Dear Sir/Madam

REPRESENTATIONS TO TANDRIDGE DISTRICT COUNCIL REGULATION 19 CONSULTATION

We write on behalf of our client, Mr and Mrs Banks, in response to the Tandridge District Council Local Plan 2033 (Regulation 19) public consultation event.

Our client has been promoting the land at Ivy Mill Lane, Godstone, since 2016 for residential development. The site has been assessed as part of the council’s Housing and Economic Land Availability Assessment (HELAA), under site reference GOD 022.

Our client’s ambition is to deliver sustainable residential development on the site and therefore has a keen interest in the preparation of the emerging Local Plan. The Regulation 19 draft of the Local Plan, currently subject to public consultation, sets out the Vision, Spatial Objectives, Spatial Strategy and housing target to guide growth in the district for the period 2013-2033.

This letter of representation responds to key aspects of the emerging Local Plan consultation which are key to our client’s ambition to achieve a site allocation in the Local Plan and develop the site at Ivy Mill Lane.

It is our view that the Local Plan is currently unsound, and we enclose a completed Tandridge District Council Local Plan: 2033 Legal Compliance and Soundness Questionnaire at Appendix 1.

Background

The site at Ivy Mill Lane was first submitted to the council via the HELAA process in February 2016 where we stated that the site was suitable, available and deliverable to provide approximately 30 residential units.

Further representations were made to the HELAA in May 2017 at the request of the council who required further technical reports in order to be able to assess the site’s suitability. These additional technical reports demonstrated that there were no significant ecological or archaeological designations and that there would be no
significant impact on highways or flood risk.

The most recent version of the HELAA, published in June 2018 as part of the evidence base for the Regulation 19 consultation, identifies our client’s site as being capable of providing 58 dwellings. It concludes that the site is available, achievable, and developable within the next 5 years. It also states that the site would be in accordance with the preferred strategy of the emerging Local Plan (Appendix 2).

However, the site is not allocated in the Regulation 19 version of the Local Plan because of its location within the Green Belt. It is clear that the site has significant potential to deliver new residential development, as identified in the HELAA (2018).

**Regulation 19 Consultation: Test of Soundness**

In regard to housing need the Local Plan, as currently drafted is unsound and not justified in its approach to semi-rural and rural growth and delivering housing development in a balanced way across the district. This approach contributes significantly to the plan’s failure to meet identified housing needs.

These representations will demonstrate how the Regulation 19 draft Tandridge District Plan fails to meet the tests of soundness as set out in the NPPF. Primarily, the plan is not:

- **Justified** – it does not deliver the most appropriate strategy given the reasonable alternatives available such as extending semi-rural settlements such as Godstone;

- **Positively Prepared** – it fails to meet the objectively assessed need of the district and ignores suitable and available sites which could provide housing in the early years of the plan period;

- **Effective** – The plan, as drafted, fails to meet the duty to cooperate with neighbouring authorities and does not address the housing shortfall within the plan. The plan relies on the delivery of a new garden community, the location of which has not been finalised yet; and

- **Consistent with national policy** – it does not deliver the NPPF’s aspiration to significantly boost the supply of homes and support the vitality of semi-rural and rural settlements.

**The plan fails to deliver an appropriate strategy and is inconsistent with national policy**


The planning system and the plan-making process has a key role to play in delivering this objective of national importance. Our client welcomes and endorses the content of Strategic Objective 4 of the Local Plan which states the need for the
Local Plan to provide a supply of homes, both affordable and market, which respond to the needs of the community. Unfortunately, the plan fails to achieve this by a significant margin, and will not be sound in consequence.

Policy TPL01: Spatial Strategy, states that the Local Plan will provide 6,056 new homes within the plan period to 2033 (303 dwellings per annum). As acknowledged in the Council’s Regulation 19 Housing Topic Paper the objectively assessed housing need (OAN) for the district is 9,400 homes¹ for the same plan period (470 dwellings per annum). As such, the Local Plan is proposing to deliver just 64% of its OAN. The failure to deliver the remaining 36% OAN makes the Plan unsound.

The Council’s primary reasons for the reduced Local Plan housing target are the constraints placed on land by AONB and Green Belt designations and the potential environmental impacts associated with delivering development outside of Tier 1 and 2 settlements e.g. Urban Settlements and Semi-Rural Settlements.

However, these factors are common to many south east authorities who also often have additional SPA and flooding constraints. Tandridge is better off in this regard than other Authorities and it is the Green Belt which is the cause of the problem. The only solution for new housing is to make space for them by de-designating areas of Green Belt.

The district of Tandridge comprises 94% Green Belt land. Paragraph 136 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances and that any alterations should be facilitated as part of preparing or updating a Local Plan. In order to address the defined OAN for Tandridge the Council has recognised that exceptional circumstances exist and as such has undertaken a three-stage review of the Green Belt.

