements and be in conformity with regional planning policy. Justified means that a DPD should be founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives. Effective means that the submitted DPD should be deliverable, flexible and able to be monitored.
- 1.4 The Government intends that spatial planning objectives for local areas, as set out in the LDF, should be aligned not only with national and regional plans, but also with shared local priorities set out in Sustainable Community Strategies where these are consistent with national and regional policy. National policy emphasises the importance of spatial planning, requires local planning authorities to produce a Statement of Community Involvement and follow its approach, and to undertake proportionate sustainability appraisal. PPS12 (2008) also confirms that the rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content as before. Consequently, the publication of the new PPS12 does not materially affect the procedure or matters to be examined in terms of this DPD.
- 1.5 In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the tests of soundness in PPS12. None of these changes should materially

alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.

- 1.6 My report firstly considers the legal and procedural requirements, and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy. In this report I make reference to the Examination Core Documents, which are contained in the Examination Library, thus - CD/XXX/123. I have considered all the matters raised in the representations made during the course of the Examination, although they may not be specifically referred to in my report.
- 1.7 The changes considered in detail in this report, and which are necessary to make the CS sound are contained in Annexes A and B. The Council has also proposed minor changes which I am satisfied are necessary to correct inaccuracies or inconsistencies, but which do not require detailed examination. These are in Annex C.
- 1.8 The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.9 The amendments I consider are necessary in order to make the CS sound are set out in shaded bold type thus - **In order for the CS to be sound....**
- 1.10 My overall conclusion is that the CS is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
 - a) removal of references to the "saved" policies, the insertion of a succinct statement of the spatial strategy and deletion of Chapter 12;
 - b) amendments to reflect the increased housing requirement proposed by the Secretary of State in her proposed changes to the South East Plan;
 - c) changes to policy HO3 to increase the threshold for affordable housing to 15 dwellings, to require the Council to maximise the amount of affordable housing from qualifying sites up to a maximum of 50% and to emphasise the need to take into account viability, and to delete the requirements for a financial contribution towards affordable housing from developments of four to nine dwellings and from employment development schemes;
 - d) the provision of further background information on possible future expansion at Heathrow, together with the possible need to re-examine employment land requirements if further expansion is approved;

- e) clarification of what developers will be required to provide in terms of infrastructure and open space;
- f) deletion of policy EN11, paragraphs a) and b) of policy EN13 and policy EN17;
- g) deletion of the requirement in policy CC1 for developments to achieve at least a level 3 rating under the Code for Sustainable Homes or BREEAM "very good" standard;
- h) insertion of a new Implementation and Monitoring Framework which, amongst other matters, reflects the latest Government Core Output Indicators, and deletion of Appendix 4 containing the Housing Trajectory.

The report sets out all the detailed changes required, including those suggested by the Council, to ensure that the plan meets the legal requirements and the tests of soundness.

2 Legal/Procedural Requirements

- 2.1 The CS is contained within the Council's LDS, the updated version being approved in April 2007. There, it is shown as having a submission date of May 2007. The 14 days' slippage in submitting the CS to the Secretary of State is not significant, and in all other respects the document accords with the LDS.
- 2.2 The Council's *Statement of Community Involvement* (CD/SBC/044) has been found sound by the Secretary of State and was formally adopted by the Council before the Examination hearings took place. It is clear that there is a degree of local dissatisfaction with the level of consultation carried out. Partly this may arise from disagreement with the strategy chosen by the Council, and is a result of the outcome of the consultation process rather than any failure of the process per se. However, the obligation on the Council is to consult on the various stages of a DPD, not to take on board all of the responses received as a result of that consultation - indeed it would be virtually impossible to do that. Partly the dissatisfaction may result from the requirement of the 2004 Regulations for the CS to be submitted to the Secretary of State before the Regulation 28 advertisement - an element of the LDF process which has now been altered.
- 2.3 Notwithstanding the dissatisfaction with the consultation process expressed during the examination, it is evident, from the documents submitted by the Council, including the Regulation 28 and 31 Statements and its Self Assessment Paper, that the Council has met the consultation requirements set out in the 2004 Regulations and in the SCI. However, the Council may wish to review its future consultation arrangements in the light of the advice in the recent publication by the Planning Advisory Service relating to effective community involvement. It is not part of my task to consider whether the Council followed its own internal procedures before submitting the CS.

- 2.4 Alongside the preparation of the CS it is evident that the Council has carried out a parallel process of sustainability appraisal (CD/SBC/004 & 005).
- 2.5 In accordance with the *Habitats Directive*, I am satisfied that an Appropriate Assessment (AA - CD/SBC/007) has been undertaken and that the AA has adequately considered not only the effect of the CS but also its effect "in combination" with other development proposed in adjoining Local Authority areas. Furthermore, I note that Natural England considers the AA to be sound and concurs with its conclusions that the CS will not have any significant effect on the integrity of any Natura 2000 site in or within 15 km of the Borough, either on its own or "in combination". In the light of this, I am satisfied that there would be no significant harm to the conservation of any Natura 2000 sites as a result of the policies and proposals within the CS.
- 2.6 The relevant version of the *Spelthorne Community Plan* at the time the CS was submitted was adopted in June 2005 (CD/SBC/046). The Community Plan identified six themes, covering safer communities, young people, transport, health, making Spelthorne thriving and lifelong learning. I am satisfied that the CS has had regard to all of these themes.
- 2.7 I am satisfied that the CS has regard to national policy. In addition, the South East England Regional Assembly has indicated that the DPD as submitted is in general conformity with the approved Regional Spatial Strategy (RPG9) and the emerging Regional Spatial Strategy (the draft South East Plan as submitted to the Secretary of State) (CD/REG/305).
- 2.8 I am satisfied that the DPD complies with the specific requirements of the 2004 Regulations in relation to publication of the prescribed documents; availability of them for inspection and local advertisement; and notification of DPD bodies.
- 2.9 Regulation 13(5) of the 2004 Regulations states that where a DPD contains a policy that is intended to supersede another policy, it must state that fact and identify the superseded policy. This is done on page i of the CS. However the text on that page does not form part of the submission CS and will not appear in the adopted version. In order to comply with Regulation 13, therefore, it is necessary to amend the Introductory Chapter by the addition of a new paragraph.
- 2.10 Subject to that change, I am satisfied that the legal and procedural requirements have all been satisfied.
- 2.11 **In order for the CS to be sound, a new paragraph should be added at the end of Chapter 1 identifying the "saved" policies of the Spelthorne Borough Local Plan 2001 which are superseded by policies in the CS (Change 1).**

3 Justified, Effective and Consistent with National Policy Tests

3.1 The main issues are

- the clarity of the spatial strategy;
- the approach to the Green Belt and flood risk and the location of development;
- the scale and distribution of new housing development;
- affordable housing and housing size, type and density;
- the appropriateness of the employment policies;
- the adequacy and distinctiveness of the town centre and retail policies;
- the provision for community and infrastructure needs;
- the appropriateness and distinctiveness of the policies of the Environment Chapter;
- the appropriateness and adequacy of the climate change and transport policies;
- implementation and monitoring;
- flexibility.

3.2 At the end, I deal with other matters.

3.3 *Issue 1 – Whether the spatial strategy is clear, soundly based and appropriate for the Borough and is consistent with national and regional policy*

3.4 The CS as submitted is a lengthy document lacking in succinctness, and the articulation of the spatial strategy lacks clarity. Furthermore, the inclusion in the document of "saved" policies, as I indicated above, has led to some confusion, as well as adding to the length of the document. In my 22 October 2007 briefing note I expressed concerns as to the length, clarity and succinctness of the CS and its reactive rather than proactive and place-shaping nature.

3.5 In response to these concerns, the Council has proposed a number of changes to the document. These comprise changes to Chapter 4, setting out immediately after Chapter 3 (Vision and Objectives) the spatial strategy together with a new Table 1 indicating the location of development requirements arising from the spatial strategy and an indication of major place shaping issues. The Council also proposes removing the "saved" policies, which will reduce the length of the document. These changes were advertised for 6 weeks in the spring of 2008.

3.6 In my opinion, the changes proposed by the Council set out much more clearly the Council's spatial strategy and the locational consequences of the strategy that has been adopted. The absence of place-shaping policies relating to different parts of the Borough does not undermine the strategy. This is because of the particular characteristics of Spelthorne, which is a small borough with a compact urban area, with the boundaries of the various communities running into each other. Although it is clear that some of the various settlements do possess a distinct sense of community, these settlements are not significantly different in

character, nor are there particular issues relating to some settlements but not others which would require specific place-shaping policies (something I say more about later in ¶¶3.243 et seq.). Furthermore, the CS is not required to determine locations for significant growth or other major projects, apart from the proposed expansion of Staines Town Centre.

- 3.7 Whilst in a number of respects the spatial strategy could be set out more clearly and succinctly, my task is to determine whether the document would be sound with the changes proposed, and not to specify further changes that would make it sounder. For that reason, and in the light of the above, I consider that the changes proposed by the Council would result in an adequately articulated spatial strategy as envisaged in PPS12 which would be sufficiently proactive and would address the concerns as to soundness in this regard expressed in my briefing note. Because the changes do not alter the essential aims of the CS, and largely draw together material provided elsewhere in the document, their inclusion in the finally adopted CS would not undermine the sustainability appraisal already carried out by the Council.
- 3.8 One of my concerns as to format related to the mixing in the CS of the core policies with more generic development control or management policies. The Council's Preferred Options document separated the core policies from the detailed development control policies, and the change from that format to the format adopted in the CS responds to some consultees' concerns that the former lacked clarity. Various different approaches are possible in this regard, and although the spatial strategy might have been better expressed if the two types of policy had been separated, I am not satisfied that mixing the two by itself renders the document unsound.
- 3.9 I conclude that, to make the CS sound, Changes 2-12, 58, 64, 65, 66 and 67, all of which were included in the re-advertised CS, are necessary. In addition, Chapter 12 is largely superfluous in the light of these changes, and that should be deleted (Change 62).
- 3.10 I consider the various discrete aspects of the strategy in the remainder of my report, and conclude that they satisfy the tests of soundness. Taking those findings into account, and subject to the changes I specify, I conclude that the spatial strategy is clear, soundly based and appropriate for the Borough, is consistent with national and regional policy and satisfies the tests of soundness.
- 3.11 **In order for the CS to be sound, references to the "saved" policies should be removed, a succinct statement of the spatial strategy together with a supporting summary table should be inserted, and Chapter 12 should be deleted (Changes 2-12, 58, 62, 64, 65, 66, 67 and 68).**

3.12 Issue 2 - The appropriateness of the approach to the Green Belt and flood risk and the location of development

Green Belt

- 3.13 PPG2 *Green Belts* identifies the essential characteristic of Green Belts as their permanence, and requires them to have boundaries that will endure. Detailed Green Belt boundaries defined in adopted local plans should be altered only exceptionally. Much of the district of Spelthorne lies within the Metropolitan Green Belt (MGB). The MGB boundary is defined on the Proposals Map of the adopted LP, and in these circumstances PPG2 advises that boundaries should not be changed unless alterations to the structure plan (now the RSS) have been approved, or other exceptional circumstances exist, which necessitate such revision.
- 3.14 The Council's strategy is to locate new development within existing urban areas, which effectively comprise all land not in the MGB, and to maintain the MGB as defined on the Proposals Map of the adopted LP. In accordance with its approved LDS (CD/SBC/043), in March 2007 the Council submitted a statement to request the "saving" of policy GB1 of the LP and the MGB boundary shown on the Proposals Map for the life of the CS, under the provisions of Schedule 8 to the 2004 Act (CD/SBC/045). In response, in September 2007 the Secretary of State issued a Direction saving policy GB1. The covering letter from the Government Office for the South East (GOSE) indicated that the Council's submissions that policy GB1 should be retained were accepted, and that it would be more appropriate to explore whether any review of the Green Belt boundaries is needed through the local development framework process (CD/SBC/054).
- 3.15 As neither the policy nor the MGB boundary is included in the CS, it is not within my remit to consider its precise boundaries. However, in considering whether the tests of soundness are met, clearly I have to consider whether the strategy of not amending the MGB boundary is the most appropriate in all the circumstances, as the GOSE letter indicates.
- 3.16 PPS3 advises in ¶37 that it may be necessary in considering the options for distributing housing to review policy constraints, but that is in the context of preparation of the RSS at the regional level. The advice in ¶68 of the now cancelled PPG3 relating to review of Green Belt boundaries has not been carried forward into PPS3.
- 3.17 There is no requirement in the *Surrey Structure Plan* (SP - CD/SCC/200) for the MGB boundary in Spelthorne to be changed. Nor is there any reference in the *South East Plan incorporating the Secretary of State's Proposed Changes* (SEP - CD/REG/306), which will replace the "saved" policies of the SP, to any need for a review of the MGB boundary at Spelthorne, although the SEP identifies other locations in the South East where existing MGB boundaries should be reviewed. Policy SP5 of the SEP indicates that such reviews should satisfy national criteria for Green Belt releases.

- 3.18 The emphasis of policy LF1 of the SEP is on seeking to meet housing needs within the urban area, or where this is not possible, by urban extensions involving selective or small-scale reviews of the boundary of the MGB. The implication is that, were it not possible to meet Spelthorne's housing needs within the urban area, this could amount to an exceptional circumstance warranting a review of the MGB. This is reflected in the comments in the *EIP Panel Report (CD/REG/301 ¶20.80)*, that the increase in housing in Spelthorne recommended by the Panel may require some small-scale review of the MGB boundary.
- 3.19 No review of MGB boundaries has been carried out as part of the preparation of the CS. But in my view such a review is not necessary as a matter of course when preparing DPDs, given the advice in PPG2. The MGB boundary in Spelthorne was looked at during preparation work for the LP when, according to the Council, any anomalies were considered and minor adjustments to the boundary were made. This work would have been carried out over 10 years ago, before the current LP was adopted in April 2001.
- 3.20 However, given PPG2 advice concerning the permanence and endurance of Green Belt boundaries and the highly restrictive policies applying to these areas in the meantime, I am not satisfied that the passage of time since this or any previous work would, by itself, warrant a review of the MGB boundary, even though as a result some boundaries would remain unchanged for a significant length of time. Green Belt boundaries are intended to be permanent, and the concept of permanence would be lost if they were reviewed on a regular basis.
- 3.21 Nor am I persuaded, from what I have seen of any of the MGB sites which have been referred to in representations, that there are any significant anomalies in the MGB boundary, that would by themselves constitute exceptional circumstances justifying a boundary review as part of preparation for a core strategy, in the absence of any requirement for a review imposed by the RSS. Although some parts of the Green Belt, particularly in the Stanwell area, are somewhat fragmented, I consider that they continue to fulfil Green Belt purposes, including restricting urban sprawl and preventing neighbouring towns from merging, as well as encouraging the recycling of urban land (given that greenfield sites are likely to be more attractive to developers than urban previously developed sites). Although some areas have become neglected or degraded, PPG2 makes it clear that detailed boundaries should not be altered merely because land has become derelict.

Flood Risk

- 3.22 The question whether a Green Belt review would be necessary in Spelthorne is closely tied up with the issue of management of flood risk. A large proportion of Spelthorne lies within Flood Zones 2 and 3. Only 5% of Staines Town Centre, which in terms of accessibility to shops, public transport and services is the most sustainable location in the Borough for new housing development, lies within

Flood Zone 1. In carrying out its *Housing Land Availability Assessment* (HLAA - CD/SBC/012), the Council has not had any regard in seeking to meet the housing requirement to land within the MGB. However, some of the sites it has identified for housing lie wholly or partly within Flood Zone 2, two of the Zone 2 sites have a very small percentage of land in Zone 3 and two of the sites lie roughly half in Flood Zone 2 and half in Flood Zone 3 (CD/SBC/094).

- 3.23 PPS25 *Development and Flood Risk* requires the risk-based Sequential Test to be applied at all stages of planning, with the aim of steering new development to areas at the lowest probability of flooding. The question is whether in applying the Sequential Test, land within the MGB can be regarded as being "reasonably available" and thus sequentially preferable to land in a higher flood risk zone outside the MGB.
- 3.24 PPS25 requires flood risk to be considered alongside other spatial planning issues. Significant weight should be placed on the need, where possible, to avoid development within areas of flood risk. However, national planning policy also places significant weight on the importance and permanence of the Green Belt, and requires its boundaries to be altered only in exceptional circumstances. Within Green Belts there is a general presumption against inappropriate development. If Green Belt land were to be regarded as "reasonably available" in applying the sequential test, then that would be largely to disregard the advice and the presumption against inappropriate development in PPS2.
- 3.25 The PPS25 *Practice Guide* of June 2008 (CD/NAT/433), which recognises in ¶2.8 the need to maintain a balance between consideration of flood risk and the various other sustainable development drivers, together with the various regional targets for development, does not provide a definition of "reasonably available" for the purposes of preparing LDDs. But in the context of applying the sequential test to planning applications it advises that "reasonably available" alternative sites can be identified from documents such as SHLAAs (¶4.27).
- 3.26 The *DCLG Practice Guidance on SHLAAs* (July 2007 - CD/NAT/431) advises that particular types of land or areas may be excluded from SHLAAs, and that, except for more clear-cut designations such as Sites of Special Scientific Interest, the scope of Assessments should not be narrowed down by existing policies to constrain development (¶21). It makes no specific reference to Green Belts, and it is not clear to me that the reference to policies constraining development is intended to include Green Belt policy, as if it was that would be at odds with PPG2 advice. The Planning Advisory Service (PAS) guidance on SHLAAs and DPD preparation published in July 2008 (CD/NAT/441) identifies Green Belt designations as areas of policy restraint which should be excluded from the SHLAA (¶28). The PAS guidance in my view accurately represents the weight to be placed on Green Belt designation by PPG2.

- 3.27 In the light of the above I conclude that, in applying the sequential test, land within the MGB should not be regarded as being "reasonably available". This reflects advice in PPG2 that opportunities for development within the urban area should be considered before any alteration of Green Belt boundaries is proposed. It is also consistent with the EIP Panel report into the SEP, which in dealing with flood risk in the London Fringe Sub-Region records that some housing potential has been assumed in Flood Zone 2 in the draft SEP, and acknowledges that higher levels of new housing could require development to be considered within areas of flood risk (CD/REG/301 ¶¶20.40 - 20.41).
- 3.28 On this basis, it is clear that there are not enough reasonably available sites in Flood Zone 1, or indeed in Flood Zone 2, to meet the housing requirement of the SEP. It is therefore necessary to consider sites on land within Flood Zone 2 and Flood Zone 3. Only if there are insufficient sites within Flood Zone 2 and (subject to the exceptions test being passed) Zone 3 would the exceptional circumstances exist to justify alteration of the MGB boundaries.
- 3.29 The strategy of the CS is supported by a *Strategic Flood Risk Assessment* (SFRA - CD/SBC/010 and CD/SBC/011) prepared in consultation with and endorsed by the Environment Agency (EA). The SFRA did not in applying the sequential test consider land in the MGB, but as I have indicated above I consider that was because land in the MGB would not be "reasonably available". Although the SFRA was prepared before publication of the *PPS25 Practice Guide*, it was developed in close consultation with the EA, and has been agreed by the EA. The *PPS25 Practice Guide* does not alter the sequential test set out in PPS25, and the fact that the Council's SFRA was prepared before the Guide was published does not, in my opinion, undermine the validity of the SFRA or the Council's approach to the location of development.

The appropriateness of the Council's approach

- 3.30 The Council's *Sustainability Appraisal Report* (SAR - CD/SBC/004), informed by the SFRA, appraises a number of different options for development in the Borough, including the option of allowing new housing and commercial development in the MGB. Given Government advice in *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (CD/NAT/429) that broad strategic options should be considered, I consider that the SAR appraised a reasonable choice of broad strategic options which allowed meaningful comparisons to be made. I am not satisfied that it was necessary to refine the options further and to appraise the options of developing on particular parts of the MGB for the purposes of the CS (although some specific sites within the MGB have been appraised for the purposes of the SAR of the Allocations DPD), because in my view the outcome of the exercise would not be materially different. In reaching this conclusion, I have taken into account representations which have included sustainability appraisal of more refined options, but I do not find these convincing. I am

also satisfied that it is reasonably clear from the SAR why the preferred option was selected.

- 3.31 PPS12 in paragraph 1.8 requires local planning authorities to ensure the most efficient use of land by balancing competing demands within the context of sustainable development. Clearly, it is necessary to balance the need to direct development away from areas of flood risk as far as possible with other sustainability issues, such as developing on previously developed land and focusing development in locations most accessible to non car modes of transport, as well as maintaining the MGB, which is important in securing sustainable development by containing the outward spread of the urban area.
- 3.32 The Council's chosen approach would be consistent with policy LF1 of the SEP because development requirements would be met within the urban area and the MGB would be protected. In addition, overall a more sustainable pattern of development would result. All of the sites relied on by the Council for its 10 year supply of housing land are previously developed, resulting in the recycling of urban land rather than developing on greenfield land. There would be an overall reduction in traffic movements in the a.m. peak from sites currently in employment use (*Transport Statement - CD/SBC/022*). Apart from the Riverside Works at Sunbury the sites are generally reasonably well located for access to public transport and services (see CD/SBC/022), and a number of the sites are located in or close to the centre of Staines.
- 3.33 This is particularly true of the sites in Staines town centre which have significant proportions located in Flood Zone 3, and whose allocation for housing in the submitted Allocations DPD are supported by the EA. Whilst the soundness of these allocations will be the subject of separate consideration through the examination of the Allocations DPD, in general terms the redevelopment of these previously developed sites to provide new housing, including affordable housing, in such highly sustainable locations, would provide wider sustainability benefits that would outweigh the flood risk; and Flood Risk Assessments approved by the EA in relation to proposed residential development on the sites in Zone 3 have demonstrated that the developments would be safe, and would increase the existing flood plain storage capacity. The allocation of the sites would therefore pass the Exceptions Test. Their development for housing would not conflict with policy NRM4 of the SEP, which reflects the application of the sequential test, given the overriding need to provide housing and the absence of suitable alternatives to these town centre sites.
- 3.34 Although I attach significant weight to the need to avoid development in areas of flood risk, I consider that the redevelopment and sustainability benefits of developing on these urban previously-developed sites outweigh the flood risk issues, because of the strong approach to flood risk management taken by the CS, particularly in policy LO2, discussed below (¶3.39). As the SFRA points out (CD/SBC/010 ¶148), the alternative of limiting

future development and/or regeneration in urban areas would be likely to have a detrimental impact upon the economic and social welfare of the existing community. In reaching this conclusion, I have taken into account the advice in the supplement to PPS1, *Planning Policy Statement: Planning and Climate Change* (CD/NAT/402a) on the factors, including flood risk, to be taken into account by local planning authorities in determining sites for development. The benefits also outweigh any benefits that would arise from providing new housing on largely undeveloped land in the MGB, even though some MGB sites might be located close to some employment areas, particularly Heathrow Airport.

