6 September 2019

Dear Mr Banks

Tandridge Local Plan - INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS
Andrew Black Consulting on behalf of Oxted Shareholders

Matter 3: The Spatial Strategy

I write on behalf of the Oxted Shareholders in response to the Inspector's Initial Matters, Issues and Questions (MIQs) for the Tandridge Local Plan in relation to a number of sites in Oxted. Andrew Black Consulting (ABC) will be appearing at the examination on behalf of the Oxted Shareholders who hold under common ownership but separate companies the following omission sites against which Regulation 18 and 19 statements have been previously made:

- Land West of Chalkpit Lane, Oxted (OXT035) - Oxted Land Limited
- Chichelle Road, Oxted (OXT006) - Oxted Residential Ltd
- Land at St Mary's Church (OXT034 - Adjoining OXT006) - Oxted Developments 2008 Ltd
- Land at Barrow Green Road, Oxted (Also known as Stoneyfields) (OXT007) - Oxted Developments 2007 Ltd

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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 on robust evidence?

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?

3.1.1 The settlement hierarchy forms a major part of the spatial strategy which is set out in Appendix 1 and 2 from the Settlement Hierarchy: Addendum (2018).

3.1.2 The Local Plan and the evidence base which supports it lacks consistency between national planning policy, its written statements and the allocations for development.

3.1.3 Paragraph 12-001 of the PPG states that a Local Plan (emphasis added):
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...must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.’

3.1.4 Sustainable development is one of the founding principles of the 2012 NPPF as demonstrated in paragraphs 14 and 15. In paragraph 151 of the 2012 NPPF it says that (emphasis added):

‘Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.’

3.1.5 Whilst the Housing Topic Paper states that ‘all settlements can play a role in delivering sustainable developments’ (paragraph 210), this sentiment does not appear to be reflected within the housing allocations.

3.1.6 As set out in the settlement hierarchy evidence Oxted, Whyteleafe and Caterham Valley are the three highest ranked settlements in TDC in terms of sustainability. However within the Local Plan they have been allocated collectively just 12 units across the plan period. Oxted is classed as being the most sustainable settlement yet no dwellings have been allocated within the plan. In addition, Limpsfield, another Tier 1 settlement has no housing allocations proposed.

3.1.7 To compound this issue further, the Tier 2 settlements of Godstone, Lingfield and Smallfield have proposed allocations of 168; 60; and 305 dwellings respectively. It is not clear why many of the Tier 1 settlements do not have the same level or greater levels of proposed allocations than the Tier 2 settlements.

3.1.8 The Housing Topic Paper (paragraph 209) recognises that directing new homes towards Tier 1 and Tier 2 settlements will usually deliver housing quicker as they are more likely to be readily available and do not require strategic infrastructure investments to come forward. This statement is not reflected in the spatial strategy as a number of the most sustainable settlements are not allocated to contribute towards the housing target. This indicates that development is not directed towards sustainable areas and not all settlements play a role in delivering sustainable development under this approach.

3.1.9 Within the Housing Topic Paper, TDC state in paragraph 452 that the approach of allocating more housing sites in and around the Tier 1 and 2 settlements is not a reasonable approach due to the fact that:

‘...the principle of allocating more sites does not automatically mean they will be delivered in the plan period.’

3.1.10 TDC has presented no evidence on rates of non-delivery which would support this statement.

3.1.11 Rather than pro-actively trying to find solutions to meet the OAN, TDC appear to be retrofitting their spatial strategy in order to justify their chosen housing target. The description of acute affordability and persistent under-delivery of housing over the last decade or so as a ‘short-term and temporary issue’ is completely misguided and incorrect. It demonstrates that TDC do not appear to fully understand the seriousness of the issue and implications of housing under-supply within the borough and are making minimal steps to address it.
3.1.12 This issue has been given serious consideration by inspectors in various recent Local Plan examinations such as Guildford Borough Council, Mid Sussex District Council and Horsham District Council and should certainly be repeated by the inspector for the TDC local plan.

3.2 Is the proposed distribution of housing and other development supported by the Sustainability Appraisal, and will it lead to the most appropriate pattern of housing growth?

