Tandridge District Council Local Plan Examination
Matter 4: Green Belt Boundary Alterations

On behalf of Countryside Properties Ltd

September 2019 – DHA/11859
1 INTRODUCTION .................................................................................................................. 2
1.1 Purpose of this Statement ............................................................................................... 2

2 MATTER 4: GREEN BELT BOUNDARY AMENDMENTS ............................................ 3
2.1 Issue 1 - 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? ........ 3

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? (4.2) .......... 3

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?
(4.4) ................................................................................................................................. 4
1 Introduction

1.1 Purpose of this Statement

1.1.1 These comments are prepared on behalf of Countryside Properties Ltd (Countryside) in respect of the Tandridge District Council Local Plan Examination. They respond to the initial Matters, Issues and Questions (MIQ’s) set by the inspector on 4th July 2019. Specifically, they respond to Matter 4 (Green Belt Boundary Alterations).

1.1.2 Countryside are promoting Land south of Smallfield (site reference: SMA21). Nonetheless, the comments contained herewith relate only to the initial questions raised by the inspector.

1.1.3 In formulating these additional comments, we acknowledge that the Government published the revised National Planning Policy Framework in February (NPPF) 2019. However, as the Council chose to submit its plan before 24th January 2019, the policies in the original 2012 framework apply to this Examination. On this basis, any reference to the NPPF relates to the 2012 publication and to be sound it must be:

- Positively prepared – the plan should seek 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;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.1.4 In formulating this response, we have addressed the Inspector’s questions directly and recapped our Regulation 19 concerns.
2 Matter 4: Green Belt Boundary Amendments

2.1 Issue 1 - 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?

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? (4.2)

2.1.1 The Local Plan includes a number of housing allocations adjacent to Tier 1 and Tier 2 settlements, which require amendments to the Green Belt boundary (MD1). We acknowledge that these amendments are largely logical, with the sites being adjacent to the most sustainable settlements in the District. Furthermore, the amendments have generally been drawn to promote sustainable patterns of development, and are consistent with the Local Plan strategy insofar as they are directed toward the tier 1 and tier 2 settlements. Nonetheless, the amendments have not gone far enough, and there are equally sustainable parcels of land that should have come forward.

2.1.2 However, rather than allocating additional sites adjacent to the most sustainable settlements, 23% of the proposed housing supply will be delivered as part of the South Godstone Garden Community.

2.1.3 Whilst we do not disagree with the principle of a new settlement, an increased level of land adjacent to existing settlements could be released from the Green Belt to take advantage of the already well-established infrastructure, facilities and services. In this respect, it is our view that the Council have not considered the positive consequences for sustainable development of directing a greater level of development around existing settlements. For example, the economic and social benefits associated with ensuring that sufficient land of the right type is available in the right place to accommodate local housing needs, as well as the environmental benefits of releasing land adjacent to existing settlements with comparatively lower levels of landscape sensitivity.

2.1.4 The Council consider that the South Godstone garden community will `make a substantial contribution of up to 4,000 units which would help meet the district’s acute housing need in the long term, and furthermore, by ensuring the new/extended settlement is sustainable, it would be consistent with the principles of sustainable development and in accordance with the Council’s Preferred Strategy’ (GB1 4.20). However, whilst we acknowledge that high levels of sustainability can be achieved through large scale strategic developments, the delivery of infrastructure can be slow and there is less certainty about delivery in the short to medium term. Indeed, the Council assume that the site will deliver a significant portion of housing within the current plan period, but this is not underpinned by any credible evidence.

2.1.5 Taking the above into account, whilst the proposed amendments to the Green Belt take into account the need to promote sustainable patterns of development, opportunities to direct a greater level of development to tier 1 and tier 2 settlements have not been fully exploited. Emphasis is instead placed on the
delivery of homes through the development of a new garden community, however this is contrary to the spatial strategy which makes it clear that new development in the short to medium term will be directed to the most sustainable settlements.

2.1.6 The failure to allocate sufficient sites adjacent to the more sustainable settlements means that well established infrastructure cannot be utilised to deliver the homes that are needed in the short term. The Local Plans failure to take advantage of these opportunities renders it contrary to national policy, unjustified and ineffective. It is also not positively prepared as it largely relies on the South Godstone Garden Community as a key supply component of housing supply despite a lack of evidence pertaining to its ability to deliver within the plan period.

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? (4.4)

2.1.7 The Councils understanding of what constitutes exceptional circumstances is partly informed by the case of Calverton Parish Council vs Greater Nottingham Council [2015] EWHC 10784, which remains the latest available case law on the matter of exceptional circumstances. It sets out that the planning judgements involved in the consideration of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) of the Planning and Compulsory Act 2004 should, at the very least, identify and grapple with the following matters;

a. the acuteness/intensity of the objectively assessed need (matters of degree may be important);

b. the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

c. (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;

d. the nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and

e. the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable practicable extent

2.1.8 Tandridge considered that in addition to identifying and working with the Calverton principles, the term exceptional circumstances indicates the circumstances that justifying the green belt must be exceptional, as well as being locally pertinent. As such, in addition they have undertaken a locally derived approach to exceptional circumstances, which involved an assessment of how sites have performed against the wider evidence base (GB1 3.40).

