

Annex 2 - Summary of responses on LPP1 Review from Duty to Cooperate Bodies

December 2022

Statutory Consultees

Environment Agency

- Since 2018 there have been significant updates to the way climate change allowances are calculated which may have an impact on Waverley's Strategic Flood Risk Assessment (SFRA) and any allocations in, or near flood zones.
- Under the Environment Act 2021, all planning permissions granted will have to deliver at least 10% biodiversity net gain, expected to be from November 2023.
- River Basin Management Plans (RBMPs) are currently being updated, along with Flood Risk management Plans.

Historic England

- No strategic issues relating to the historic environment that may impact on any future development and/or infrastructure needs in and around Waverley have been identified. However, strategic policies are required to comply with all parts of the NPPF in respect of the historic environment.

National Highways

- The Local Plan should promote strategies, policies and land allocations that will support alternatives to the car and the operation of a safe and reliable transport network.
- Sustainable measures that manage down demand and reduce the need to travel will be supported and appropriate infrastructure should only be considered as a last resort.
- NH would be concerned if a material increase in traffic were to occur on the Strategic Road Network (SRN) or at its junctions because of planned growth within the borough in the local plan, without careful consideration of mitigation measures.
- Proposed new growth will need to be considered in the context of the cumulative impact from already proposed development on the SRN.
- The Local Plan will need to refer to the Government's current and emerging Road Investment Strategy (RIS). Although these schemes may not be within the Borough, they may have the potential to impact on traffic flows on the A3.

Natural England

- Current Policy (NE1) in LPP1 requires project level Habitats Regulation Assessment for residential development within 400m of both Wealden Heaths I and II SPA. However, it does not make it clear that for these SPA an effective 400m exclusion zone exists and that between 400m and 5 km specific mitigation will be needed depending on the size of the development although the site-specific measures themselves do not need to be set out until the planning application stage. Further work is needed on alternative mitigation measures to SANG and Waverley will need to collaborate with other Wealden Heaths Phase II SPA local authorities to prepare a strategic approach.

- An update to LPP1 will need to address the impact of air quality on the natural environment, particularly to address traffic impacts from new development on designated international sites.
- Whilst strategic policies on protecting the AONB are supported, they should include the need to work with Surrey Hills AONB Board and that great weight should be given to the Surrey Hills AONB Management Plan.
- The Local Plan will need to recognise and reference its support to the delivery of the emerging Nature Recovery Network and Local Nature Recovery Strategies.
- The Local Plan should set out how Biodiversity Net Gain (BNG) will be delivered, monitored and managed and set out the priorities for habitat creation in different parts of the plan area. It should set out the approach to on-site and off-site delivery. The approach to BNG should be compliant with the mitigation hierarchy as set out in the NPPF.
- The Local Plan should consider the addition of an objective addressing conserving and enhancing Natural Capital and the links between Natural Capital and Green Infrastructure and their wider benefits.
- Recognition of the role that natural environment and nature-based solutions in mitigating and adapting to climate change and using energy more efficiently.

Local Planning Authorities - Counties

Surrey CC

- Although SCC has updated policy in several areas in recent years, including through Local Transport Plan 4 (LTP4), they do not believe from their perspective that there has been such a change in circumstances to require a Local Plan update.

Hampshire CC

No response at time of writing.

West Sussex CC

- Not aware of any strategic development or issues on their boundary which may impact any local plan review. However, Chichester District Council are in the process of reviewing their local plan which will include site allocations.

Local Planning Authorities – District and Boroughs

Chichester

Chichester District faces various constraints, with the Chichester Harbour AONB in the south of the Plan Area, and part of the South Downs National Park inside the District (although outside of the Plan Area). Development is also constrained by the need for improvements to the A27 which are currently unfunded. This means that Chichester District is unlikely to be able to meet their housing needs, with an unmet need of 1,134 dwellings over the plan period 2021 – 2039. Chichester will be asking neighbouring authorities, including Waverley Borough, whether they are able to assist in meeting this need. This is a strategic issue that will need to be considered as part of a review of Part 1.

Chichester DC is progressing towards a Regulation 19 consultation early in 2023 (subject to Council approval) and Waverley will need to take account of the spatial strategy for the northern part of the Plan area and any cross-boundary infrastructure issues and opportunities as the CDC Local Plan progresses.