- 3.35 The Council's *Housing Needs Survey* (CD/SBC/014) indicates that demand for housing is spread fairly evenly across the Borough, and the anticipated distribution of housing (CS Chapter 12 and Change 5) would also be spread reasonably evenly across the Borough, including two large sites at Stanwell and Ashford Hospital, with good access to Heathrow. There is no convincing evidence based on need that housing provision should be concentrated in any particular part of the Borough to the extent of justifying the release of land in the MGB.
- 3.36 In the light of the above I conclude on balance that in the particular circumstances of Spelthorne the option chosen by the Council is the most sustainable option, and is the most appropriate in all the circumstances.
- 3.37 The exceptional circumstances necessary to justify altering Green Belt boundaries would only exist if it was not possible to identify sufficient land to meet development requirements outside the MGB. I deal below with the provision made in the CS for housing, employment and retail development, and conclude that the Borough's requirements can be met within the existing urban area. There are, therefore, no exceptional circumstances that would justify altering or reviewing the boundaries of the MGB.
- 3.38 The letter accompanying the Secretary of State's "saving" direction (CD/SBC/054) indicated that policies have been extended in the expectation that they will be replaced promptly. This is a standard letter and paragraph and is somewhat difficult to reconcile with the Secretary of State's decision to save policy GB1 of the LP beyond the adoption of the CS. But given the extensive reforms to the planning system that have been effected through the introduction of local spatial planning, it would be appropriate for the Council to consider whether "saved" policy GB1 (together with the other policies subject to the Secretary of State's saving direction and not replaced by the CS) should be replaced in due course by policies in a DPD which are able to reflect the principles of the new system.

Policy L02

- 3.39 Policy L02, dealing with flooding, seeks to reduce flood risk generally as well as addressing the location of new development. It is more explicit in its requirements than PPS25, particularly in its requirements relating to sustainable drainage schemes, flood risk

assessments, development which might reduce storage capacity or impede flow of flood water and the circumstances in which development would or would not be permitted in Flood Zone 3 (including its requirement for an increase in flood storage capacity). It would require any development in Flood Zones 2 or 3 to be flood resilient/resistant, and would set a lower threshold than set out in PPS25 for the need for Flood Risk Assessments in conjunction with development proposals in Flood Zone 1. The policy is strongly supported by the EA. Although some of the requirements of the policy go beyond the advice in PPS25, I am satisfied that they are justified and appropriate given the serious and extensive flood risks faced by the Borough and identified in the SFRA.

- 3.40 The SFRA identifies a particular issue of localised flooding in Spelthorne in recent years outside the delineated flood risk zones as a result of surface water flooding, arising from a number of factors including culvert or gully blockages, surcharge of the underground drainage system, or heavy rainfall causing surface water run-off. Surface water flooding into the flood plain from outside it can also contribute to flood risk from river flooding. For this reason, it is appropriate for the policy to set a lower threshold for the need for Flood Risk Assessments in Zone 1 than that in PPS25. However, although these localised flooding incidents are clearly distressing for local residents, the SFRA notes that surface water flooding issues should not influence the allocation of land for future development, because they can be addressed as part of the design process. What is important is to ensure that existing flooding problems are not worsened by future development.
- 3.41 PPS25 in Annex C identifies the various different forms of flooding, including flooding from land, ground water, sewers and reservoirs, and these have all been considered by the SFRA. There is no need, in my opinion, to make specific reference to these other forms of flooding in the reasoned justification.

Overall conclusions

- 3.42 The Council has proposed a change to policy SP1 to clarify that new residential development may be allowed in Flood Zone 3 if flood risks can be overcome and to make it consistent with the remainder of Chapter 5. In addition, the final sentence of this policy repeats national policy in PPS13 *Transport*, and should therefore be deleted. The Council has also proposed changes to the supporting text to policy L02 and to the Submission Proposals Map, in order to reflect information about fluvial flood risk areas published since the CS was submitted, and to reflect more accurately the advice in PPS25.
- 3.43 Subject to these changes, I conclude that the approach of the CS to the MGB, flood risk and the location of development represents the most appropriate strategy in all the circumstances, is sound and is supported by robust and credible evidence, and accords with national and emerging regional policy guidance. It therefore satisfies the tests of soundness.

3.44 In order for the CS to be sound: (a) Policy SP1 should be amended in order to clarify that new residential development may be allowed in Flood Zone 3 if flood risks can be overcome; the supporting text to policy LO2 should be amended in order to update the information about fluvial flood risk areas, and to reflect more accurately the advice in PPS25; and the Submission Proposals Map should be amended in order to show the updated fluvial flood risk areas. (b) In addition, the final sentence of policy SP1 should be deleted. (Changes 13-18 and 70)

3.45 Issue 3 – Whether the scale and distribution of new housing development is appropriate to the Borough, soundly based and fully justified

The requirement

3.46 The housing requirement for Spelthorne set out in the draft SEP was 3020 dwellings between 2006 and 2026. The Secretary of State in her proposed changes to the SEP has accepted the recommendations of the EIP Panel that the requirement for Spelthorne should be increased to 3320 dwellings or an annual average of 166. The Council proposes that policies SP2, HO2 and Table 2 of the CS should be amended to reflect the increased housing requirement proposed by the Secretary of State. Although the SEP has not, at the time of writing, been finalised, it is appropriate for the CS to reflect the increased requirement, given the advice in ¶53 of PPS3 *Housing* (CD/NAT/404) that policies and strategies should have regard to the level of housing provision in the emerging RSS. However, if specific figures from the emerging RSS are included in policies it makes them difficult to change once the final RSS is published or if there are subsequent changes to the RSS. For this reason, the emerging RSS figures should go in Table 2 and the supporting text and not the policies.

3.47 The revised Table 2 also updates the proposed housing provision, and shows a surplus of provision over the Plan period of 1039 dwellings. I say more below about the way that figure is made up, but note here that the SEP requirement is for “at least” 3320 dwellings so that the potential over-provision would not conflict with the SEP.

3.48 As to whether the CS should plan for a higher number of dwellings, having regard to the level of housing need identified in household projections and in the Council’s *Housing Market Assessment* (CD/SBC/013), PPS3 requires Regional Spatial Strategies to set out the overall level of housing provision for the region and distribute it amongst LPA areas, taking into account evidence of need (¶¶33, 34) as well as all other relevant considerations, including environmental constraints. As a consequence, not every local authority will be required to meet its own locally arising need, but some local authorities will be identified for higher levels of growth than others. Spelthorne is identified for a low level of growth by

the SEP. Although the Secretary of State's changes to the SEP in ¶7.8 indicate that LPAs are encouraged to test higher levels of provision for housing through their LDDs, it would not be reasonable to expect that to have been done in the case of this CS, whose preparation was begun long before those changes were published. Having said all that, however, it is relevant as noted above that the CS in fact anticipates a higher level of provision than required by the SEP.

- 3.49 Policy LO6 of the SP (CD/SCC/200) required 2580 dwellings to be provided in Spelthorne between 2001 and 2016. The number of dwellings actually provided by 2006 has exceeded the pro rata annual rate of 172 per year by a substantial amount, although the SP requirement was not expressed in terms of an average number per year. The Council does not argue that this surplus should be set against the SEP requirement, and I regard that as a reasonable approach because the SEP requirement is for the specified level of housing to be provided between 2006 - 2026. However, the surplus does show that there has been no difficulty in delivering strategic housing requirements in Spelthorne in past years.
- 3.50 In seeking to demonstrate a five year supply of deliverable sites and a further 5 year supply of developable sites from April 2009, the anticipated date of adoption of the CS, as required by PPS3, the Council has firstly taken into account completions since 2006, and has then assumed that sites under construction will be completed by April 2009. I support that approach as past history shows that very few residential permissions in Spelthorne expire without being implemented (and see ¶3.58 below). Those figures have been deducted from the total requirement to produce an annual residual requirement of 159 dwellings, which is appropriate as higher rates of completions in the early years than the annual average specified in the SEP should count towards the overall long-term SEP allocation (see CD/OTH/613 - letter dated 28 August 2008 from Iain Wright MP, Parliamentary Under-Secretary of State at DCLG).

The evidence base

- 3.51 The Council's evidence base for its housing provision when the CS was submitted comprised a *Housing Land Availability Assessment* (HLAA - CD/SBC/012). Because of the significant delay in the Examination process due to re-advertising I asked the Council to update its evidence base relating to housing provision to reflect the current situation as at the hearings sessions and also to reflect the increased housing requirement resulting from the Secretary of State's *Proposed Changes to the South East Plan* (CD/REG/306). The Council has therefore prepared a *Housing Land Availability Update Report* dated July 2008 (CD/SBC/072).
- 3.52 The original HLAA was prepared before the Government's practice guidance on carrying out Strategic Housing Land Availability Assessments (CD/NAT/431) was published, and there is no SHLAA for the Borough. However, PPS3 did not require plan-making programmes to be delayed pending the carrying out of SHLAA, and

in my view the material differences between the draft guidance on housing land availability assessments followed by the Council in carrying out its HLAA and the finally adopted SHLAA guidance are only limited.

- 3.53 It is a weakness of the HLAA and its update that it was not prepared with the involvement of the key stakeholders referred to in CD/NAT/431. However, that it is balanced to some extent by the input given to those documents by the Council's Valuation Consultant, a partner in a local firm of estate agents. It is also balanced by the information that has been obtained from the owners of the various identified sites as to the likelihood of the sites coming forward and the probable timescales. The reliability of its findings are also confirmed by the number of sites it identified which have been subject to either planning applications or pre-application discussions since it was originally published. The absence of involvement of key stakeholders does not, therefore, fatally undermine the Council's evidence base.

General issues relating to sites identified for housing

- 3.54 The Council has submitted an Allocations DPD identifying a number of sites for allocation for housing development. It has also identified in its HLAA update a number of other sites which it relies on to make up the supply of housing, which have come forward since the Allocations DPD was prepared. These are not "windfalls" as defined in PPS3 and although they have not yet been included in an Allocations DPD they can be taken into account in considering whether the Council is able to identify sufficient deliverable or developable sites to satisfy the requirements of PPS3.
- 3.55 It follows from what I have said above in ¶¶3.22 et seq that the locations of some of the identified sites within Flood Zones 2 or 3 do not represent an in principle objection to their development for housing. Although FRAs will be necessary for those sites which do not already have them, the evidence does not suggest that this will prevent or materially restrict the development of the sites. In this regard, I note the planning permission granted on appeal for residential development at the Rodd Estate and The Lodge, Govett Avenue Shepperton, which is wholly within Flood Zone 2 or 3, for a greater number of dwellings than anticipated in the original HLAA.
- 3.56 A number of the identified housing sites are in use for employment. I deal with issues of provision of employment land below in ¶3.112, and conclude that the resulting loss of employment floorspace will be compensated by new employment floorspace coming forward. The sites identified for wholly residential uses are not well located for employment use and there would be environmental or amenity benefits in developing them for housing. I conclude that the loss of these sites to housing would not undermine the employment strategy of the CS or otherwise have a significant adverse effect on employment in the Borough.
- 3.57 The densities assumed on all the identified sites reflect other policies in the CS (see ¶¶3.96-3.104 below) and densities that have

been achieved on other sites, the size of units assumed also reflecting market demand in the Borough. The evidence indicates that the Council has a good understanding of the potential capacity of housing sites in its area and of the local market, and I am satisfied that the yield from these identified sites has not been overestimated. Assumptions as to development at the Elmsleigh Centre (in respect of part of which there is a submitted planning application) have taken into account the safeguarding of land for the Airtrack scheme, and this would not stand in the way of that development proceeding.

The five year supply

3.58 The five year supply comprises sites with planning permission together with a number of identified sites, resulting in 8.6 years' supply at the rate of 159 per year. No allowance is made for non implementation of existing permissions given the very low (well under 1%) average annual percentage of unimplemented planning permissions over the last seven years, an approach I support. Most of the identified sites have been the subject of planning applications or pre-application discussions. I am satisfied on the evidence provided that all but one of the sites meets the "suitable, available and achievable" tests as explained in the SHLAA practice guidance (CD/NAT/431) (and see ¶¶3.54-3.57 above), including the Riverside Works, Lower Sunbury, notwithstanding that it is not as well located for access to public transport as some other sites. Since the close of the hearings sessions, Surrey County Council has indicated that it can no longer confirm the availability for redevelopment of Sunbury Adult Education Centre (CD/SBC/104), but even without that site there is well over five years' supply.

The supply from years 6 to 10

3.59 This comprises the sites relied on for the five year supply together with a number of additional identified sites. Again I consider this to be a reasonable approach as higher rates of completions in the early years than the annual average specified in the SEP (if they occur) should count towards the overall long-term SEP allocation (and see CD/OTH/613 letter from Iain Wright MP). This approach also allows for the possibility that, given current economic circumstances, development anticipated for the first five years might not come forward as quickly as expected. All the sites are in the urban area and are, in my opinion, in suitable locations for housing development. The Council's assumptions as to developability are based on contact with the owners of those sites.

3.60 As to whether there is a reasonable prospect that the sites will be available for, and could be developed at the point envisaged, in the case of Phase 2 of the site adjoining Feltham Hill Road and Poplar Road Ashford there are some ownership issues to be resolved before this site can come forward, but discussions are taking place between the interested parties. As Phase 1 (included in years 1 to 5) is the subject of a current planning application and as I indicate above satisfies the "deliverable" tests, it seems to me that there is

a reasonable prospect of the ownership issues with regard to Phase 2 being resolved in time for the site to come forward during years 6 to 10. In respect of the other identified sites, their redevelopment for housing is supported by the landowners, and there do not appear to be any significant constraints which could not be overcome, which would prevent the sites coming forward when anticipated (again see ¶¶3.54-3.57 above). On the basis of the evidence currently available, I am satisfied that these other sites are all developable. Even without the second phase of the Feltham Hill Road/Poplar Road development, the sites identified by the Council would satisfy the requirements of PPS3 ¶55 for years 6-10, although only just.

Supply after year 10

- 3.61 The Council has identified two sites expected to come forward in years 11 - 15, land at Harrow Road Ashford and Phase 4 of the Elmsleigh Centre. In respect of Harrow Road, the intentions of the owners support redevelopment for housing within this timescale, and commercial occupiers of the site would not be able to resist termination of their leases if redevelopment was proposed. The site comprises a development of elderly industrial/commercial workshops adjoining existing residential development and in my view is in a suitable location for residential development. The Elmsleigh Centre redevelopment is supported both by the Council as freehold owners and by the long leaseholders. On the basis of the available evidence, and bearing in mind the difficulties of predicting land availability so far ahead, I consider that both sites are developable in the timescales envisaged. This would represent just over 11 years supply of identified sites for the 15 year period. The remainder of the supply would come from small site windfalls (see ¶¶ 3.64-3.67 below).
- 3.62 Beyond year 15, 3 sites are identified. With respect to 28 - 44 Feltham Road Ashford, not all the owners support redevelopment. The owners of the site at Gresham Road, Staines do not oppose allocation of the site, but one of the owners has no plans in the foreseeable future either to sell or to relocate, and it is not clear that access would be possible to part only of the site. In respect of the site at Moor Lane, Staines, the owners agree the housing potential of the site and support its allocation for housing, but have granted a 20 year lease expiring in 2025 to the occupiers, who do not appear to support redevelopment. It is, of course, very difficult to be sure now what the intentions of the owners will be so far in the future. But on the basis of the information available at present I cannot conclude with certainty that there is a reasonable prospect now of any of these sites being available and developed when envisaged. All three sites are suitable for housing, and they may indeed come forward in due course, but because of the doubts over their availability they are not "developable" as envisaged in PPS3.
- 3.63 In terms of the direction of growth, the Council has indicated that this should take place within the urban area. Given the small size and relatively compact nature of the Borough, this in my view is

sufficient to satisfy the requirements of PPS3 for the identification of broad locations for future growth for years 11 - 15. As the Borough comprises either land within the urban area or land within the MGB, the boundary of which is shown clearly on the LP Proposals Map and is not proposed to change, there can be no doubt as to the meaning of "urban area". The Council has suggested including a definition in the CS Glossary for the avoidance of doubt.

Windfalls

- 3.64 The *HCAA update* (CD/SBC/072) shows an average of windfalls on small (less than 0.4 ha) sites over the previous 7 years of 126 a year. The update of CS Table 2 in CD/SBC/072 showing how the SEP housing provision will be met includes 1764 dwellings on these small sites, or 14 years' supply of small site windfalls at 126 a year (assuming that those already permitted as at 1 April 2009 will take 3 years to build out).
- 3.65 Obviously, this prediction of windfalls is merely an extrapolation of what has happened over the previous 7 years, and there is no guarantee that such sites will continue to come forward in the same way in future. However, the calculation of windfalls is robust in its exclusion of larger sites and its assumption of no windfalls between 2009 and 2012, and the 100 or so windfall units permitted since April 2008 have not been counted. In the light of all this, I consider that the Council's assumptions as to windfalls are soundly based and not overly optimistic. Furthermore, although the Council has assumed that windfalls averaging 126 per year would come forward between 2012 - 2026, the number needed to meet the overall housing requirement would be significantly lower.
- 3.66 The conclusions reached in other Inspectors' reports relating to housing provision in other areas are district-specific and based on the particular evidence presented to those examinations. Spelthorne's circumstances do not appear to be similar, and these comments do not lead me to alter my conclusion that the Council's approach to windfalls is sound.
- 3.67 It would not be appropriate for the CS to include a provision preventing new development taking place on residential garden land. There is a wide variety of sizes and types of residential gardens in the Borough, and such a blanket prohibition would not accord with the overall thrust of national policy to make effective use of land and to seek to deliver housing on brownfield sites. Other policies of the CS, together with the emphasis in national policy on good design, would allow the Council to resist redevelopment proposals on residential garden land that would materially harm either the living conditions of nearby residents or the character and appearance of the surrounding area.

Conclusions on housing provision

- 3.68 In demonstrating the first 10 years of land supply the Council does not rely on windfalls, and this reflects the advice in PPS3. Whilst the soundness of allocations of sites in the Allocations DPD will be

the subject of separate examination, there does not appear, from the evidence presently available, to be any major impediment to the identified sites coming forward. I am therefore satisfied that the housing provision assumed in the CS for the first 10 years' supply of identified sites satisfies the requirements of PPS3. The longer term requirement can be addressed through site allocations DPDs if necessary, having regard to the advice in PPS12 and the actual rate at which identified sites and windfalls come forward.

- 3.69 Because of the compact nature of the Borough and the absence of any overriding infrastructure issues (a matter discussed below in ¶3.145) reliance on piecemeal windfall delivery, which on the basis of the Council's calculations is likely to take place in any event, would not lead to a less sustainable pattern of development or impact significantly on the local community in terms of pressure on services. I am also satisfied that, due to the robust approach of the CS to flooding issues (see ¶3.39 above), reliance on windfalls is not likely to lead to development giving rise to a risk of flooding.
- 3.70 Small windfall sites are less likely to deliver significant amounts of affordable housing than larger sites. However, bearing in mind that the CS satisfies the requirements of PPS3 in terms of identification of sites, this does not by itself render the housing strategy of the CS unsound. I deal in more detail with affordable housing in ¶¶3.77 et seq but note here that the reasoned justification to SEP policy LF4 acknowledges that most land supply in the sub-region will come from relatively small previously developed sites in urban areas.
- 3.71 Much of the identified supply has been assumed to come forward in the early years of the plan. As a result, even if current economic circumstances result in sites not coming forward as early as anticipated, the supply of housing while present circumstances continue may not fall significantly below the SEP requirement, if at all. The evidence indicates a stronger housing market in Spelthorne than elsewhere, suggesting that current assessments of the national residential property market, such as *Savills Residential Property Focus* (CD/OTH/616), do not fully reflect the Spelthorne position. In addition, because of the robust calculation of the windfall allowance and the significant gap between what is required to meet the SEP requirement and what is predicted, there is a reasonably adequate buffer to protect against windfalls not coming forward as expected.
- 3.72 Nevertheless, the situation will require careful monitoring. The Council has proposed a change to ¶6.15 of the CS to include a trigger for the contingency measures set out in policy HO2, which I consider is necessary in order to make this part of the CS sound. In addition, I recommend in ¶3.234 that the CS should acknowledge that an early review of the CS might be needed.

Policies HO1 and HO2

- 3.73 Policy HO1 describes the actions the Council intends to take in order to meet the SEP housing requirement for the Borough. Whilst there

is some force in the criticism by GOSE that the policy only comprises a list of processes or objectives and adds little to policy, I consider that there is some benefit in having a clear statement of the Council's intentions included in the CS. I am not satisfied that inclusion of the policy makes the CS unsound, and as my task is not to seek to make the document sounder, the policy should not be deleted. The Council has proposed some minor changes to the wording of the policy to improve clarity. It has also proposed a change to the supporting text to explain the role of the Allocations DPD, which I consider is necessary in order to clarify the link between the two documents.

- 3.74 Policy HO2, although headed "Contingency for Meeting Housing Provision", does not contain a contingency in the sense of additional reserve sites that might be called upon. However, in the light of my comments on housing provision above, I am satisfied that the absence of reserve sites does not render the CS unsound. If, as seems inevitable, the current economic situation reduces the number of housing sites coming forward in the short term, that position will not be remedied by the provision of additional land for housing. Nor will it be remedied by making provision for a review of the MGB. In these circumstances, what will be needed to address any shortfall will be positive actions by the Council of the sort envisaged in policy HO2, which in my view are appropriate steps for the Council to consider taking if monitoring indicates a significant shortfall. However, paragraph 6.18 iii) of the reasoned justification does not now reflect the strategy of the SEP with relation to the MGB, and should be deleted.
- 3.75 I conclude that the scale and distribution of new housing development provided for in the CS is appropriate, soundly based and fully justified, and accords with national and emerging regional policy guidance. Subject to the amendments that I specify, I conclude that the housing strategy of the CS satisfies the tests of soundness.

