TANDRIDGE LOCAL PLAN
EXAMINATION OF "OUR LOCAL PLAN: 2033"

INSPECTOR’S INITIAL MATTERS
ISSUES AND QUESTIONS

HEARING STATEMENTS
ON BEHALF OF RYDON HOMES LTD

MATTERS 1, 2, 3, 4 and 6

September 2019
INTRODUCTION

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2. Regulation 19 Representation on behalf of Rydon Homes Ltd – by Enplan

3. Appeal Decision 156-180 Whyteleafe Road, Caterham 20 April 2017
INTRODUCTION

1. These Hearing Statements are submitted on behalf of Rydon Homes Ltd and relate to the individual Matters, Issues and Questions upon which Rydon have requested to participate in the Examination. Sigma Planning Services have been instructed to make these representations to the Inspector and Mr. C M Hough BSc, FRICS will attend for that purpose.

2. Rydon Homes are a local housebuilder with offices at Forest Row, East Sussex, and have been building housing, at the quality end of the market, in Tandridge District and adjoining areas for over 35 years. They are therefore a stakeholder in the Plan and have an interest in its content. They have participated in the earlier stages of the Local Plan process and have specific site interests in Smallfield and Caterham. However, they are aware that the Inspector is not addressing omission sites and these representations are therefore addressed to the general issue of the soundness of the Plan, although their experience in promoting individual sites through the process is used to demonstrate situations where the soundness of the Plan is questioned.

3. Rydon are Members of the Developers Forum who are making representations to the Examination. This Statement does not repeat the case made by the Forum but seeks to complement it by reference to Rydon’s experience of the Plan process as it has related to their specific land interests.

4. Representations were made at the Reg19 Consultation Stage in September 2018 by Enplan on behalf of Rydon Homes and these continue to be relied upon. For convenience of reference a copy of those representations is attached to this Statement.
MATTER 1 PROCEDURAL/LEGAL REQUIREMENTS

ISSUE: Whether all Statutory and Regulatory requirements have been met.

Question 1.2 Is the Sustainability Appraisal (SA) adequate?

No. Section 39 of the Planning and Compulsory Purchase Act 2004 requires that the Authority preparing a Plan must do so ‘with the objective of contributing to the achievement of sustainable development’. From the explanation of the approach in the SA and the political context during its preparation, including statements from the Leader of the Council, it has been clear that the objective of those preparing the Plan was to find reasons to achieve as little development as possible. Any acceptance of development requirements has been begrudging and unduly negative. As a result the Plan has not been positively prepared with the aim of achieving sustainable development and has given disproportionate and unwarranted weight to perceived environmental constraints and historic Green Belt designation. As a result, the opportunities to achieve sustainable development have been overlooked or dismissed without sufficient justification. This perception that the District is widely constrained and unable to accommodate further strategic development has permeated the approach, extent and content of the SA so that it has become flawed, limited, unbalanced and not fit for the purpose required by Government regulation. It does not seek the achievement of sustainable development and therefore limits the opportunities of providing it. (c.f. Bulletins from Leader).

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

The methodology is relatively conventional, but the subjectivity of assessment and lack of reference to a clear evidence base mean that it is not robust. In particular the methodology is primarily addressed by subjective assertion which is not cross-referenced to consultation responses or expert opinion and, in many cases relies upon simple assumptions, such as – “more development leads to more harmful impacts or” the loss of greenfield land and particularly Green Belt land should be avoided”. Such assumptions are not always true. Some development can have beneficial impact by rebuilding communities, improving local services, alleviating existing flooding problems or providing net bio-diversity enhancement. The overshadowing assumption that development is unacceptably harmful, without adequate testing of that assertion or evidence, is a characteristic of this SA, which makes it a lightweight and unconvincing document. Similarly a brownfield/greenfield/Green Belt sequential approach is a legitimate and proper planning consideration, but it does not rule out or fundamentally restrict opportunities for sustainable development on greenfield sites and land currently designated as Green Belt. The SA demonstrates an underlying resistance to fully accepting that the development needs of the District cannot be met on brownfield sites. There is partial acceptance of this fact, but there are then artificial and subjective limits placed upon the ability to find sustainable development sites on greenfield land or by reviewing Green Belt boundaries.
This is demonstrated by the fact that the Call for Sites exercise and HELAA identified developable and deliverable sites for 22,087 dwellings (22,985 including windfalls) (Table 5, p 30 Housing Topic Paper) and yet the Plan and SA suggest that development should only provide 6,056 homes within the Plan period to 2033. There is a fundamental disconnect between these figures and lack of justification for the reluctance of the District Council to accept that higher housing figures are justified and can be accommodated. The outcome and the detail of the SA are therefore unduly influenced by the perceived environmental constraints, which are real, but the level of protection necessary to preserve their integrity is exaggerated and not supported by evidence that has engaged with consultation, testing and amendment to a degree that gives confidence in the findings of the SA being credible or robust. This lack of confidence in the impartiality, balance and justification of the myriad individual judgements within the SA undermines its robustness and credibility.