East Hampshire

In addition to the matters set out in their Duty to Cooperate Framework they emphasise that:

- They currently are unable to identify sufficient possible sites to meet the need for Traveller or Travelling Showpeople accommodation and will be writing to all neighbouring councils seeking assistance with this.
- the recent legal decision about the definition of travellers in PPTS has implications for policy making, with policies requiring people to meet the PPTS definition possibly being unlawful. They would expect consideration of this to be part of a Local Plan review.
- It is essential that Waverley BC work alongside EHDC and SDNPA in moving forward with the Avoidance and Mitigation Strategy for the Wealden Heaths Phase II SPA.
- Although East Hampshire is preparing a new local plan, the stage that it has reached does not include a proposed development strategy, sites, or policies. However, they are consulting on the use of the standard method for determining East Hampshire's housing requirement so at this time they cannot confirm the number of homes that EHDC will be planning for over the period 2021-2040, or whether there will be site allocations close to the border with Waverley.

Guildford

- LPP1 Review needs to consider meeting housing need identified through the standard method because it was prepared under the previous NPPF (2012)
- It also needs to consider meeting its own housing need in full because the housing requirement identified within the housing market area in both Guildford and Woking that they planned to meet (or partially meet) was prepared under the previous NPPF. Guildford has an up-to-date plan which meets its Objectively Assessed Need (OAN) in full and planned housing supply is over above the housing requirement. However, it will need to be reviewed by 2024. An increase through the standard method and delay to the delivery of strategic sites will mean that Guildford currently cannot confirm how much of its own housing need or neighbouring LPA's unmet housing need it can contribute to in the future

Hart

No response at time of writing.

Horsham

Horsham's draft Regulation 19 Local Plan was approved for publication in July 2021 with a housing requirement over their standard method calculated Local Housing Need (LHN) so that they could meet 50% of Crawley's unmet need who they share a primary housing market area with and a smaller allowance for Sussex Coastal Areas who they share a secondary housing market area with. However, before considering the representation to that plan, the NPPF was revised. Following Counsel advice that

changes were needed to ensure the Local Plan was sound they are seeking to update the draft Local Plan.

In September 2021 Natural England outlined in a position statement that water in the district is sourced from the Arun Valley, which includes sites protected by the Habitats Regulations. It further explained that it cannot be concluded that the existing abstraction is not having an impact on these protected sites and therefore that development must not add to this impact. This has severely delayed the preparation of the Local Plan to gather evidence to understand the issue and how to progress because the ability to deliver development in Horsham is limited due to the need for all development to be water neutral. This means that the level of development planned for in the Regulation 19 Local Plan approved in July 2021 cannot be met and they are likely to be unable to meet their housing assessed under the standard method or meet traveller accommodation needs in full. As such they are likely to request assistance from neighbouring LPA to meet unmet needs.

Mole Valley

MV is looking to meet 77% of its Government calculated Local Housing Need as the District is severely constrained by Green Belt, the Surrey Hills Area of Outstanding Natural Beauty and Gatwick air contours. Therefore, the plan is supply-led and accommodates as much housing growth as possible. The Plan is currently under examination and the Inspector has asked to proceed to a Main Modifications consultation. Mole Valley considers any review of the Waverley Local Plan should proceed on the basis of the Statement of Common Ground of 21 July 2021 with respect to Waverley-Mole Valley cross-boundary issues and that neither authority would be able to meet the other's unmet need and that each authority would accommodate its own travelling showpeople need.

Rushmoor

A number of strategic matters have already been agreed with Waverley to be engaged on under the Duty to Cooperate and these will need to be considered in a review of LPP1 and when it formally reviews its plan in 2023. Rushmoor's Local Plan 2014 to 2032 makes provision to meet its current housing need in full subject to the availability of deliverable avoidance and mitigation measures in respect of the Thames Basin Heaths SPA. However, it is not in position to advise on future development and/or infrastructure needs for the Borough beyond the current Local Plan.

South Downs National Park

SDNPA and all relevant authorities including Waverley are required to have regard to the purposes of the South Downs National Park as set out in Section 62 of the Environment Act 1995. The purposes are 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the area' and 'to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public.'

In addition to the six strategic cross boundary priorities for the SDNPA which are overarching matters to consider, a review of LPP1 should specifically consider

- the new wording set out in para 176 of the NPPF that protects the setting of national parks '*The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*'

- A cross boundary approach to Wealden Heath Phase II SPA which is also highlighted as a Natural Capital Investment Area (Area 2: East Hants and Heathlands) in the South Downs People and Nature Network published in 2020

Woking

No response at time of writing.