3.76 In order for the CS to be sound, (a) policies SP2 and HO2 should be amended to remove specific reference to the RSS housing requirement. Table 2, together with the supporting text, should be amended to reflect the increased housing requirement proposed by the Secretary of State in the SEP; ¶6.15 of the CS should incorporate a trigger for the contingency measures in policy HO2; the supporting text should be amended to explain the role of the Allocations DPD; a definition of "urban area" should be included in the glossary; (b) paragraph 6.18 iii) of the reasoned justification should be deleted. (Changes 19-21, 23-30, 72)

3.77 Issue 4 – Whether the requirements of the CS relating to affordable housing and housing size, type and density accord with national and regional policy are appropriate to the Borough and are soundly based and fully justified (Policies SP2, HO3 and HO4)

Affordable housing - On-site provision

- 3.78 The evidence base relating to need for affordable housing includes a *Housing Market Assessment* (HMA - CD/SBC/013) and a *Housing Needs Survey* (CD/SBC/014). There has been no sub-regional housing market assessment, but CD/SBC/014 has provided an overview of the national and regional housing situation, and CD/SBC/013 has been prepared in the light of the Government's then draft practice guidance on Housing Market Assessments (CD/NAT/439), which was the applicable guidance at the time of preparation of the Council's HMA. I am satisfied that this evidence base provides a reasonably robust assessment of housing need in Spelthorne. The conclusion of the HMA is that the unmet need is around 72 dwellings a year or 45% of the annual average of 166 dwellings a year required by the SEP.
- 3.79 Policies SP2 and HO3 of the CS require 40% of the total housing provision from all sources to be affordable, which is the same as the target for the London Fringe sub-region in policy LF4 of the SEP. It also reflects the objective in policy DN11 of the SP (a "saved" policy) that at least 40% of new housing in the county should be affordable. Policy HO3 further explains that this is to be achieved in a number of ways, including negotiating for 50% of affordable housing on sites of 10 or more dwellings or 0.3 ha, encouraging registered social landlords to bring forward smaller sites consisting wholly of affordable housing, negotiating a financial contribution from residential developments of four to nine dwellings of one third of the enhanced site value, and negotiating a financial contribution from employment development schemes over 1000 square metres floorspace.
- 3.80 Under policy H6 of the LP, which sought 50% of affordable housing on sites of 15 or more dwellings or 0.5 ha or larger, around 26% on average of all dwellings provided were affordable. Lowering the threshold from 15 to 10 dwellings is intended to produce an additional 6-7%, and the remainder of the 40% is to be achieved through financial contributions from smaller schemes and employment development and RSL promoted wholly affordable housing schemes. The Council also intends to provide capital funding to support schemes, and has set aside money in the financial year 2008/9 for this purpose.
- 3.81 The financial viability of both the 40% overall target and the 50% specific target on sites of 10 or more dwellings is assessed by the Council in *Provision of Affordable Housing* (CD/SBC/015). The evidence indicates that under the existing policy 50% of affordable housing has been achieved in the past on some development sites, although in some cases the Council has accepted less than 50%.

According to the Council's oral evidence to the Examination, on sites of 15 or more dwellings an average of around 42% affordable housing has been achieved. What is clear from the evidence is that the policy has been applied flexibly, and that viability has been taken into account as required in the supporting text to LP policy H6. Effectively, the Council appears to have been seeking to maximise affordable housing from qualifying sites *up to* 50%, having regard to viability, although that is not what the CS policy states.

- 3.82 PPS3 advises that the national indicative minimum site size threshold for seeking affordable housing is 15 dwellings. However, local planning authorities can set lower minimum thresholds, where viable and practicable. An assessment is required of the economic viability of thresholds and proportions of affordable housing proposed.
- 3.83 The evidence on which the Council relies for reducing the threshold to 10 units is a report from its Valuation Consultants, contained in CD/SBC/015, which was prepared before the current economic downturn. It indicates that, whilst on a vacant site (and vacant sites appear not be common) the requirements of policy HO3 would be achievable in a development of 10 units, on a site with an existing use value it would be more difficult unless the affordable units created were all shared ownership, with none being social rented. The availability of grant would improve the viability of the scheme, but according to the evidence there is no certainty of grant being available in any particular scheme. The report concludes that it would be feasible without material detriment within the housing market to drop the threshold to 10 units, but with the Council being sympathetic if the developer could demonstrate that seeking 50% of affordable housing would be unviable.
- 3.84 The Council has been operating the policy for a year, but no affordable housing has been negotiated on non-RSL schemes of 10-14 dwellings so far, although in respect of some sites that is for historical reasons. An added complication, of course, is the current economic situation. The evidence of the Council's Valuation Consultants in the HLAA update (CD/SBC/072) is that the downturn in property values will lessen the capacity of sites to contribute to the maximum requirement of the Council's policy. On some sites, it may be almost impossible for affordable housing to be provided. Since that report was prepared, and indeed since the hearing sessions concluded, the economic situation has worsened markedly.
- 3.85 Taking all this into account, I find that the evidence for lowering the threshold below 15 dwellings at this stage is not convincing. I recognise that, leaving aside questions of viability, the strategic policy context and the identified need for affordable housing in the Borough would warrant seeking as much affordable housing from as many sites as possible. The policy is also intended to apply through the whole of the plan period not merely in the short-term, and according to the evidence the supply of housing is not likely to rise sufficiently to meet demand in the longer term, signifying that

longer term market prospects are good. I also recognise the importance placed on the provision of affordable housing by both national policy and the SEP. But the policy needs to be realistic, and in my view the evidence, even when market conditions were good, is equivocal as to how realistic and viable the policy might be. In addition, there is no clear evidence as to how lowering the threshold as proposed under current market circumstances would impact on overall levels of housing delivery. For these reasons, I consider that the policy as it applies to developments of 10-14 dwellings is unsound. There is no evidence of the viability of any percentages lower than 50% on developments of 10-14 dwellings which would allow me to specify the retention of this element of the policy with a lower percentage requirement, and for that reason it should be deleted completely.

- 3.86 As to whether the evidence supports seeking 50% of affordable housing on sites meeting the national indicative minimum site threshold in PPS3, the evidence of past application of the LP policy indicates that, in good market conditions, seeking 50% affordable housing from sites of 15 or more dwellings has been viable. However, the evidence points to such a requirement not being viable in current market conditions, and it is not clear when or if the requirement would become viable in the future. I am not able, on the evidence available, to identify any lower percentage that might be viable which could be included in the policy instead. For this reason I consider that this part of the policy is also unsound.
- 3.87 I attach significant weight to the importance placed by national and regional policy on the provision of affordable housing. Under these circumstances, I consider that an interim approach is necessary, which would allow the Council to continue to seek affordable housing but would also ensure that viability was fully taken into account, while also allowing the Council to bring forward a permanent policy based on detailed up-to-date evidence.
- 3.88 The policy should therefore be amended to allow the Council to seek to maximise affordable housing contributions from developments above 15 dwellings of **up to** 50%, allowing proper weight to be given to viability issues on a site by site basis, which would reflect how the LP policy was operated in practice. These amendments take account of the severe economic conditions existing at present and the rapidity with which conditions have altered recently, as a result of which the Council's evidence base is now out of date. I also recommend that the Council reviews the policy and its evidence base and considers revising its LDS to allow for the bringing forward of an Affordable Housing DPD, which could include a lowered threshold if the evidence supported it.
- 3.89 I recognise that, if the policy is not applied to sites of 10-14 dwellings, then the Council will have difficulty in achieving its overall target of 40% of all dwellings being affordable. However, in the short term at least it seems highly unlikely that this target will be met at all unless through developments sponsored by RSLs. In

the longer term, with an improvement in economic conditions, the Council's target will become more achievable.

- 3.90 The policy provides that affordable housing can be in the form of both "social rented" and "shared ownership units". It appears that the Council regards "shared ownership" and "intermediate affordable housing" (which is the term used in PPS3 and also appears in the CS Glossary in the definition of affordable housing) as being interchangeable. However, the definition of "intermediate affordable housing" in PPS3 goes beyond what is normally understood by shared ownership. For the policy to accord with PPS3, it should therefore refer to "intermediate" and not "shared ownership" affordable housing. I am, however, satisfied that it is clear from the policy what proportion of housing should be required to be social rented. I am also satisfied that the references to both 40% and 50% in the policy are reasonably clear.
- 3.91 The Council has proposed an amendment to make it clear that the threshold relates to gross numbers of dwellings, which would assist clarity, and I have incorporated that into the changes I specify.

Affordable housing - off-site contributions from smaller sites

- 3.92 Policy LF4 of the SEP requires LDDs to seek affordable housing on all sites where it can be justified by local housing assessments and economics of provision, with commuted payments being required where on-site provision is not feasible. I give some weight to this emerging policy, given that it has been the subject of examination by the EIP Panel and is included in the Secretary of State's published proposals for the SEP, even though it is not yet an adopted policy. Policy HO3 of the CS proposes that, in developments of four to nine dwellings, a financial contribution of one third of the enhanced site value should be negotiated. The supporting evidence (CD/SBC/015) indicates that this would be viable in cases where the residual value of the development was sufficient to allow the scheme to proceed. The example is given of a development on garden land with a minimal existing use value. However, in the case of a redevelopment of the site with an existing dwelling, the evidence indicates that there could be minimal scope for a commuted payment where residual value barely exceeded the existing use value.
- 3.93 The evidence for seeking a contribution from these smaller schemes in the present economic circumstances is not convincing. There is little evidence as to the effect of seeking one third of the enhanced site value on the economics of provision or on viability, particularly in present circumstances and there must be a risk that such smaller schemes may not come forward if it is known that a contribution is being sought. Because of this, I conclude that the evidence base for this element of the policy does not reflect the requirements of ¶29 of PPS3 or of policy LF4 of the SEP, and it is therefore unsound. It should be deleted.

Affordable housing - contributions from employment development

- 3.94 Policy LF4 of the SEP requires non-residential development which generates a need for additional housing to make an appropriate contribution towards affordable provision. Again, I give some weight to this policy. However, there is no national guidance that would support this. I accept that additional employment may attract more residents to the Borough, some of whom may require affordable housing. But the policy gives no guidance as to how the additional need would be calculated or contributions would be assessed, and there is no evidence as to how viable seeking a contribution would be or what the policy's effect would be on the coming forward of new employment sites, particularly in current economic circumstances. Although the policy could be changed to make express reference to viability, this would provide a backstop rather than positive guidance. The Council proposes to prepare a Supplementary Planning Document on affordable housing, which would set out how the policy would operate in practice, but given the novel approach of this part of the policy I consider that these issues are too significant to be left to SPD.
- 3.95 In the light of this, I consider that this part of the policy is not founded on a sufficiently robust or credible evidence base, and so is not appropriate. It is therefore unsound and should be deleted.

Housing size and type - policy HO4

- 3.96 Spelthorne's existing housing stock comprises predominantly dwellings with three or more bedrooms, but population projections indicate that over the period of the CS there will be a growth in the number of one-person households (*Spelthorne Population Projections* - CD/SBC/009). The HNS identifies the majority of future housing needs as being for one and two bedroom dwellings. In terms of affordable housing, the greatest need is for two-bedroom family dwellings, and current demand for market housing in Spelthorne is also largely for two-bedroom dwellings.
- 3.97 The additional housing required by the SEP only represents a very small percentage of the existing housing stock in the Borough. The evidence base, therefore, supports the approach in policy HO4 of requiring, in developments of four or more dwellings, a large proportion of one or two bedroomed units, in order to address the need for these smaller dwellings. The policy reflects the requirements of policy H4 of the SEP and also reflects the Government's objective, explained in PPS3 paragraph ¶¶25-26 of providing a variety of market housing, including addressing any shortfalls in supply, and taking account of the need to deliver low-cost market housing.
- 3.98 Some representors have expressed concern at the large number of flats, including one-bedroom flats, that have been provided in recent years. These concerns appear to relate both to numbers of empty properties and to the effects on the local community of this type of development. This is a concern also expressed in the report of the EIP panel into the SEP. However, policy HO4 does not

require a large majority of flats; the requirement could be met by providing dwellings. Given the likelihood of significant numbers of dwellings coming forward on unidentified small sites, where the policy would not apply, there is no convincing evidence that the policy would fail to provide for the demand for larger dwellings. Nor is there any convincing evidence that the policy is likely to have significant adverse effects on community cohesion.

- 3.99 The reasoned justification to the policy in ¶6.23 indicates that the only exceptions to it will be where requirements for affordable housing dictate a greater mix of larger dwellings. Whilst the evidence at present points to the majority of affordable housing needs being for smaller dwellings, it is important that the need to avoid overcrowding in the social rented sector is not overlooked. For this reason, I consider that this sentence should be retained, rather than deleted as proposed by the Council. The Council will also need to monitor the operation of this policy carefully to ensure that it continues to enable housing needs to be met adequately.
- 3.100 The Council has taken into account in proposing this policy the needs of particular groups within the community, including black and ethnic minorities. Policy HO6 deals with sites for gypsies and travellers and policy HO7 deals with sites for travelling show people. The CS acknowledges that if the outcome of SEERA's partial review of the SEP to assess the needs of gypsies, travellers and travelling show people is that additional sites should be provided in the Borough a separate DPD may be needed. In my view these two policies, and the overall approach, is sound.
- 3.101 A particular need has been identified for extra care housing, and the policy seeks to provide 400 units. Whilst the sites for this type of provision would need to be selected with care, the evidence so far indicates that schemes are coming forward at a more than even rate of provision. I am not satisfied that it would be appropriate to make any more reference to this subject in the CS at this stage. If monitoring revealed that these developments were not coming forward as anticipated, the Council could use an Allocations DPD to bring sites forward.
- 3.102 For the reasons set out above, I conclude that policy HO4 is sound.

Housing density - policy HO5

- 3.103 A policy on density is desirable in order to assist in achieving an efficient use of urban land, and is encouraged by both PPS3 and the SEP. The density ranges set out in policy HO5 broadly follow those used in the draft PPS3. Although they were not carried forward into the final version of PPS3, I agree with the Council that they are broadly appropriate for the areas in Spelthorne they describe. The wording of the policy is flexible rather than prescriptive, and in the light of all this I consider that the densities adopted are appropriate having regard to the matters listed in ¶46 of PPS3.
- 3.104 The policy makes reference to the requirements of policy EN1 relating to design. If policy EN1 is applied appropriately, there is no reason why densities within the ranges specified in the policy, or

indeed above, should not be achieved without harming either neighbouring living conditions or the local environment. In practice, it appears that significantly higher densities than those set out in policy HO5 have been achieved in the recent past. In this regard, I agree with the Council that design is the key to the provision of acceptable development, and that with good design densities above the range envisaged in the policy could be achieved. I conclude that policy HO5 is also sound.

Overall conclusions

3.105 A number of changes to policy HO3 are necessary in order to make it sound, and in order to provide a temporary framework for the provision of affordable housing to enable the Council to reassess issues of viability and bring forward a permanent policy in an Affordable Housing DPD.

3.106 Subject to these amendments, I conclude that the policies relating to affordable housing, housing size, type and density accord with national and emerging regional policy guidance, are appropriate to the Borough and are soundly based and fully justified. They therefore satisfy the tests of soundness.

3.107 In order for the CS to be sound, policy HO3 and the reasoned justification should be amended to raise the site threshold for affordable housing contributions to 15 dwellings or 0.5 hectares, to make specific reference to viability and to delete the requirement for an affordable housing contribution from employment sites. References to shared ownership should be altered to intermediate units and reference should be made to the recycling of subsidy (Changes 31, 32, 33).

3.108 *Issue 5 – Whether the employment policies of the CS are appropriate to meet the business and employment needs of the Borough and provide a strong local economy, and whether they are soundly based and justified*

Employment - general

3.109 The evidence base for the employment policies of the CS principally comprises the Council's *Economy and Employment Land Study 2006* (CD/SBC/019), together with an *Update of Forecasts* dated April 2007 (CD/SBC/020). These show, in summary, high economic activity and low unemployment, with very little slack in the labour market, and the forecast small increase in labour supply being exceeded by anticipated employment change from new development. As a consequence, any significant increase in jobs in the Borough would have to be filled by an increase in population or an increase in in-commuting. On the basis of this, the employment strategy of the CS is to maintain employment capacity by protecting major existing employment areas, with growth taking place in Staines and through implementation of existing commitments

including at Heathrow Terminal 5 (T5) (just outside the Borough) and at Shepperton Studios.

- 3.110 The Employment Land Study did not assess employment sites within the MGB for protection, and given the presumption against inappropriate development in the MGB that in my view is appropriate. Policy EM2 would permit further employment development on existing employment land outside designated employment areas where the development can take place in an acceptable way. This would apply to sites within the MGB, although any proposals for further employment development would also need to comply with green belt policies.
- 3.111 The approach of the Employment Land Study to sites in the MGB does not undermine its findings as to the likely changes in labour supply and new employment development. In my opinion, the evidence base for the employment strategy of the CS is robust and credible, and there is no significant conflict with the advice in CD/NAT/423 *Employment Land Reviews: Guidance Note*. It could not, of course, take into account recent economic developments but recent events are unlikely to result in an increase in the need for employment provision and will not, therefore, undermine the soundness of the evidence base.
- 3.112 One of the objectives of the employment strategy is to encourage redevelopment of poorly located employment land for housing or to meet other development needs. A number of the sites identified by the Council for housing are in employment use. However, these sites, which only amount to a small percentage of total commercial floorspace in the Borough, are not in prime locations for employment use. Several contain relatively old buildings in need of some updating. They are also generally in or close to residential areas, which would restrict the opportunities for redevelopment for employment use. The supporting evidence shows that the loss of these sites will be compensated for by employment development already committed.

Heathrow Airport

- 3.113 The CS acknowledges the major economic impact of Heathrow Airport on the Borough, both through the significant proportion of Spelthorne residents employed at the airport and through the amount of airport-related warehousing within the Borough (¶2.12, 2.13). A major expansion of Heathrow, which adjoins the Borough boundary, is taking place, including the opening of T5 earlier this year together with a second phase of that development, and a redevelopment of the Central Terminal Area.
- 3.114 The report of the Public Inquiry into the T5 scheme (CD/OTH/603) concluded that it would not generate significant additional development pressures for airport related activities in the area around Heathrow, and that development pressures likely to be generated by T5 would not be so great as to breach the environmental constraints which limit land available for development in the surrounding area. This was on the basis,

amongst other matters, that land is available for airport-related development within the airport boundary.

- 3.115 BAA is required as a condition of its T5 planning permission to provide information every five years about supply and demand of land that could be suitable for airport related development. Its most recent report (CD/OTH/602), dated 2004, prepared in consultation with the four local authorities surrounding Heathrow, indicates that there is sufficient land available within the airport boundary to accommodate the majority of growth generated by a five terminal Heathrow, and that on-airport sites could accommodate all additional airport related development demand up to 2016. It also identifies a significant amount of land and premises available within an approximate 3 mile radius of the airport. Its conclusion is that there is an ample supply of accommodation to meet airport-related development needs for the foreseeable future. There is no convincing evidence to suggest that the contents of this report are either inaccurate or out of date.
- 3.116 In the light of this, I conclude that there is no need to allocate additional employment land to meet existing permitted levels of growth at Heathrow Airport. There is certainly no convincing evidence of the exceptional circumstances necessary to justify the release of land in the MGB for Heathrow-related development on the basis of existing permitted levels of growth, notwithstanding the proximity of land in the MGB to the Heathrow Cargo Terminal.
- 3.117 Turning now to the potential for further growth at Heathrow, in principle support is given by the Government's *Air Transport White Paper* of December 2003 (ATWP - CD/NAT/400) for the construction of a third runway at Heathrow. That and subsequent documents, including the consultation document *Adding Capacity at Heathrow Airport* (CD/NAT/432), also give support to increasing capacity at Heathrow using existing runways. If an increase in the airport's capacity is approved, it may well take place during the plan period.
- 3.118 It is far from clear what the implications would be for Spelthorne of an increase in capacity at Heathrow, or to what extent there would need to be any allocations of additional land. It is not therefore, in my view, possible for the CS to make specific provision at this stage to meet any need arising out of further expansion of the airport. The approach taken when T5 was permitted was for airport related development to be met within the airport boundary. However, there is no guarantee that such an approach will be followed by the Government if a further expansion of Heathrow is permitted. Whilst the CS is required to be reasonably flexible, it would not be reasonable to expect it to attempt to anticipate the consequences of further development of the airport in the light of so many unknowns.
- 3.119 The Council has proposed a change to ¶7.7 of the CS, which recognises that the employment land strategy and other aspects of the spatial strategy may need to be reviewed if further expansion of Heathrow is permitted. This expresses the situation more clearly

and, in my view, is as far as it is possible for the CS to go under current circumstances. Although policy T9 of the SEP requires LDDs to contain policies supporting the development of Heathrow Airport, there is no requirement in the SEP for land to be safeguarded for any possible Heathrow expansion pending a firm decision being made about the future of the airport. It would be premature for the CS to make reference at this stage to the possibility of a need for a review of the MGB if there is a decision to increase capacity at the airport, although that is one of the possible outcomes of a decision that the airport should expand further.

