1. Introduction

1.1 This Statement has been prepared on behalf of Bellway in response to Matter 4 of the Examination into the emerging Tandridge Local Plan 2033.

1.2 Bellway are promoting the land at Galloway Lodge, Warlingham for new residential development. Representations have been submitted on behalf of Bellway to previous consultations regarding the Local Plan.

1.3 Galloway Lodge, Warlingham has been assessed by the Council under reference WAR 035 in document SAD61.

1.4 The site is located at a sustainable location, with Warlingham 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. However Bellway are aware that the District Council has, through the emerging Local Plan, proposed the release of sites from the Green Belt to accommodate new housing.

1.5 Bellway 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, Bellway consider that the emerging Local Plan is fundamentally unsound, that the housing requirement should be increase and additional sources of supply identified.

1.6 For the sake of brevity and minimising repetition, this Statement should be read alongside Bellway’s previous representations on such issues. The contribution made on behalf of Bellway during the Examination will have regard to their Statements and previous representations.

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1 Housing and Economic Land Availability Assessment 2017-2018 Appendix 3 Deliverable and Developable Sites
2. **Response to 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?

**Q4.1** Was the Green Belt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts?

2.1 We note that the Council’s Green Belt Assessment Part 2 relies heavily upon the consideration as to whether the ‘purpose of the Green Belt’ is achieved, as opposed to also considering the more specific circumstances for defining Green Belt boundaries identified at paragraph 85 of the NPPF (2012). These which state that authorities should:

- “ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”

2.2 In contrast, the approach taken in the Green Belt Assessment results in the vast majority of sites / assessment parcels within the Green Belt being evaluated negatively and subsequently discounted. This is seen (for example) in the Council’s utilisation of Green Belt Purpose 2 (‘to assist in safeguarding the countryside from encroachment’) as a metric, which is given great weight for establishing whether a parcel of land within the Green Belt may be suitable for release from it. Yet, by definition, any parcel of land within the Green Belt, that is not substantively developed, contributes towards the preservation of the countryside; because it is a designation that restricts building within the countryside. To this extent then, Green Belt Purpose 2 can be regarded as tautological and does not assist with the evaluation of undeveloped sites within a Green Belt Assessment.

2.3 The Part 3 Assessment provides a somewhat more embellished evaluation. However, this only considers a handful of sites that had not already been screened out at stages
1 or 2. This is of particular significance as the Draft Plan fails to meet the identified housing need, with the Council seeking to justify this because of the prevalence of the Green Belt designation. Indeed, it is telling that the majority of the Green Belt sites proposed for allocation in the Draft Plan are not recommended for release in the Council’s Green Belt Assessments. This is indicative of a methodological approach to the assessment of sites that has been configured to impede the release of Green Belt land, rather than meet sustainable development objectives; an aim which should take primacy.

Q4.2 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 the consistent with the Local Plan Strategy?

2.4 As Bellway’s Statements and previous representations demonstrate, the sites assessed as part of the evidence base to this Local Plan, provide opportunities to accommodate development at higher order settlements and a greater level of development overall. Both of these factors are relevant to paragraph 84 of the NPPF 2012 and the need to promote sustainable patterns of growth. However Bellway’s fundamental concerns relate to the Green Belt assessment methodology (see Q4.1), the consistency of the assessment

Q4.3 Have all realistic alternatives for 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 form release from the Green Belt be made?

2.5 Bellway consider that the nature of Tandridge District, including the nature of its settlements and the designations relating to the countryside indicate that there is no alternative to releasing land from the Green Belt if the levels of development required stand any chance of being achieved.

2.6 The need to look outside of the boundaries of settlements (and therefore within the Green Belt) is reinforced by the fact that a significant proportion of the Council’s expected housing is derived from sources which area collectively windfalls (for example windfalls, town centre initiatives and other supply including an empty homes allowance).

2.7 Table 8 of Document SBC2 (Tandridge District Council Urban Capacity Study 2017) appears to indicate that various sources of supply within urban areas could deliver 723 dwellings, however assumes the application of ‘optimised densities’ in excess of 100 dwellings per hectare in some instances. In our opinion, the Urban Capacity Study highlights a clear and demonstrable disparity between the capacity of urban areas within Tandridge and the level of development required.

