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Dear Ms Tagliarini

Regulation 19 consultation

This is the response from FEDORA – The Voice for Oxshott (FEDORA) to the Regulation 19 consultation being conducted by Elmbridge Borough Council (EBC) in connection with its draft Local Plan (LP). FEDORA was established some 35 years ago to act as the representative body for residents in Oxshott. Through use of social media, e-mail updates to supporters and liaison with constituent residents associations, FEDORA has a close understanding of the views of a major part of the population of Oxshott.

We consider that the questionnaires issued by EBC in respect of the Regulation 19 consultation do not provide a satisfactory basis for comment on a matter as important as the draft LP and we are therefore writing this letter by way of formal response. Each of the matters referred to in this letter is cross referenced back to the appropriate part of the draft LP.

During the formulation of the draft LP, FEDORA has worked closely with residents associations in neighbouring settlements most particularly in Cobham & Downside and Stoke D’Abernon. We have also had regular meetings with our local councillors. We have provided EBC with regular comment on the way in which the draft LP has been created and have responded in detail to previous consultations. We are therefore fully informed on the background to the development of the draft LP.

We recognise that the draft LP has taken six years of debate and local negotiation. Inevitably, it can not satisfy all requirements in a diverse borough, but we consider that it has sought to reconcile competing interests and represents a sensible plan for the future development of Elmbridge. In particular, the draft LP takes a pragmatic approach to determining housing numbers and provides a welcome commitment to preserving Green Belt.

FEDORA confirms that it is supportive of the draft LP. We believe it is both legally compliant and substantially sound. But there are inevitable reservations in respect of various matters that we believe should be addressed by way of minor modification. These matters are set out below together with references to the relevant part of the draft LP:

1. Climate change (Principle 1 & CC5)

Dealing with the effect of climate change is a laudable component of the vision. But there is an inherent contradiction in the draft LP between Principle 1 and the complete absence of any meaningful strategy to reduce the impact of an inevitable increase in traffic resulting from increased housing. There is substantial reliance in many parts of Elmbridge on motor transport for commuting,

shopping, schooling, medical care, and social visits. It is simplistic to assume that this will reduce without profound changes in personal behaviour and significant investment in infrastructure.

2. Design codes (Principle 3)

Reference is made in the draft LP to future Design codes. These form an integral component of the draft LP and without either the detail or (at least) a summary of their content, consideration of the soundness of the draft LP is made more difficult. The importance of Design codes is referenced in the Levelling Up and Regeneration Bill.

3. Wisley (Principle 4)

There is no reference in the draft LP to the effect on Elmbridge (and in particular Cobham) of the plan approved by Guildford BC for the construction of about 2,000 new homes at Wisley airfield. This is a surprising and important omission that causes concern about compliance with the duty to cooperate under the Localism Act. The size of the development at Wisley airfield will have a substantial impact on Cobham and neighbouring settlements and the draft LP should explain how this will be mitigated.

4. Cobham Town Centre (Key Diagram 5)

Without explanation, Cobham has been recategorised as a Town Centre rather than a District Centre. This change should be reversed so as not to endanger its existing character. Similarly, the description of Cobham and Oxshott as Urban Areas pre-empts the outcome of local Design Codes and they should be redesignated in accordance with National Design codes.

5. Flooding (CC5)

This policy addresses new development but does not seek to deal with existing flooding issues caused by the failure to consider the effect on localities of previous inappropriate development. These require a stated commitment in the draft LP for resolution in conjunction with third party providers.

6. Trees (ENV 1 and 2)

Policies need to be changed to mitigate the serious adverse consequences of wholesale site clearance of sites prior to submitting planning applications. TPO's provide only limited protection (particularly in the absence of enforcement of planning conditions) and the destruction of natural landscapes leaves a stain on the character of an area. Similarly, more effective commitment is needed to identify and protect ancient trees.

7. Green Belt (ENV 4)

The report prepared by Ove Arup on behalf of EBC contains fundamental errors in its assessment of the performance of Site SA-11 in Oxshott. This report forms part of the evidence base to the draft LP. These errors have been drawn to the attention of EBC by BluWav, a grouping of concerned residents who have submitted a petition with over 2,500 supporters. As the draft LP reiterates protection for Green Belt, we consider that the Ove Arup report is no longer relevant and should be removed from the evidence base.

8. Enforcement (ENV 9)

The draft LP omits reference to the importance of enforcing planning conditions. Section 59 of the NPPF refers to the importance of effective enforcement in maintaining public confidence. It is admitted by EBC that it neither routinely monitors compliance with planning conditions nor seeks to enforce them. A clear public commitment to effective enforcement should be made in the draft LP.

9. Site optimisation (HOU 2)

It is accepted that higher density housing such as flats and use of infill development should be done in certain defined areas. But the draft LP lacks any commitment to protect the character of existing areas. This omission sits at variance with Section 124 (d) of the NPPF which makes clear the desirability of maintaining an area's prevailing character and setting. This is of fundamental concern to residents and the draft LP should explicitly restrict high density schemes to those areas it has defined and permit only progressive densification across the rest of the urban area.

10. Affordable housing (HOU 4)

The provision of affordable housing forms a key part of the draft LP. But performance has historically been poor. In part, this reflects the limited capability to obtain a proper level of contribution from developers. This is largely due to the use of flawed methodology and the willingness of developers to provide calculations based on misleading information.

11. Infrastructure (INF 1 & INF 3)

The Infrastructure Delivery Plan (published in May 2022) is a very weak document with heavy reliance on LTP 4, a plan that has not yet been produced by Surrey CC. Sections 9 and 10 of the NPPF draw attention to the importance of transport and communication and this is further referenced in the Levelling Up and Regeneration Bill. Inevitably, this means that infrastructure is destined to lag not lead development potentially resulting in fragmented and incoherent development. It is noted in particular that there is no articulated strategy for road transport and no commitment provided for the provision of cycle lanes both in urban areas and alongside trunk roads.

The reservations set out above are matters that we consider should have received more explicit attention in the draft LP. Their omission though does not invalidate our opinion that the draft LP should be considered both legally compliant and substantially sound.

Please note our request for a presence at the hearing for oral representation.

Finally, on behalf of Oxshott residents, thank you for all the work done to date on the development of the draft LP.

Yours sincerely



M Wheeler

Director – FEDORA – The Voice for Oxshott CIC