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

No. It is clear that the Plan has been prepared upon what the Members of the District Council regard as a politically expedient and publically acceptable policy – namely avoiding a general review of Green Belt boundaries, limiting greenfield release as far as possible and relying upon a single, large Garden Village concept to deliver the substantial proportion of the development required. This strategy is also based upon the adoption of the lower end housing requirement figures rather than fully testing the potential of the higher end requirement figures that are identified by Government methodology and applying appropriate and realistic market indicators and seeking to meet affordable housing needs to the maximum extent possible. In the case of affordable housing needs these are dismissed as being unachievable. There is insufficient evidence of an open, impartial and thorough testing of alternative strategies, particularly in terms of a general Green Belt Review or the release of more HELAA sites in order to meet higher housing requirements. There is token acknowledgement of the different approaches to fixing a housing requirement, i.e.

- OAN - 470 dpa;
- DCLG Standard Methodology - 645 dpa;
- Maximum potential (as per Local Plan) - 306 dpa;
- Contribution of Core Strategy - 125 dpa.

The inclusion of the artificially suppressed former CS figure is wholly unrealistic and its inclusion in this range of alternatives can only be to give the selected figure of 306 dpa more credibility. The fact that this figure is described as being the “Maximum Potential” confirms that the Council have approached this range of alternatives with a closed mind. The approach to alternative strategies is therefore considered to be unnecessarily restricted by a pre-conceived strategy and individual judgements made in the SA are unduly influenced by a preference for that strategy with a self-fulfilling outcome.

Alternatives have been rejected without sufficient reasoning or engagement. This is the case at the overall strategy level, as described above, but it is also evident in terms of the treatment of individual settlements. For example, Rydon have sought to promote land at Smallfield on the basis that there was potential for engaging in a flood mitigation
strategy to the benefit of the whole village. This was sidelined to await the outcome of a study by W S Atkins commissioned by Surrey County Council which has still not been published some two years later. However, engagement alongside the preparation of that study could have been achieved. The site was not positively assessed by the Council’s Landscape Study which led to its rejection, but the reasoning for this was questionable and a landscape study commissioned by Rydon which exposed its flaws was submitted but not allowed to be taken further.

This is an example of an alternative pro-active strategy that could be beneficial to the community of Smallfield being rejected for questionable reasons and not taken up proactively. There are probably many other similar examples across the District. This lack of pro-active and positive engagement as part of the consultation strategy has limited the opportunities to consider alternatives at settlement and site levels which, in turn, is claimed by the Council to justify their selected strategy. This claim would only be justified if reasonable alternatives at District, settlement and site levels had been fully and openly considered, but this has not been the case.
MATTER 2  The provision of housing

Issue B  -  The housing requirement

**Question 2.7** Is the Plan justified in not meeting the full OAN for Tandridge and is it consistent with Paragraph 14 of the Framework?

No. The call for sites and HELAA assessment have demonstrated that there are more than enough developable and deliverable sites available for the full objectively assessed need to be met in accordance with the Framework. There is inadequate reasoning and justification in the evidence base to support the Council’s decision not to meet the housing requirement in full. The environmental constraints that they claim should prevent achievement of the full requirement are not overriding in all cases and there are sufficient, sustainable sites available, and, identified by the HELAA to allow the housing requirement to be met in full.

**Question 2.8** Have all realistic options for meeting the OAN within Tandridge in full been exhausted?

No. Rydon themselves have interests in two sites totalling 355 units that conform with the spatial strategy and lie adjacent to the Tier 1 settlement of Whyteleafe and the Tier 2 settlement of Smallfield respectively. Each site is developable and deliverable and performed well in the HELAA assessment. However, both lie in the Green Belt and have been excluded from the allocations in the Plan because the Green Belt methodology was too contrived and restrictive. Also the Districtwide landscape appraisal was carried out inflexibly, without the opportunity to question its findings in relation to individual sites.