2.8 Furthermore, we note that the Council has concluded that it is necessary to release land from the Green Belt to provide for the level of supply to meet its suppressed requirement. Bellway consider that the sources of supply should be expanded for a number of reasons. Firstly, to ensure that the assessed requirement can be achieved. Secondly, to provide a degree of flexibility to ensure that the identified sources of supply are able to respond to change whilst still being able to provide the necessary level of new housing. At present the supply sources equate to the ‘requirement’ in the
Plan (irrespective of the fact that the requirement has been suppressed) and there is no flexibility.

Q4.4 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?

2.9 Bellway do not consider that the site selection methodology for sites to be released from the Green Belt is robust. The assessment of sites has led to a situation where sites which are more affected by physical constraints (for example by being in Flood Zones 2/3) (rather than policy designations, such as being within the Green Belt), being in less sustainable locations, or having been assessed as having a potentially greater impact on the countryside and Green Belt are proposed for allocation. Bellway consider that it would assist all parties to this Examination if the Council were to submit a single document which sets out how each proposed allocation as assessed against the Green Belt purposes, the impact that its development would have on the Green Belt and the extent to which the site is subject to any specific constraints.

Q4.5 In overall terms, are there exceptional circumstances for the proposed alterations of the Green Belt, to accommodate the level of development proposed?

2.10 We welcome the way in which the Inspector’s question is phrased and consider, for the reasons set out below, that there are exceptional circumstances to justify the release of land from the Green Belt for development. We also note that this is not an Authority where the need for Green Belt release is at issue. The Council accepts the need for sites to be released with the issue being the extent to which development could be accommodated.

2.11 We welcome the reference to the judgment in Calverton Parish Council vs Greater Nottingham Councils [2015] EWHC 10784 in Document GB1 (Green-Belt Assessment (Part-3) Exceptional Circumstances and Insetting 2018). Document GB1 summarises that the Calverton Judgment:

“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;

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

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

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

iv. 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,

v. 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."
The Topic Paper also set out that the Council would apply these tests to what were described as Category 2 and 3 sites at the appropriate time in the plan-making process. These categories were used to differentiate sites as part of the Council’s Our Local Plan: Sites Consultation (4 November to 30 December 2016); with Category 2 sites being those identified as not serving Green Belt purposes whilst Category 3 sites identified as serving one or more Green Belt purpose. The Topic Paper suggested that points (i) to (iii) of the Calverton case would be applied at site level, however, as these matters are strategic in nature, affecting the district as a whole, it is considered more appropriate to assess them within the main body of this report and not at site level, although they are included when balancing factors for or against a site. However, matters (iv) and (v) have been considered at site level through individual site pro formas (which form an appendix to this report) as each site will vary in terms of how well they perform in relation to the Green Belt purposes applicable to them, the extent of harm arising from their development and the potential for mitigation. The Topic Paper concluded that there would be a need to give clear consideration to points (iv) and (v) of the Calverton case where a site serves Green Belt purposes and furthermore, that these sites would require additional justification.”

2.12 There does not appear to be any dispute with the Council that the acuteness/intensity of the assessed need indicate that there are exceptional circumstances for the release of Green Belt.

2.13 Similarly, there does not appear to be any dispute with the Council that the inherent constraints on the supply of land “prima facie” suitable for development. However in that regard, our client does note that the Council does propose to allocate land currently in the Green Belt which may not be suitable for development for other reasons (for example, by virtue of being within Flood Zones 2/3 and where the sequential assessment and exceptions test should be applied). Whilst this matter is explored elsewhere in Bellway’s representations, the key point is that the Council proposes to allocate sites which are more constrained (from a physical rather than policy perspective) than sites which are less constrained.

2.14 The third point established in the Calverton Judgment is the consequent difficulties in achieving sustainable development without impinging on the Green Belt. Achieving sustainable development requires a variety of matters to be taken into account, including the meeting the needs of the area. It is fundamentally clear that the needs of Tandridge cannot be met without the use of land currently in the Green Belt. In fact, the Council has concluded that the release of land from the Green Belt is required to deliver a quantum of housing that falls short of that which is required to meet the needs of the area.