Protection of existing employment areas

- 3.120 The strategy of not providing for any additional employment land outside designated employment areas and allowing the redevelopment of poorly located employment land is complemented by the retention in employment use of sites suitable for that use. At the time the CS was submitted, the strength of the housing market was leading to pressure for redevelopment of employment sites for housing, and thus to their loss for employment. Whilst that may not be the situation in the current economic climate, in the longer term the imbalance between housing supply and demand noted earlier in this report (¶3.85) is likely to lead to similar pressures recurring. For these reasons, I consider that the aim of retaining a long-term stock of employment land and premises justifies the presumption in policy EM1 against loss of employment land.
- 3.121 Policy EM1 and the Proposals Map identifies the employment areas within which employment will be supported and proposals involving a loss of employment land will be resisted. All of the areas were subject to assessment in the Economy and Employment Land Study. I consider that the evidence in the Study is robust and justifies the inclusion in policy EM1 of the designated areas. These areas include the town centres of Staines, Ashford and Shepperton, and the Sunbury Cross Centre. The designation of town and local centre areas for employment purposes is not inconsistent with the shopping area designation in Chapter 8, given the suitability and sustainability of town centre or edge of town centre sites for employment uses, particularly offices, and does not conflict with national advice on employment land reviews (CD/NAT/423). It is also appropriate, given the contribution that these town and local centres make to the supply of employment floorspace in the Borough and given the contribution of town centre employment areas to the overall vitality and viability of the centres.
- 3.122 The range of employment uses that would be permitted under the terms of the policy is flexible. It is important for the CS to seek to protect the existing quantum of employment floorspace in designated employment areas, rather than to allow it to be lost to other uses, in order to protect the local economy. However, there may be circumstances where employment sites within areas designated on the Proposals Map cease to be viable for continued employment use at current levels of provision. The Council has

proposed changes to policy EM1 and to the reasoned justification which would clarify the application of the policy to mixed use development proposals in designated areas. In addition, however, I consider that the policy is somewhat inflexible in its approach to any loss of employment floorspace in designated employment areas, as a result of which premises may remain empty over long periods of time. I therefore specify a change to allow the possibility of some loss of floorspace where maintaining existing levels can clearly be shown to be unsustainable and unviable in the long term. Subject to these changes, I consider that the policy achieves an appropriate balance between the need to protect employment floorspace and the need for a suitable level of flexibility.

- 3.123 It appears from the Economy and Employment Land Study and from the *2007 Annual Monitoring Report (CD/SBC/029)* that there has been a steady increase in the number of office vacancies over recent years, to over 10% in 2007. This is unlikely to improve in the short term given current economic conditions, and the Council will need to monitor the situation carefully. However, the evidence as to the extent of long term vacancies is unclear, and not convincing enough to justify either removing any sites from the designated area at this stage or allowing the removal of any sites from the policy EM1 designation following a period of vacancy.

Shepperton Town Centre

- 3.124 The Council has argued that, although Shepperton town centre is one of the smaller centres, it performs a local role which should be recognised, and that Shepperton Business Park, which forms part of the employment area, is a significant local facility making a contribution to the supply of modern commercial premises in the Borough. The Economy and Employment Land Study recommended that the commercial area of Shepperton, together with Shepperton Business Park, should be retained for employment. The local Chamber of Commerce also supports the employment designation at Shepperton Centre, because of its location close to residential accommodation, providing a convenient local workplace.
- 3.125 Although Shepperton town centre's public transport accessibility is not particularly good, it does have a railway station with a direct service to London Waterloo. It is also close to residential development, and that part of the employment area close to the railway station includes small office accommodation which from what I could see when I visited the area appears to be well used. The northern part of the employment area in particular appears not to have particularly good road access and I could see evidence of parking stress. However, I consider that the area is suitably located for employment because of its town centre location and its designation does not therefore conflict with policy LO7 of the SP. The benefits of protecting the area for employment use, in terms of the area's contribution towards the local economy and the vitality of the town centre, and its provision of a convenient workplace for local residents, outweigh the area's disadvantages. For this reason, the protection of this employment area is the most appropriate

course. The area's designation would not prevent sites being redeveloped for mixed uses, including residential, provided there is no overall loss of employment floorspace, and indeed this is encouraged in policy TC3.

Ashford Road, Littleton Road and Spelthorne Lane Ashford

3.126 The designated employment area at Spelthorne Lane/Littleton Road Ashford also provides employment close to residential accommodation. In addition, this area is assessed in the Economy and Employment Land Study as being a significant industrial estate, with a good mix of units and significant market demand. In my view the estate as a whole is a well-located and valuable employment resource which should be retained in commercial use. In these circumstances, absence of significant demand for existing office development within this area would not justify excluding such development from the employment area, particularly as Policy EM1 would support other suitable employment development.

Littleton Lane, Shepperton

- 3.127 Land at Shepperton Quarry, Littleton Lane Shepperton is not designated under policy EM1. This site contains, in addition to authorised gravel extraction activities, an area occupied by a number of small employment uses and subject to an established used certificate issued in 1975.
- 3.128 The site is located in the MGB and is some distance from the nearest settlement. It also lies in the 1:20 year floodplain, and I accept the Council's evidence that during the most recent serious floods in 2003 (a 1:14 year event) floodwater was observed pouring off the site, confirming its high vulnerability to flooding. Much of the site is in use for quarrying and not subject to the established use certificate. The large structures on this part of the site in connection with the quarrying operation will be removed when quarrying ceases. To allow this part of the site to be subject to the presumption in favour of employment development contained in policy EM1 would conflict with national policy guidance in PPG2, because of the effect of any redevelopment on openness.
- 3.129 The part of the site subject to the established use certificate is largely occupied with open storage uses or low buildings of poor quality. If further employment development were allowed, that would be likely to reduce the openness of the MGB. Policy SP3 of the CS aims to maintain well sited larger employment areas. This area is not well sited, lying in the functional floodplain where according to PPS25 only water compatible uses and essential infrastructure should be located. Furthermore, the site is poorly located for access to public transport, and lies some distance from the nearest settlement. It is not, therefore, a sustainable location for employment development. The disadvantages of this site for employment clearly outweigh the limited advantages of protecting it under policy EM1.
- 3.130 Nor would it be appropriate to designate the area as a Major Developed Site in the green belt. The employment area is relatively

small, and although there is no definition in PPG2 of major developed sites, the examples given in PPG2 are all significantly larger than this site. Furthermore, any encouragement for infilling or redevelopment which such a designation might give would conflict with the advice in PPS25.

Conclusions

3.131 I conclude that that the CS strategy of maintaining the Borough's employment capacity is sound and justified by a robust and credible evidence base. The designated employment areas are appropriately identified, and there is no justification for adding any other areas to that list or removing any of the identified areas from the list. There is no convincing evidence to justify making provision for further employment development over what is anticipated by the CS, given that employment growth already provided for exceeds anticipated growth in labour supply, and it would not be reasonable to expect the CS to attempt to anticipate any future employment requirements arising out of the possible expansion of Heathrow Airport. The small loss of employment land to housing will not have a significant effect on the local economy, given the amount of new employment development already committed. Subject to the changes I specify, I conclude that the employment policies of the CS are appropriate to meet the business and employment needs of the Borough and provide a strong local economy, are soundly based and justified, and accord with national and emerging regional policy guidance. They therefore satisfy the tests of soundness.

3.132 In order for the CS to be sound, ¶7.7 should be amended in order to provide further background information on possible future expansion at Heathrow, and to clarify the need to re-examine employment land requirements if further expansion is approved (Change 34); and policy EM1 and its reasoned justification should be modified in accordance with Changes 35, 38 and 39 to clarify the circumstances when redevelopment within employment areas would be acceptable.

3.133 *Issue 6: Whether the town centre and retail policies of the CS make adequate provision for town centre development, are consistent with national policy and add sufficient local distinctiveness*

3.134 The evidence base for the strategy towards town centres and retailing comprises principally the *Spelthorne Retail Study 2004* (CD/SBC/016) and a 2007 *Update of Forecasts* (CD/SBC/017). The findings identified little quantitative need for additional convenience goods floorspace, and did not recommend an additional local plan allocation at this stage. In respect of comparison goods, the studies identified capacity for additional floorspace in Staines town centre. The detailed studies carried out on behalf of the Council

appear to have followed the standard methodology for studies of this type, and in my opinion comprise a robust and credible evidence base for the policies in the CS.

- 3.135 The strategy is to focus retailing in the Borough's town and local centres, and to maintain the role of Staines as the principal town centre serving north Surrey. Policy TC1 makes provision for a further 32,000 square metres of retail development in Staines town centre, reflecting the findings of the retail studies. The CS aims to maintain the role of Ashford, Shepperton and Sunbury Cross as local shopping centres and seek opportunities for their improvement, but does not propose any extension of retail provision in these centres. This is all supported by the evidence base, and in my view is an appropriate strategy. The Council has proposed a minor change to paragraph 8.5 of the reasoned justification which would clarify what improvements to the other centres are envisaged in policy SP4.
- 3.136 Traffic congestion is an issue in Staines town centre, and policy TC1 encourages measures to improve traffic management and accessibility by public transport. It also proposes the management of public car parks to give priority to shoppers and limit long stay parking to encourage the use of other modes of transport, as well as supporting the control of on-street parking in the town centre. Phase 3 of the Elmsleigh Centre extension incorporates improvements to the town centre bus station, reflecting the aims of this policy. Given that traffic management is primarily the responsibility of Surrey County Council which has set out detailed proposals for tackling traffic congestion in its *Local Transport Plan* (CD/SCC/201), this appears to me to be an appropriate approach to the issue, which would accord with national and regional policy. In particular, the limitation on long stay parking would reflect national and regional policy aims to encourage a shift to non-car modes of transport, as well as supporting the CS objective relating to sustainable transport choices.
- 3.137 Policy TC2 aims to protect retail floorspace within the primary and secondary shopping areas of Staines town centre. Given that the policy aims to protect retail floorspace and units, and given the configuration of Staines town centre, I consider that it broadly reflects the advice in PPS6 *Planning for Town Centres* (CD/NAT/406), notwithstanding that it uses somewhat different terminology. This policy is in my view a reasonable measure and its restrictive approach to uses other than retail within the primary shopping area is justified in view of the percentage of non-retail uses already in the primary shopping area. Policies TC3 and TC4 address loss of retail units at other town and local centres and parades, and I consider that these measures are appropriate and justified in order to protect the current role, vitality and viability of these areas.
- 3.138 The first part of policy TC5 requires retail development to be within Staines town centre, or in the centres of Ashford, Shepperton or Sunbury Cross if it is of a scale and character appropriate to those

town centres. The second part of the policy sets out the criteria against which proposals for retail development outside the centres will be assessed. This effectively repeats national policy guidance in PPS6 and adds no local distinctiveness to this part of the policy. PPS12 advises that DPDs should not repeat national planning policy. This part of policy TC5 conflicts with that advice. It is therefore unsound, and should be deleted. Consequential changes will be required to the reasoned justification of this Chapter, and paragraph 7.10 should also be amended to make it clear that extensions to existing retail floorspace outside retail centres will be considered against the guidance in PPS6.

3.139 I conclude that, subject to the changes I specify, the town centre and retail policies of the CS make adequate provision for town centre development, are consistent with national policy and are soundly based and justified. They therefore satisfy the tests of soundness.

3.140 In order for the CS to be sound, the second paragraph and sub-paragraphs a) to d) of policy TC5 should be deleted; and paragraphs 7.10, 8.6 and 8.25 amended to remove reference to policy TC5 and insert references to PPS6. (Changes 36, 37, 40 and 41)

3.141 *Issue 7 - Whether the CS makes appropriate provision to meet community and infrastructure needs*

3.142 Policy SP5 requires the Council to ensure provision is made for services and facilities to meet local community needs. New developments that individually or cumulatively add to requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements. These requirements are expanded on in policies CO1 and CO2.

3.143 Policy CO1 deals generally with the provision of new community facilities and the retention of existing facilities where there is still a need for them. Policy CO2, relating to the provision of infrastructure for new development, satisfies the requirements of Circular 05/2005 (CD/NAT/435) for DPDs to include general policies about the principles and use of planning obligations. The Council has proposed changes to the reasoned justification to give further explanation of the contributions that will be required from developers towards infrastructure (discussed further below in ¶3.149).

3.144 Although it is expressed in general terms, in my opinion it is clear from the policy and reasoned justification as proposed to be changed what might be covered by the policy. The changes explain the role of the supplementary guidance which the Council intends to produce, and makes it clear that any requirements must be in accordance with Circular 05/2005. The reasoned justification also makes it clear that the cumulative impact of developments will be

taken into account in seeking contributions towards infrastructure under policy CO2. There is no need for a specific reference to the provision of adequate water and sewerage infrastructure, which would be covered by the policy as drafted.

- 3.145 As ¶¶2.17 et seq of the CS records, the Council has contacted principal infrastructure providers in the Borough to establish their future requirements. No additional infrastructure needs in terms of water, gas, electricity and sewage disposal have been identified, although there may be localised improvements to the sewer network required for certain developments. The population is not expected to rise significantly, if at all, and there is therefore no additional infrastructure needed to cater for a rise in population.
- 3.146 Policy CC2 requires developments to be made compatible with the transport infrastructure in the area, and requires the cumulative impact of a number of developments to be taken into account. I say more about this policy below in ¶¶3.207 et seq. The SEP EIP Panel report (CD/REG/301) in ¶20.43 notes that existing congestion levels are already high throughout the London Fringe Sub Region, but that additional travel demand related to proposed new growth was going to be marginal in relation to existing flows. At a more local level the Council's *Transport Statement* (CD/SBC/022) has concluded that the construction of housing on former employment sites will lead to fewer a.m. peak hour movements and that the policies and proposals of the CS will not add to travel demand. In addition, other policies of the CS aim to encourage a shift from the car to other modes of transport.
- 3.147 There is clearly a great deal of dissatisfaction amongst local residents over various infrastructure issues in the Borough. But some of these appear to relate to maintenance rather than capacity issues, and some arise from recent closures of existing services by infrastructure providers. The EIP Panel report has rejected the approach of preventing development from going ahead until the infrastructure required is available. But in any event the evidence obtained by the Council indicates no significant infrastructure needs arising from the level of development proposed. This leads me to the conclusion that there are no specific infrastructure projects that new development could justifiably be required to fund, having regard to the advice in *Circular 05/2005* (CD/NAT/435). In the light of that advice, furthermore, it would not be appropriate to require developers to resolve any perceived existing infrastructure deficiencies.
- 3.148 Policy LF10 of the SEP requires planning authorities to establish a programme for the provision of infrastructure within the London Fringe sub region which takes into account the cumulative impact of small-scale development. It also requires contributions to be secured from new development to mitigate the impact of cumulative development. However, the Council has made it clear that it does not support the introduction of a tariff-based approach to the funding of infrastructure in present circumstances, and indeed the available evidence would not support such an approach

at this stage. Policy LF10 does not override the advice in *Circular 05/2005* relating to developer contributions, and the introduction of a tariff-based system in Spelthorne is not justified by the evidence available at present.

- 3.149 As indicated above, the Council has proposed a number of changes to the reasoned justification. Some of those (with the addition of the words "The Council is not proposing a uniform tariff system of contributions.") were included in the changes advertised earlier in 2008. In addition, the Council proposes that ¶9.6 which deals with the Planning Gain Supplement should be replaced with a new paragraph explaining the proposed Community Infrastructure Levy (CIL). I consider that these changes are necessary to make the CS sound. However, I also consider that the Council's current position on tariffs, as advertised earlier this year, should be clearly stated in the CS, and I set out an appropriate change. This will not prevent the Council from taking a view on the appropriateness of introducing CIL if the relevant legislation is enacted.

Open space

- 3.150 Policy CO3 explains the requirement for open space in new development. The standard of a minimum of 0.1 hectare of public open space in developments of 30 family dwellings and above (increased pro rata) has been carried forward from the LP. The Council has explained that the amount of space required equates to what in practical terms is judged to be an appropriate minimum size of open space to include an equipped children's play area together with appropriate separation from neighbouring properties. On this basis, it would not be appropriate to require public open space to be provided by non-family housing developments, or to lower the threshold below 30 dwellings.
- 3.151 The second part of policy CO3 applies where new housing is proposed in areas of the Borough with inadequate public open space provision, or where provision would become inadequate because of the development. In such cases, all housing developments would be required either to provide new open space on site or make a financial contribution towards off-site provision. It would not be appropriate to seek contributions in areas where there was no shortage of public open space provision.
- 3.152 The policy could be expressed more clearly, and the Council has proposed changes to the policy and the reasoned justification, which I consider are necessary in order to add clarity. The changes would not alter the essence of the policy, which I consider is reasonable, sound and fully justified.

Conclusions

- 3.153 Subject to the changes set out below, I conclude that the CS makes appropriate provision to meet community and infrastructure needs, and that the policies in Chapter 9 are soundly based and justified, and accord with national and emerging regional policy guidance. They therefore satisfy the tests of soundness.

3.154 In order for the CS to be sound, the reasoned justification should be amended to clarify what developers will be required to provide in terms of infrastructure and to update the position with regard to CIL (Changes 42-45); and policy CO3 and paragraphs 9.10-9.13 should be reworded to clarify the circumstances when new developments would be required to provide open space (Change 46).

3.155 *Issue 8 - Whether the policies of the Environment Chapter develop national and regional guidance to give local distinctiveness, and whether they are appropriate*

3.156 Strategic policy SP6 of the CS outlines the Council's strategy for maintaining and improving the environment. Subsequent policies develop the key issues identified in policy SP6. A number of them deal with development control matters. PPS12 advises that DPDs should not repeat national planning policy statements. I have considered the policies in the Environment Chapter of the CS in the light of this advice.

Design of New Development (policy EN1)

3.157 Policy EN1 sets out the design criteria that will be used to assess proposals for new development. It covers appearance, relationship with adjoining properties, inclusiveness of design, landscaping, safety, resource use, storage of waste and use of sustainable drainage systems. It accords with the advice in PPS1 *Delivering Sustainable Development* and other national guidance concerning design policies in DPDs. I am satisfied that it is appropriate and sufficiently locally distinctive for Spelthorne.

3.158 In applying this policy, it is inevitable that subjective judgments will have to be made. It is also clear that there are disagreements over the way the policy has been applied in practice. However, there will always be differences of opinion on matters of design, and the concerns expressed appear to relate to the implementation of the policy rather than its soundness. They do not undermine the value or appropriateness of the policy as drafted.

Replacement and Extension of Dwellings in the Green Belt including Plotland Areas (policy EN2)

3.159 PPG2 requires development plans to contain policies relating to the replacement of dwellings in the Green Belt, and the first part of this policy satisfies that requirement. The second part of the policy relates specifically to rebuilding and extension of structures in "plotland areas". These have a distinct character which is an important feature of some parts of the Borough mostly along the River Thames, and which warrants special protection. The policy as a whole is, in my view, sound and locally distinctive and applies national guidance appropriately.

Air Quality (policy EN3)

- 3.160 As the CS makes clear, air quality is an important environmental issue for the Borough, the whole of which is currently an Air Quality Management Area (AQMA). Road traffic is identified as the biggest single contributor to poor air quality. Part of the policy is directed at encouraging non-car means of travel and reducing traffic congestion. The remainder of the policy deals with the need for air quality assessments, and sets out the circumstances where development with an adverse effect on air quality should be refused. The policy's requirement for adverse effects on air quality to be balanced against other important considerations, together with its encouragement of the use of mitigation measures, represents a sound and reasonable approach to development proposals in the AQMA.
- 3.161 I consider that the criteria for requiring air quality assessments are appropriate and clear and reasonably reflect the types of development which have the potential either to have a harmful effect on air quality or to introduce vulnerable receptors into a poor air quality area. The policy does not deal with developments in an area where air quality is already so poor that it would have a harmful effect on the occupiers of the development, which is a shortcoming. The Council has proposed a change to address this, which with some minor amendment would make the policy sound. The policy as amended would address the requirements in PPS23 *Planning and Pollution Control* (CD/NAT/416) for LDDs to contain policies on potentially polluting developments, and on the location of sensitive developments close to existing sources of pollution.
- 3.162 It would place an unreasonable burden on developers to require an air quality assessment from developments of less than 10 dwellings. However, the policy as proposed to be changed would allow such development to be refused if the existing air quality was sufficiently poor and could not be appropriately mitigated.
- 3.163 Clearly, poor air quality is a significant issue for local residents. However, the Council's *Transport Statement* (CD/SBC/022) has concluded that the policies in the CS overall are not likely to cause detriment in terms of air quality. It would not be appropriate to introduce a moratorium on all development in areas of poor air quality, or along roads where air quality is measured as being particularly bad. PPS23 in Appendix 1G points out that such an approach could sterilise development. It is more appropriate, and would accord with the advice in PPS23, for air quality issues to be assessed on a case-by-case basis, with proposals for development being refused only if the harm identified cannot be effectively mitigated.

Open Space, Sport and Recreation Facilities (policy EN4)

- 3.164 Policy EN4 requires the Council to ensure that there is sufficient open space available in the Borough, to maintain and improve what there is, to maintain, improve and expand networks of green space and pedestrian and cycle routes and to retain existing open space in

the urban area where it satisfies a number of specified criteria. These criteria, which relate to the land's value either for sport and recreation or for amenity or nature conservation, in my view reasonably reflect the advice in PPG17 *Planning for Open Space, Sport and Recreation* (CD/NAT/414) as to the types of open space that are of public value. I consider that this policy is soundly based and appropriate for the Borough, and contains sufficient local distinctiveness.

- 3.165 The LP Proposals Map identified urban open space sites over 0.1 hectares in size protected by saved policy BE14, which is to be replaced by policy EN4. They are listed in Appendix 1 of the CS. The Council does not propose any change to the identified areas. It has proposed changes to the policy and the reasoned justification so that the policy makes specific reference to retention of the sites shown on the Proposals Map. The change proposed to the reasoned justification is appropriate as it would provide a link, otherwise missing, between the policy and the Proposals Map annotation. However, the effect of the changes to the policy would be to introduce a presumption that the identified sites were worthy of protection, which is not the implication of the policy as drafted. It would be unreasonable to protect any of those identified sites if they did not satisfy the criteria, and the introduction of such a presumption at this stage would not be appropriate as it would not be subject to advertising and public comment. For that reason those changes would not be appropriate.
- 3.166 Some representations have sought either the removal or the inclusion of sites as protected open space. But it would be more appropriate, in my view, for those sites to be assessed under the clear criteria set out in policy EN4, in the event of any development proposals coming forward. If any identified sites no longer satisfy the criteria, then they will not warrant protection under the policy as it appears in the submitted CS. On the other hand, any sites not identified on the Proposals Map which do satisfy the criteria will be protected by the policy.
- 3.167 However, the Council has acknowledged that the Proposals Map incorrectly identifies as protected open space the dwellings at 16 and 18 The Ridings Sunbury and their curtilages, and this designation should be removed from the two properties.
- 3.168 Policy EN4 restricts the development that may be allowed on open space satisfying the criteria in the policy. Given that amenity open space is defined as either making a significant contribution to the area or being of particular value in an area of open space shortage, I consider that this level of protection is warranted. Sub-paragraph (e) would allow development, including operational development by statutory undertakers, to take place provided the remainder of the open space is enhanced. This in my view is reasonable and necessary in view of the public value of open space to which this provision applies.

