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?

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

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?

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?

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?

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

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?

4.1.1 Our response on matter 4 relates to questions 4.1, 4.2, 4.4, and 4.5 as set out above and should be read in conjunction with our reps on Matters 1 and 2 in terms of the robustness of the SA and the OAHN.

a) TDC’s general position on supply

4.1.2 Para 11.6 of the Reg 22 Plan makes it clear that it is the consideration of constraints that has led to the delivery target proposed in policy TLP01, rather than the adoption of the full OAN. Para 11.7 of the Reg 22 plan goes on to suggest that the council have examined all potential sources of supply and concluded that there is no further land that can be developed within Tandridge due to the significant environmental and policy constraints within the District.

4.1.3 As set out in our reps on the Reg 19 plan, the above does not appear to be so when one reviews the HELAA. The 2017-18 HELAA (SAD3) indicates at table 3 (p25) that there are sites capable of delivering 552 dwellings over the period 2019-2024, and sites capable of developing 8,573 dwellings over the period 2024-2029. When added to completions since 2013/14 (1,280), and outstanding permissions (1,054), this would suggest there is capacity to accommodate some 11,459 dwellings up to the period 2029. As the HELAA also suggests some 13,770 are developable over the period 2029-2033 (+), it would be feasible and realistic to plan to deliver 11,400\(^1\) dwellings + a 10% buffer, as suggested by the Forum over the plan period. It is not therefore a lack of sites that is curtailing the housing supply, but the Council’s

\(^1\) 570 x 20 = 11,400
approach. In this regard we note that the housing target (6,056) is circa 26.45% of the overall number of developable sites the HELAA identified. This would suggest there is no need to suppress the housing target, and that to do so merely indicates a Plan that is not positively prepared.

4.1.4 In this regard we note that the HTP (HNS2) makes much of the fact 94% of the district falls within the Green Belt. It also indicates at para 20 that:

‘Delivering the final housing target has meant that a proportion of this amount has had to be built on around 2% of the District’s Green Belt, which will be made up of urban and semi-rural service centre edge of settlement sites and a Garden Community in South Godstone.’

4.1.5 The above needs to be considered in context. Tandridge is not dissimilar to many authorities in the south east that are both heavily constrained and suffer from high affordability issues – indeed the two often go hand in hand. Given the extent to which Tandridge is subject to Green Belt designation, the de-allocation of circa 2% of the district’s Green Belt to meet its housing needs is not in our opinion disproportionate or unreasonable. Indeed, given the scale of the housing need and extent of the Green Belt within Tandridge it would not in our opinion be unreasonable in the circumstances to see the de-allocation of circa 4% of the district’s Green Belt. This would enable the district to accommodate its full OAHN + a 10% buffer and should be considered in the context of the fact this would be the first major Green Belt review in the District since the 1950’s.

4.1.6 This leads to the issue of whether there are exceptional circumstances to justify the release of land from the Green Belt.

b) Exceptional Circumstances

4.1.7 Whilst we accept that exceptional circumstances relating to the release of Green Belt land are not defined in the NPPF, we note that the Council set out what factors it considered necessary in terms of demonstrating exceptional circumstances in its Spatial Approaches Topic Paper: Sites Consultation (Oct 2016)², and took this forward in the Green Belt Assessment Part 3 (June 2018) (GB1)³. These circumstances were, also considered in the context of the circumstances defined in the case of Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 10784.

4.1.8 In Calverton Jay J stated (at paragraph 51) that, having assessed the OAN, a Council should, at least, ideally identify and consider 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;


³ See para 3.4 of GB1.
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 reasonably practicable extent.

4.1.9 In the context of the above we note that Paragraphs 294 – 334 of the HTP (HNS2) sets out a summary of the council’s approach to the Green Belt Exceptional Circumstances Assessment (part 3) (2018). In considering the acuteness of the OAHN and its implications in terms of exceptional circumstances, para 309 of HNS2 states:
‘the history of Tandridge’s housing delivery which has not kept pace with infrastructure provision …… strongly suggest that the acuteness of objectively assessed need, when seen as an absolute figure measured against sustainability objectives and land supply should be measured as high’ My emphasis.

