EXAMINATION OF THE TANDRIDGE LOCAL PLAN 2033

EXAMINATION STATEMENT ON BEHALF OF CATESBY ESTATES PLC

Matter 4 – Green Belt Boundary Alterations
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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?
1. **Introduction**

1.1 This Examination Statement has been prepared by Neame Sutton, on behalf of Catesby Estates PLC (Catesby), and provides a response to the Inspector’s questions (29th July 2019) regarding the Spatial Strategy and Greenbelt Boundary Alterations in the Tandridge District Council Local Plan: 2033 (the Plan) and supporting evidence base. It is relevant to note that, as a member of the Tandridge Housing Forum, Catesby endorse the Matters Statements prepared by Judith Ashton Associates, on behalf of the Forum. This statement, therefore, supplements the points raised by the Forum.

2. **Matter 4 – Greenbelt Boundary Alterations**

(i) **Is the Greenbelt Assessment consistent with national planning policy for Greenbelts; is it based upon appropriate criteria and is it adequate and robust?**

(4.1) Was the Greenbelt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Greenbelts?

(4.2) In terms of Paragraph 84 of the Framework, have the proposed alterations to the Greenbelt boundaries taken account of the need to promote sustainable patterns of development and are they consistent with the Local Plan Strategy?

(4.4) Is the site selection methodology for sites released from the Greenbelt robust and are the proposed alterations to the Greenbelt boundaries justified?

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

2.1 Paragraph 84 of the NPPF (2012) highlights that LPAs should, when reviewing Greenbelt boundaries, take account of the need to promote sustainable patterns of development. Paragraph 11.6 (p.36) of the Plan states that, although the evidence base identified an OAN of 9,400\(^1\) over the Plan Period, it is a ‘starting point’ and the constraints, namely the Greenbelt, around Tandridge justifies the deviation from this housing target, set out in Policy TLP01: Spatial Strategy (6,056 dwellings). Paragraph 11.7 (p.36) then goes on to suggest that, through the Housing Topic Paper (2019)[HNS2], all avenues of supply have been examined and there are no further sources of supply, due to environmental constraints.

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\(^1\) This has subsequently been reduced to 7,960 dwellings in HNS5. See Tandridge Housing Forum Statement for its evidence on the correct OAN, which Catesby endorses.
2.2 However, this is not the case when referring to the HELAA (2017 – 2018), particularly with reference to Catesby’s site, Land East of High Street, Godstone (HELAA ref: GOD024, p.64), which has been assessed as having the potential to deliver an estimated 62 units, from Year 5. It is important to note that the site is currently available and would make an immediate contribution to the 5-Year HLS\(^2\), were it to be allocated. Indeed, the HELAA states that this site is in accordance with the Preferred Strategy and deems it suitable, available and achievable, the only overriding constraint being the Greenbelt designation.

2.3 This is a common thread running through the HELAA, such that the Council has not fully utilised all sources of supply and, equally has not tested the scenario, where the full OAN is met. The consequence of this, is that the Plan does not promote sustainable patterns of development, as required by the Framework.

2.4 With this in mind, it is important to consider the exceptional circumstances that warrant the release of Greenbelt land in the District. Paragraph 85, Bullets 1, 2 and 5 of the NPPF (2012), state that when defining Greenbelt boundaries, LPAs should ensure consistency with the Local Plan strategy, not include land that is unnecessary to be kept open and satisfy themselves that Greenbelt boundaries will not need to be altered at the end of the Plan Period.

2.5 The Regulation 19 Housing Topic Paper (2018, p.49, para.288)[HNS6] acknowledges that to deliver a viable and realistic Local Plan, it is necessary to assess the characteristics and potential for release of the extensive Greenbelt around Tandridge. This assessment was done through a three-part Greenbelt Assessment, which considered how the Greenbelt served the purposes, set out in Paragraph 80 of the NPPF (2012), the strategic and historic contribution, as well as where the Greenbelt has changed over time. The assessment process also considered how the primary characteristic of openness was demonstrated and how each settlement performed.

2.6 Whilst it is recognised that there is no standard definition of ‘exceptional circumstances’, there are examples, in case law, which set out components that could be used as indicators (Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 10784). These are set out in the Housing Topic Paper (2019, p.61, para.302)[HNS2] and include, amongst other criteria:

- The acuteness/intensity of the OAN (matters of degree may be important).
- The inherent constraints on supply/availability of land prima facie suitable for sustainable development.
- (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Greenbelt.