Protecting the Historic Environment (policies EN5 and EN6)

- 3.169 PPG15 *Planning and the Historic Environment* (CD/NAT/412) advises in ¶2.3 that development plans should set out clearly the conservation policies relevant to the exercise of an authority's development control functions, and notes the importance of plans including all the criteria on the basis of which planning decisions will be made. Although PPG15 contains extensive guidance on the protection of the historic environment, policy EN5 applying to buildings of architectural and historic interest sets out in a succinct and accessible form how the Council will approach proposals for works to listed buildings. It also seeks to encourage the retention of unlisted buildings of local architectural or historic interest, and the reasoned justification makes reference to the Council's own list of buildings of historic interest.
- 3.170 Similarly, policy EN6, which applies to conservation areas, historic landscapes, parks and gardens, also sets out succinctly and accessibly the Council's approach to these areas. The Council has proposed a reordering of the policy, which I consider would improve its clarity and more closely reflect statutory requirements relating to conservation areas.
- 3.171 Both policies support strategic objective 1 of the CS. In the light of all this, I consider that they are sufficiently locally distinctive and appropriate to Spelthorne, with its important legacy of historic buildings, both nationally and locally listed, and its conservation areas.
- 3.172 The Council has the power to designate conservation areas, whose character would be statutorily protected. The exercise of the Council's powers in this respect are not a matter for the CS, and it is not within my remit to question their decision in any particular case that conservation area designation would not be warranted.

Tree Protection and Landscape and Biodiversity (policies EN7 and EN8)

- 3.173 It is clear to me that the protection of trees in the Borough is a matter of significant public concern. In the context of the intensely developed urban area of Spelthorne, which does not have extensive tree cover, trees are of importance both in terms of landscape enhancement and also to a limited extent in the contribution that can be made to air quality. The Council has proposed a change to the reasoned justification which would clarify the situation with regard to trees in Spelthorne. In these circumstances, I consider that policy EN7 is soundly based and appropriate for the Borough and together with its reasoned justification contains sufficient local distinctiveness. It would not be appropriate to make the policy any more protective of trees; the making of tree preservation orders is the recognised statutory means of protection and should provide an appropriate level of protection to healthy trees of amenity value.
- 3.174 Spelthorne contains sites of international and national nature conservation importance, and policy EN8 in part addresses the need to safeguard those sites. It also deals with landscape enhancement, nature conservation, biodiversity and the Borough's

Common Land. Whilst the content of the policy is somewhat bland, when taken with the reasoned justification it contains sufficient local distinctiveness to add to and develop the advice in PPS9 *Biodiversity and Geological Conservation* (CD/NAT/409). I consider that the policy is soundly based and appropriate.

River Thames and its Tributaries (policies EN9 and EN10)

3.175 The River Thames and its tributaries are important local (and in the case of the Thames national) features, and these policies address the setting of the rivers and the recreational use of the Thames. They are both area-specific and address issues of local significance. In my view they are sound, appropriate and locally distinctive.

Control of Advertisements (policy EN11)

3.176 Policy EN11 deals with control of advertisements. It adds little if anything to national policy guidance in PPG19 *Outdoor Advertisement Control*, which explains clearly how advertisement applications should be dealt with. It is expressed in very general terms, it does not explain how PPG19 applies to Spelthorne and it is not locally distinctive. There is no evidence of any special considerations applying to Spelthorne which would warrant effectively repeating guidance in PPG19. Although I recognise that the policy is a succinct expression of that advice, that is not by itself sufficient to justify including it in the CS. There is no requirement in PPG19 for development plans to include policies relating to advertisements, and as the policy and its supporting paragraphs do not accord with the requirements of PPS12 they should be deleted.

Development and Noise, and Noise from Heathrow Airport (policies EN12 and EN13)

3.177 Noise is a significant issue in Spelthorne, because of its position adjoining the boundary of Heathrow Airport and its proximity to major roads including motorways and trunk roads. The first two parts of policy EN12 identify the Council's general approach to the adverse impact of noise, and the third part relates specifically to development close to Heathrow. Whilst the first two parts of the policy are somewhat bland and generalised and add little to the advice in PPG24 *Planning and Noise*, the importance of the issue to the Borough warrants their inclusion. The third part of the policy, relating to development close to Heathrow, is locally specific. In seeking to prevent new residential development within the 66 Leq noise contour and requiring appropriate attenuation measures for residential development where airport noise is between 60 and 65 Leq, the policy reflects and provides a local dimension to the advice in Annex 1 to PPG24.

3.178 The CS contains no specific proposals for noise mitigation measures including either barriers or tree planting. Such measures have not been investigated for their feasibility, particularly having regard to flooding and visual impact issues, or for their effectiveness. For these reasons, it would not be appropriate to include a requirement for such measures in the CS.

- 3.179 Policy EN13 specifically sets out the Council's approach to noise from Heathrow Airport. It indicates that measures to minimise the impact of noise from Heathrow will be supported, and changes that increase noise impact will be opposed. The remainder of the policy indicates that the Council will seek the support of BAA, the Government and relevant statutory authorities for a number of measures including maintaining current operational limits at Heathrow Airport relating to air transport movements, the use of the runways, the use of noise preferential routes and existing controls on ground noise, and controls on flying at night.
- 3.180 The ATWP sets out Government policy for a third runway and additional terminal capacity at Heathrow provided that stringent environmental limits can be met. The *ATWP Progress Report 2006* (CD/NAT/400a) repeated the Government's conditional support for the third runway, and a consultation was started at the end of 2007 on, amongst other matters, a revised proposal for a third runway and a proposal to introduce changes to the use of the existing two runways in the meantime, with or without additional air traffic movements.
- 3.181 Clearly, any decision as to the future of Heathrow Airport is a matter for the Government, and not one for the CS. But the CS should not contain policies which conflict with the Government's in principle support for providing additional runway and terminal capacity at Heathrow as set out in the ATWP and subsequent documents. Paragraphs (a) and (b) of policy EN13, relating to retaining the current limit on total air transport movements and "segregated mode" use of the runways, are at odds with the proposals in the Government's latest consultation, and as they are not consistent with national policy they should be deleted. This is not to say that the Council should not adopt a position that conflicts with Government proposals, merely that it would not accord with the advice in PPS12 for that position to be set out in the CS.
- 3.182 For these reasons, I consider that ¶¶(a) and (b) of policy EN13 should be deleted, together with ¶¶10.48 and 10.49 of the reasoned justification.

Light Pollution (policy EN14)

- 3.183 Policy EN14 indicates the circumstances in which lighting proposals will be permitted, in order to minimise the adverse impact of light pollution. The criteria in the policy are, in my view, reasonable and appropriate and do not repeat national or regional guidance, and I consider the policy to be sound.

Hazardous Development and Development on Land Affected by Contamination (EN15 and EN16)

- 3.184 Policy EN15 deals with development involving hazardous substances or development in the vicinity of hazardous installations. It also imposes controls on development within the Public Safety Zone identified by the Civil Aviation Authority at the west end of the southern runway at Heathrow. In my opinion the policy is reasonable, appropriate and locally distinctive and is sound.

3.185 Policy EN16 deals with land affected by contamination. There is a particular problem in Spelthorne arising from mineral extraction over a long period of time, with many old mineral extraction sites having been filled long before any controls existed on waste disposal. The extent of the potential contamination issues arising from these historical mineral extraction sites is unknown because of the absence of controls and records. Although there is detailed guidance on contamination in PPS23 and its annex, these local circumstances justify a policy which highlights succinctly the need for contamination to be addressed, even though it adds only a limited amount to national policy. The Council has proposed an amendment to the reasoned justification to give more background on the specific problems in Spelthorne, and subject to this amendment I consider that the policy and its reasoned justification is sufficiently locally distinctive and sound.

Telecommunications (EN17)

3.186 Policy EN17 contains two criteria which have to be satisfied in order for telecommunications proposals to be supported, one requiring there to be no existing mast, structure or building that can be used, and one requiring visual impact to be minimised. There is nothing locally distinctive in either the policy or the explanatory paragraphs, and these add very little to the guidance in PPG8 *Telecommunications* (CD/NAT/408). Although PPG8 requires local plans to include criteria-based policies for the location of telecommunications developments where particular sites are not allocated, this advice is no longer up to date, and has been overtaken by subsequent guidance as to what should be included in DPDs. As PPG8, together with other policies of this Chapter, contain adequate guidance on how applications for telecommunications should be determined, I conclude that policy EN17 is unnecessary and inappropriate. It should therefore be deleted, together with its reasoned justification.

Conclusions

3.187 The provision of a reasonable quality of life for both existing and future residents is clearly a major concern of many representors. Many of the policies in this Chapter address the effect of new development on quality of life. However, some matters which may impact on quality of life, such as through traffic on the Borough, or the possibility of further development at Heathrow, are beyond the scope of the CS to control, although some, such as individual choices relating to modes of transport, may be susceptible to influence through the CS. Despite the concerns of residents that their quality of life has deteriorated, there is no convincing evidence that the development provided for in the CS, when taken with other policies of the CS including those in this Chapter, will lead to a significant deterioration in quality of life for residents. For those who are provided with new housing as a consequence of the CS policies, there is the potential for an improvement in quality of life.

- 3.188 I am not satisfied that there is a case for including any other generic development control policies in the CS, including policies originally included in the LP. Nor am I satisfied that there is any need for additional detail to be included in the policies in this Chapter, other than the changes that I specify.
- 3.189 In my briefing note of 22 October 2008 I expressed concerns that a large number of policies in this Chapter lacked local distinctiveness. I have considered the policies in the light of the further information provided by the Council (and in some cases the changes proposed). As a consequence, and bearing in mind that my task is to consider whether the policies are sound, not to make them sounder, I conclude that, subject to the changes I specify, all but two of the policies of the Environment Chapter develop national and regional guidance to give local distinctiveness, are appropriate to Spelthorne and satisfy the tests of soundness.
- 3.190 In order for the CS to be sound, the following amendments are necessary. (a) Amend policy EN3 to set out the circumstances where development may be refused if future occupiers would be significantly adversely affected by existing poor air quality (Change 47). (b) Amend paragraph 10.24 of the reasoned justification to refer to protected urban open space (Change 48). (c) Remove the protected open space designation from 16 and 18 The Ridings Sunbury (Change 71). (d) In policy EN6 rearrange and amalgamate the sub clauses as set out in Change 49. (e) Add at the end of paragraph 10.32 additional sentences to confirm the relative importance of trees in the Borough (Change 50). (f) Delete policy EN11 and its reasoned justification. (Changes 51, 52) (g) Delete paragraphs (a) and (b) of policy EN13 and their reasoned justification. (Changes 53, 54) (h) In paragraph 10.56 of the reasoned justification add additional sentences to clarify the significance and extent of land contamination issues in the Borough (Change 55). (i) Delete policy EN17 and its reasoned justification. (Changes 56, 57)**

3.191 *Issue 9 - Whether the Climate Change and Transport Chapter policies accord with national and regional policy and adequately integrate transport and spatial planning*

- 3.192 Strategic policy SP7 of the CS seeks to minimise the impact of climate change, and to reduce the impact of development in contributing to climate change in a number of specified ways. Broadly speaking, these reflect national and regional policy relating to energy and waste, travel and flooding. I am satisfied that the strategic policy is both reasonable and appropriate to the Borough, and sound.

Renewable energy, energy conservation and sustainable construction (Policy CC1)

- 3.193 Policy CC1 encourages the use of renewable energy in existing buildings, freestanding renewable energy schemes and high

standards of sustainable construction. All of these elements accord with the thrust of current Government policy as set out in the supplement to PPS1, *Planning Policy Statement: Planning and Climate Change* (CD/NAT/402a). The policy also requires new dwellings, and other development exceeding 100 m², to optimise design, layout and orientation of development to minimise energy use. This reflects good design practice and would accord with the advice in PPS1 relating to design.

Carbon emissions from new development

- 3.194 Policy CC1 i)ii) requires that developments should attain at least a 3 star Code for Sustainable Homes rating or BREEAM "very good" standard (which broadly equates to a 3 star Code rating). In order to achieve a 3 star rating a dwelling must attain a 25% reduction in carbon dioxide emissions over what is required by the Building Regulations, which set out national requirements for reducing carbon emissions from new buildings.
- 3.195 The Council has argued that this reduction can be achieved by measures that are not covered by the Building Regulations. But my reading of Annex B of the Code (CD/NAT/425) relating to energy and carbon dioxide emissions indicates that, for a dwelling to achieve a 3 star rating, it is a mandatory requirement that the "Dwelling Emission Rate" should be 25% better than the "Target Emission Rate" (the maximum emission rate permitted by Building Regulations) as defined in Building Regulation Approved Document L1A. I conclude that what is needed to achieve a 3 star rating goes beyond what is required by the Building Regulations.
- 3.196 ¶¶30 - 32 of the *PPS1 Supplement* advises that planning authorities proposing local requirements for sustainable buildings must be able to demonstrate clearly the local circumstances that would justify this. Such requirements should also be viable. This advice is reflected in the supporting paragraphs to SEP policy CC4. I recognise that homes receiving grant funding from the Housing Corporation are required to achieve a minimum Code level 3. I also recognise the emphasis placed in both national and emerging regional policy on achieving reductions in carbon emissions. However, national policy guidance relating to local requirements for sustainable buildings is clear, and there do not appear to me to be any local circumstances particular to Spelthorne that would justify the Council setting a local standard for sustainable buildings which is different from the Building Regulations.
- 3.197 Furthermore, the only evidence as to viability arises from the Council's experience in applying the policy since August 2007. There is no evidence as to the cost of such requirements or how those costs would impact on the viability or deliverability of development in the area. In these circumstances, I conclude that the requirement for development to achieve Code level 3 does not satisfy the requirements of the Supplement to PPS1, and therefore fails the tests of soundness.

3.198 With regard to the policy requirement for non-residential developments to achieve a BREEAM "very good" standard, it is less clear from the evidence whether this would exceed Building Regulation requirements. However, there is equally no evidence of the need for a local requirement for sustainable non-domestic buildings, and no evidence relating to viability. Under all these circumstances, the requirement in the policy relating to non-residential buildings would also fail to accord with the advice in the Supplement to PPS1.

3.199 However, if the policy provided for the Council to *encourage*, rather than *require*, the achievement of these standards, this would reflect the thrust of the guidance in the Supplement to PPS1 and in emerging regional policy. I therefore specify a modification to the policy to that effect, together with consequential modifications to the reasoned justification.

On-site renewable energy

3.200 Policy CC1 has a requirement for new dwellings, and other development exceeding 100 m², to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources. PPS22 *Renewable Energy* (CD/NAT/415) indicates that policies may be included in LDDs requiring a percentage of energy to be used in new developments to come from on-site renewable energy developments. Such a requirement should be viable, and should not place an undue burden on developers. The Supplement to PPS1 also supports the principle of such requirements.

3.201 The Council's evidence indicates that the requirement to provide at least 10% on-site renewable energy is technically achievable in all cases. It indicates that there have been no serious viability issues throughout the period the policy has been applied, and that bearing in mind that it is easier to install on-site renewable energy sources during construction rather than afterwards, and that the installation of solar panels can produce more than 10% of a building's energy, such a requirement would be viable.

3.202 Policy NRM11 of the SEP requires local authorities to set ambitious but viable targets for on-site renewable energy. In advance of local targets being set in DPDs, that policy sets a requirement of 10% and a threshold of developments of more than 10 dwellings or 1000 m² of non-residential floorspace. The 10% requirement accords with this policy. The threshold in CS policy CC1 is lower than that in policy NRM11, but as the evidence indicates that the requirement would be viable on smaller developments, I am satisfied that it is justified. However, PPS22 specifically requires policies on on-site renewable energy to ensure that any such requirements only apply where viable, and for that reason I consider that for the policy to be sound it should specifically refer to viability.

Other requirements of policy CC1

3.203 ¶4 of the policy requires high standards of sustainable construction including the use of recycled construction material. National

policies for mineral planning set out in *MPS1 Planning and Minerals* include ensuring so far as practicable the use of acceptable substitute or recycled materials in place of primary materials. Policy W2 of amended RPG9 requires DPDs to ensure development which minimises waste production through, amongst other matters, the reuse of construction and demolition materials. This is echoed in policy M1 of the SEP, which requires LDDs to require new projects to include a proportion of recycled and secondary aggregates wherever practicable. As policies of both the operative and the emerging RSS require DPDs to contain policies on the use of recycled construction material, I consider that ¶4 is not inconsistent with national policy, and particularly PPS12, in this regard.

Transportation - general

- 3.204 The policies in the CS related to transportation largely follow the direction indicated in national and regional policy. The *Surrey Local Transport Plan* (LTP - CD/SCC/201) contains detailed proposals for managing the demand for travel and making the best of the existing transport network. One of its objectives is to tackle congestion, which is a significant issue for the Borough. It is not the role of the CS to repeat or seek to improve on the measures identified in the LTP but rather to reflect the land use aspects of that document. Traffic management measures, or measures to improve bus services, are primarily matters for the LTP and not the CS.
- 3.205 The Council's *Transport Statement* (CD/SBC/022) addresses whether the policies and proposals of the CS would lead to an unacceptable adverse impact on the trunk road network in the Borough and whether there are likely to be any other unacceptable highway effects. It concludes that the policies and proposals in the CS will not add to travel demand. It does note that the CS can only have a limited impact on existing travel patterns, in particular the large amount of traffic passing through the Borough each day. The Transport Statement was prepared in conjunction with the Highways Agency and Surrey County Council, and I consider that it is robust and credible.
- 3.206 Although congestion in the Borough and the wider area is a recognised issue, the SEP EIP Panel has not recommended that development should be delayed until the necessary infrastructure is in place. In the light of the findings of the Transport Statement, and given that traffic congestion is a problem now, it would not be appropriate to delay or prevent development until existing congestion issues have been resolved.

Sustainable travel (policy CC2)

- 3.207 Policy CC2 sets out a number of measures which the Council will take with the aim of securing more sustainable travel patterns. Subparagraph (a) gives support to the improvement of facilities for non-car based travel, including the role of Staines as a public transport interchange. Whilst this reflects the advice in both PPG13

Transport and policy T1 of the SEP, it also has a locally distinctive dimension.

- 3.208 Subparagraph (b) explicitly states what is implicit in the advice in PPG13. However, it also takes one of the opportunities identified in the LTP to address in DPDs the key issue of increased traffic congestion from urban development. For this reason, and given congestion problems in the Borough, I consider that it is appropriate to include it in the policy.
- 3.209 Subparagraph (c) explains the circumstances when travel plans will be required, reflecting the requirements of policy T5 of the SEP. These circumstances are wider than those in PPG13, but this more onerous requirement is justified by the AQMA and the need to improve air quality, and by the associated issue of congestion in the Borough. It also reflects the aims of the LTP.
- 3.210 Subparagraph (d) requires traffic generating development to be or to be made compatible with the transport infrastructure in the area, taking account of various specified matters. This is expressed more explicitly than the advice in PPG13, and it particularly acknowledges the need to take into account cumulative impact including other proposed development. This is of significance in Spelthorne because of the relatively large number of small development proposals likely to come forward. It too reflects the approach of the LTP.
- 3.211 Overall, I consider the policy to be soundly based, appropriate and consistent with national and regional planning policy, whilst also having a locally distinctive dimension. It also reflects the land use aspects of the LTP.

Parking (policy CC3)

- 3.212 Policy CC3 requires provision for off street parking in developments to accord with its maximum parking standards, and sets out the matters to which regard will be had in determining the level of provision. It also requires the provision of cycle parking. The parking standards themselves are contained in supplementary guidance rather than in the CS, and the policy would apply to whatever adopted parking standards were current at the relevant time. As far as the policy is concerned, I consider that it reflects the advice in PPG13 relating to the application of maximum parking standards, and is justified and appropriate.
- 3.213 As to the standards themselves, which were adopted in 2001 following public consultation, they are not part of the CS, and it is not part of my remit to consider whether they are appropriate. According to the LDS, they, together with other adopted supplementary guidance, are to be reviewed to create a Supplementary Planning Document dealing with development control policies. If there were any evidence to support a change in the maximum permitted levels of parking, or the introduction of different maximum levels of parking in different parts of the Borough, that would be a matter to be considered as part of this or any future review.

Non-car access to Heathrow and Airtrack (policy CC4)

3.214 Policy CC4 encourages measures to improve the accessibility of Heathrow airport from Spelthorne by non-car-based modes. It also safeguards the route through Spelthorne of Airtrack, a proposed rail route connecting Staines with Heathrow. The safeguarding of the Airtrack route accords with the requirements of policy T14 of the SEP. However, the most recent consultations by the promoter of the Airtrack scheme showed a number of different options for the town centre section of the scheme, and there is no certainty at present as to the exact alignment of the route, the location of any new station at Staines or what land would be required. Under these circumstances, the reference in the policy to evaluation of the potential alternatives and the assessment of their environmental impacts is appropriate.

3.215 The Council has proposed a change so that the policy refers to environmental impacts on those living near the track, which I consider is necessary in the interests of clarity.

Conclusions

3.216 I conclude that, subject to the changes I specify, the policies of the Climate Change and Transport Chapter accord with national and regional policy, adequately integrate transport and spatial planning and satisfy the tests of soundness.

3.217 In order for the CS to be sound, (a) policy CC1 and the reasoned justification should be amended to remove the requirements relating to the Code for Sustainable Homes and BREEAM standards, and to make the requirement for on-site renewable energy to be subject to viability (Changes 59, 60); (b) policy CC4 should be amended in accordance with Change 61.