If this is the Rydon experience, then there must be more than adequate sites, identified by the HELAA, which are realistic, sustainable options that accord with the spatial strategy and could deliver the full OAN within Tandridge.
MATTER 3  The Spatial Strategy

Issue: Is the spatial strategy and settlement hierarchy as set out in Policies TLP01, TLP06, TLP07, TLP08 and TLP09 justified as the most appropriate strategy and is it based upon robust evidence?

Question 3.1 Have all realistic options for the distribution of development within the District been identified and considered robustly in the formulation of the Plan?

The settlement hierarchy is supported and it is the correct and most sustainable approach to direct most development to the main existing settlements where there is existing physical and social infrastructure. The establishment of a new Garden Community is a more risky part of the strategy, both in terms of timing, rate of delivery and the possibility of a total failure of delivery. Policies TLP06 and 07 should allow for the development of more land, adjacent to the Tier 1 and Tier 2 settlements so that there is more potential to meet housing needs that take fuller advantage of existing infrastructure to the benefit of, not only future occupiers of new housing but also existing residents, who are already concerned about over-stretched or threatened facilities and services. The policies therefore do not allow sufficiently for growth by sustainable urban extension. This could be achieved by further housing allocations for the short/medium term and safeguarded land in the longer term in line with Green Belt policy guidance on Green Belt boundary reviews.

Question 3.3 Is the distribution of new houses between the Tiers of settlements and proposed Garden Community justified and how has it been established?

No. This question must be considered against the background of the need to significantly increase the housing requirement. If the existing housing provision of 6056 is maintained, then the proportion of new Tier 1 and Tier 2 sites (21.5%) is not justified or robust and will lead to a failure of delivery of the Plan’s housing policy. If the overall housing requirement is increased to 11,400 (570 dpa), as the Forum suggest is necessary in order to meet OAN in full, and the additional 5344 dwellings are directed to Tier1 and Tier2 settlements, then the balance between the Garden Community and Tier 1/Tier 2 sites becomes more acceptable and does not risk the success of the whole plan to the same degree. The proportions would be - Tier 1/Tier 2 58% - Garden Community 13.2%. At 1400 dwellings the new Garden Community is at the lowest and therefore riskiest end of the number of dwellings necessary to successfully underwrite a new settlement. A size of 4 – 7000 dwellings is more likely to succeed to secure a more substantial base for the provision of new infrastructure. The ultimate size of 4000 dwellings, to be achieved in the post Plan period, has more prospect of success. However, allocating more dwellings to the Garden Community in this Plan period is not likely to result in delivery – it would simply add to the ultimate size of the settlement in the post Plan period.

In summary, therefore, the current proportions of housing provision between Tier1/Tier2 settlements and the Garden Community are not robust and place delivery of the Plan at risk. If the overall requirement is increased and the increase is wholly
attributed to sustainable expansion of Tier 1 and Tier 2 settlements, then the balance of provision becomes less risky in terms of delivery. If any increase is added to the Garden Community, then this will be ineffective and will simply add to the size of the new settlement in the post-Plan period rather than increasing delivery during the Plan period.
MATTER 4  Green Belt boundary alterations

**Issue:** Is the Green Belt Assessment consistent with national planning policy for Green Belts, is it based upon appropriate criteria and is it adequate and robust?

**Question 4.1** Was the Green Belt Assessment undertaken on the basis of a clear methodology for protecting Green Belts?

No. The methodology was extensive and sequential and claims to have an understanding of and a consistency with Green Belt policy and legal interpretation and precedent. However, it is fundamentally flawed in its approach to “exceptional circumstances”. It applies the concept to individual sites rather than to the Plan area as whole. The logical and correct approach to the situation in Tandridge would be to acknowledge that the current Green Belt boundaries have existed for a very long time. During the period of the SE Plan housing need was suppressed because the Green Belt was regarded as a constraint to meeting housing provision and housing was distributed elsewhere in the region. With the removal of regional planning and the inability of its replacement, the duty to cooperate, to meet housing requirements in adjacent Districts, Tandridge must face and address the imperative to accommodate its full housing need within its own boundaries for the first time in many years. This situation justified a general review of Green Belt boundaries across the District on a comprehensive basis and, in accordance with Government guidance, fixing the boundaries for the longer term, well beyond the Plan period. This means not only drawing back the boundaries of the Green Belt to the extent that is necessary to meet existing housing needs but also to identify safeguarded land to meet housing needs beyond the Plan period. This is the conventional and appropriate approach, consistent with Government policy.

