

Savills on behalf of Arbury Estate

Respondent ID: 106

Matter 1: Compliance with statutory procedures and legal matters

Issue 2: Does the Sustainability Appraisal (SA) adequately assess the environmental, social and economic effects of the Plan in accordance with the legal and national policy requirements?

**5. Has the SA properly assessed the likely significant effects of all reasonable alternatives?**

No, the SA has not properly assessed the likely significant effects of all reasonable alternatives.

As referenced in Regulation 19 representations, submitted by Savills on behalf of Arbury Estate, allocation HSG4 Woodlands of the currently adopted Borough Plan has the ability to be included within the Borough Plan Review as an allocation for residential development.

The SA's consideration of the likely significant effects of reasonable alternatives should be updated to make reference to site specific work undertaken on planning applications coming forward in the Borough. References to HSG4 should be updated to take account of technical work submitted in respect of planning application ref: 039720.

Arbury Estate object to the ranking set out, and conclude that HSG4: Woodlands should be included in the settlement boundary and allocated for residential development in the emerging Local Plan, as extensive technical work has been undertaken during preparation of the hybrid planning application which concluded that the site was suitable for residential development.

Since submission of representations to the Regulation 19 consultation, application ref: 039720 has been determined. The planning committee's decision conflicts with the officer's report which recommended approval and concluded that:

***"... the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.***

***The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, ecology and heritage and archaeology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of planning obligations and conditions.***

***Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the current development plan and other policies within the NPPF. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions."***

The application was however refused at planning committee by elected members, and is now the subject of an appeal. Notwithstanding, the positive conclusion of the officer's report demonstrates that the site is suitable in principle for sustainable development and should therefore be included as a site allocation and remain within the settlement boundary.

## 6. Have all potential site allocations been assessed on a comparable basis?

As referenced in the Regulation 19 representations, submitted by Savills on behalf of Arbury Estate (Ref 039720). HSG4 (Woodlands) is not located in the Green Belt and is within the settlement boundary in the adopted Borough Plan, therefore although the site is not built out, it is non-green belt land and is within the settlement boundary and is therefore in a location most favored by the Sustainability Appraisal. Development should therefore be encouraged in this location.

Within the SA, Option 1 (within existing settlement boundaries) is considered the most favorable option (score: 18). The remaining options in this scenario received a significantly lower scoring, with Option 2 (small SUEs focused on transport infrastructure) achieving a score of 7 and Option 3 (non-Green Belt areas in the countryside) scoring -10.

In the adopted Borough Plan, HSG4 (Woodlands) is within the settlement boundary, however in the emerging Local Plan Policies Map, the site is proposed to be removed from the settlement boundary. There are no technical reasons and / or no explanation in the evidence base document 'Settlement Boundaries' (2023) to justify the removal of HSG4 from the plan. Therefore, in accordance with Paragraph 35 of the NPPF, the removal of the HSG4 site from the proposed settlement boundary is not 'justified'.

In addition, footnote 2 in the Sustainability Appraisal (September 2023) states ***"no planning application has been submitted for HSG4 Woodlands and there is no indication that an application may be forthcoming. Significant infrastructure is required to be delivered and there is no indication of when this will happen or be funded. The lack of delivery for the HSG4 has, and continues to have, a bearing on the Council's Housing Trajectory..."***

However, this statement is fundamentally incorrect, as a planning application for residential development (Ref: 039720) on part of the HSG4 strategic housing allocation was submitted in June 2023 for up to 150 dwellings, prior to the Regulation 19 consultation beginning in October 2023.

Since submission of representations to the Regulation 19 consultation, application ref: 039720 has been refused at planning committee. This conflicts with the officer's report which recommended approval and concluded that:

***"... the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.***

***The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, ecology and heritage and archaeology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of planning obligations and conditions.***

***Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the current development plan and other policies within the NPPF. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions."***

The application was refused at planning committee by elected members, and is now the subject of a live appeal. Notwithstanding, the positive conclusion of the officer's report demonstrates that the site is suitable in principle for sustainable development and should therefore be included as a site allocation and remain within the settlement boundary.



A national housebuilder is also in advanced discussions to acquire the site, demonstrating the site's suitability and deliverability, which therefore demonstrates that the removal of HSG4 from the proposed settlement boundary and as a strategic housing allocation is unjustified