Tandridge Local Plan Examination - Statement to Matter 3: The Spatial Strategy
Berkeley Strategic

September 2019
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1. Introduction

1.1 This Statement has been prepared on behalf of Berkeley Strategic in response to Matter 1 of the Examination into the emerging Tandridge Local Plan 2033.

1.2 Berkeley Strategic are promoting the land at Roffes Lane, Caterham, which is identified in the Housing and Economic Land Availability Assessment (HELAA, 2017/2018) as site Ref. CAT042. The site has been actively promoted for development via the ongoing Call for Sites process and through previous consultations on the emerging Local Plan, including the Regulation 18 Issues and Options Consultations undertaken in both February 2016 and in summer 2017, and the Regulation 19 consultation in September 2018.

1.3 The site is located at a sustainable location, with Caterham identified as a tier 1 settlement within the emerging Local Plan. The site, as with much of the District, is located within the Green Belt and is not proposed to be allocated. CAT042 represents a suitable location for growth. The proposed development could accommodate approximately 160 dwellings, supporting infrastructure and facilities, as well as open space and green infrastructure, to be provided across this 12.73 hectare site.

1.4 We are aware that the Inspector has indicated that he will not be considering the merits or otherwise of omissions sites as part of the Examination. However, consistent with their previous representations, our client considers that the emerging Local Plan is fundamentally unsound, that the housing requirement should be increased and additional sources of supply identified.

1.5 This Statement should be read alongside previous representations on such issues, and their related Appendices.
2. **Response to 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 on robust evidence?*

**Q3.1** Have all realistic options for the distribution of development within the District been identified and considered robustly in the formulation of the Plan?

2.1 The Council’s evidence points to a logical hierarchical approach to the distribution of development, yet it is clear that the proposed allocation of sites does not correspond with that approach. Policy TLP01 proposes the direction of development to the most sustainable settlements, taking account of their existing size and the availability of services / infrastructure, to be read alongside the settlement hierarchy set out in draft policies TLP06 and TLP07. Development is therefore to be directed primarily to ‘Urban Settlements’ (Tier 1) such as Caterham and ‘Semi-Rural Service Settlements’ (Tier 2).

2.2 It is apparent that sites such as our client’s (at CAT042) perform equally well, if not better, than those which are proposed to be allocated when based on the Council’s evidence yet this has not continued through into the allocation choices or implementation of the spatial strategy. Indeed, the HEELA explicitly states that the “Site is in accordance with the Preferred Strategy.” We consider the issues with the proposed allocations within our Matter 6 statement.

2.3 At Policy TLP06, Caterham on the Hill and Caterham Valley are described as two separate settlements. However, at Policy CSP1, the adopted Core Strategy identifies Caterham as a single ‘Category 1 Settlement’. Likewise, the Core Strategy’s Key Diagram identifies Caterham as a single ‘Built up Area’. The Council has provided no evidence or justification which would point to why Caterham on the Hill and Caterham Valley should be regarded as separate settlements. We posit that it has simply been assumed (from the publishing of the 2015 Settlement Hierarchy paper) that because there are two identified retail centres (at Caterham Valley and Caterham on the Hill) there are in fact two settlements. Yet, these centres are less than 500 metres apart at their closest point.

2.4 We have made detailed comments on this matter in the Regulation 19 submissions which we will refer to at the Hearings, not least the inconsistency between various key evidenced base documents on this matter. This approach ultimately has negatively impacted on the assessment of our client’s site without justification.

2.5 It is however quite clear that Caterham should be regarded a single Tier 1 settlement, and as such we are concerned that relatively few of the allocations in the draft Local Plan proposed are located at Caterham. Indeed, the Draft Local Plan envisages that the allocations proposed at Caterham will provide just 170 no. dwellings. This is just 3 per cent of the total quantum of the 6,056 dwellings proposed in the Plan. This is concerning, as Caterham is identified as a top tier settlement and is regarded (in the evidence base) as representing the largest and most sustainable location in the District.
2.6 Conversely, the Draft Local Plan proposes some 168 no. dwellings at Godstone and 305 no. dwellings at Smallfield, both of which are second tier settlements. In addition, the large scale GC does not sit within the hierarchy of settlements, being in effect its own entity.

2.7 In this respect the proposed distribution of dwellings do not correlate with the spatial strategy’s intention to direct development in accordance with existing patterns of settlement. This issue is compounded as well due to relatively few of the recent competitions / commitments listed in the claimed supply are also within Caterham.

2.8 Our client’s site provides a good example of the flawed approach undertaken by the Council in seeking to resist greenfield releases at Caterham, favouring by all accounts the ongoing regeneration of the town centre.