3.218 *Issue 10 – Whether the CS contains clear mechanisms for implementation and monitoring*

3.219 Chapter 13 of the submitted CS contains targets, indicators and main delivery agencies for each policy of the CS. The monitoring information will be published each year in the Council's AMR. There is no requirement for community involvement in the preparation of the AMR, and indeed as the document is a statement of fact community involvement would not be appropriate. The AMR is, however, a public document to which the public have access, and members of the public have the normal rights under the democratic processes of the Council to comment on the document through their local ward councillors.

3.220 The Council has proposed a change to ¶13.7 to add at the end a reference to other documents that might be brought forward as SPDs. I agree that this is necessary in order to reflect the contents of the LDS.

- 3.221 Numerical requirements in policies are reflected in targets together with measurable indicators. The indicators include both the Core Output Indicators which the Council is required by Government to monitor, and local indicators. The Council has proposed changes to the indicators (CD/SBC/090a). These would reflect the Government document *Core Output Indicators - Update 2/2008* (CD/NAT/424a), which post-dates the submission of the CS. They would also change the target for policy CO1 and the indicators for policies EN1, EN2 and EN9 to make them clearer and more relevant. In addition, the targets for policy SP2 and HO2 should refer to 166 rather than 151 dwellings per annum, the target for policy HO3 should be amended and the target for policy EN11 should be deleted, in order to be consistent with the changes I have specified to the Housing and Environment Chapters.
- 3.222 The revised Implementation and Monitoring Framework Table, incorporating the reference to 166 dwellings, is set out at Annex B of this report. It contains rather a large number of targets and indicators, but in part that reflects the dual role of the CS as both a core strategy and a policies DPD. All policies have targets and indicators which are measurable, clear and relevant to the policy.
- 3.223 The CS, with the changes I set out, recognises that proposals for retail development outside town centres should be assessed in accordance with advice in PPS6. Under PPS6, it might be appropriate for some retail development to take place outside town centres. Nonetheless, because the retail strategy set out in strategic policy SP4 is that town and local centres remain the focus for retailing in the Borough, I consider that it is appropriate and not inconsistent with policy TC5 for the target for policy SP4 to be that 100% of new retail development should be located within town and local centres.
- 3.224 One of the key elements of delivery in the CS is housing, and the CS is heavily dependent on the development industry to bring this forward. The Council has established the commitment of the owners of the larger sites required to provide a 10 year supply of housing to bring their sites forward. Its Valuation Consultant has also confirmed the inherent demand and buoyancy of the housing market to deliver housing across the plan period as a whole, although it remains to be seen, given the current economic circumstances, whether his predictions of a more active housing market by the end of 2009 will be borne out. Under these circumstances, the Council will need to monitor the situation very carefully. However, I am satisfied that the Implementation and Monitoring Framework set out in the CS provides a suitable mechanism to enable the Council to take timely corrective measures if necessary.
- 3.225 The Council has proposed a change to remove Appendix 4 from the CS. This contains data on identified and unidentified sites and their anticipated coming forward, together with housing trajectory data. The information is now out of date, and even if updated to reflect the current position, it would rapidly become out of date again.

Because of this, and because updates of the trajectory will continue to be produced in the Annual Monitoring Reports (AMR) as provided for in policy HO2, it is unnecessary to include this information in the CS.

3.226 I conclude that, with the changes I set out, the CS contains clear mechanisms for implementation and monitoring, and satisfies the tests of soundness.

3.227 In order for the CS to be sound, paragraph 13.7 should be amended by the addition at the end of the words in Change 63; the Implementation and Monitoring Framework in Chapter 13 of the CS should be deleted and replaced with the Implementation and Monitoring Framework in Annex B to this report; and Appendix 4 should be deleted and paragraph 6.5 amended accordingly (Changes 69, 22).

3.228 Issue 11 – Whether the CS is reasonably flexible to cope with changing circumstances

3.229 There are two major areas where there is a likelihood of changing circumstances impacting upon the strategy of the CS. The first is in respect of housing provision. Although the CS was prepared on the basis of the draft *South East Plan*, the Council has been able to show that the strategy can accommodate the additional housing requirement recommended by the EIP panel. Furthermore, the figures in the updated Table 2 show a significant surplus of housing numbers above the SEP requirement over the Plan Period. These figures need to be treated with some caution, as they are based on assumptions of the numbers of windfalls likely to come forward. However, as I have indicated in ¶3.65 above, the calculation of windfalls has been robust, and annual monitoring so far has shown assumptions as to windfalls to be correct. It is also notable (see ¶3.49 above) that Spelthorne has more than delivered strategic housing requirements in past years. If therefore there were to be a further increase in the housing requirement for Spelthorne of another 10% or so, that could be accommodated. In my view, that is a reasonable degree of flexibility.

3.230 The significant risk, of course, is that due to economic circumstances housing delivery will not proceed at the rate anticipated. I have discussed the measures proposed in policy HO2 in ¶3.74. The proposed change to introduce a trigger for the remedial action proposed in policy HO2 adds further clarity as to the action that could be taken. On balance, therefore, I consider that the CS is reasonably flexible to deal with this possibility.

3.231 In ¶3.72 I have identified that progress on the provision of housing will require careful monitoring. The Council will also need to consider an early review of the CS if housing provision falls significantly behind predicted levels (or indeed if the CS is no longer consistent with other elements of national policy). The CS should recognise this possibility and I therefore recommend a change to the reasoned justification to indicate that a timely review will be

undertaken if the strategy and policies are no longer consistent with or reflect the detailed requirements of national policy. The need for a review should be identified through the Council's AMR and included in a future LDS.

- 3.232 The other major area where changing circumstances might impact on the strategy relates to Heathrow. I have discussed this in ¶3.119 above and concluded that, because there is no certainty as to the effect, if any, on Spelthorne if a decision is taken to expand Heathrow, the appropriate course of action is for the CS to acknowledge the possibility of a need for review in this event. The change I refer to above would also cover that possibility.
- 3.233 I conclude that, with the amendments set out here and elsewhere in my report, the CS is reasonably and sufficiently flexible to enable it to deal with changing circumstances.

3.234 In order for the CS to be sound, a new paragraph should be added at the end of Chapter 13 to acknowledge that a timely review of the CS may be necessary (Change 65).

3.235 *Other matters*

Proposals map

Sunbury Cross

- 3.236 The two elements within the defined shopping area boundary for Sunbury Cross, the Shopping Centre and The Parade, together form a physically and visually discernible town centre despite being divided by the busy dual carriageway Staines Road West. The Tesco store at Sunbury Cross is accessed on foot from the defined shopping area via a footpath and bridge across the Staines Reservoirs Aqueduct and then across the Tesco car park. This pedestrian route is not immediately obvious or particularly attractive. The vehicular access to Tesco is off Staines Road West some way from the defined shopping area. The Tesco store is both physically and visually distant and detached from the defined shopping area, and it is not well integrated with the defined shopping area either in terms of design or in terms of access by foot or by vehicle.
- 3.237 Because of this physical separation and lack of integration I consider that the Tesco store is not practically part of the Sunbury Cross town centre. There is no parallel between this and the much larger Staines town centre, where the Two Rivers Centre is visually and functionally a part of the wider town centre despite being separated into two parts by a road and small river. The purpose of identifying the town centre of Sunbury Cross is to maintain its current role as a local shopping centre. An extension of the shopping centre boundary to include the Tesco site, where further retail development would be acceptable in principle, would not be likely to assist in maintaining the vitality and viability of the defined shopping area. In my opinion, the boundary of the Sunbury Cross

town centre has been correctly drawn, and it would not be appropriate to include the Tesco store in it.

- 3.238 The employment area boundary for Sunbury Cross extends somewhat further than the shopping area boundary, but is still centred on Staines Road West. There are further designated employment areas in the vicinity, at Windmill Road Sunbury immediately to the west of Tesco, and at Hanworth Road and Country Way Sunbury. The purpose of designating employment areas is to retain them for employment purposes. The CS defines employment as including retail, but makes it clear that retail development would only be appropriate in the defined town centres.
- 3.239 Clearly Tesco is an important employer within the Borough, but there is no evidence of any need to safeguard the Tesco site for employment. Its primary function is retail, and to include it in an employment area when it is not within a town centre would not further the strategy of the CS.
- 3.240 On the basis of the evidence before me I am reasonably satisfied that the boundary of the Sunbury Cross employment area has been correctly drawn notwithstanding evidence of vacancies in some employment premises in the designated area. Policy EM1 with the changes I have specified is sufficiently flexible to address any longer term vacancies.

Ashford employment area

- 3.241 The boundary of the Ashford town centre employment area has been defined on the proposals map to reflect land currently in employment use. This seems to me to be an appropriate approach to defining the town centre employment area. The area includes numbers 2-8 Clarendon Road, which adjoin the boundary of the town centre shopping area, and which either are currently or were last used for employment. Because of the use of these premises and their proximity to the town centre, I consider that the employment area is correctly drawn in this respect.

Waste and Minerals

- 3.242 Surrey County Council is the local planning authority for minerals and waste for Spelthorne. It has adopted the *Surrey Waste Plan* (CD/SCC/203), which, in addition to site specific allocations, contains generic development control policies to allow the impacts of waste proposals to be assessed. It is also preparing DPDs relating to minerals, which will also contain development control policies. Spelthorne is required to include on the adopted proposals maps minerals and waste matters including safeguarded areas, and any minerals and waste allocations which are adopted in a development plan document by the County Council. However, it has no planning responsibility for waste and minerals matters. Policies of the CS such as EN1 and EN12 would require the impact of existing mineral workings and waste facilities to be taken into account when deciding on proposals for new development close to those sites. But it would be inappropriate, and would go beyond

the planning functions of the Council, for the CS to contain any policies or further information relating to waste and minerals.

Charlton and Sunbury

- 3.243 The CS does not distinguish between the various different settlements in the Borough in the content of its generic development control policies. However, that is not to say that those settlements do not have distinct characters, or that the character of these settlements would not be relevant when it came to applying those policies. Criteria based policies such as policy EN1, relating to design of development, would require the existing character of the area to be taken into account in determining whether a new development would be appropriate.
- 3.244 Particular issues of concern in Charlton and Sunbury, such as relatively poor public transport and access to services, and the effect of heavy goods traffic from mineral workings in Charlton, or heavy traffic, noise and poor air quality in Sunbury, are not especially unique to those areas and do not warrant applying a different strategy to either of these areas than in the remainder of the Borough.
- 3.245 Issues arising out of traffic are existing problems which apply to a greater or lesser extent throughout the Borough and beyond, and are being addressed through the LTP and through those policies of the CS aimed at achieving a sustainable transport system and a reduction in the need to travel. Noise and air pollution problems, which are linked to traffic problems, are also addressed in policies in the CS, and I have discussed those elsewhere in this report.
- 3.246 If the Council considered that a separate approach to specific parts of the Borough was warranted, that could be dealt with through area action plans, supplementary planning guidance or non-statutory plans. However, specific policies for Charlton and Sunbury in the CS are not warranted, and their absence does not make the CS unsound.

Kempton Park Racecourse

- 3.247 Kempton Park Racecourse lies within the MGB, and immediately adjoins its boundary with the urban area. As I have indicated above in ¶3.15, the extent of the MGB boundary is not within my remit. I have also indicated in ¶3.21 above that there are no significant anomalies in the MGB boundary that would justify a boundary review by themselves. This conclusion applies to Kempton Park Racecourse. The MGB has a clearly defined boundary in this area and there is a distinct change in character from the densely developed urban area to the far more open racecourse within the MGB.
- 3.248 Despite the buildings within the racecourse complex which lie between the racetrack itself and the boundary of the urban area, some of which are large, that part of the MGB immediately adjoining the urban area is largely open and undeveloped and has a clear visual and functional relationship with the almost completely

undeveloped racing track and land beyond. In visual terms, this piece of land forms part of the wider MGB and not the urban area, and continues to fulfil green belt purposes. The implication of removing the land from the MGB would be that development would be permissible on it, which would reduce openness and result in the spread of the urban area.

- 3.249 The well-being of the racing industry is in the national interest, and I have no doubt that the racecourse contributes to the local economy. I have taken into account the general support given to regionally significant sports facilities including equestrian facilities in both the SP and the emerging SEP. However, there is no convincing evidence that it is necessary at this time, in the interests of either the racing industry or the local economy or indeed the financial viability of the racecourse, to remove any part of the racecourse from the MGB or to apply a specific policy to it. Any specific proposal for diversification would need to be considered in the context of national, regional and local policies of the SP and the emerging SEP, as well as in the context of any particular justification for the development put forward at that time.
- 3.250 I conclude that the inclusion of the racecourse within the MGB and the absence of any specific policy relating to it is appropriate and does not render the CS unsound with reference to any of the PPS12 soundness tests.
- 3.251 The Inspector who considered objections into the LP considered whether it would be appropriate to designate the developed part of the racecourse as a "Major Developed Site within the Green Belt". He concluded that the developed part of the racecourse was not "major", and that it was a reasonable exercise of the Council's discretion not to place such a designation on the racecourse, given that there is no requirement for local planning authorities to designate major developed sites. I agree with him that the developed part of the racecourse could not be considered as "major", and I conclude that it would not be appropriate to apply the designation in this case.

4 Minor Changes

- 4.1 As indicated above, the Council has proposed some minor changes to the submitted DPD in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness and are not specifically discussed in my report, I endorse them on a general basis in the interests of clarity and accuracy. These changes are also shown in Annex A. I am also content for the Council to implement any minor consequential changes such as alterations to policy or paragraph numbering or cross-references needed as a result of the changes I set out in this report.

5 Overall Conclusions

- 5.1 I conclude that, with the amendments I specify, the Spelthorne Development Plan Core Strategy and Policies Development Plan Document and its Proposals Map satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

Sara Morgan

INSPECTOR

Inspector's Report Annex A

Schedule of Changes Necessary to make the DPD sound

*Note 1: Those changes marked * were included in the readvertised version of the Core Strategy and Polices DPD dated March 2008*

Ref No	Part of DPD	Proposed Change
1.	Chapter 1	Insert new paragraph at the end of Chapter 1: <i>"1.9 By virtue of the Planning and Compulsory Purchase Act 2004 all of the policies contained within the adopted Spelthorne Borough Local Plan 2001 expired on 27th September 2007, with the exception of those which were "saved" by a Direction issued by the Secretary of State dated 21 September 2007. Of the eight "saved" policies six remain extant and form part of the Development Plan for the Borough, and two, RU8 (Plotlands) and BE14 (Protected Urban Open Space) have been replaced by policies in this DPD - EN2 and EN4 respectively."</i>
2. *	Para 1.3	Fourth line: after the word <i>'vision'</i> insert the words <i>'and spatial strategy'</i> .
3. *	Para 1.4	Delete the second sentence.
4. *	Para 4.1	Delete the whole paragraph and replace with: <i>'This chapter sets out the spatial strategy of the DPD which has been developed from the spatial description of the Borough (Chapter 2) and the vision and objectives (Chapter 3). It also explains the role of the strategic and detailed policies of the DPD in delivering the spatial strategy'</i> .
5. *	Para 4.2	Delete the whole paragraph and insert new paragraphs 4.2 to 4.12 and new Table 1. These are set out in Appendix 1 to this Annex.
6. *	Para 4.3	Re-number as 4.13
7. *	Para 4.4 (re-numbered as 4.14)	In the third line delete the words <i>'strategic policy'</i> and insert the words <i>'relevant part of the spatial strategy'</i> .
8. *	Para 4.4 (re-numbered as 4.14)	Delete the last sentence of the paragraph.

Ref No	Part of DPD	Proposed Change
9. *	After new para 4.14	Insert a new subheading ' <i>Structure of the DPD</i> '. Insert a new paragraph: 4.15: ' <i>The relationship of the vision, objectives, spatial strategy, strategic policies and general scope of the detailed policies is summarised in Figure 1</i> '.
10. *	Figure 1	Add an additional box between ' <i>Objectives</i> ' and ' <i>Strategic Policies</i> ' and insert the words ' <i>Spatial Strategy</i> '.
11. *	Para 4.5-4.7	Renumber as ' <i>4.16 to 4.18</i> '.
12. *	Para 5.8 to 5.10 and Policy LO1	Delete.
13.	Policy SP1	(a) Insert after ' <i>Flood Zones 1 and 2</i> ' – ' <i>unless it can be demonstrated that flood risks can be overcome</i> '. (b) Delete the final sentence.
14.	Para 5.14	Delete the text after the number ' <i>2006</i> ' in line 1 up to and including the word ' <i>Spelthorne</i> ' in line 7 and insert the following text: ' <i>assessed all forms of flood risk in the Borough. It concluded that fluvial flooding (from rivers) poses the greatest risk to life and property. The study identified flood risk areas based on the flood zones identified in PPS 25 and set out in Table 1 below. Flood risk was modelled using Environment Agency data. The Agency has subsequently updated its data through the Lower Thames Flood Risk Mapping Study, February 2008 for the 1:20 (zone 3b) and 1:100 (zone 3a) flood outlines, and its Flood Map for England and Wales, December 2007, for the 1:1000 outline (zone 2). These latest outlines are shown on the Key Diagram and the Proposals Map. The Council will use this data or any subsequent more up to date flood data in applying Policy LO2</i> '.
15.	Para 5.14	Delete the last two sentences of the paragraph.
16.	Para 5.15	Insert new sentence at beginning of paragraph: ' <i>The 1:100 year flood risk area affects over 2800 residential properties and large commercial areas including about half of Staines town centre</i> '.
17.	Para 5.16	Delete second and third sentences and insert: ' <i>This has included applying the sequential approach in PPS 25 which aims to steer new development to Flood Zone 1 unless there are no reasonably available sites in areas of a lower probability of flooding that would be appropriate for the type of development or land use proposed</i> '.
18.	Para 5.21	Delete the whole paragraph.
19.	Para 6.3	Delete second sentence and insert: ' <i>The draft Regional Spatial Strategy for the South East, July 2008, requires Spelthorne to provide at least 3320 dwellings (2006-</i>

Ref No	Part of DPD	Proposed Change
		<i>2026), equivalent to 166 dwellings per annum'.</i>
20.	Para 6.4	Delete <i>'draft South East Plan'</i> and insert <i>'draft Regional Spatial Strategy for the South East'</i> .
21.	Para 6.5	Delete <i>'3020'</i> in the first line and insert <i>'3320'</i> .
22.	Para 6.5	Delete second sentence and insert <i>'The latest Housing Trajectory is set out in the HLAA Update 2008, and will be updated in the Annual Monitoring Report. It shows the components of supply and the timescale over which it will come forward'</i> .
23.	Table 2 (page 28)	Delete the table and accompanying notes (which explain the housing supply in comparison with the draft South East Plan provision of March 2006) and insert the table and notes set out at Appendix 2 to this Annex.
24.	Para 6.6	Delete whole paragraph.
25.	Policy SP2	Line 1: delete <i>'at least an average of 151 dwellings per annum'</i> and insert <i>'sufficient numbers of dwellings'</i> .
26.	Para 6.11 and 6.12	Line 5: After Policy HO1 delete from <i>'sets out the various...'</i> to end of paragraph. Delete Para 6.12 and insert <i>'sets out the mechanisms the Council will use to ensure the delivery of at least 3320 dwellings over the period 2006 - 2026 as required by Policy H2 of the SE Plan at an average rate of 166 dwellings per annum.'</i>
27. *	Para 6.13	Insert the following new paragraph to follow 6.13: <i>'6.13a: The Allocations DPD will make a significant contribution to ensuring that, with outstanding planning permissions and other large sites identified in the Housing Trajectory, the Council has at least 10 years worth of developable sites.. Housing sites included in any Allocations DPDs will accord with the spatial strategy and policies of this DPD'</i> .
28.	Para 6.15	Delete second sentence and insert <i>'Such measures would be triggered if actual performance, measured by the housing trajectory, went outside the acceptable range by 20% or the number of dwellings on identified sites indicated that future performance was not likely to achieve the rates set out in the trajectory over the life of the Plan.'</i>
29.	Para 6.18	Delete paragraph 6.18 iii)
30.	Policy HO2	Line 2: delete <i>'for an average of at least 151 dwellings per annum'</i> . Line 3: Delete <i>'regular updates of its'</i> and insert <i>'Strategic'</i> . After <i>'a) Review the'</i> insert <i>'Strategic'</i> . After <i>'c)'</i> delete <i>'Review the'</i> and insert <i>'Prepare Allocation DPDs'</i> . Delete <i>'Core Strategy and Policies DPD'</i> and insert <i>'the spatial strategy and policies of the Plan'</i> .
31.	Para 6.20	<i>In paragraph 6.20 of the reasoned justification in line 1 delete "mechanisms" and insert "approach"; in line 4</i>

Ref No	Part of DPD	Proposed Change
		<p><i>delete "10" and replace with "15"; delete "0.3" and replace with "0.5"; in line 5 delete "10" and replace with "15"; in lines 5 and 6 delete "and a financial contribution will be sought from private developers of four to nine units"; delete "Commercial developments that increase employment in the Borough, and therefore add to the demand for housing will be required to contribute towards affordable housing provision. A threshold of 1000m2 increase in floorspace is set".</i></p>
32.	Para 6.21	<p><i>In paragraph 6.21 replace "shared ownership" with "intermediate housing".</i></p>
33.	Policy HO3	<p><i>In policy HO3 delete the first two lines and the paragraphs lettered a), b), c) and d) and replace with -</i></p> <p><i>"The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable. This will be achieved by:</i></p> <p><i>i) having regard to the circumstances of each site, negotiating for a proportion of up to 50% of housing on sites to be affordable where the development comprises 15 or more dwellings (gross) or the site is 0.5 hectares or larger irrespective of the number of dwellings. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation should be conducted on an "open book" basis."</i></p> <p><i>ii) encouraging registered social landlords to bring forward smaller sites of one to fourteen dwellings (gross) consisting wholly of affordable housing regardless of site size.</i></p> <p><i>Delete the paragraph of policy HO3 beginning "Provision may include..." and replace with "Provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component."</i></p> <p><i>In the paragraph of policy HO3 beginning "Where affordable housing", after the first sentence add "Where such a restriction is lifted, for any reason, the Council will require any subsidy to be recycled for alternative affordable housing provision."</i></p>