Framework Paragraphs 83/84 - admit the alteration of Green Belt boundaries where exceptional circumstances are fully evidenced and justified through the preparation and update of plans. The Council have done this and reached the conclusion that there is an inevitable need to release Green Belt land. This should not be done piecemeal but as part of a general review and in accordance with the spatial strategy of the Plan rather than a “bottom up” and highly subjective assessment of the contribution individual sites and settlements make to Green Belt purposes. The exceptional circumstances are demonstrated Districtwide and the review of the boundaries should be “top down” and sequential so as to minimise the amount of Green Belt land that requires to be released but then following the Plan spatial strategy to identify sites that are the most sustainably located for release. A piecemeal assessment of sites assessed as having less contribution to one of the Green Belt purposes – “openness” - is not an appropriate or effective methodology.

Paragraph 83 then goes on to say that strategic policies should establish the need for any changes to Green Belt boundaries having regard to their intended permanence in the long term. The submission plan does not provide for even existing levels of need and makes no attempt to address Green Belt boundaries in the longer term.

Paragraph 84 states that in reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account directing development to urban areas, villages etc. Whilst previously-developed land and land that is well served by public transport are mentioned, this does not suggest that such
areas should fall for consideration if they do not comply with the overall sustainability strategy of the Plan. This is reinforced by Paragraph 85 which states that in defining Green Belt boundaries, plans should:

“ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development”.

Nowhere in the NPPF does it say that boundaries should be redrawn by the assessment of a collection of individual sites or areas that are deemed to make least contribution to the Green Belt purposes. Openness is not one of the five Green Belt purposes but is the characteristic that underlies the Green Belt concept. It is an absolute, i.e. undeveloped land is open and any development, large or small, is by definition harmful. It is therefore not appropriate to assess the degree of openness demonstrated by any particular piece of land. The assessment should be made against the five purposes of the Green Belt and the extent to which they are affected. In some cases, near large, built-up areas, where neighbouring towns are close to each other, where a historic town has a special character or where urban regeneration is part of the Plan strategy, there will be a particular role for the Green Belt to play. However, in the majority of cases it is the role of safeguarding the countryside from encroachment that is paramount and it is very difficult to compare the loss of one site with another against this criterion. The answer, as set out in the Framework, is, unless any of the other purposes come into play, to release land that requires to be released according to the overall Plan strategy which should be the most sustainable option.

This should be done for a period beyond the Local Plan period (Paragraph 85) and safeguarded land can assist in providing flexibility. The submitted Plan does not consider the longer term or include safeguarded land and this makes it inconsistent with the Framework.

In summary, therefore, the methodology is flawed and unconventional. It does not pay close attention to the guidance in the Framework, adopts an unconventional, partial and highly subjective methodology for the release of Green Belt land and fails to address the current housing requirement in full or to properly consider the long term.

**Question 4.2** In terms of Paragraph 84 of the Framework, have the proposed alterations to the Green Belt boundaries taken account of the need to promote sustainable patterns of development and are they consistent with the Local Plan strategy?

No. As indicated above, the approach adopted is unconventional and highly subjective. It is not based upon the five purposes of the Green Belt and does not follow the general plan strategy because it is a “bottom up” site based approach rather than a “top down” strategy approach.

**Question 4.3** Have all realistic alternatives to releasing land from the Green Belt been considered, such as further development in the urban area or increasing development densities, and would the most efficient use of land proposed for release from the Green Belt be made?
Yes, that appears to be the case. It is a part of the Plan strategy that all options for meeting development needs outside the Green Belt were explored first but the inevitable conclusion is that Green Belt release is necessary.

**Question 4.4** Is the site selection methodology for sites to be released from the Green Belt robust and are the proposed alterations to the Green Belt boundaries justified?

No. For the reasons given in relation to Questions 4.1 and 4.2 above, the site selection methodology applied by the Council is not fit for purpose and not a justifiable approach. Neither is it consistent with the guidance in the Framework which seeks a sustainability approach to Green Belt release rather than a piecemeal and subjective assessment of individual site characteristics.

**Question 4.5** In overall terms, are there exceptional circumstances for the proposed alterations of the boundaries of the Green Belt, to accommodate the level of development proposed?

Yes. The housing need identified, the length of time over which housing needs have not been met in Tandridge and the length of time since the boundaries were established combine to create exceptional circumstances which justify a proper, comprehensive and long term review of Green Belt boundaries.

**Question 4.6** In overall terms, are the proposed boundaries of the Green Belt defined clearly and would they be likely to be permanent or capable of enduring beyond the Plan period?

