Duty to Cooperate

1.1 Is there clear evidence that, in the preparation of the Plan, the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]? Is there clear evidence that the Council has done all it reasonably could to maximise the effectiveness of plan preparation by cooperating with all other relevant bodies, particularly in respect of addressing unmet housing need?

No. The Council has not provided evidence to demonstrate that it has complied with the duty as summarised in the question, which draws from the NPPG. The Local Plan does NOT meet with the requirements of the DtC in accordance with section 110 of the Localism Act 2011 and Section 33A of the Planning and Compulsory Purchase Act 2004.

The Council has failed in its DtC through a lack of co-ordination and collaboration with neighbouring authorities. The evidence relied on by the Council eg the earlier Memorandums of Understanding (MOUs) and the Statements of Common Ground (SoCGs) with the relevant authorities are simply statements of fact as opposed to analysis of opportunities, outcomes and discussion of potential solutions. The last DtC Statement (SDTC9) states that the Council had been continuing to prepare and collate evidence and a Regulation 19 Local Plan. Asserting broadly that there had been ongoing "liaison" and meetings. However, the evidence of those meetings comprises largely a series of telephone attendance notes and suggests that the Council and neighbouring authorities essentially updated each other on their respective plan preparation. Like its predecessor DtC update Statements, there is no evidence of genuine collaborative working or consideration of the strategic issues across local authority areas.
When reviewing the DtC Statements (SDTC9 – 15) and the SoCG (SDTC1 – 8) it becomes very clear that there is little evidence of any outcomes arising from discussions between Council and neighbouring authorities. The documents simply set out that discussions occurred on the basis of preformed views as to strategy and no exploration of opportunities for alternative approaches. Typically, the SoCGs (SDTC1 – 8) allege that the authorities have ‘actively and positively agreed to work together to meet the requirements of the DtC’ but actively and positively agreeing something is not the same as actively and positively doing something. As a result, the only value of the agreed SoCGs is that that show that discussions have been held which seemingly are no more than a statement of each respective authority’s position with no active collaboration or exploration of potential solutions to the planning issues the authorities face.

Further, the overwhelming impression from the DtC documentation is that there was some early engagement in 2015 (SDTC13 page 29 onwards) between the authorities (meetings on September and October 2015) but it was nearly two years later (SDTC11) when further discussions were held with adjacent authorities (meetings in May, June and August 2017) after the Council’s preferred strategy had been approved on 16 March 2017 (SPS2). This appears to have influenced the lack of any genuine collaboration as is confirmed by the DtC reports.

It is also interesting to note the absence of a SoCG with Reigate and Banstead Borough Council. Its absence should be explained at the Examination bearing in mind the employment role the adjacent borough has for Tandridge residents.

The DtC Statements seem to be predicated on there being a problem in meeting OANs for housing, but the authorities could not see a way of devising a strategy to deal with that collaboratively or constructively. There is no evidence of any proper understanding being reached on the key issue of housing need. The outcome of discussions was that other authorities were unable to meet any of what the Council considered to be its unmet housing need.

However, Godstone PC agrees with representations which have been made by the Oxted and Limpsfield Resident’s Group that there is a fundamental flaw in the approach taken to the consideration of housing need, as appears in the OAN paper (HNSS5) particularly in light of the dominance of inward migration in all of the scenarios shown. Any historic unmet “need” which the Council has identified comes from inward migration and
essentially involves Tandridge meeting the needs not of Tandridge but of surrounding areas. The Council should not therefore be asking for the help of other authorities to address a ‘Tandridge need’, when any ‘need’ derives from other authority areas.

No one has been able to assist but that is hardly surprising given that that meetings with neighbouring authorities centred around discussion as to where each authority was with regard their Local Plan and their position on unmet need.