In 2015, the council’s Green Belt Assessment identified Godstone as having limited openness and it was identified as an area for further investigation in later Green Belt Assessments.

In 2016, the council’s Green Belt Assessment Part 2 identified Godstone as being of a relatively high density and lacking the open character of a typical Green Belt settlement. It was considered that it should be assessed in Part 3 of the Green Belt review to determine whether or not it should be inset from the Green Belt.

The council’s latest Green Belt Assessment Part 3 (2018) now identifies Godstone as being suitable for insetting from the Green Belt.

Godstone is categorised as a Tier 2 settlement and one which has become physically denser over recent years. Godstone’s Green Belt status has been under review since 1986 and the South of the Downs Local Plan which proposed to inset Godstone from the Green Belt. At the time this was resisted because of the unclear impacts the M25 would have on development in the borough.

The GBA Part 3 also states that Godstone lacks an open character when

¹ Set out in the latest Strategic Housing Market Assessment (SHMA),
compared to similar settlements such as Lingfield and Smallfield and therefore would be suitable for insetting. Furthermore, the village contains a range of services and has good transport links, therefore the GBA Part 3 concludes that Godstone should be considered for insetting.

Given the council’s significant unmet need it is necessary to allocate sites, such as GOD 022, which have a strong relationship to and is in close proximity to the centre of Godstone as being suitable for delivering more housing.

Godstone is identified as a Tier 2 settlement and the council acknowledge that Godstone has changed over time and is now a well-formed settlement with key services such as schools, doctor’s surgery and other facilities. Godstone is also well located to the strategic road network, namely the M25, A22 and A25. For these reasons, Godstone has been removed from the Green Belt, but the Green Belt boundary has been firmly re-established around the settlement edge preventing any further expansion.

Emerging Policy TLP07: Semi Rural Settlements identifies that the settlements of Godstone, Lingfield and Smallfield should provide 533 new homes within their settlement boundaries. The policy states that development in these settlements will be supported. Crucially, however our client’s site is not allocated for development despite its ability to provide circa 60 dwellings towards the borough’s OAN.

Making additional allocations in the Tier 2 settlements would assist the council in delivering a higher Local Plan housing target and address its acknowledged OAN. This should be the minimum level of housing that the council delivers to meet the national objective of significantly boosting housing supply.

The plan is not positively prepared

The pressure and great need to deliver new housing in Tandridge District is also reflected in the Government’s assessment of housing need using the standardised methodology (September 2017). The standardised methodology identifies a housing need figure for Tandridge district of 645 dwellings per annum for the period 2016-2026.

The 645 dwelling per annum figure represents a rise of 175 dwellings per annum against the SHMA OAN figure and a 342-dwelling increase (more than double) against the proposed housing target in the Regulation 19 Local Plan draft.

The standardised methodology figure (which places greater emphasis on the affordability of housing) demonstrates the acute and pressing housing need in the district, which the draft Local Plan fails to address. The proposed housing target in the draft Local Plan is not adequate over the plan period in the context of the SHMA OAN and the Government’s standardised methodology. The approach taken by the council in the draft Local Plan will only serve to exacerbate existing housing pressures and the ability of residents to access housing.

Policy TLP01 outlines where the council are directing the supply of homes over the plan period. In total the council only identifies land for 6,056 new homes over the
plan period to 2033. 23% of this total is identified within the proposed South Godstone Garden Community, however this development is not scheduled to start until 2026/27 and will require significant infrastructure provision in order to make it viable.

The size of the proposed garden community will also introduce challenges with land assembly as much of the area is in different ownerships. It will be a time consuming and challenging process to assemble this new settlement and deliver the necessary housing within the plan period. It is therefore unwise of the council to place so much weight on its delivery and ignore the GOD 022 site which could deliver circa 60 homes in a short space of time.

**The council have also not been able to agree a strategy with neighbouring authorities to enable them to meet some of Tandridge’s unmet need. There is thus a shortfall of unmet need over the plan period of 3,344 dwellings. The council’s inability to agree a strategy with its neighbours further undermines the suitability of its chosen spatial strategy and its aspirations for the borough’s semi-rural and rural settlements. The council’s current approach is therefore unsound.**

It is clear that a revised spatial strategy is required if the council are to deliver the necessary housing across the borough. Policy TLP01 should be amended to take account of the council’s unmet need and the likely delays to delivery of the South Godstone Garden Community. This should include allocating more sites within Tier 2 settlements, particularly those like GOD 022 which are sustainable, available, suitable and developable within the next five years.

**Conclusion**

These representations demonstrate that the Regulation 19 draft of the Tandridge District Plan is unsound in that it has not been positively prepared, does not deliver an appropriate spatial strategy, has been ineffective in meeting the duty to cooperate with neighbouring authorities and is not consistent with the aspirations of the NPPF which seeks to significantly boost the supply of homes.