Guidance is given at Paragraph 85 of the Framework 2012 as to how to go about defining Green Belt boundaries. The main flaws in the submitted Plan are that it does not deal with the longer term by identifying safeguarded land and does not demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period. It is therefore inconsistent with the policies of the Framework. It is difficult to say whether the boundaries of allocated sites currently in the Green Belt are defined clearly or include land which it is unnecessary to keep permanently open. However, there is nothing obvious in the policies to show how these criteria have been addressed and the Inspector will need to look carefully at this. Consistency with the Plan spatial strategy should ensure that the sites are sustainable and therefore comply with Paragraph 85 and this is generally the case.
MATTER 6    Housing Allocations

Issue:  Are the proposed housing allocations justified and consistent with national policy?

HSG01:  Land at Plough Road and Redehall Road, Smallfield.

Question 6.11  What are the exceptional circumstances for the release of the site from the Green Belt?

The exceptional circumstances are demonstrated at a Districtwide level and therefore do not, and should not, require to be demonstrated at individual site level.

Question 6.12  Is the proposed Green Belt boundary justified and consistent with national policy as set out Paragraph 85 of the Framework?

Paragraph 85 of the Framework 2012 requires that Green Belt boundaries should be defined clearly using physical features that are readily recognisable and likely to be permanent. Usually this is interpreted as meaning roads, rivers, edge of settlement, blocks of woodland and the like. Ordinary ownership or field boundaries are rarely satisfactory because they can be easily removed or changed and do not pass the test of permanence. In this case the new Green Belt boundaries to the east are not clearly defined or permanent. To the south is a rough access track that is not a strong or easily recognisable feature to be a permanent boundary. The proposed boundaries for this composite allocation are not consistent with the Framework and these should be existing features rather than creating new definable boundaries as part of the site design. The attempted creation of new small-scale site boundaries is a contrivance and is not consistent with the principles of permanence and identification which underlie national policy on the selection of Green Belt boundaries.

Question 6.13  Are the requirements for financial contributions as set out under Infrastructure consistent with national policy for planning obligations and conditions as set out in the Framework? Would the requirement to explore opportunities for junction improvements at Plough Road/ Redehall Road/ Chapel Road/ Wheelers Lane be effective and is it justified? Is it effective to require the provision of amenity green space in accordance with the ‘most up to date open space assessment’ when it is not part of the Development Plan?

There are access/highway issues relating to this composite site. The existing access to site SMA 040 is not suitable. The proposed access, with the demolition of 51 Redehall Road, would be unneighbourly to the adjoining properties. The access track to SMA 004 is too narrow to serve a development of this scale. All three parcels will therefore have to be accessed to the north from Plough Road. The allocation site is a composite of three separate HELAA sites 004, 008 and 040. The policy does not address how the comprehensive development of three sites will be achieved and whether the interested parties have an agreement in place to deliver the access.
Without such clarity there is a significant question about the deliverability of the site. There is potential for severe highway issues at the Plough Road/ Redehall Road/Chapel Road/Wheelers Lane junctions with no clear indication as to how these are to be overcome.

Parts of the site are within Flood Zone 2 and housing is a highly vulnerable use. The Framework requires the application of the sequential test and the Exceptions test, but these do not appear to have been applied. The site could not pass the sequential test because there are sustainable sites at Smallfield that are in Flood Zone 1. The allocation therefore conflicts with Framework guidance on avoiding flood risk.

**Question 6.14 Are there any matters which would mean that the site should not be considered to be deliverable or developable as per footnotes 11 and 12 to the Framework?**

The main constraints in relation to this site are:-

- **Ownership** - no evidence of agreement between landowners to secure delivery;
- **Flood risk** - no sequential or exceptions test applied and no opportunity for wider flood alleviation to benefit the village as a whole;
- **Access** - no clear indication of on-site access arrangements between separate land parcels and no clear method of addressing off-site congestion and safety issues at local road junctions;
- **Boundaries** - there are significant stretches of the site boundary that fail to meet the standard required to be recognisable and permanent Green Belt boundary.

The SA does not address these issues and is superficial to the point of being misleading. For these reasons this allocation undermines the soundness of the Plan because the allocation is not properly justified or effective.

**Question 6.15 Are the proposed Modifications necessary for soundness?**

It’s not clear how these matters can be properly addressed in modifications to the Plan.
HSG02: Chapel Road, Smallfield

**Question 6.16** In terms of flood risk, is the allocation of the site justified in respect of the Sequential Test and the Exceptions Test? Has it been demonstrated that a housing development at the site would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere?