There is no evidence to show exactly what discussions took place regarding the extent to which there were strategic influences on issues including in commuting, travel to work patterns, or the reliance by Tandridge on neighbouring areas for employment, services and infrastructure. These factors cross administrative boundaries and ought to have influenced the assessment of whether and to what extent there was any need in Tandridge, or where and how it should be met. There is no evidence of co-operative discussion on how these issues, which would be likely to cause impacts in other districts, should be addressed.

Further, the PC has particular concerns about the approach taken to the Garden Community. There is nothing that can be drawn from any Examination document that the potential impacts arising from a Garden Community of 4,000 homes at South Godstone was a matter for adequate discussion under the DtC. And yet an expanded settlement adding some 10,000 new residents clearly raised cross-boundary implications given that 73% of all existing employed residents travelled out of the district for work (ECRT9).

Neither the vision nor policy SGC01 (or employment policies in general) gives any direction about how the SGGC would address that imbalance or create a sustainable settlement and there is nothing in the DtC documentation which shows how strategic cross-border issues of housing and transport, access to employment opportunities and associated infrastructure issues were given any meaningful consideration in the context of the DtC. These include the traffic impacts on the A22 corridor (and rural roads), given the need for residents to travel to use services and employment centres in neighbouring districts, along with the potential effects on other elements of infrastructure such as hospital services. There is no evidence of how any issues relating to the necessary provision and funding for infrastructure to serve the SGGC could have cross-border implications which need to be addressed on a collaborative basis.

The Council has not therefore done all it reasonably could to maximise the effectiveness of plan preparation by cooperating with all other relevant bodies, particularly in respect of
addressing unmet housing need. This is crucial in the context of the proposal for SGGC in that the decision to pursue that has not been subject to a rigorous examination of all reasonable alternatives and the concern for the local community is that a GC of 4,000 homes is likely to turn out to be a stalking horse for a GC of 8,000 homes (the number of dwellings the landowner/developers originally proposed. Neither 4,000 or 8,000 homes can be justified by the paucity of the available information.

The key in the Examination of this Local Plan is whether the legal requirement of the duty to co-operate set out at Section 110 of the Localism Act 2011 has been met. It is submitted that the National Planning Practice Guidance (NPPG) statement that in the Examination of a Local Plan, the examining Inspector will “assess the outcomes of co-operation and not just whether local planning authorities have approached others” (Paragraph: 010 Reference ID: 9-010-20140306) is the key issue. Godstone PC are of the view that the Council’s approach to the DtC has been a series of ‘approaches’ but no substance of robust collaboration and assessment. The answer to the Inspector’s questions is therefore in the negative.

**Sustainability Appraisal**

1.2 Is the Sustainability Appraisal (SA) adequate?

No. The PC maintains that the SA for the Reg 19 consultation (SSHA2) was inadequate and failed to justify the proposed SGGC. The subsequent SA (MD4 – 7) has not changed that view.

The PG maintains that there is no robust evidence that alternative options were properly considered. For example, there is no evidence to show that an alternative approach of meeting any identified housing needs having regard to the existence of large and expanding employment centres close to the northern and western borders of the District, or through urban extensions was considered. The policy proposal - Strategic Policy SGC01 - takes the form of an aspiration and lacks certainty as to what it seeks; that being left to a subsequent Area Action Plan. As a result, the SA cannot and does not provide the necessary focus on the likely significant effects of this strategic policy.

Godstone PC agrees with the OLRG that the SA fails to recognise the adverse impacts of the overwhelming amount of projected inward migration on existing communities, services and infrastructure – both within and outside of the District.
The SA has all the appearance of being a cursory justification for a decision having already been made – see representations at 1.1 above and in Matter 6 at 6.1 - rather than a meaningful assessment of all the opportunities in a sound planning balancing exercise leading to an informed choice. The need for the SGGC has never been explained and its relationship with the pull of employment markets at Gatwick/ Crawley and Croydon/ London ignored.