4.1.10 Paragraphs 311 and 312 of HNS2 continue:
‘This paper has already set out the background on the inherent constraints on supply/availability of land to support sustainable development. …….. In terms of land supply these constraints restrict the quantum of land available for consideration. Consequently, because of the constraints listed above and Council’s exceptional circumstances methodology a proportion of its edge of settlement sites delivering approximately 2,572 dwellings had to be discarded as they did not have exceptional circumstances in the Council’s Green Belt Assessment Part 3.’ My emphasis

4.1.11 In recognising the fact that the inherent constraints on the availability and supply of land needs to be contextualised against the severe acuteness of the housing need, HNS2 advises at paragraphs 329 and 330 that:
‘Through the exceptional circumstances assessment, 43 edge of settlement sites for housing, delivering approximately 3,655 dwellings, were identified as being suitable for consideration through the Local Plan designation process. Of the 43 sites taken through the site allocation process 14 of these sites, delivering a total of 1,033 dwellings, have been allocated within the Local Plan.’

4.1.12 Having regard to the above, it is clear that TDC accept there are exceptional circumstances to justify the release of land from the Green Belt, as:
  i. it is acknowledged that there is an acute housing need in the district;
  ii. it is acknowledged that the supply/availability of land prima facie suitable for sustainable development that falls outside the Green Belt in Tandridge is severely limited; and
  iii. it is acknowledged that there are consequent difficulties in achieving sustainable development without impinging on the Green Belt.

4.1.13 Thus it is necessary to consider:
  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 reasonably practicable extent.
4.1.14 In the context of the above we also feel it is necessary to consider

- Was the sifting process between the identification of the areas for further investigation in GBA part 2 and the identification of specific sites in the GBA part 3 similarly robust – i.e. did some sites fail to get through despite the fact they had been selected as an area for further investigation because of the findings of other studies, and were those studies relevant in the context of the GB assessment; and
- whether the exceptional circumstances are such that they justify a higher level of release than that currently provided for.

c) Assessment Methodology

4.1.15 Paragraph 84 of the NPPF (2012) is clear that when drawing up or reviewing Green Belt boundaries local planning authorities should 'take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.' In this regard one has to heed the five purposes the Green Belt serves, as set out in para 80 of the NPPF 2012 which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.1.16 The GB Assessment Methodology (June 2015) (GB14) identifies the fact that the Metropolitan Green Belt which covers much of Surrey had its boundary established and adopted through the 1958 Surrey Development Plan; and that the Green Belt in Tandridge has remained relatively unchanged for circa 60 years. In this regard we note that at stage 2 of the assessment process the GBA Methodology (GB14) in assessing how each parcel performs against the purposes of the Green Belt, states the following about how it is to approach purpose 1 - To check the unrestricted sprawl of large built up areas:

“3.19 Urban sprawl can be defined as the advancement of ad hoc, sporadic and unplanned development beyond the clear physical boundary of a developed settlement. If there is a clearly defined physical boundary line between the built form of the urban area and the countryside then this would suggest that any development has more than likely been planned and that the Green Belt has been effective in guiding and restricting it. If that line has been blurred by ad hoc infilling or patchy development and a clear boundary no longer exists that parcel may be less effective at restricting urban sprawl.

3.20 This will be predominantly applicable where Green Belt land lies close to the periphery of the built environment within and adjacent to the District. Large built up areas for Tandridge are primarily defined as those which are inset from the Green Belt and would arguably apply to the main settlements of Oxted and Caterham etc. However, due to the dispersed nature of settlements throughout the District, a local

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4 See paras 2.14 and 2.15 of the GB Assessment Methodology (June 2015)
application of this purpose is more appropriate and may also apply to those settlements with defined boundaries and those which have an identifiable built nature, such as Godstone, Bletchingley, Nutfield and Dormansland etc.