The proposed housing target is significantly below that identified within the SHMA and the OAN. Failure to meet these housing needs will exacerbate the borough’s existing housing issues such as a lack of supply and lack of affordability for existing residents. The emerging Local Plan, if drafted properly, has the ability to significantly increase this supply and better address the OAN.

The proposed spatial strategy is flawed as it overlooks suitable housing sites capable of delivering sustainable growth in Semi-Rural Settlements (Tier 2) such as Godstone. The 533 units identified within the Tier 2 settlements are a missed opportunity to provide more housing in sustainable locations and sites such as our client’s, GOD 022, should be allocated for development in the next stage of the Local Plan.

Site GOD 022 has been identified in the council’s HELAA as being suitable,
available and deliverable for residential development in the short term. This remains the case. The wider settlement has been identified as being suitable for insetting from the Green Belt and therefore GOD 022 would represent an opportunity to deliver a sensitively designed housing scheme without impacting on the functions of the Green Belt. The GOD 022 site should therefore be allocated for housing at the earliest opportunity given the severity of the housing shortfall and the suitability of the site.

We trust that this submission will be taken into consideration by the council and the site will be assessed further through the Local Plan process. We would like to be kept informed as to the progress of the Local Plan and would welcome the opportunity to participate in the examination hearings.

Yours faithfully

Greg Dowden

Enc:  Appendix 1: Tandridge District Council Local Plan: 2033 Legal Compliance and Soundness Questionnaire.  
Appendix 2: Site GOD 022 HELAA Assessment (2018)
Our Local Plan: 2033 Consultation  Legal Compliance and Soundness Questionnaire

Our Local Plan: 2033 (Regulation 19)

This consultation relates to the proposed submission version of Our Local Plan and is being conducted in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012). This consultation asks for your comments on the legal compliance and soundness of the Plan and whether you wish to request involvement in the Examination in Public hearing sessions, which will be determined at the discretion of the appointed Planning Inspector. To assist you in making your comments the Council has prepared a Guidance Note on how to respond to this consultation, and sets out the next steps and should be utilised to guide your response as far as is practicably possible.

You do not need to answer every question, only those that relate to the point you wish to make.

How we will use your information

In submitting comments to this consultation we are required, under the Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this.

Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the Local Plan and other relevant supporting documents. Your comments and name will be published but other personal information will remain confidential.

Your comments will be reviewed by the independent Planning Inspector appointed by the Secretary of State to carry out the examination in public. You may be invited to discuss your comments at the examination in public at the discretion of the Inspector.

In line with General Data Protection Regulations (2018), your details are stored on a secure system and are used only for the purposes of consultation for the Local Plan and associated documents.

Your details will be stored until such a time that the Local Plan has been adopted. If you do not wish to receive further updates from the Council in relation to the Local Plan, please email localplan@tandridge.gov.uk or log on to your Objective account.

Please tick below to indicate you have read this notice.
I have read the notice about how my information will be used........................


Legal Compliance and Soundness – Questionnaire

Legal Compliance

Please see the Guidance Note for an explanation of Legal Compliance.

Do you consider the Local Plan is legally compliant/non-compliant?
(Please select one answer)

Legally Compliant........................................................................................................
Non Compliant........................................................................................................

Please give details of why you consider the Local Plan is/is not legally compliant, including references to relevant legislation, policies and/or regulations.

N/A
Modifications – Legal Compliance

Are you proposing a modification(s) to make the Local Plan legally compliant and/or to strengthen its compliance?
(Please select one answer)

Yes…………………………………………..☐ No…………………………………………..✓

Proposed Modifications – Legal Compliance

You will need to say why this modification(s) will make the Local Plan legally compliant/strengthen its legal compliance. It will be helpful if you are able to put forward your suggested revised wording for any policy or text and include all information and evidence necessary to support / justify your suggested change. Please be as precise as possible.

After this stage, further submissions for modifications will be ONLY at the request of the Inspector, based on the matters and issues he / she identifies for examination.

Please set out your suggested modification(s) below

Independent Examination - Legal Compliance

N/A
If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?

(please select one answer)

Yes..............................................□ No.........................................................□

Reasons for Attending the Examination in Public - Legal Compliance

Please note attendance at the examination in public is at the discretion of the appointed Inspector.

If you wish to participate in the examination in public, please outline why you consider this to be necessary:

N/A
Tests for Soundness

Please see the Guidance Note for an explanation of Soundness.
(Please select one answer for each question)

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<th>Question</th>
<th>Yes</th>
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<td>Is the Local Plan positively prepared?</td>
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<td>Is the Local Plan consistent with national policy?</td>
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Thinking about the tests of soundness, do you consider the Local Plan to be sound?
(Please select one answer)

Sound.......................................................... □ Unsound................................................. □
Please state why you consider the Local Plan to be sound/unsound, including references to relevant legislation, policies and / or regulations.