**Sustainability Appraisal**

1.3 Has the SA been undertaken on the basis of a consistent methodology and is the assessment robust?

**No.** The PC does not consider that the SA has taken a robust approach. The PC agrees with the OLRG that the significant social, environmental and economic effects of the policies is not robust and does not reflect the evidence base.

For example, in respect of Objective 4 “to reduce the need to travel encourage sustainable transport options and improve accessibility to all services and facilities”, there is no evidence that travel to work patterns and the extent of private car use for access to employment, services and infrastructure has been considered, as explained above. The failure to do so in the SA reflects an inconsistent approach to travel by car in devising the settlement strategy, which purports to ignore travel to work patterns (see SBC8, para. 7.128) whilst also giving positive weight to access to the strategic road network as a sustainability factor (Table 2, page 25).

In respect of Objectives 6 and 7 (economic growth and providing employment opportunities to meet the needs of the local economy), the positive assessment does not take into account that the Council is relying on jobs in neighbouring districts to derive its OAN, in particular Croydon with a significant amount of new office and retail space; the business parks at Horley, Manor Royal Crawley, Horsham and Burgess Hill which form central planks of the Gatwick Diamond initiative; Gatwick; the Redhill Area Action Plan; the creation of the “London cancer hub” in Sutton in a campus-style life science treatment and research centre.

Further, the SA has no real comparison or robust assessment of all the reasonable development alternatives. As a result, there is an inadequate explanation of the decisions taken. The PC appreciates that there is a degree of overlap with the next MIQ, but sets out some initial points here.
A SA is required to predict and evaluate the effects of the preferred approach in a Local Plan and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative. This should be accompanied by the identification, description and evaluation of the likely significant effects on environmental, economic and it should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. NPPG at paragraph: 018 reference ID: 11-018-20140306 requires:

**The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan.**

*Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable. The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented.*

The fundamental failing of the SA is that it does not approach the Local Plan proposals in a coherent and rational manner.

The 2019 SA (MD4 – 7) is derived from earlier work starting with a SA Scoping Report in 2015 (SSHA15) at that time a new/ expanded settlement or garden community was not part of the scoping exercise. The 2015 SA Scoping Report supported a Regulation 18 consultation on Local Plan Issues and Approaches Consultation 2015 (SPS4) that included a potential delivery strategy Approach 6 of ‘a large urban extension or new settlement’. The consultation dealt with this as a broad issue and approach and had no details of possible locations. There is no clear sense from this (or any later) SA of why the potential for an urban extension to an existing settlement should be rejected in favour of the principle of a new garden village or community. The evidence base contains no clear and detailed justification for the rejection of alternative approaches.

The SA (SSHA15) and associated Reg 18 consultation were followed by a further Regulation 18 consultation on Local Plan: Sites Consultation (2016) and a related SA (SSHA12). The former indicated that only two areas were under consideration - Blindley Heath and South Godstone (both for at least 2,000 new homes) whilst the latter
considered seven concept areas - Blindley Heath, Burstow (Horne), Copthorne, Hobbs Industrial Estate, Lambs Business Park, Lingfield and South Godstone. The process by which these alternatives were developed is not entirely clear, given that the Council appears to have identified South Godstone on its own for consideration under the earlier Approach 6, before considering that other options should be taken into account. This is suggested by an appended email sent to infrastructure providers in relation to an Infrastructure Needs and Capacity Assessment, which only refers to other options being considered after the selection of South Godstone as a location for a new settlement. This gives the impression that the location of South Godstone had been preferred from an early stage in a manner which may have affected later analysis.

The next stage of sustainability appraisal was the Regulation 18 Local Plan: Garden Villages Consultation (2017) supported by Regulation 18 Potential Garden Village Locations SA 2017 (SSHA12). The former considered four locations - Blindley Heath, Edenbridge, Redhill Aerodrome and South Godstone and a range of 3,000 - 8,000 new homes. It should be noted that Redhill Aerodrome had not previously been considered/consulted on. The 2017 SA on the other hand considered ten possible locations.

