Tandridge District Local Plan Examination

Matter 1 – Procedural/legal requirements

Examination Statement by Nexus Planning on behalf of Taylor Wimpey
Matter 1 Examination Statement continued

1. This statement has been prepared by Nexus Planning on behalf of Taylor Wimpey (“TW”).

2. TW controls some 122ha of land to the west of the A22 adjacent to Blindley Heath, which is available for a housing led development. TW has also actively promoted a Garden Community at Blindley Heath for 4,000 dwellings, the majority of which is available for development now.

3. TW is a member of the Tandridge Developer Forum (“TDF”) and therefore also relies upon separate representations made by the TDF.

Issue 1: Whether all Statutory and Regulatory requirements have been met?

Sustainability Appraisal

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

1. No the assessment is not robust.

South Godstone Garden Community

2. Appendix 1 of the Council’s Housing Topic Paper (HNS6) comprises the Garden Community Matrix. Paragraph 363 of HNS6 states that this matrix represents a “comprehensive list of the factors and criteria that led to South Godstone’s designation as the most appropriate location for the Garden Community”. Please refer to our Matter 6 Statements regarding the robustness of this document. Within the Garden Community Matrix, it is clear that the Sustainability Appraisal (“SA”) (MD4-6) scores all three garden community options as neutral. As such, it is demonstrable that the Council is suggesting that the SA, as drafted, does not indicate a particular option as being more preferable than another.

3. Notwithstanding the above, our Regulation 19 representations to Policy SGC01 outline a number of areas where we consider that the SA scoring for South Godstone Garden Community is not robust. We address two key areas below but continue to rely upon our Regulation 19 representations in respect of the other areas of concern.

4. Paragraph 165 of the Framework advises that a Sustainability Appraisal (“SA”) should be “an integral part of plan preparation process”. The National Planning Practice Guidance (“NPPG”) explains that the role of a SA is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives (ID:11-001). The SA needs to compare all reasonable alternatives including the preferred approach. It should predict and evaluate the effects of the preferred approach and reasonable alternatives, and clearly identify the positive and negative effects of each alternative. All reasonable alternatives should be assessed at the same level of detail as the preferred approach. The SA should outline the reasons why the alternatives were selected, the reasons why the rejected alternatives were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives (NPPG ref. ID:11-018).
SA Objective 3 – cultural heritage

5. Against SA Objective 3 ‘cultural heritage’ a single negative score is given despite the broad location including a Scheduled Monument (an asset of the highest significance), as well as Grade II and II* Listed buildings and Park Pale – an historic deer park, all of which are located in areas likely to be fundamental to the delivery of the Garden Community (having regard to developer promotions).

6. The SA scoring methodology is set out in Section 4.4 of MD4 outlining a number of factors that will be considered when determining a likely impact including duration of effects, geographic scale and impact magnitude, which we address in turn:

- **Duration of effects** - at this stage, the Council cannot rule out permanent effects on the heritage assets in the absence of any report to consider potential impacts. As such, it must be concluded that ‘Long-Term Effects’ would arise.

- **Geographical scale** - Scheduled Monuments and grade II* listed buildings are assets of the highest significance (NPPF para 132) and Historic England outlines that Scheduled Monuments are of national importance, whilst Grade II* buildings are particularly important and make up less than 6% of total listings. Accordingly, these receptors are of the highest sensitivity in the SA i.e. international/national.

- **Impact magnitude** – There is no heritage assessment carried out by the Council which considers the potential heritage impacts, however TW’s own Heritage Assessment outlines that ‘considerable harm’ could arise (see Appendix 2 of our Regulation 19 representations to Policy TLP01), potentially falling in to the category of substantial harm, which paragraph 133 of the NPPF outlines should be ‘wholly exceptional’. We note that comments from Historic England have been received but these can only be described as high level and include no consideration whatsoever of potential heritage impacts that may arise.

7. Given the above, the single negative scoring against Objective 3 is not justified and it should receive a double negative. Furthermore, having regard to the requirements of national policy and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, we consider that such a scoring could have a fundamental impact upon the Council’s favourable conclusions regarding South Godstone.