Ref No	Part of DPD	Proposed Change
34.	Para 7.7	<p>Delete paragraph 7.7 and insert new paragraph: <i>'The Council has considered whether specific provision needs to be made for additional airport related development due to the expansion of Heathrow. The airport is currently being expanded with the construction of Terminal 5, which increases its passenger handling capacity by 30 - 35 million passengers per annum (mppa) from 60 mppa to 90 - 95 mppa. Land required for airport related development was assessed during the T5 Inquiry, under the supervision of a working group made up of BAA and local authority representatives, and specific provision was made within the airport boundary. It was concluded that airport related development requirements arising from T5 could be met without releasing additional land.</i></p> <p><i>The Government's Future of Air Transport White Paper, 2003, expresses support for further growth at Heathrow in the form of another runway north of the existing airport provided specific requirements relating to air quality, noise and surface access are met. It suggests the runway might be available in the period 2015-2020. It also suggests changes to allow more intensive use of the existing runways should be examined, including mixed mode operation. The Government led 'Project for the Sustainable Development of Heathrow' was established to assess whether additional capacity could be provided at Heathrow whilst complying with the stringent environmental conditions set out in the 2003 White Paper. The outcome of this work was published for consultation in November 2007 and reaffirmed the Government's proposals to provide additional runway and terminal capacity at Heathrow. It is anticipated that the Government will confirm a policy decision in respect of further growth at Heathrow during 2009. The Council would expect the approach to airport related development established through the T5 inquiry to be continued with any further expansion. This would involve BAA and the relevant adjoining local authorities working in partnership to consider the future needs for airport related development and assessing the most appropriate means of meeting the requirement.</i></p> <p><i>In the absence of a final decision by the Government on further expansion there is no basis for releasing any additional employment land in Spelthorne in connection with the expansion of Heathrow beyond T5. The Council recognises that employment land requirements within and around the airport would need to be re-</i></p>

Ref No	Part of DPD	Proposed Change
		<i>examined should further expansion be agreed and that this may in turn require a future review of the employment land strategy if additional land is shown to be needed. Other aspects of the spatial strategy may also require review'.</i>
35.	Para 7.9	Second line after ' <i>employment land</i> ' insert ' <i>or floorspace</i> ' and after ' <i>loss</i> ' insert ' <i>of floorspace</i> '
36.	Policy TC5	Delete the second paragraph and sub-paragraphs a) to d)
37.	Para 7.10	<i>In paragraph 7.10 insert after the second sentence "Extensions to existing retail floorspace outside retail centres will be considered in the light of the guidance in PPS6"</i>
38.	Para 7.11	Last sentence after ' <i>as well</i> ' delete ' <i>and</i> ' and insert ' <i>as</i> '; After ' <i>development</i> ' insert ' <i>which will be acceptable provided there is no net loss of employment floorspace</i> '
39.	Policy EM1	At end of sub clause c) insert ' <i>, or the loss of employment land is part of a mixed use development on the site which results in no net loss of employment floorspace, or it can be clearly demonstrated that the maintenance of existing levels of employment floorspace on the site is unsustainable and unviable in the long term.</i> ' Insert new sub clause ' <i>d</i>) allowing mixed use schemes in town centres where there is no net loss of employment floorspace.
40.	Para 8.6	<i>In paragraph 8.6 line 5 delete the words after "Spelthorne"</i>
41.	Para 8.25	Line 1: After ' <i>development</i> ' insert ' <i>including extensions</i> '. <i>Delete the second and third sentences and replace with "Any such proposals outside existing centres will be assessed in the light of the guidance in PPS6".</i>
42. *	Para 9.3	Delete ' <i>The</i> ' and insert at the beginning: ' <i>Paragraphs 2.17 to 2.20 explain that, other than some areas of the Borough where there is a shortage of open space, there are no significant existing gaps in infrastructure provision. There is a small projected fall in overall population over the plan period which has a bearing on people-related services in particular, such as schools. Existing needs must continue to be met and the...</i> '
43. *	Para 9.4	Delete the second sentence and insert: ' <i>There are already policies within this DPD dealing with the main requirements arising from new development, namely provision for affordable housing (Policy HO3), provision for any additional open space (Policy CO3) and any transport impacts (CC2). Some developments may</i>

Ref No	Part of DPD	Proposed Change
		<i>generate the need for site related adjustments to infrastructure to enable connections to such facilities as sewers or creation of new accesses which will be provided as part of the development at the developer's expense'.</i>
44. *	Para 9.5	Delete paragraph and insert: <i>'Supplementary guidance will be prepared within the proposed Development Control Policies Supplementary Planning Document to explain in more detail the sort of facilities that are required as outlined above. It will confirm that any requirements must be in accordance with Circular 5/2005 and other policies of this DPD and any requirements will relate only to those needs generated by the development which are justified. The guidance will also explain the administrative and legal arrangements necessary for planning obligations. The Council is not proposing a uniform tariff system of contributions under current legislation'.</i>
45.	Para 9.6	Delete paragraph and insert: <i>'The Government is pursuing, through the Planning Act 2008, its intention to introduce a Community Infrastructure Levy (CIL) some time after March 2009. It will empower, but not require, local authorities to impose a charge on most types of new development. The Government believes that CIL should only be used to fund new infrastructure and not to remedy existing deficiencies. The provision of affordable housing will continue through the existing system of negotiated planning obligations and not through CIL. The Council will review its position on payments for infrastructure provision once the legislation is enacted'.</i>
46.	Para 9.10-9.13 and Policy CO3	Delete text and Policy. Insert text and Policy as set out in Appendix 5.
47.	Policy EN3	In policy EN3 subclause b) delete "measure" and insert "measures"; in subclause d) line 2 insert "," after "scale" and "proposals"; line 4 delete "can" and insert "cannot"; add a new subclause "e) refusing development where the adverse effects of existing air quality on future occupiers are of a significant scale which cannot be appropriately or effectively mitigated and which are not outweighed by other material considerations."
48.	Para 10.24	Last sentence; insert 'Protected' before 'urban'
49.	Policy EN6	See attached amended policy attached at Appendix 3.

Ref No	Part of DPD	Proposed Change
50.	Para 10.32	At end of first sentence insert ' <i>Tree cover in the Borough has never been extensive and in the last century the landscape was relatively open with small areas of woodland, orchards and hedgerows. More intensive development within the urban area has increased the importance of trees to enhance the landscape and, to a limited extent, improve air quality.</i> '
51.	Policy EN11	Delete policy EN11.
52.	Paras 10.43-10.44	Delete paragraphs 10.43 and 10.44 of the reasoned justification
53.	Policy EN13	Delete paragraphs (a) and (b) of policy EN13
54.	Paras 10.48-10.49	Delete paras 10.48-10.49
55.	Para 10.56	Second line after ' <i>minerals</i> ' insert ' <i>the</i> '; delete third sentence and insert ' <i>Although much of this activity has been on land within the Green Belt, many old sites are now occupied by, or are close to housing and commercial developments. Over 200 former mineral extraction sites dating from 1876 to 1940 have been identified from Ordnance Survey mapping. These pits were filled long before any controls existed on waste disposal and, together with former industrial sites, now present a range of unknown contamination issues which need to be addressed.</i> '
56.	Policy EN17	Delete policy EN17
57.	Paras 10.57-10.58	Delete paras 10.57-10.58
58. *	Paras 10.59 to 10.66 and Policies EN18 to EN22	Delete paragraphs 10.59-10.66 and Policies EN18 to EN22.
59.	Policy CC1	delete paragraph 1) ii); renumber paragraph 1) iii) and insert at the end " <i>unless it can be shown that it would seriously threaten the viability of the development</i> "; add a new paragraph 5): " <i>Encouraging developments to attain high energy efficiency and minimum impact on the environment to at least Code for Sustainable Homes - 3 star or BREEAM "very good" standard.</i> "
60.	Para 11.11	Delete the 5 th sentence

Ref No	Part of DPD	Proposed Change
61.	Policy CC4	Second paragraph, third line: after the word 'centre' insert ' <i>and those living near the track</i> '.
62.	Chapter 12	Delete Chapter.
63.	Para 13.7	Add at end ' <i>Other documents, including the Local List of Buildings of Architectural or Historic Interest, will be reviewed in due course and brought forward as SPDs as necessary.</i> '
64. *	Para 13.12	Delete paragraph.
65.	Chapter 13	After paragraph 13.11 add a new paragraph: " <i>A timely review of the Core Strategy and Policies DPD will be undertaken if the strategy or the policies are no longer consistent with or reflect the detailed requirements of national policy. The need for a review will be identified through Annual Monitoring Reports and included in a future Local Development Scheme.</i> "
66. *	Chapter 13 - Table	Delete sections dealing with 'saved' Local Plan policies: LO1 and EN18-EN22.
67. *	Appendix 2	Delete.
68. *	Appendix 3	Delete
69.	Appendix 4	Delete.
70.	Submission Proposals Map	Delete the existing flood outlines and replace with latest fluvial flood risk information published by the Environment Agency.
71.	Submission Proposals Map	Delete the small area of Protected Urban Open Space at the eastern end of The Ridings as shown (edged in blue) on Plan in Appendix 4.
72.	Glossary	Insert at end: ' <i>Urban Area - The urban areas shown on the Key Diagram comprise all land and uses which are not within the Metropolitan Green Belt. These include the built up areas of the Borough, together with highways land and areas of open land used for recreation and as public or private open space. The definition of urban areas does not include any isolated residential or commercial development located within and 'washed over' by the Green Belt.</i> '

Appendix 1

Expression of the Spatial Strategy

Spatial Strategy

4.2 The spatial strategy will meet future development requirements from within the existing urban area which lies broadly across the middle of the Borough and largely constitutes a continuous built up area.

4.3 Housing provision will meet the requirements of the draft South East Plan. It will be in areas free of unacceptable flood risk with consequently a relatively greater proportion of the total additional housing provision, in comparison to the proportion of the Borough's existing stock, in Ashford (38%) and Stanwell (14%) and relatively less or the same in Staines (25%), Shepperton (11%) and Sunbury (13%). Over the plan period whilst the population is expected to fall, decreasing household sizes requires more dwellings and smaller ones. Provision will be mainly for small dwellings (80% one and two bedroom) to meet the growth in smaller households. This will include provision for a growing elderly population. At least 40% of all new housing will be affordable.

4.4 The Borough has a buoyant housing market and delivery will be largely market driven. Interventions by the Council and other agencies will involve promoting development through an Allocations DPD, planning briefs, providing advice and encouragement, reviews of the HLAA to identify further larger sites if required, use of planning powers e.g. CPOs and review of the Allocations DPD. There is likely to be a greater proportion of housing in the first half of the plan period because of existing commitments but this will assist in meeting outstanding affordable housing need in particular.

4.5 The requirement for at least 40% of new housing to be affordable requires provision to be made from all schemes of 15 or more dwellings.

4.6 Employment capacity will be maintained. Major existing employment areas will be protected and include the town and local centres of Staines, Ashford, Shepperton and Sunbury and the designated employment areas at Windmill Road Sunbury, Hanworth Road/ Country Way Sunbury, BP Chertsey Road Sunbury, Ashford Road/Littleton Road/Spelthorne Lane Ashford, London Road east of the Crooked Billet Staines, Bedfont Road/Long Lane Stanwell, and Shepperton Studios. Employment growth will occur in Staines, where there is particular scope for growth and this use is less constrained by flood policy, and through implementation of existing commitments, including those at Heathrow T5 just outside the Borough, and Shepperton Studios. This growth will more than compensate for loss of poorly sited employment land to be used for housing, of which a greater proportion is in the Ashford area.

4.7 Growth in retail floor space needs of approximately 32,000m² will be met in Staines with the role of the other three main centres of Ashford,

Shepperton and Sunbury, and other existing local centres and parades, maintained to meet local needs. The expansion of Staines' retail function will come through two extensions to the Elmsleigh Centre, broadly in the first half of the plan period, and the scope in the longer term to meet retail growth by intensifying retail development on the Two Rivers site. The Elmsleigh Centre extension will be progressed by proposals in the Allocations DPD and preparation of a Planning Brief as an SPD. The Council will be working in partnership with the respective landowners and leaseholders.

4.8 A comprehensive approach to flood risk defines where new development can go in order to avoid unacceptable risk, and includes measures to seek to contribute to reducing the degree of flooding in the Borough through specific flood mitigation measures and betterment through development that can otherwise appropriately take place in areas of flood risk. Restrictions on development will apply particularly to the west and southern parts of the Borough covered by Staines, Shepperton and the southern part of Lower Sunbury

4.9 There are some areas which are short of public open space, particularly in Ashford, which will be addressed, but otherwise there are no significant gaps in existing provision for community needs requiring resolution through this DPD. Any arising from new development will be expected to be provided or contributed to.

4.10 The environment is of particular importance to local people and will be maintained and improved by ensuring new development is well designed and attractive and makes a positive contribution to the locality in which it is situated. Both the historic environment and areas of landscape value and nature conservation value will be protected and enhanced. A range of actions are necessary to redress the impact of climate change and poor air quality and the contribution of traffic in Spelthorne to its adverse affects.

4.11 Table 1 explains how the development requirements of the spatial strategy apply to the five main areas of the Borough. The major locational issues in the Borough are shown in the Key Diagram at the end of this chapter.

4.12 The spatial strategy is delivered through seven strategic policies and 37 detailed policies. These are set out in Chapters 5-11.

Table 1 – Development Requirements Arising from the Spatial Strategy

	Housing (1)	Employment	Shopping	Major place shaping issues
Staines	Approx 25% of additional housing (820) including 4 Allocation sites - some in town centre with scope for higher densities - delivering approx 300 dwellings.	Designation for employment: <ul style="list-style-type: none"> Commercial area of town centre (32.6 ha) London Road east of Crooked Billet. (4.7 ha) Further employment by implementation of existing commitments and redevelopment.	Provide an additional 32,000 m ² , initially in a two phased extensions of the Elmsleigh Centre of a total 20,500m ² , and longer term through additional space north of the High Street.	Large area at flood risk. Proposals to enhance public transport interchange facilities including improvements to Bus Station. Airtrack route safeguarded. Contribution of Thames to character of area.
Ashford	Approx 37% of additional housing (1250) including 4 Allocation sites on poorly sited employment land providing approx 189 dwellings	Designation for employment: <ul style="list-style-type: none"> Town centre (7.7 ha) Spelthorne Lane/Littleton Lane. (4.7 ha) 	Maintain the role of the existing shopping centre and local parades to meet local needs.	Some areas short of open space – Allocation site adj. Edward Way and requirement for open space within two larger housing Allocation sites. Area is largely free of flood risk
Stanwell including Stanwell Moor	Approx 14% of the additional housing (450) Two large sites at Holywell Way and Ashford Hospital will deliver approx 250 dwellings.	Designation for employment: <ul style="list-style-type: none"> Northumberland Close and Long Lane (10.9 ha) 	Maintain the role of the existing shopping centre at Clare Road in Stanwell and local parades to meet local needs.	Aircraft noise and public safety zone over part of Stanwell Moor. Closest to Heathrow. Stanwell is largely free of flood risk.
Shepperton including Charlton and Upper Halliford	Approx 11% of the additional housing (370) including an Allocation site of approx 85 dwellings	Designation for employment: <ul style="list-style-type: none"> Shepperton centre including commercial area in Govett Avenue. (7.4 ha) Shepperton Studios (11.1 ha) 	Maintain the role of the existing shopping centre and local parades to meet local needs.	Large area of flood risk. Contribution of Thames to character of the area
Sunbury	Approx 13% of additional housing (430) with an Allocation site of approx 50 dwellings.	Designation for employment: <ul style="list-style-type: none"> Sunbury Cross (5.3ha) Windmill Road (22.3ha) Hanworth Road (11.9ha) BP at Chertsey Road (14.3ha) 	Maintain the role of the existing shopping centre at Sunbury Cross, Lower Sunbury and local parades to meet local needs.	Areas of flood risk in southern part of lower Sunbury. Contribution of Thames to character of area.

Footnote

The Draft South East Plan required 151 dwellings a year for Spelthorne which amounts to 3020 for the period 2006 to 2026. The Report of the Panel (August 2007), who conducted the examination of the Plan, recommended Spelthorne's allocation be increased to 166pa or 3320. In July 2008 the Secretary of State published proposed changes to the Draft Regional Spatial Strategy for the South East which confirmed the increase to 3320. The figures in this table are based on the figure of 3320 and the percentages are based on the distribution set out in the Housing Land Availability Assessment 2007 (Table 22).

Appendix 2

Revised Table 2

Housing supply in comparison with South East Plan Provision 2009-2026

Requirement	
Draft South East Plan Requirement 2006 – 2026 (20 years @ 166 dwellings per annum)	3320
Net completions 2006 – 2009	614
Remaining requirement 2009 - 2026	2706
Source of supply	
Existing commitments at 1 April 2009 (outstanding permissions and sites under construction) ⁽¹⁾	556
Housing from small sites (less than 0.4Ha) ⁽²⁾	1764
Housing from large sites (greater than 0.4Ha) (not identified as allocations) ⁽³⁾	578
Housing Allocations in the Allocations DPD ⁽⁴⁾	539
Uplift to Allocations from 2008 Assessment	308
Total supply (2009 -2026)	3745
Surplus of provision over Plan Period	1039

Notes:

(1) Existing commitments as at 1 April 2009 from Spelthorne Borough Council monitoring

(2) Housing figure based on the Housing Land Availability Assessment Update at 1 April 2008. The 'small sites' figure is based on trends including conversions.

(3) Housing figure is based on the Housing Land Availability Assessment Update at 1 April 2008. The large sites figure is based on sites identified in the HLAA but not shown in the submission Allocations DPD.

(4) The total supply from housing allocations in the submission Allocations DPD less those granted planning permission and included as commitments.

Appendix 3

Amended Policy EN6

Policy EN6: Conservation Areas, Historic Landscapes, Parks and Gardens

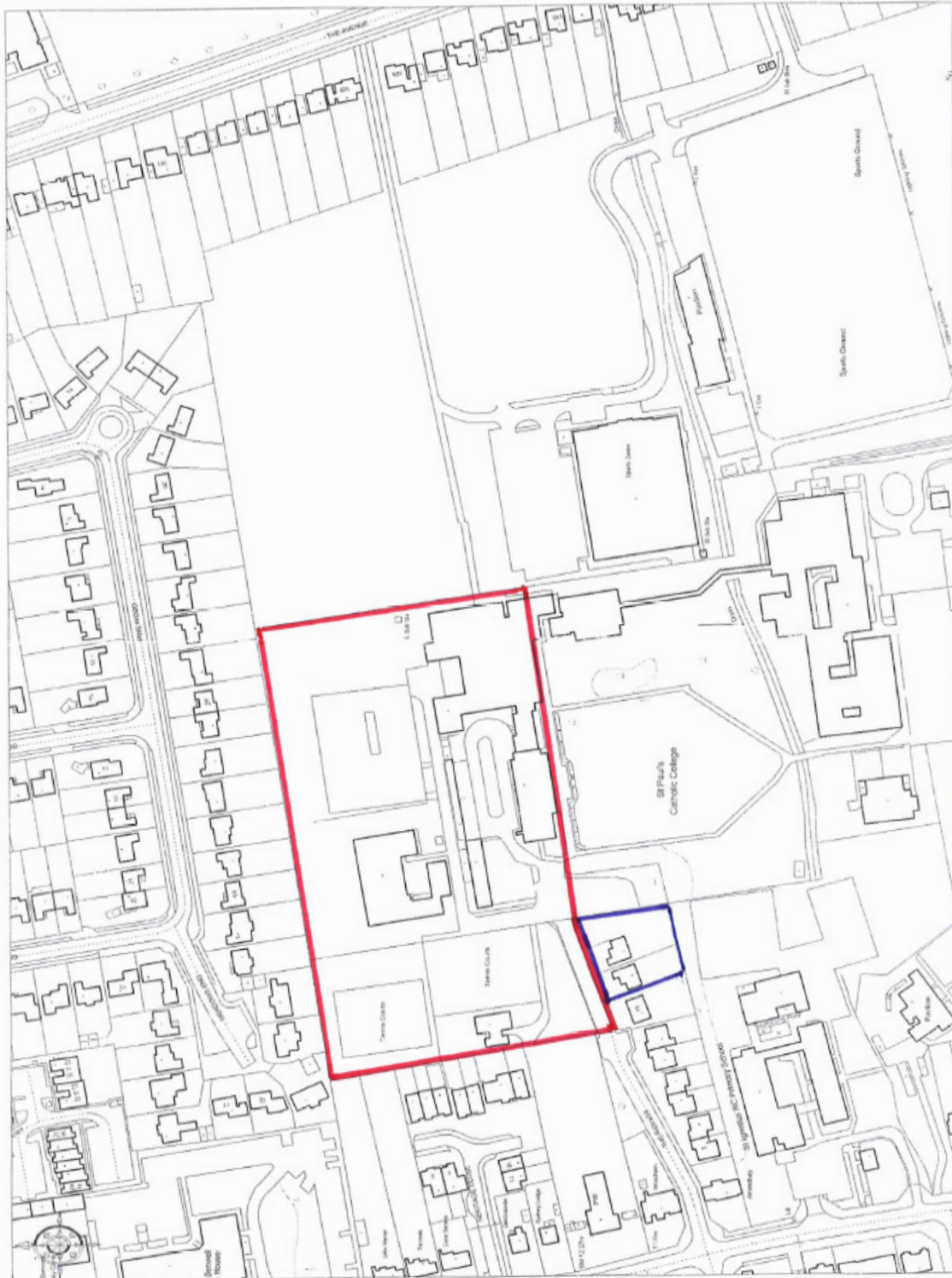
The Council will seek to preserve and enhance the character of conservation areas by:

- a) reviewing and implementing enhancement plans for each of the Borough's conservation areas
- b) requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area
- c) encouraging private owners to carry out appropriate improvements to buildings and land in conservation areas, by the use of advice, guidance and statutory powers, where appropriate
- d) applying the Council's policies in a more flexible way where justified to ensure the preservation and enhancement of a conservation area.
- e) Where new development affecting a conservation area is proposed, the Council will ensure that it contributes to its preservation or enhancement by: requiring proposals for new development to be submitted as full planning applications, including details of materials and full elevational drawings, showing where appropriate the relationship with adjoining buildings
- f) requiring any proposal for demolition to be accompanied by detailed plans for the future of the site showing how the area will be preserved or enhanced, and controlling by legal agreements the timing of demolition and commencement of construction of the replacement building

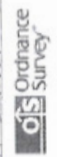
The Council will also seek to maintain and enhance areas of historic landscape value and gardens of special historic interest. It will seek to ensure that any proposed development within or adjacent to such an area does not detract from its character or appearance.