The site is in Flood Risk Zone 2 and 3 and residential is a highly vulnerable use. The site does not pass the Sequential Test, because there are alternative sites in Smallfield which are within Flood Zone 1. There is no need for housing to be put in this area at highest risk of flooding and this runs contrary to Framework guidance. The alleged opportunities to alleviate flood risk elsewhere are not demonstrated and are unproven. The proposed residential use is most vulnerable whereas the existing use is less vulnerable and the flood risk should be avoided and not heightened.

**Question 6.17** Are there any constraints which would mean that the site should not be considered to be deliverable or developable as per footnotes 11 and 12 to the Framework?

The site is an employment use and the SA states that it surrounds a further B1 good quality office building on three sides. This raises issues of loss of employment land and constraint of employment uses by virtue of increased residential proximity. There are also deliverability issues in terms of accommodating the needs of existing users.

The access onto Chapel Road is existing but is narrow and not fit for purpose – particularly if, as the SA suggests, it has to be shared with the adjacent B1 use. It is not clear that these access issues can be satisfactorily overcome.

The SA does not make an accurate assessment of the site, particularly in relation to health, climate change, flood risk, air quality and transport. It is not a sound allocation and should remain in employment use, thereby avoiding any exacerbation of the vulnerability to flood risk.

**Question 6.18** Are the requirements for financial contributions consistent with national policy for planning obligations and conditions as set out in the Framework?

The policy only seems to require a pedestrian crossing on Redehall Road. There does not appear to be any justification for this in terms of the CIL Regulations Paragraph 110. There is a surprising absence of contributions towards local infrastructure.

**Question 6.19** Are the proposed Modifications necessary for soundness?

The policy is unsound and it is not clear how these matters can be properly addressed by Modification to the Plan.
**HSG03 Land North of Plough Road, Smallfield**

**Question 6.20 What are the exceptional circumstances for the release of the site from the Green Belt?**

The exceptional circumstances are demonstrated at a Districtwide level and therefore do not, and should not, require to be demonstrated at individual site level.

**Question 6.21 Is the proposed Green Belt boundary justified and consistent with national policy as set out in paragraph 85 if the Framework?**

Paragraph 85 of the Framework 2012 requires that Green Belt boundaries should be defined clearly using physical features that are readily recognisable and likely to be permanent. In this case the proposed Green Belt boundaries to the north and east are not clearly defined or permanent. To the south the Green Belt boundary should be extended to Plough Road which would be a suitable Green Belt boundary. It is not satisfactory to seek to define the Green Belt by seeking to create new defensible boundaries as part of the site design. They should follow existing physical features. Small-scale site boundaries is a contrived approach that is inconsistent with the principle of permanence and identification which underly national policy on the selection of Green Belt boundaries.

**Question 6.22 Are the requirements for financial contributions as set out under Infrastructure consistent with national policy for planning obligations and conditions as set out in the Framework? Would the requirement to explore opportunities for junction improvements at Plough Road/Redehall Road/Chapel Road/Wheelers Lane be effective and is it justified? Is it justified to seek a financial contribution to Plough Field Park Youth provision?**

The infrastructure requirements are limited for a site of this scale (120 dwellings). There is likely to be a severe impact in terms of highway safety and congestion on the Plough Road/Redehall Road/Chapel Road/Wheelers Lane junction and the Inspector should be satisfied that highway assessment has been carried out to demonstrate whether and how improvements can be carried out. The current policy only requires them to be ‘explored’. These are issues that constrain the fundamental sustainability of the site to accommodate development and the likely form of solutions needs to be confirmed at least in principle at this stage. On-site provision of attenuation ponds is not sufficient to address the flood risk issue or to secure the wider mitigation of flooding that is claimed as part of the justification for the selection of this site as a housing allocation. Contributions to local Youth Provision should be required across all allocations because the facility will serve the village as a whole.