2.7 In considering the acuteness of the OAN, the Council is aware of its significance, stating in Paragraph 309 (p.62) of the Housing Topic Paper (2019)[HNS2]:

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2 As confirmed in our Regulation 19 representations at Paragraph 3.7

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“In this case, the history of Tandridge’s housing delivery which hasn’t kept pace with infrastructure provision, the pressure of competing land uses, the performance of its town centres although with the limitations of increasing density within the District and development on Brownfield land, strongly suggest that the acuteness of objectively assessed need when see as an absolute figure measured against sustainability objectives and land supply should be measured as high.”

2.8 This is then contradicted in Paragraph 312 (p.63)[HNS2], following a summary of the constraints to the supply of land, which states:

“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.”

2.9 The Council does, however, accept that exceptional circumstances exist to release land from the Greenbelt (p.65, paras.329, 330)[HNS2]:

“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 identified in the Local Plan.”

2.10 In summary, the Council recognises that there is an acute housing need, that the supply of alternative housing land is limited, and that it will be difficult to achieve sustainable development without impinging on the Greenbelt. It is acknowledged that exceptional circumstances exist to warrant the release of Greenbelt land.

2.11 With reference to Godstone, this thought was shared by the previous Local Plan Part 2 Inspector, as the Greenbelt Assessment (Part 3): Exceptional Circumstances and Insetting (2018, p.21, para.2.27)[GB1] explains, in addressing Third Party concerns with reference to the alteration of the defined village in Godstone, the Inspector concluded:

“Elsewhere in Godstone the village boundary is drawn tightly around existing development and although I accept that the land in question is part of the curtilage of Godstone Place there is currently no reasonable justification for its retention within the village boundary. The representor referred to the sustainability credentials of Godstone…. However, at the current time, there is no substantive evidence that land in the village is required to meet housing needs. Should the situation change during the preparation of LP1 there is no reason to doubt that that Council would consider whether or not Godstone should have a role in
accommodation any development but until that consideration has been undertaken the Council’s approach is sound.”

2.12 This suggests that now there is a substantial housing need in Tandridge (as recognised by the Council), there is justification to release Greenbelt land in Godstone. It is considered that more focus should be given to the release of potential of sites in this area, which has been identified in the Plan (2019, p.59, para.17.16) as a sustainable, Tier 2 settlement (please refer to the Matter 3 Statement).

2.13 It is clear that exceptional circumstances exist to warrant the release of Green Belt land in Tandridge District. The Council’s site selection methodology is, however, flawed in that it seeks to apply the exceptional circumstances on a site-by-site basis, instead of examining the contribution each site makes to the five purposes of the Green Belt, in the context of the fact that exceptional circumstances exist for release.

2.14 When the assessment of land parcels or sites is undertaken correctly, specifically with reference to Godstone, it is clear that the Council’s approach has resulted in otherwise suitable and sustainable sites (such as Land East of High Street, Godstone) not being released from the Green Belt, and allocated, where the evidence clearly confirms they are suitable. In fact, the SA conclusion, in relation to Catesby’s site, confirms that the primary reason for the site not being taken forward, is its location within the Greenbelt. This, in itself, affirms Catesby’s opinion that the approach taken by the Council is flawed.

2.15 Furthermore, the Council has not sought to ensure that, in reviewing Greenbelt boundaries in the District, they will endure beyond the end of the Plan period. Instead a ‘minimal’ approach has been adopted, which releases limited land for development, which does not meet the OAN identified by the Council, let alone the full need, set out by the Forum’s evidence. It is, therefore, inevitable that the Greenbelt boundaries will require review in 5-years, when the Council is required to review the Plan under the provisions of the new Framework 2019. This does not amount to a positively prepared, sound Plan and contradicts Paragraph 85 of the Framework 2012.

2.16 The Council should revisit the Greenbelt boundary review in light of national policy and the evidence and release those parcels/sites that meet the objectives of achieving a sustainable pattern of development. This would result in a greater level of housing land supply to meet more of the full OAN.

2.17 As set out by the Forum, the impact of this approach would be that only approximately 4% of the Greenbelt would be released, which, given that 94% of the District is Greenbelt, is considered neither significant nor harmful.