Appendix 4

Protected Urban Open Space Amendment



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Appendix 5

Providing for Open Space in New Development

9.10 Policy CO3 deals with provision of open space in new developments whilst Policy EN4 deals with the protection of existing open space. Further guidance on the application of policy relating to the provision of open space and amenity areas will be set out in a Supplementary Planning Document (see para 13.7)

9.11 Open space and play areas are important facilities within all residential areas and the policy seeks to ensure that any local deficiencies in open space provision will be addressed in the consideration of proposals for new development. If provision for open space within a development is not possible or appropriate, either because the site is too small or because it is not a good location for providing communal open space, then a commuted payment will be required towards improving provision off-site. This would be in the form of a new site or, where it is agreed that would not be possible, by improving an existing site within the locality so as to increase its usability.

9.12 The second part of the policy requires all larger developments of family housing to provide an element of on-site open space incorporating appropriate children's play equipment. A commuted sum to provide funding for on-going maintenance will also be required. Family housing is potentially any housing with two or more bedrooms but excludes accommodation designed specifically for older people.

9.13 Where development includes provision of open space to serve a wider area, the open space should be accessible to the wider area and not just occupants of the new development.

Policy CO3: Provision of Open Space for New Development

Where any new housing is proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. If on or off-site provision is not feasible the Council will require a contribution in the form of a commuted payment to improve existing sites to enhance their recreational value and capacity.

In new housing developments of 30 or more family dwellings the Council will require a minimum of 0.1 ha of open space to provide for a children's play area. Such provision to be increased proportionally according to the size of the scheme.

Inspector's Report Annex B

Implementation and Monitoring Framework

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy SP1 – Location of development	Seek to achieve at least 95% of all new development on PDL local target	COI BD2: Total amount of employment floorspace on PDL – by type. COI H3: New and converted dwellings on PDL	Private developers, RSLs and the Borough Council
	Development not to have unacceptable flood risk	COI E1: Number of planning permissions granted contrary to EA advice on flooding and water quality grounds	Private developers, RSLs, the Borough Council, Environment Agency
	Maintaining existing amount of employment development and increases in employment development accommodated within designated employment areas particularly Staines town centre	COI BD1: Total amount of additional employment floorspace – by type. COI BD2: Total amount of employment floorspace on PDL – by type. COI BD3: Employment land available - by type Losses of employment land in employment areas and Local authority area COI BD4: Total amount of floorspace for 'town centre uses'	Private developers, the Borough Council
	Poorly sited uses in residential areas redeveloped for residential use	Amount of employment land lost to residential development	Private developers, landowners, the Borough Council
	Residential development to be within 30 minutes public transport time of a GP, hospital, primary and secondary school, employment and a major health centre	Accessibility of residential development from public transport	Private developers, RSLs and the Borough Council
	100% of new retail development to be located within existing town centres	COI BD4: Total amount of floorspace for 'town centre uses'	Private developers, the Borough Council
	Policy LO2 – Flooding Implications of Development	To follow a sequential approach to flood risk in locating new development as set out in PPS25.	COI E1: Number of planning permissions granted contrary to EA advice on flooding and water quality grounds

Policy Ref	Target	Indicator (& type)	Main delivery agencies
	Support comprehensive flood risk management measures within the Borough	Implementation of flood risk management schemes/measures (local output indicator)	Environment Agency
	Reduce the risk of flooding	a) New developments of qualifying size (see policy) with SUDS installed b) Net gain in flood storage capacity	The Borough Council, RSLs, developers, Environment Agency
Policy SP2 Housing Provision	To provide an average of at least 166 dwellings per annum in the period 2006 to 2026	COIs H1: Plan period and housing targets H2 (a): Net additional dwellings – in previous years H2 (b): Net additional dwellings - for the reporting year H2 (c): Net additional dwellings – in future years H2 (d): Managed delivery target	Private developers, the Borough Council
	40% of the total housing provision is affordable	COI H5: Gross affordable housing completions Net affordable housing completions Number of people on the housing register as a measure of the extent to which housing need is being met	Private developers, RSLs, the Borough Council
Policy HO1 – Providing for new housing development	Production of Allocations DPDs in line with the LDS. (Process)	Allocations DPDs	The Borough Council
	Seek to achieve development of identified housing allocations	Planning permissions granted for 'allocation' sites	Private developers, RSLs, the Borough Council
Policy HO2 – Contingency for Meeting Housing Provision	Provision of at least 166 dwellings per annum in the period 2006 to 2026	COIs H1: Plan period and housing targets H2 (a) : Net additional dwellings – in previous years H2 (b): Net additional dwellings - for the reporting year H2 (c): Net additional dwellings – in future years H2 (d): Managed delivery target	The Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy HO3 – Affordable Housing	40% of the total housing provision is affordable	COI H5: Gross affordable housing completions	Private developers, RSLs, the Borough Council
	Provision of intermediate units in any scheme not exceeding 35% of the proportion of affordable housing	Affordable housing completions by tenure (local output indicator) – linked to COI H5	Private developers, RSLs, the Borough Council
Policy HO4 – Housing size and type	To achieve 80% one and two bed units in schemes proposing 4 or more dwellings	Percentage of one and two bed units in schemes comprising 4 or more dwellings (local output indicator)	Private developers, RSLs, the Borough Council
	To provide 400 extra care units between 2006 and 2026	Completions of extra care units per annum (local output indicator)	Private developers, RSLs, the Borough Council
	A proportion of dwellings to meet the needs of people with disabilities	Provision of disabled access to new homes and other design elements to meet the needs of people with disabilities (local output indicator)	Private developers, RSLs, the Borough Council
Policy HO5 Density of housing development	Achieve overall average density of 40dph on all completions	Percentage of new dwellings completed at (<30dph, 30-50dph and >50dph)	Private developers, RSLs, the Borough Council
	The density of any residential scheme should be a minimum of 35 dwellings per hectare	Density of residential development (local output indicator)	Private developers, RSLs, the Borough Council
Policy HO6 – Sites for Gypsies and Travellers	No loss of existing authorised sites used by gypsies and travellers during the DPD period	CO1 H4: Net additional pitches (Gypsy and Travellers) Number of gypsy and travellers sites (local output indicator)	The Borough Council
Policy HO7 – Sites for Travelling Showpeople	No loss of existing authorised sites for travelling show people during the DPD period	Number of travelling showpeople sites (local output indicator)	The Borough Council
Policy SP3 – Economy and Employment Land Provision	To maintain the total amount of employment floorspace in the Borough	COI BD1: Total amount of additional employment floorspace - by type	Private developers, the Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
		<p>COIs BD2: Total of employment floorspace on previously developed land – by type</p> <p>BD3: Employment land available – by type</p> <p>BD4: Total amount of floorspace for ‘town centre uses’</p> <p>Net change in the total employment floorspace in the Borough (local output indicator)</p>	Private developers, the Borough Council
		Proportion of 16-19 year olds with Level 2 qualifications (5 GCSEs A*-C or NVQ equivalent) (contextual)	Surrey County Council, Borough Council,
		Percentage of working age population qualified to NVQ Level 3 or above (contextual)	Surrey County Council, Borough Council, Learning and Skills Council
	Increase in the number of adults with level two basic skills	<p>Number of learners achieving level 2 basic skills (contextual)</p> <p>Number of learners on basic skills courses (contextual)</p>	Surrey County Council, Borough Council, Learning and Skills Council
	Expand vocational options for 14-19 year olds at Spelthorne schools/colleges	Percentage increase in vocational training opportunities/places in Borough (contextual)	Surrey County Council, Borough Council, Learning and Skills Council
		Unemployment – Claimant Counts (contextual)	Surrey County Council, Borough Council,
		Commercial Vacancy (contextual)	The Borough Council
Policy EM1 – Employment development	To maintain the total amount of employment floorspace in the Borough	<p>COI BD1: Total amount of additional employment floorspace - by type</p> <p>COIs BD2: Total of employment floorspace on previously developed land – by type</p> <p>BD3: Employment land available – by type</p> <p>BD4: Total amount of floorspace for ‘town centre uses’</p> <p>Net change in the total employment floorspace in the Borough (local output indicator)</p>	Private developers, the Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
	No net loss of employment land or floorspace in the employment areas	COIs BD2: Total of employment floorspace on previously developed land – by type BD3: Employment land available – by type BD4: Total amount of floorspace for ‘town centre uses’	Private developers, the Borough Council
Policy EM2 – Employment Development on Other Land		Amount of employment development not within designated employment areas (linked to COI BD1 above)	Private developers, the Borough Council
Policy SP4 – Town Centres and Retail Development	100% of new retail development should be located within town and local centres	COI BD4: Total amount of floorspace for ‘town centre uses’	Private developers, the Borough Council
Policy TC1 – Staines Town Centre	Make provision for 32,000sqm of retail development in Staines town centre during the plan period	COI BD4: Total amount of floorspace for ‘town centre uses’	Private developers, the Borough Council
	Encourage sustainable forms of transport in Staines town centre	Percentage of completed non-residential developments complying with car parking standards on key facilities Percentage of new residential dev. Within 30 min public transport time	Private developers, the Borough Council
	Increase the footfall in Staines town centre	Annual Pedestrian Survey (contextual)	Retailers, Survey by the Borough Council
Policy TC2 – Staines Town Centre Shopping Frontage	No loss of retail within primary shopping areas of Staines Town Centre	BD4: Total amount of floorspace for ‘town centre uses’ Loss of retail within primary shopping areas of Staines town centre (local output indicator)	Private developers, the Borough Council
	No more than 5 out of 9 consecutive units within the secondary shopping area of Staines town centre are in non-retail use as a result of the proposal	Changes of use within secondary shopping areas in Staines town centre (local output indicator)	Private developers, the Borough Council
Policy TC3 – Development in Ashford, Shepperton and Sunbury Cross Centres	No more than 2 out of 9 consecutive units within the secondary shopping area of Staines town centre are in non-retail use as a result of the proposal	Changes of use within Ashford, Shepperton and Sunbury Cross (local output indicator)	Private developers, the Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy TC4 – Local Shopping Centres and Parades	No more than 4 out of 9 consecutive units are in non-retail use. For parades with less than nine units – no more than two units in total should be in non-retail use	Changes of use within local shopping centres and parades (local output indicator)	Private developers, the Borough Council
Policy TC5 – Proposals for Retail Development	All new retail development should be within Staines, Ashford, Shepperton or Sunbury town centres	COI BD4: Total amount of floorspace for 'town centre uses'.	Private developers, the Borough Council
Policy SP5 – Meeting Community Needs	Targets are set under detailed policies below		
Policy CO1 – Providing Community Facilities	To ensure community facilities are provided to meet local needs	Community facilities granted or lost (local output indicator) COI BD4: Total amount of floorspace for 'town centre uses'.	The Borough Council, developers, Surrey County Council, LSP
Policy CO2 – Provision of infrastructure for new development	Require developers to provide or contribute in a timely way to the cost of infrastructure, where required, as a result of proposed development	Whether the development provided or contributed in a timely way to the cost of infrastructure required	Private developers, the Borough Council
Policy CO3 – Provision of Open Space for New Development	Provide a minimum of 0.1ha (increased proportionally according to scheme size) of open space in housing developments of 30 family dwellings	Area of open space provision in schemes of 30+ family dwellings	Private developers, RSLs, the Borough Council
Policy SP6 – Maintaining and Improving the Environment	Targets are set under detailed policies below		
Policy EN1 – Design of new development	Achieve high standard in design and layout of new development	Percentage of applications refused as not being in accordance with the policy COI H7: Housing Quality – Building for Life Assessments Design	Private developers, RSLs, the Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy EN2 – Replacement and extension of dwellings in the Green Belt including plotland areas	To ensure the replacement and extension of properties is consistent with the Green Belt and is appropriate to the setting of the River Thames	Percentage of applications refused as not being in accordance with the policy	The Borough Council, developers
Policy EN3 – Air Quality	Reduce NO2 levels to below 40ug/m3 at monitored sites	Number of monitored sites exceeding the annual air quality objective for nitrogen dioxide (40ug/m3)	The Borough Council, Surrey County Council, Highways Agency
Policy EN4 – Provision of Open Space, Sport and Recreation Facilities	To maintain existing amount of public open space Maintain and improve the quality of open space	Net change in amount of public open space Future updates of Open Space Study (PPG17) Amount of eligible open spaces managed to a Green Flag award standard	The Borough Council, developers The Borough Council
Policy EN5 – Buildings of Architectural or Historic Interest	Preserve listed buildings	Grade II and II* buildings on English Heritage Risk Register (contextual)	The Borough Council, English Heritage
Policy EN6 – Conservation Areas, Historic Landscapes, Parks and Gardens	Review Conservation Area Enhancement Plans in accordance with the LDS	Publication of the Conservation Area Enhancement Plans	The Borough Council
Policy EN7 – Tree Protection	To promote TPOs when required	Number of TPOs made in a year (contextual)	The Borough Council
Policy EN8 – Protecting and Improving the Landscape and Biodiversity	Protect and improve the landscape of the Borough	Implementation of projects to enhance the landscape and create and improve habitats (local output indicator) Change in priority habitats and species (by type); COI E2: Change in areas of biodiversity importance	The Borough Council, partners in public, private and voluntary sectors
Policy EN9 – River Thames and its Tributaries	Use development proposals as an opportunity to enhance the setting of the river Thames and its tributaries.	Percentage of applications refused as not being in accordance with the policy	Developers, RSLs, The Borough Council
Policy EN10 – Recreational use of the River Thames	Safeguard facilities which support the recreational use of the River Thames	Net change in riverside facilities	Developers, The Borough Council

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy EN12 – Development and Noise	Minimise the adverse impact of noise No new dwellings should be permitted within the 66leq noise contour	Number of developments where sound attenuation measures were required and met Net additional dwellings permitted within 66leq noise contour (local output indicator)	The Borough Council
Policy EN13 – Noise from Heathrow Airport	Reduce the area of the Borough affected by the 66leq noise contour	Extent of the 66 Leq noise contour (contextual)	BAA, DfT, The Borough Council
Policy EN14 – Light Pollution	Reduce light pollution	Schemes where a reduction in light pollution is secured	
Policy EN15 – Hazardous Development	No increase in the numbers of people living, working and congregating in the public safety zone	Net change in total number of people living, working and congregating in the public safety zone	The Borough Council
Policy EN16 – Development on Land Affected by Contamination	Reduce the number of potentially contaminated sites	Number of contaminated sites (BVPI 216a) Number of sites remediated	The Borough Council, developers
Policy SP7 – Climate Change and Transport	Targets are set under detailed policies below		
Policy CC1 – Renewable Energy, Energy Conservation and Sustainable Construction	On residential developments of one or more dwellings and other development involving new building or extensions exceeding 100 m ² – provide at least 10% of the development's energy demand from on-site renewable energy sources.	COI E3: Renewable energy generation	Developers, RSLs, The Borough Council, Thames Valley Energy
	Support provision of renewable energy, energy efficiency and promote sustainable development	Number of homes built to 'Code for Sustainable Homes – 3 star' or BREAM 'very good' standards (local output indicator)	Developers, RSLs, The Borough Council, Thames Valley Energy
	Freestanding renewable energy schemes completed	Kilowatt Capacity	Developers, RSLs, The Borough Council, Thames Valley Energy

Policy Ref	Target	Indicator (& type)	Main delivery agencies
Policy CC2 – Sustainable Travel	Encourage more sustainable travel patterns	<p>Percentage of new residential development within 30 min public transport time of key facilities</p> <p>Number of permissions accompanied by a site specific travel plan to promote and achieve sustainable travel choices (local output indicator)</p>	<p>Surrey County Council, The Borough Council, developers, RSLs</p> <p>The Borough Council, developers, RSLs</p>
Policy CC3 – Parking Provision	Schemes to comply with the Council's parking standards	Percentage of completed non-residential developments complying with car parking standards set out in adopted Parking Standards)	Private developers, RSLs, the Borough Council
Policy CC4 – Non-Car Access to Heathrow and Airtrack	Encourage accessibility of Heathrow from the Borough by non-car based modes	Schemes which have improved non-car access to Heathrow	Airtrack Consortium, BAA, The Borough Council, Surrey County Council

Inspector's Report Annex C

Schedule of Minor Changes Proposed by the Council

Note 1: Those changes marked * were included in the readvertised version of the Core Strategy and Policies DPD dated March 2008

Ref No	Part of DPD	Proposed Change
1.	Para 1.3	Third line: insert full stop after the word ' <i>faces</i> ' and start new sentence with ' <i>It</i> '.
2.	Para 2.5	Line 3: delete ' <i>20%</i> ' and insert ' <i>7%</i> ' Line 4: delete ' <i>49%</i> ' and insert ' <i>35%</i> ' Line 5: delete ' <i>5600</i> ' and insert ' <i>2800</i> '
3.	Para 2.6	Delete the whole paragraph and replace with ' <i>The general extent of the Green Belt and areas of flood risk are shown on the Key Diagram and the Proposals Map</i> '.
4.	Map 2	Delete
5. *	Key Diagram - Map	Amend by: (a) identifying the following Employment Areas: Bedfont Road & Long Lane, London Road, BP Chertsey Road, Hanworth Road & Country Way, Ashford Road, Littleton Road & Spelthorne Lane, Windmill Road, Shepperton Studios. (b) showing the latest 1:100 flood risk area (zone 3).
6. *	Key Diagram - Key	(a) delete the words ' <i>Employment Development Areas</i> ' and insert ' <i>Employment Areas</i> '. (b) insert the words ' <i>and Employment Area</i> ' against the notations for both ' <i>Principal</i> ' and ' <i>Local Centre</i> '. (c) delete ' <i>Floodzones Sept 2005 - 1 in 100</i> ' and insert ' <i>Flood Risk Area - 1 in 100 (zone 3)</i> '. (d) insert a notation for the ' <i>Urban Area</i> '.
7.	Para 6.4	Delete ' <i>(February 2007)</i> ' and insert ' <i>(Update, July 2008)</i> '.
8.	Para 6.13	Line 1: Delete ' <i>It</i> ' and insert ' <i>The policy</i> '; delete ' <i>an</i> '. Line 2: Delete ' <i>DPD</i> ' and insert ' <i>DPDs</i> '
9.	Para 6.14	Delete ' <i>emerges</i> ' in Line 3 and insert ' <i>is predicted</i> '
10.	Policy HO1	In Policy HO1 (a): delete ' <i>the</i> '; delete ' <i>DPD</i> ' and insert ' <i>DPDs</i> '.
11.	Policy HO1	In Policy HO1 (c): after the word ' <i>including</i> ' add the words ' <i>redevelopment, infill, conversion of existing dwellings and</i> '
12.	Policy HO1	In Policy HO1 (g): delete ' <i>EN3</i> ' and insert ' <i>HO5</i> '.
13.	Para 6.16	Third sentence, delete ' <i>also</i> '; delete ' <i>regular</i> ' and insert ' <i>annual</i> '. Insert ' <i>Strategic</i> ' before ' <i>Housing</i> ' and ' <i>S</i> ' before ' <i>HCAA</i> ' in lines 3 and 4.
14.	Para 6.17	Line 7 Delete ' <i>a future review of the</i> ' and insert ' <i>additional</i> '. Add ' <i>s</i> ' to ' <i>DPD</i> '. Line 9 insert ' <i>Strategic</i> ' before ' <i>Housing</i> '

Ref No	Part of DPD	Proposed Change
15.	Para 6.29	Third line delete 'EN3' insert 'EN1'
16.	Para 8.5	Second line, after 'and' insert 'seek'; after 'improvement' insert full stop. New sentence: 'This would include environmental enhancements and improving the quality of existing floorspace by supporting refurbishment and extensions'. Delete from 'as well as maintaining' to end of sentence and insert new sentence: 'The role of smaller centres and parades will be maintained to serve their neighbourhood'.
17.	Para 8.17	Line 4, after 'but' insert 'which'. Line 7, after 'and' delete 'requires proposals having regard to nearby uses' and insert 'non retail uses either side of the unit where a change of use is proposed'.
18.	Para 8.25	Line 1: After 'development' insert 'including extensions'
19. *	Para 9.3	Second line from bottom, delete 'CO2' and insert 'CO3'.
20.	Para 10.3	Second to last line, delete '10.35b' and insert '10.36b'
21.	Policy EN2	Sub clause (h), delete 'EN8' and insert 'EN9'.
22.	Para 10.25	Third line after 'historic interest' insert '.' Delete 'and' start new sentence. After '160' delete 'on the Council's own list of'; after 'local interest' insert 'are included on the Council's own list'; after '2004' insert ', and will be kept under review as a Supplementary Planning Document.'
23.	Para 10.26	Fourth line delete 'building' insert 'buildings'
24.	Policy EN5	First line, delete 'listed building' and insert 'architectural and historic'
25.	Para 10.30	Second line after 'preservation' delete 'and' and insert 'or'
26.	Para 10.35	In the second sentence delete: 'set out in paragraphs 10.64 to 10.65'.
27. *	Para 10.41	Third line, delete 'Walton Bridge' and insert 'Shepperton Lock'.
28.	Para 10.53	First line, insert 'deals' before 'specifically'.
29. *	Policy EN16	Policy title, delete 'Lane' and insert 'Land'.
30. *	Para 11.7	Last line, delete 'Policies' and insert 'Policy', and delete 'E11' and insert 'EN3'.
31.	Para 11.9	Third line, delete '1.5 and'.
32. *	Para 13.2	Sub-point (c): delete 'EN17 (a)' and insert 'LO2'
33.	General	Amend any other references to the South East Plan not dealt with above to reflect the title 'Regional Spatial Strategy for the South East' and refer to either the draft document of July 2008 or the adopted plan – whichever is relevant at the date of adoption of this DPD.