**Question 6.23 Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?**

This site has a number of environmental sensitivities and practical issues that are underplayed by the SA. This has led to the scoring being inappropriate and makes the Plan unsound. In particular health, transport and highways, climate change, flood risk,
landscape and biodiversity should score more negatively. The particular issues that undermine its suitability and soundness as a location are:-

Flood Risk - the sequential test has not been properly applied. The site includes significant areas of Flood Zone 2 and the correct approach would be to avoid such areas. There are alternative sites that are within Zone 1 and these should be preferred. The potential for the site to provide flood mitigation for the wider area through design and layout is not robustly demonstrated, either by the evidence base or the policy. There is an opportunity to carry out effective flood mitigation at Smallfield and the Local Plan should make the most of this opportunity. The evidence base will be strengthened by the publication of the WS Atkins Study commissioned by Surrey County Council and there should be a co-ordinated and inclusive approach to addressing the longstanding issue that has beleaguered the settlement for many years. The commitment to housing on this site with only a vague and partial reference to wider mitigation is premature and ineffective. A holistic solution to the problem should be provided by the Local Plan and should play a central role in determining which sites to release for housing. To provide more housing in the floodplain with no clear and effective strategy for wider mitigation is a missed opportunity and contrary to the Framework which seeks to avoid flood risk rather than increase the amount of housing within flood zones 2 and 3. The Rydon site at Chapel Road, Smallfield (SMA 013), promotes development on land in Zone 1 but has watercourse frontage that can be utilised for flood mitigation. This potential was originally welcomed by Tandridge planners and is the subject of ongoing discussions with Surrey County Council, but has not been taken further by Tandridge because the site does not score sufficiently in their landscape assessment, despite being unconstrained in other respects. A critique of the Council's landscape assessment that demonstrated it was flawed has not been even acknowledged by TDC. The proposed allocation at Plough Road is also sensitive in landscape terms, but its flood mitigation potential is superficial and the site includes Zone 2 Flood Risk areas and is therefore limited in what it can do beyond mitigating its own problems. Whilst omission sites are not being considered at the Examination, the lack of any clear strategy for addressing flooding in Smallfield amounts to a lack of soundness of the Plan and, rather than allocate a site that makes no discernible improvement to the problem and exacerbates it to a material degree, the opportunity should be taken to consider the potential of all sites to contribute to a holistic flood alleviation strategy for the village.

The impact of additional traffic on the Plough Road/Redehall Road, Chapel Road/Wheelers Lane junctions is also potentially severe and should be properly assessed at this stage, prior to any allocation so that the policy can be expressed in more definite terms as to the improvement works that are required and whether they are practicable and viable.

The site is environmentally constrained by Ancient Woodland on its boundaries and the need to demonstrate a nett gain in biodiversity which, given the existing value of trees and hedgerows may present problems.

Question 6.24 Are the proposed Modifications necessary for soundness?

The policy is unsound and it is not clear how these matters can be properly addressed by Modifications to the Plan.
**HSG04: Woodlands Garage, Chapel Road, Smallfield**

**Question 6.25** In terms of flood risk, is the allocation of the site justified in respect of the Sequential Test and the Exceptions Test? Has it been demonstrated that a housing development at the site would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere?

This is another site that fails the Sequential Test and proposes to increase vulnerability levels in Zone 3 flood plain and surrounded by Zone 3b functional floodplain. This approach is entirely contrary to the policy in the Framework and, although a small site, reinforces the criticism of the Council’s strategy of focusing the allocation of new housing in areas of highest risk rather than following Government advice in seeking to avoid such areas and directing new development to the Zone 1 areas that are available as reasonable alternatives adjoining Smallfield.

**HSG 05 Sandiford House, 40 Stanstead Road, Caterham**

**Question 6.29** Would the proposed allocation give rise to a net increase in homes?

This is an urban redevelopment site that should be a windfall if developed at all. The number of new dwellings can only be assessed once a detailed application has been submitted having regard to local character, neighbouring amenity, retention of trees and living conditions of future occupiers. There is no guarantee of any net increase.

**Question 6.30** Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?

The key issue here would be ownership and viability. There would have to be a willing seller or developer and a viable scheme that exceeded existing use value. From experience this is often not possible to achieve except through substantially increased density and limiting, financial contributions to infrastructure provision or not providing affordable housing.

**HSG 06 Land off Salmons Lane West, Caterham**

**Question 6.33** What are the exceptional circumstances for the release of the site from the Green Belt?

The exceptional circumstances are demonstrated at a Districtwide level and therefore do not, and should not, require to be demonstrated at individual site level. There are a number of other sites on the edge of Caterham and Whyteleafe which have similar site characteristics and would demonstrate similar exceptional circumstances. Land at Essendene Park, off Whyteleafe Road, Caterham, was judged in the HELAA to be available and developable and capable of coming forward after 5 years. The only constraint is its current Green Belt status. There is no justification why HSG 06 should
be taken out of the Green Belt, but Essendene Park and other similar sites adjacent to the Tier 1 settlement should not give rise to the same exceptional circumstances.