2.9 Firstly, and importantly, we note that Document SSHA3 (Tandridge Local Plan Sustainability Appraisal Regulation 19 Stage Volume 2 Options Assessments July 2018) (pages 185/186) does not explicitly state that the site failed the Green Belt exceptional circumstances test. Indeed, no reasons are given in the SA as to why the Council did not consider that there were exceptional circumstances which justified the release of this site from the Green Belt when other sites are proposed for release. It appears that the rationale relates to other site considerations, with the text of the document stating “Green lung site. Bounded by hedgerows. Groundwater source zone. Rejected – landscape and ecology.”

2.10 We do not consider these comments have substance. Indeed we are unclear what a ‘green lung site’ is. Our client has previously submitted a raft of documentation which demonstrates the deliverability of the site, as well as opportunities for enhancement and wider benefits.

2.11 To exemplify the issues with the assessment, we have taken the extract below from document SSHA3:

<table>
<thead>
<tr>
<th>Site</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<td>+</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>+</td>
</tr>
</tbody>
</table>

2.12 This shows a –ve scoring as the site is not previously developed, as well on water quality and contaminated soils. A -/–ve score is given against landscape, and –ve on ecology.

2.13 It is acknowledged that the site is green field (as are other allocations), but there are no identifiable issues on site with water quality or contamination. Nowhere in the Council’s evidence is this qualified.

2.14 In terms of other matters raised as negative considerations, a range of documents have been submitted to the Council during the various stages of consultation, including an:

- Illustrative Masterplan
• Landscape and Visual Appraisal
• Tree Survey Report
• Historic landscape assessment
• Phase 1 Habitats Assessment
• Access Options
• Flood Risk Management

2.15 These reports show that there are no impediments to developing this site. Indeed, the HELAA confirmed the same, yet there is a clear disconnect between the SA and our client’s submitted site specific evidence and the Council’s HELAA conclusions. We noted in our Regulation 19 submissions that even where positive scoring is shown, it is unclear as to how that has been graded.

2.16 As a further area of inconsistency, we note other sites which have impediments are proposed for allocation. One such example is site CAT 040, Land off Salmons Lane West, Caterham. It is within the conservation area, surrounded by listed buildings, and has identified constraints relating to sensitive design. It scores similarly in the SA to our client’s site, yet because apparently it is previously developed, it appears to have found support (albeit it only receives a +ve).

2.17 The LPA has, however, evidently concluded that exceptional circumstances do exist to release some land from the Green Belt for housing at a macro level in order to meet part of its housing need (although providing significantly fewer dwellings than required), including on limited sites at Caterham.

2.18 We note that sufficient sites (in numeric terms) have been identified and then assessed which could meet, and indeed exceed, the levels of housing required to meet full housing need, it has adopted an approach which arbitrarily discounts sites from being allocated when sites with similar (or more constrained) characteristics and potentially greater impacts on the Green Belt and countryside are allocated.

2.19 We consider that a robust, equitable assessment of the sites promoted for residential development would result in a source of supply which is materially greater than supported by the emerging Local Plan. In summary therefore, we consider that in all likelihood all realistic options for the distribution of development within the District have been identified. However the consideration of them has not been robust, as set out in our statement to Matter 1, and has not resulted in an appropriate response to the spatial strategy proposed.

**Q3.2 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?**

2.20 As noted above, Policy TLP01 of the DLP sets out the distribution of housing, focussed on Tier 1 (Urban Settlements) and Tier 2 (Semi-Rural Service Settlements) in the short
medium term, and for the longer term and beyond the plan period at South Godstone New Community.

2.21 We raise fundamental concerns regarding the fact that the SA2019 (MD5 - Tandridge Local Plan 2033 Sustainability Appraisal Volume 2 Options Assessment 2019) assessment of the ‘delivery strategy approaches’ on pages 161 to 164 includes a garden village in each option (7a, 7b, 7c, 8a and 8b). There is no analysis in that assessment as to an option which does not include a garden village. This is of significant concern given the evidence of alternative sites which are available at tier 1 and 2 settlements, and the evidence, such as that summarised elsewhere in the Statements and representations submitted on behalf of our client (and the Council’s own evidence) regarding the deliverability of the Garden Community. Since the SA should consider all reasonable alternatives, the options should have assessed approaches which did not include the GC. One such option was considered at the ‘Issues & Options’ stage where Strategic Delivery Approach 5 identified 10,128 dwellings from urban extensions, including CAT042. This approach should have been assessed in the SA.

2.22 Given the inclusion of the GC in each option, it appears as though the LPA has predetermined that the GC should be included within the Local Plan. Other sources of supply in the District, including sites at tier 1 and 2 settlements are available which could, cumulatively, provide at least 1,400 dwellings during the Plan period envisaged by the GC. Indeed, the inclusion of the GC completely subverts the spatial strategy proposed.