3.21 The following questions will be used to assist in the assessment process:

- What are the characteristics of development, if any? i.e. is the development which exists; planned, ad-hoc or sporadic?
- Has this changed significantly since the Green Belt was first designated?
- Is any area of the parcel physically connected to a built up area/settlement?
- Is there a strong, defensible boundary between the existing built up area and the Green Belt, for example: main roads, built form, watercourses, etc.? Or is there another notable feature which is more effective in preventing urban sprawl i.e. a hilltop or ridgeline, or drainage ditch, etc.?”

4.1.17 TDC’s decision to approach their GBA methodology in this manner goes beyond what in our view is reasonable or required by the wording of the NPPF and has no doubt had much to do with discounting what would otherwise have been perfectly acceptable Green Belt releases. In this respect we note that para 3.38 of the GBA (part 3) (GB1) acknowledges that; “in most instances the use of good design and an effective master planning process can help mitigate impacts on the openness of the Green Belt and its purposes, for example by reducing visual or perceptual coalescence, preventing a sense of urban sprawl or tying development into the landscape of the wider countryside and accommodating open space within the site “

4.1.18 The situation has been compounded by the fact the GBA (December 2015) (GB6) also suggests at para 6.7 that ‘the Green Belt in Tandridge plays an effective role in preventing sprawl from places such as Kenley, Selsdon, New Addington, Biggin Hill, South Merstham, Redhill, Copthorne and East Grinstead.’ It cannot be right to use purpose 1 to prevent the expansion of urban areas that fall outside the Green Belt, especially when one has such an acute housing need. The Green Belt covering Tandridge is the Metropolitan Green Belt and was put in place to prevent the continued outward sprawl of London, not the likes of East Grinstead or Copthorne. As such to consider the Green Belt as performing strongly on this purpose in relation to those parcels of land surrounding these settlements is not appropriate. This approach will no doubt have resulted in what would otherwise have been perfectly acceptable Green Belt releases being discounted, and again suggests a Plan approach that is unjustified and inconsistent with national policy.

4.1.19 Turning to purpose 2 - to prevent neighbouring towns merging into one another - the Green Belt Assessment Methodology 2015 (GB14) at para 3.22 indicates that “This purpose will apply where neighbouring towns or settlements could merge if the land between them did not remain in the Green Belt”. Such an approach is inconsistent with the para 80 of the NPPF which specifically refers to ‘neighbouring towns’ not settlements. This is compounded by the fact that in undertaking both the strategic and parcel assessments the Council have sought to maintain the separation of small settlements and even small clusters of housing on the edge of settlements as meeting purpose 2.5 It would also appear that despite para 5.11 (bullet points 1 and

5 See paragraph 5.12 of the 2015 Green Belt Assessment (Dec 2015) (GB6) which in commenting upon Strategic Area C, states “Helps to keep separate some small settlements within close proximity to each other, such as Lingfield and Dormansland”
2), of GB6, wherein it is suggested that most settlements within strategic area b only make a 'moderate contribution to checking urban sprawl' and 'are generally well spaced apart and the threat of coalescence is not great', sites in the likes of Oxted and Hurst Green, were dismissed in GB2 in part because of the role they play in checking urban sprawl and preventing settlements merging. Again this approach will have resulted in what would otherwise have been perfectly acceptable Green Belt releases being discounted.

4.1.20 Finally in terms of purpose 4 we note that GBA Methodology 2015 (GB14) at para 3.32 acknowledges that "Purpose 4 is unlikely to apply to Tandridge on the same scale as some historic towns such as Oxford or York". That said it goes on to suggest that "the District does have areas with special historic character, and it is important that these continue to be valued in the local area and should be protected." As a result, the GBA in assessing the effects of development in terms of purpose 4 considers the effect development would have on areas which are designated as a Conservation Area, and in so doing asks the following questions (at 3.34):

- Are there any designated historic conservation areas within or visible from the parcel?
- How would you describe the view from, within, into and out of the conservation area?
- How does the parcel complement the setting of the conservation area?

4.1.21 The approach taken to purpose 4, goes beyond adapting the national policy to local circumstances, it departs from the NPPF policy in applying a policy which relates to historic towns to conservation areas (whether or not they relate to such towns). That approach is one illustration that demonstrates that the Council have gone beyond, and therefore not applied, the approach indicated by national policy.