**Question 6.34** Is the proposed Green Belt boundary justified and consistent with national policy as set out in paragraph 85 of the Framework?

Paragraph 85 of the Framework 2012 requires that Green Belt boundaries should be defined clearly using physical features that are readily recognisable and likely to be permanent. Usually this is interpreted as meaning roads, rivers, edge of settlement, blocks of woodland and the like. Ordinary ownership or field boundaries are rarely satisfactory because they can be easily removed or changed and do not pass the test of permanence. In this case there do not appear to be any clear physical features to the north or east that are of the stature to be a Green Belt boundary. These should not be created as part of the development but should follow existing significant boundaries.

**Question 6.35** What is the significance of the heritage assets at the former RAF Kenley Aerodrome? Where is the evidence that the potential effect on the heritage assets or their settings which may result from the proposed development has been assessed?

This site is highly constrained by heritage assets including the Conservation Area, Listed Building and Scheduled Monument. These assets and their settings should be preserved. There are also important trees that require protection. In the absence of a detailed scheme showing that the heritage and environmental assets can be suitably preserved, this proposed allocation should be deleted because there are alternative, less sensitive and constrained sites that should be preferred.

**Question 6.37** Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?

It is not clear that the site is being actively and imminently promoted by the landowner and there must be a question about delivery. The constraints in relation to heritage assets and trees raise unanswered questions about the number of dwellings that can be accommodated and the viability of the scheme in terms of meeting infrastructure contributions and providing affordable housing. There is also a potential loss of school playing fields to avoid.

**HSG 07 Coulsdon Lodge, Coulsdon Road, Caterham**

**Question 6.39** Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?

The majority of the site, to the east, is a wooded area and there are protected trees. These contribute significantly to the character of the area and it is not clear how the site can be redeveloped without harm to local character. There would be a loss of a Care Home which is a loss of local community facilities that is regrettable and should not be encouraged. The access through Oakgrove will detract from the amenities of
that new development. There is only a limited potential contribution to housing numbers because of the sensitivity of the site. Harmful impacts upon water quality and biodiversity are noted in the SA.

**HSG 08 156 – 180 Whyteleafe Road, Caterham**

**Question 6.42 In character and appearance terms, would a site access from Whyteleafe Road be justified?**

This is a backland site mainly comprising development on existing rear gardens. In development management terms this type of development would normally be refused on the grounds of the impact upon the established character and appearance of the area. The access onto Whyteleafe Road runs along the adjoining properties and will be harmful to the amenities of those properties. There are also potential issues of overlooking, privacy and overshadowing that would restrict development and would be potentially un-neighbourly. The site does not include an area of rear gardens to the south-west and there are issues of precedent and further impact upon local character and amenity if this area were also to be developed. The fact that this site is within the built-up area of Caterham and yet remains undeveloped indicates that there are questions about is deliverability and ability to comply with basic development management policies that aim to protect local character and residential amenity. Indeed, planning consent for 59 dwellings was dismissed on appeal in 2017 (attached) which suggests that despite the intended housing allocation the site itself does not comply with policies aimed at protecting local character and the amenity of local residents. There is no evidence of a change in circumstances since 2017 that would justify a different decision now.

**Question 6.43 Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?**

The multiplicity of ownership in the backland area presents problems of deliverability and to date the assembly of ownership has only been partial and therefore precludes a comprehensive approach to development. The preservation of local character and lack of a suitable access arrangement suggest that the site is not developable or deliverable.

**HSG 09 Land at Fern Towers, Harestone Hill**

**Question 6.46 Would the loss of the garages and the redevelopment of the site give rise to unacceptable parking stress in the surrounding area?**

This is an existing parking facility which serves a useful local purpose and the impact of the loss of the garages has not been properly assessed by parking surveys with the facility and without it. The proposed allocation is unsound without a full assessment of this impact.
Question 6.47  Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?

The site is in Tandridge District Council ownership and is not at a stage where a Council resolution for disposal has taken place. The HELAA states that it is still being considered as part of the Council’s Asset Review and awaits a decision of the Resources Committee. The outcome of such a decision cannot be anticipated and the site is not therefore deliverable at this time. The access is not at present adequate and there are no details provided as to how this might be achieved. Despite being within the built-up area there has been no initiative to secure residential redevelopment over many years. The loss of parking, inadequate access and potential impact on the amenities of the occupiers of surrounding residential properties all present good reasons why planning consent may well be refused based upon development management policies.