See written representations (attached).

Modifications - Soundness

Are you proposing modification(s) to make the Local Plan sound, or to strengthen its soundness?
(Please select one answer)

Yes............................................................................................................................☒ No...........................................................................................................................☐

Proposed Modifications – Soundness

You will need to say why this modification(s) will make the Local Plan sound/strengthen its soundness. It will be helpful if you are able to put forward your suggested revised wording for any policy or text and include all information and evidence necessary to support / justify your suggested change. Please be as precise as possible.
After this stage, further submissions relating to soundness will be ONLY at the request of the Inspector, based on the matters and issues he / she identifies for examination.

Please set out your suggested modification(s) below

See written representations (attached).
Independent Examination – Soundness

If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?
(Please select one answer)

Yes………………..……………….[ ]
No…………………………………….[ ]

Reasons for Attending the Examination in Public – Soundness

Please note attendance at the examination in public is at the discretion of the appointed Inspector.
If you wish to participate in the examination in public, please outline why you consider this to be necessary:

See written representations (attached).
**Duty to Cooperate**

Please see the Guidance Note for an explanation of the Duty to Cooperate.

Do you consider the Local Plan to have met/not met the requirement of the Duty to Cooperate in accordance with section 110 of the Localism Act 2011 and section 33A of the Planning and Compulsory Purchase Act 2004? Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination.

*(Please select one answer)*

Met.......................................................... ☐ Not met..........................................................

Please give details of why you consider the Local Plan has met/not met the requirements of the Duty to Cooperate?
Independent Examination – Duty to Cooperate

Do you consider it necessary to participate in the examination in public?  
(Please select one answer)

Yes..........................................................☐ No..............................................................☐

Reasons for attending the examination in public – Duty to Cooperate

Please note attendance at examination in public is at the discretion of the appointed Inspector.

If you wish to participate in the examination in public, please outline why you consider this to be necessary:
Uploading/Providing Supporting Information

Please note that you can attach files, such as a scanned map, image or other document, along with your comments. Your documents will be made public as part of the response process. Please note that we have a maximum file size of 10Mb, files larger than this may be rejected by our server.
Local Plan: Monitoring

Awareness
Were you aware that the Council is drafting a Local Plan?
(Please select one answer)

Yes.........................................................[x] No.............................................................

Previously responded
Have you previously responded to any of the consultations on the Local Plan?
(Please select one answer)

Yes.........................................................[x] No.............................................................

Please give reasons for not responding to any of the Local Plan consultations in the past?
(Please select all that apply)

I didn’t know about the Local Plan.................................................................
I don’t feel I can make a difference..............................................................
I don’t think it’s relevant to me................................................................
Other people are making comments on my behalf............................
Other........................................................................................................

The Local Plan
With regards to the Local Plan, have you:
(Please select all that apply)

Understood the documents.................................................................[x]
Understood what happens next.........................................................[x]
Found all the information you needed.................................................[x]
Raised the points you wanted to make..............................................[x]

Consultation Awareness
How did you find out about the consultation?
(Please select all that apply)

In the media..........................................................................................
On the internet....................................................................................[x]
Library.................................................................................................
Word of mouth....................................................................................
Parish Council.....................................................................................

Thank you for taking part.
**Site Size (Hectares)**  1.94  
**Approximate Developable Area (Hectares)**  1.94  
**Site Description**  
The site is open land, occasionally used for grazing. It is bordered by thick trees from Ivy Mill Lane and the housing to the north, with more sparse trees forming the western boundary. The village of Godstone sits to the north and east of the site, with open land to the west and south. The site directly fronts Ivy Mill Lane.  
**Suitability**  
The site's topography would not prevent development and it is thought that the existing access would be used should development come forward. The site directly fronts Ivy Mill Lane so it is thought that access could be obtained from there. There is an area of Flood Zone 2 to the north east of the site. The site is entirely within a historic landfill site and all of these factors would need to be considered through the development management process. Overall, the site is considered able to accommodate development but as the site is in the Green Belt, the designation would need to change in order for it to be developed.  
**Availability**  
The site has been submitted by an agent on behalf of the landowner and is considered available.  
**Achievability**  
No constraints that could render the site financially unviable are identified at this time. There is a high risk of contamination at this site, so a risk assessment and site investigation would be required.  
**Status**  
Developable - For the purposes of the HELAA, the site is considered to be developable and capable of coming forward after 5 years, should the site be allocated in the Local Plan.  
**Estimated Site Yield**  58  
**Strategy compliance**  Site is in accordance with the Preferred Strategy.