8. This scenario is very similar to proposals for an area of search for a new settlement which was proposed in the emerging Hart Local Plan and subsequently found unsound by the Local Plan Inspector, who ultimately recommended that it should be deleted. For example, the Inspector was concerned with the SA process the Council had undertaken in terms of heritage impacts and outlined the following:

> “22. The first relates to the historic environment where the post submission SA identifies that within the AoS there are a range of notable heritage constraints including listed buildings and a Conservation Area. Despite this, Option 1b, which is the preferred option in the Plan and includes the proposed new settlement, is ranked the highest/best. The post submission SA
states that ‘...this conclusion does nonetheless reflect a considerable degree of uncertainty, recognising that the AoS is associated with considerable heritage value’. Further, it goes on to say ‘With regards to effect significance, it is difficult to draw conclusions. Under all options there will be good potential for mitigation through appropriate design, layout and landscaping. At this stage it is appropriate to ‘flag’ the potential for all options other than Option 1 to result in significant negative effects; however, there would be good potential to avoid/mitigate impacts’.

23. Given the above and that there is no heritage assessment of any significance before the examination, it is therefore unclear why the potential for a significant effect from Option 1b has been ruled out. The only justification put forward appears to be a lack of objection from Historic England to Policy SS3. However, their Regulation 19 representation simply notes that there are heritage assets in the AoS and welcomes the high level criteria in Policy SS3 for this to be considered in the subsequent DPD and asks to be involved. It does not state that there would be no unacceptable effect on the significance of heritage assets that lie within or close to the boundary of the AoS.”

9. The Council will no doubt suggest that sufficient flexibility exists within the ‘broad location’ to mitigate any impacts however we consider that the boundaries are tightly drawn and clearly reflect the boundary provided by promoters. Furthermore, the Council’s evidence base suggests that not all areas are appropriate for development within this already limited area. Again, drawing upon the Inspector’s comments on the Hart Local Plan, he commented the following in this regard:

“30. I acknowledge that the AoS by its very nature leads to some uncertainties, but in this case, the boundary of the AoS is, in my view, relatively confined and the indicative concept plan provided by the site promoters, once the requirements for SANG are taken into account, shows much of the AoS boundary being utilised as part of the proposed new settlement. It is therefore not, in my view, significantly different to that of a site allocation boundary.”

10. Clear similarities can be drawn with the South Godstone Garden Community and when reviewing the promoter’s concept for land south of South Godstone, it is demonstrable that substantial housing is proposed in close proximity to the scheduled monument (indeed the Council’s SA appears to consider that land south of South Godstone to be more favourable than development to the north of the settlement).

SA Objective 15 – landscape character

11. Turning to landscape considerations (SA Objective 15), the Local Plan Garden Villages Consultation (OTH5) identified that Blindley Heath was the only Garden Village option to benefit from ‘High Potential’ to accommodate growth having regard to the Council’s Landscape and Visual Assessment (LAN7), with all other Garden Village options having ‘Medium Potential’.

12. In respect of South Godstone, the SA (MD5) outlines that:
...views of the broad location from the AONB candidate area will need to be considered. For this reason, the area south of the railway line are likely to be preferable compared to the area to the north."

And

“The land to the north is open and exposed, and forms the setting to the community, as such it is considered sensitive.” (page 233)

13. This appears to suggest that only half of the ‘broad location’ is appropriate for development. Indeed in respect of the area north of South Godstone the SA (MD5) also acknowledges that it forms part of a historic landscape, and is only some 500m from a candidate Area of Outstanding Natural Beauty (AONB).

14. Conversely for Blindley Heath, the SA (MD5) fails to identify any real sensitivities (reflecting LAN7), outlining that:

“The high ground to the north and north-west, together with the substantial blocks of woodland on the south facing slopes, provide a substantial and robust landscape feature.”

and

“Limited expansion to the east, beyond the A22 and as far east as Tandridge Lane could be accommodated without undue visual impact on the wider landscape” (MD5, page 239)

15. The Council’s Landscape and Visual Assessment (LAN7) also states that:

“A substantial extension to the settlement could be accommodated within well-defined landscape parameters where the existing landscape structure could be developed to define new robust boundaries to the area of a new settlement.” (Page 21)

16. Given the above, we agree that Blindley Heath should be scored as a single negative due to the unavoidable consequence of developing green fields, however South Godstone should score a double negative owing to the clear relative and evidenced differences. Currently, both options score the same.