The 2017 SA adopted a methodology of scoring each site against 16 SA objectives before and post development. The presentation of the analysis was somewhat crude and partial with the notable omission of any weighting of results. The absence of such weighting meant that a full and fair comparison of the constraints and opportunities across all sites cannot be made. What was missing was the weight should be given to, inter alia scores of ++ (strong positive effect) compared to +/- (uncertain effects) or -- (strong adverse effects). This goes to the heart of whether the decision to propose SGGC is sound or not.

The crude assessment of alternatives resulted in the 2016 SA not meeting the requirement for an SA to assess the extent to which the possible alternative sites would help to achieve relevant environmental, economic and social objectives. As a result, the approach taken was unsound in not considering how each site compared to each other.

Despite all the earlier SAs, the Regulation 19 SA (SSHA2 - 5) and the submitted SA (MD4 – 7) none give a clear indication of the reasons why other alternatives were rejected and what the rationale really is for choosing South Godstone as the location for a Garden Community. The decision not to pursue some options, involving the location of housing closer housing development closer to more established employment and service centres or through urban extensions has not been adequately addressed.
There is no coherent assessment, comparison or justification even of those options which were taken forward for assessment in the July 2018 SA (the basis for Regulation 19 consultation), as explained below.

What the Sustainability Appraisal in Volume 2 purports to do is provide assessments of options. Whilst it assesses alternative Garden Community locations in section 5.13 and the South Godstone Garden Community policy in section 5.21. What is lacking is:

a) a balancing exercise weighing the merits and demerits of each site against the others.

b) an assessment and comparison of all sites against the five Green Belt purposes.

c) a meaningful explanation of why all the possible alternatives to South Godstone have been rejected and a robust case for doing so.

**Sustainability Appraisal**

1.4 Has the SA taken into account the reasonable alternatives and has sufficient reasoning been given for the rejection of alternatives?

**No.** The conclusions reached about the three potential GC locations amounts to a single page summary on page 242 of the SA Volume 2 (SSHA3). SSHA3 was used as the base SA for the Regulation 19 Local Plan and the subsequent SA Volume 2 (MD5) produced in January 2019 added little to that summary. Neither provided an adequate explanation of the rationale for rejecting the different alternatives, including options which would allow for new housing closer to established employment areas. Neither has there been any reasoned justification for the rejection of urban extensions at **Caterham or a GC at Aldersted and Tolsworth Farm at Chaldon** (a separate issue from the urban extension at Chaldon) where upgrades to existing infrastructure would be a benefit to existing as well as future residents. **The same could also be said of the cumulative extensions to Warlingham in the HELAA.**

As well as the reasonable alternatives to existing Tandridge Communities another alternative would have been cooperating with Reigate & Banstead over Redhill Aerodrome. Those represent spatial options of location development closer to established employment centres even if they lie outside the district and where existing and proposed development would have a critical mass to be sustainable development and better provide for infrastructure.
### Habitats Regulations Assessment

1.5 Has the Habitats Regulations Assessment been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 and the People over Wind & Sweetman v Coillte Teoranta judgement C-323/17?

**No comment**

### Local Development Scheme

1.6 Is the Plan compliant with the Council’s Local Development Scheme in terms of its form, scope and timing?

**No comment**

### Community Involvement

1.7 Has the Council complied with the requirements of section 19(3) of the 2004 Act and Regulations 18 and 19 of the Town and Country Planning (Local Planning (England) Regulations 2012 with regard to conducting consultation in accordance with their statement of community involvement?

**No comment**

### Climate Change

1.8 Are the policies of the Plan designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act?

**No.** As set out above, there has been a failure to properly consider sustainability issues, in particular travel to work patterns and the dominant use of the private car, which also means that the policies of the plan have not been designed to secure a distribution of development that contributes to the mitigation of climate change.