3.2.1 Under the PPG, paragraph 12-016 states that (emphasis added):

‘Every Local Plan must be informed and accompanied by a Sustainability Appraisal. This allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account, and should play a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the Local Plan reflects sustainability objectives and has considered reasonable alternatives.’

3.2.2 This means that a Sustainability Appraisal (“SA”) must be prepared in tandem with other aspects of the Local Plan and inform the spatial strategy. It must provide clear and robust justification to evidence the chosen approach and explain how the LPA intends to meet its OAN alongside the impacts of other objectives.

3.2.3 The SA documents which form part of TDC's evidence base shows, somewhat confusingly, how TDC arrived at its chosen spatial strategy. Seven initial approaches were identified, including Garden Villages. Six of these approaches are analysed within the SA (July 2018) against the sixteen sustainability appraisal objectives (the seventh approach is a 'do nothing' approach which was discounted due to it acting as a 'control' and therefore not a reasonable alternative).

3.2.4 Within the Spatial Approaches Topic Paper (December 2015), all approaches bar 'Approach 6 - Garden Communities' give some indication as to the level of housing each approach would provide. 'Approach 6' does not set out what housing numbers could be provided should this be adopted. Instead it advocates a hybrid approach which mixes development at the edge of settlements with a new settlement.

3.2.5 The Preferred Strategy (March 2017) which is not included in the evidence base section of TDC's website, is appended to a Planning Policy Committee meeting [16 March 2017]. This sets out that TDC's preferred strategy is a hybrid of Approaches 3 and 6. Approach 3 is the provision of homes within the inset areas in the district and sites that are currently in the Green Belt around the main urban settlements and semi-rural service settlements.

3.2.6 Following the decision to use a hybrid approach, a further five hybrid approaches are analysed in more detail within the SA (July 2018). These are:

- Approach 7a - Tier 1 and 2 Settlements plus 'New/extended settlement'
- Approach 7b - Tier 1 and 2 Settlements plus 'New/extended settlement' all at a higher density.
- Approach 7c - Tier 1 and 2 Settlements at standard density plus 'New/extended settlement' at higher density.
Approach 8a - Tier 1, 2 and 3 Settlements plus ‘New/extended settlement’ all at standard density.

Approach 8b - Tier 1, 2 and 3 Settlements plus ‘New/extended settlement’ all at higher density.

3.2.7 The SA (2018) sets out that Approach 7a is the most sustainable across a range of factors and this is what is taken to be the preferred approach.

3.2.8 Nowhere within the SA does it set out clearly and explicitly what housing numbers could be expected from each of these five approaches. Therefore it is difficult to determine how TDC has reached its housing target and to what extent the benefits of increasing the supply of housing have been given weight within the appraisal.

3.2.9 Approach 8b is described as being the ‘maximum capacity’ approach but with no housing figures attached to this it is difficult to determine where this ‘maximum capacity’ scenario fits on the scale in relation to the OAN set out in the 2015 SHMA and the standardised methodology target.

3.2.10 It is therefore impossible to determine which of these five approaches are reasonable or unreasonable in line with national policy and thus which should be the preferred approach to inform the Local Plan.

3.3 Is the distribution of new homes between the Tiers of settlements and proposed garden community justified and how has it been established?

3.3.1 The spatial strategy has not been prepared positively, in line with paragraphs 157 and 182 of the 2012 NPPF. Paragraph 157 of the 2012 NPPF states that (emphasis added):

'Crucially, Local Plans should…plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.'

3.3.2 Paragraph 182 of the 2012 NPPF states that when Local plans are examined, the Inspector will assess whether the plan has been:

'Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.'

3.3.3 As set out already, the distribution of new homes is not aligned with the settlement hierarchy and there is no justification of why the three highest ranked settlements (Oxted, Whyteleafe and Caterham Valley) are providing such a low quantity of housing across the plan period. It is not clear why many of the Tier 1 settlements do not have the same level or greater levels of proposed allocations than the Tier 2 settlements.

3.3.4 This is a matter of soundness as the plan has not be positively prepared and requires main modifications with additional housing to be allocated in the Tier 1 settlements.
I can confirm that we will be seeking to appear in person for matter 3 at the hearing sessions and would be grateful for your confirmation of this.

Yours Sincerely

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