2.23 As a consequence, the Draft Local Plan misses considerable opportunities to deliver sustainable new development on areas of Green Belt land which actually make a far more limited contribution to Green Belt purposes than the Council contends. Indeed, it is difficult to see how the release of an extensive tract of land to facilitate the GC could result in a lesser impact on Green Belt purposes. This results in the Draft Local Plan simultaneously failing to propose sufficient allocations at the most sustainable settlement in the District and also results in the Plan failing to meet the identified level of housing need.

2.24 Accordingly, it is not possible to regard draft Policies TLP01, TLP03 and TLP06 as being positively prepared, justified, effective or consistent with national policies. By implication, the Draft Local Plan cannot be regarded as meeting the tests of soundness. As explained in our Matter 1 statement, there are similar legal considerations and procedural concerns that it would render the Plan as flawed.

2.25 Additionally, our client also expresses significant concerns regarding the approach taken to assessment of potential development sites (particularly those within the Green Belt) for release. These issues result in the Council finding that only 14 small / medium scale sites have potential to be allocated. Yet, of those sites which the Draft Plan does propose to allocate, several are also identified within the Council’s evidence base as being unsuitable for release from the Green Belt or are otherwise described as being unsustainable or unsuitable for development.
2.26 We support the principle of directing development to more sustainable settlements (as supported by the identification of Caterham as a tier 1 settlement). However, the draft Local Plan proposes a significant number of allocations at lower tier settlements and the GC which does not fall within any. This is particularly concerning given the availability of sites which could accommodate development at those higher tier settlements.

2.27 It is ultimately for the Council to justify its approach. However, the distribution of homes to the Tier 1 and Tier 2 settlements is justified and supported by the 2019 SA. The SA 2019 should have included an approach that sought to assess the merits of sites on a hierarchical basis i.e. Tier 1 settlements considered first. It would seem probable that sufficient supply could be derived from that staged approach, without the need for a new garden community at South Godstone.

2.28 We consider that the distribution strategy should seek to focus, in the first instance, the delivery of sites in more sustainable locations, balanced against the assessment of other factors, including site specific constraints.
Spatial Strategy Policy wording

TLP06: Urban Settlements

Q3.4 Is the Policy effective and consistent with national policy in requiring accordance with the Councils Infrastructure Delivery Plan which is not a development plan document?
2.29 No. The Council could change the Infrastructure Delivery Plan (and therefore the extent to which the LPA expresses its view on the infrastructure required in the District and the way in which that should be delivered by developments) without any examination or consultation, including in relation to any impacts on viability that would be required as part of the process of preparing a DPD.

Q3.5 Are the proposed Modifications necessary for soundness?
2.30 We do not have any comments in this regard.

TLP07: Semi-Rural Service Settlements

Q3.6 Is the Policy effective and consistent with national policy in requiring accordance with the Councils Infrastructure Delivery Plan which is not a development plan document?
2.31 No. The Council could change the Infrastructure Delivery Plan (and therefore the extent to which the LPA expresses its view on the infrastructure required in the District and the way in which that should be delivered by developments) without any examination or consultation, including in relation to any impacts on viability that would be required as part of the process of preparing a DPD.

Q3.7 Are the proposed Modifications necessary for soundness?
2.32 We do not have any comments in this regard.

TLP08: Rural settlements

Q3.8 Is the Policy sufficiently clear and would it be effective in respect of Woldingham which is inset, in part, from the Green Belt?
2.33 We do not have any comments in this regard.

Q3.9 Are the criteria set out in A) consistent with Green Belt policy as set out in paragraph 89 of the Framework and are they justified?
2.34 In our view, the text in criterion A have the potential to cause significant confusion for all parties (including decision-takers) as the wording does not reflect that in paragraph 89 of the NPPF 2012 (or the equivalent text in the NPPF 2019).

Q3.10 Is the Policy effective and consistent with national policy in requiring accordance with the Councils Housing Strategy which is not a development plan document?
2.35 No. The Council could change the Housing Strategy (and therefore have significant consequences for the form of development, its tenure, size and mix which could be accommodated) without any examination or consultation, including in relation to any impacts on viability that would be required as part of the process of preparing a DPD.
Q3.11 Are the proposed Modifications necessary for soundness?
2.36 This is a matter for the Council.

**TLP09: Limited and Unserviced settlements**

Q3.12 Are the second and third bullet points consistent with paragraph 90 of the Framework in not taking into account the preservation of openness and the purposes of including land in the Green Belt?
2.37 This is a matter for the Council.

Q3.13 To be effective, should the Policy state ‘made’ Neighbourhood Plan rather than ‘adopted’?
2.38 Yes.