Broad Location of Garden Community

17. Notwithstanding the above conclusions, TW fully support the SA’s (MD4-6) positive conclusions regarding the general benefits of delivering a new Garden Community in the southern central part of the District (further commentary provided in our Matter 6 Statement).

18. However, having regard to the specific issues raised, TW consider that the most appropriate strategy would be to include a larger ‘broad location’ which also included Blindley Heath, thus presenting an opportunity for the Council to consider a range of options for allocating growth as
part of the Garden Community, including greater scope to minimise impacts across a range of considerations. We discuss this approach further as part of Matter 6.

### Tier 3 Settlements

19. The SA (MD5) identifies at section 5.10 that Tier 3 and limited/un-serviced settlements cannot be considered either sustainable or suitable for growth. This is principally informed by Table 23 of the SA, which sets out suitability for growth at a settlement level and assess this against SA objectives 1, 2, 4, 6, 7 and 15. However, this has a number of shortcomings as outlined in our Regulation 19 representations to Policy TLP01. These can be summarised as follows:

- **SA Objective 1** – this objective relates to the need to “provide sufficient housing to enable people to live in a home suitable to their needs and which they can afford”. However, Section 5.10 on page 176 of the SA (MD5) confirms that for the purposes of Table 23, scoring is simply based upon settlement size as a proxy for capacity to provide additional housing. This approach fundamentally fails to acknowledge that just because a settlement is smaller in scale, that doesn’t mean it can’t contribute towards meeting housing need or represent an appropriate location for growth, particularly having regard to the Council’s demonstrable failure to accommodate objectively assessed housing needs (OAN). As such, the Council’s approach to assessing the ability of lower tier settlements to meet SA objective 1 is fundamentally flawed and negatively skews the results.

- **SA Objectives 2 and 4** – these objectives consider access to health and encouraging sustainable travel. In general terms, Tier 3 and limited/un-serviced settlements score more poorly in this regard and this appears to be a significant driver in the Council concluding that such settlements are not appropriate for any growth. However, this approach fails to consider that the NPPF supports limited growth in less sustainable locations (para 29 and 34) which is an important consideration in a rural districts such as Tandridge. Our Regulation 19 representations to Policy TLP01 outlines in detail the negative consequences of failing to allocate growth to the less sustainable settlements and overall concludes that housing growth should be allocated to Tier 3 settlements and the rural areas in general to:
  - meet the housing needs of the Districts growing rural community population;
  - rebalance the rural areas aging population demographic by retaining within and attracting in, young newly forming households;
  - deliver a full range of housing types and sizes, but with an emphasis on small to medium-sized family homes, and homes (including specialist accommodation) suitable for elderly residents; and
  - meaningfully respond to worsening rural housing affordability issues.

20. The Framework is clear that policies contained within it should be taken as a whole, that its thrust is to “boost significantly the supply of housing” (paragraph 47) and to make “every effort” (paragraph 17) to meet identified needs of an area, which requires local planning authorities to “respond positively” (paragraph 17) to opportunities for growth. The Council has failed to make “every effort” to “boost significantly” the housing supply and has not responded positively to the
opportunities presented. Instead, it has identified a quantum of growth that it considers ‘suitable’ and then retrospectively justified this decision through the identification of constraints to the suitability of sites.

21. It is noted that Section 5.11 of the SA (MDS) includes an assessment of sites on the edge of Tier 3 settlements as a “cross-check”. However, the SA has already clearly identified that growth in such locations is not sustainable (unjustifiably so in our view) therefore it if difficult to see how this could have been approached in an objective manner (indeed sustainability has been the driving factor against growth in most instances).

22. Given the above, the Council must re-appraise the suitability of Tier 3 settlements and other rural settlements for housing growth, having regard to the requirements of the NPPF (namely paragraphs 29 and 34). The Council must also re-consider the robustness of the site specific conclusions within the SA, which ultimately we consider will demonstrate that additional housing can sustainably be accommodated within the District.

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

1. No, sufficient reasoning has not been given for the rejection of alternatives, as set out in our response to question 1.3