2.1.9 As a starting point, we strongly agree with the Council that development within the Green Belt is necessary and that the acute housing need triggers the exceptional circumstances to allow its release. Further, the Councils urban (non-Green Belt) sites have largely been depleted so the requirement to release Green Belt land to accommodate development needs is not in question.
2.1.10 Turning to whether these releases should take place (and where), a number of Green Belt assessments were carried out by the Council throughout the evidence gathering stage (GB1-15), which looked at how different areas of the Green Belt perform against their five functions (as defined by paragraph 80 of the NPPF 2012). Cumulatively, these assessments have assisted the Council in deciding whether to allocate land for residential development under exceptional circumstances. Part 3 (Exceptional Circumstances and Insetting) of the assessment is the most relevant in terms of the selection process (GB1).

2.1.12 To ensure a consistent approach to the assessment of exceptional circumstances, a set of key questions is set out in the pro-formas, with the answers then brought together and discussed in a balanced manor to determine whether or not exceptional circumstances are present. These questions are set out below:

<table>
<thead>
<tr>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the site strategy compliant?</td>
</tr>
<tr>
<td>Does the Green Belt Assessment recommend that the Green Belt in this location should be retained or further considered in terms of exceptional circumstances?</td>
</tr>
<tr>
<td>What is the nature and extent of harm to the Green Belt if the site is developed?</td>
</tr>
<tr>
<td>To what extent can the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonable practicable extent?</td>
</tr>
<tr>
<td>Does the ecology evidence consider the site is ecologically suitable?</td>
</tr>
<tr>
<td>Does the landscape evidence consider the site has capacity to accommodate development in the landscape</td>
</tr>
<tr>
<td>Does the Open Space, Sport and Recreation Facilities Assessment consider that the site is surplus provision or can facilities be re-provided elsewhere?</td>
</tr>
<tr>
<td>Does the Sustainability Appraisal consider the site is a sustainable location?</td>
</tr>
<tr>
<td>Is the site sequentially preferred?</td>
</tr>
<tr>
<td>Would development of the site increase floor risk or impact on water quality?</td>
</tr>
<tr>
<td>Is the proposed development of the site likely to result in harm that would be difficult to mitigate and/or provide opportunities for community benefit?</td>
</tr>
</tbody>
</table>

2.1.13 However, upon review of the evidence base, we consider there to be a lack of consistency in the Councils approach to Green Belt release and the respective assessments.

2.1.14 Whilst we acknowledge that our comments should be focussed on strategic matters only, to demonstrate that an inconsistent approach has been applied one must look at the sites that have been included and excluded from the Local Plan, as a point of comparison.
2.1.15 Using the Smallfield sites as an example, there are two allocated sites (HSG03 and HSG01) that require an amendment to the Green Belt boundary.

2.1.16 The site specific assessments for sites comprising allocation HSG01, acknowledge that development would have an impact on the openness of the Green Belt and its ability to safeguard from encroachment and restrict sprawl. Nevertheless, it is considered that this impact could be reduced through sensitive design that relates positively to the Green belt and the surrounding landscape, particularly as the site is well contained and comprises a relatively limited part of the wider rural area due to surrounding built form. The ability to create a clear and defensible boundary was also highlighted as being a benefit (GB2 SMA004 and SMA008).

2.1.17 We agree with the Council’s assessment that exceptional circumstances exist and endorse the allocation policies that permit flexibility in respect of design. However, when this is compared to site SMA21 (which is not included as an allocation) it is unclear how this is markedly different in terms of Green Belt impact and the ability to mitigate through good design. Further, it is arguably more desirable than the allocated sites in many respects, including proximity to services and the number of dwellings proposed.

2.1.18 Accordingly, there is extremely limited difference between sites where exceptional circumstances are justified and sites where they are not. If these additional sites were brought forward it would have yielded additional homes without any material alteration of the strategy itself.

2.1.19 This lack of consistency is compounded further when one considers the proposed garden community and how its impact on the Green Belt is assessed. Indeed, it is the Council’s view that this form of development in the Green Belt is necessary because only a relatively small amount of development can be provided around tier 1 and tier 2 settlements.

2.1.20 For reasons already explained, we disagree with this conclusion as additional sites should have been allocated in and around existing settlements.

2.1.21 It is pertinent to acknowledge that the development of any land associated with a Garden Community would have a significant impact on the Green Belts ability to serve its purposes. However, the Council deem it acceptable based on the acute need for housing and subject to securing robust and defensible boundaries and mitigating impact on openness through good design.

2.1.22 With the above in mind, we would reinforce that the plan is not justified due a lack of consistency in the Councils approach to permitting Green Belt release. We do not disagree with the argument put forward for a new garden community, however we would contest that releasing large sections of the Green Belt is more acceptable than the release of a sites adjacent to existing settlements (that are currently excluded).

2.1.23 It is our view that the Councils interpretation and application of their Green Belt evidence is flawed, and they could justify a much higher housing target through allocating additional sites.

2.1.24 Taking the above into account, whilst we do not object to the site selection methodology in terms of its approach (i.e. determining whether exceptional circumstances exist by considering the Calverton Principles and locally driven
certain sites have been omitted when they clearly adhere to the selection criteria. Further, the Councils decision to release Green Belt to create a garden community is based on unsubstantiated evidence and preferred to releasing a greater number of smaller sites around settlements, which could be achieved with a more positive approach. Not only does mean that the amendments are unjustified, the site selection methodology cannot be considered robust when there is such ambiguity surrounding how it should be applied in practice.