4.1.22 In this regard we note that para 332 of HNS2 states:

"However, in order to ensure a locally derived approach, its consideration of exceptional circumstances [the GB Assessments consideration] has also included consideration of the wider evidence base, potential mitigation measures, the existence of any issues which are potentially not mitigatable and any community benefits that may be derived should a site be developed. To ensure a consistent approach a set of questions were asked for each site. The responses to these questions were then drawn together in a final discussion section, where they were balanced in order to arrive at a conclusion as to whether or not a site had the necessary exceptional circumstances in order to justify its release from the Green Belt and thus to make a contribution to the land supply for housing, travellers and...

In this regard we note that in reviewing sites SMA 004, 008 and 040 (allocation HSG01), GB2, acknowledges that the development of these sites would impact on openness of the Green Belt as well as its ability to safeguard from encroachment and restrict sprawl, but indicates that 'it is considered that impact could be reduced through sensitive design that relates positively to the Green Belt and surrounding landscape, particularly as this site is well contained and comprises a relatively limited part of the wider rural area due to surrounding built form.' This approach appears a similar approach could be adopted to SMA 009, 020, 021, 027 and 043; esp. when also considers the allocation of SM030 (policy HSG03).

6 See OXT006, 007, 020, 021 (albeit this is subsequently allocated), 72, 74 and 75

In this regard the fact OXT 021 is allocated because it is physically and visually well contained is in our opinion disingenuous to the ability of sites like OXT006, 007, 72, 74 and 75 to create defensible boundaries through the urban design process and by way of suitable landscaping. The same could be true of sites GOD 004, 008, 017 and 019 if developed comprehensively and GOD 024 when compared with GOD 010
employment. The *potential to provide community benefits, but particularly the scale and nature of the community benefits that could be secured from a site’s development, has been an important factor in determining which sites are considered, as has whether the impact on the Green Belt, particularly the wider Green Belt, can be satisfactorily be reduced and an appropriately robust and defensible boundary can be secured* My emphasis.

4.1.23 Effectively releasing sites from the GB on the basis of the sites ability to provide for unspecified community benefits, is not in our opinion an approach that reflects the aims and objectives of the NPPF. This approach has singlehandedly resulted in the Council discounting otherwise acceptable sites for release from the Green Belt and cannot therefore be sound.

d) The site selection process

4.1.24 It is not the role of the Forum to engage in site specific matters, individual Members of the Forum will be making separate submissions in this regard. There are however general points of principle we wish to raise, in particular the fact that the GB assessment should be just that, in particular an assessment of whether exceptional circumstances exist, including an assessment of the suitability of a site for development having regard to the five purposes the GB serves. The landscape capacity and sensitivity of a site, its ecological status and its impact on open space and sports provision, as well as how it scored in the SA/ in other evidence base documents is not a matter for the GB Assessment itself. The GB Assessment should assess the sites against the purposes of the GB and the LA should then take this, together with all the other evidence base documents to resolve which are the most appropriate sites to allocate.

e) Conclusion

4.1.25 There are we believe exceptional circumstances to justify the release of land from the Green Belt in order to help meet the full OAHN for the District. We do not however believe the Green Belt Assessment was undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts, or that the site selection methodology is robust. Nor are the proposed boundaries of the Green Belt clearly defined – they are still to be confirmed as far as the proposed Garden Community at South Godstone is concerned.

4.1.26 The methodology adopted in the GBA to the release of sites is in our opinion unsound in its approach and has actively restricted the Councils ability to meet its OAHN. The social and economic implications of not meeting the OAHN have not been given full weight and there is no clear evidence to demonstrate why the OAHN cannot be met. The methodology applied in the Green Belt Assessment effectively seeks to undertake an exceptional circumstances test on each site individually rather than following the approach indicated in *Calverton*, of first assessing OAN and then considering the nature and extent of harm to the GB (or those parts of it which would be lost if the boundaries were reviewed), and then examining each land parcel and site against the five purposes of the Green Belt set out in the Framework and separately from any other assessment work in the SA, Landscape Appraisal, etc.
Consideration of community benefit is not a justification for Green Belt release on its own.