2.15 The fourth point established in the Calverton Judgment requires an analysis of the nature and extent of the harm to the Green Belt (or those parts that would be lost if the boundaries were reviewed). To a degree, that assessment requires consideration on a site by site basis. In the case of site WAR 035, the Council’s own evidence is that the parcel within which it sites performs only a minor role in minimising coalescence between towns. The Council’s evidence and assessment of this parcel does not appear to establish that it is necessary for it to be retained as Green Belt, but rather that the perceived ecological and highways constraints have discounted it from being
allocated. We are unable to establish how the consideration of such matters relates to the points set out in the Calverton Judgment.

2.16 The fifth point in the Calverton Judgment is the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest practical extent. Again this requires a site by site analysis. However in the case of site WAR 035, the Council’s own evidence (for example Document GB2 (Green Belt Assessment (Part-3) Appendix 1 2018)) is that the site “is visually and physically well contained by mature woodland to the east and south and it is abutted by built form to its west and north boundaries”. Furthermore, the same assessment demonstrates that “Subject to the use of sensitive design and the use of woodland buffer zones, its impact on the wider Green Belt could be reduced.”

2.17 Whilst we are aware that the Inspector will not be examining the omission sites, Bellway consider that site WAR 035 (Galloway Lodge, Warlingham) is a clear example as to why the Council’s evidence and assessment methodology is flawed. Document GB2 finds that the site is sustainably located and does not establish any inherent constraints to development and that through design measures, the impact on the wider Green Belt could be reduced. Our Statement to Matter 3 has already demonstrated that the site is not ecologically sensitive and that the masterplanning of this site could deliver net gains for biodiversity. The Council’s assessment refers ‘point of access issues’, however there are opportunities to access the site and the Council’s assessment appears to be that the formation of an access would require the removal of trees. In our view, the Council’s assessment of the site specific characteristics that it has used to rule out exceptional circumstances have been set at an extremely low bar (from the Council’s perspective), in a way that is inconsistent with the way in which other sites have been assessed. For example, sites which are proposed for allocation have been found to have physical, onsite, constraints which could restrict development or the suitability of the site.

2.18 In terms of the wider Green Belt considerations and site WAR 035, the assessment in Document GB2 suggests that “the parcel provides a minor role in preventing neighbouring towns from merging, lessens the encroaching effect on the countryside and the natural features of the area also contribute to preventing further development.” Bellway do not consider that there are any natural features that prevent the site from accommodating development (In fact the natural features indicate its suitability given the nature of the site’s boundaries). In contrast to the Council’s view, Bellway consider that it is the fact that the parcel and site WAR 035 has been designated as Green Belt which means that the area plays a role in preventing the encroaching effect of development. It is not the site that performs this role but its designation in planning policy terms. Bellway consider that the nature of the surrounding land uses and settlement pattern indicates that the development of site WAR 035 would not lead to unacceptable encroachment into the countryside.

2.19 To assist in making the point above, we refer to the fact that the Council has proposed the allocation of the Land at Farleigh Lane, Warlingham (HSG17) despite Document GB2 (Green Belt Assessment (Part-3) Appendix 1 2018) establishing that the development of this site would require the enhancement of boundary vegetation and securing a robust and defensible boundary.
2.20 Fundamentally, Bellway consider that the Council should revisit the sites assessed in preparing this Local Plan. It is abundantly clear that it has assessed sites which would enable it to plan for a greater level of development and meet the assessed needs of the area while providing a degree of flexibility to respond to change. Site WAR 035 at Galloway Lodge is one such example. The Council’s current approach to site assessments discounts sites which are free from constraints and allocates a number which are constrained. Similarly, the Council has applied a series of matters that could be overcome through the design process as constraints which restrict the assessment as to whether exceptional circumstances exist.

Q4.6 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?

2.21 The Green Belt boundaries will not endure beyond the Plan period. The available evidence (including the Council’s own, and the ‘direction of travel’ indicated by the Local Housing Need figure) indicates that the housing requirement in Tandridge should be demonstrably higher than the supply proposed in the draft Plan. In our opinion, if this Local Plan is adopted despite its significant shortcomings arising from the failure to provide a positive context to meet identified needs, or even the flexibility to meet the ‘requirement’ in the Plan), then the fact that the evidence shows a demonstrably higher housing requirement is a reasonable indication that the Plan will need to be reviewed five years after it is adopted.

2.22 Rather than enduring beyond the Plan period, we do not consider that the Green Belt boundaries will be capable of enduring beyond a review of the Plan five years after it is adopted.