Tandridge District Local Plan Examination

Matter 4 – Green Belt boundary alterations

Examination Statement by Nexus Planning on behalf of Taylor Wimpey
1. This statement has been prepared by Nexus Planning on behalf of Taylor Wimpey (“TW”).

2. TW controls some 122ha of land to the west of the A22 adjacent to Blindley Heath, which is available for a housing led development. TW has also actively promoted a Garden Community at Blindley Heath for 4,000 dwellings, the majority of which is available for development now.

3. TW is a member of the Tandridge Developer Forum (“TDF”) and therefore also relies upon separate representations made by the TDF.

**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?**

4.2 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. Yes. Please see our response to question 4.5 below and our Regulation 19 representations to Policy TLP03.

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?

5. The Council’s Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting 2018 (GB1) and Housing Topic Paper (HNS2) set out why the Council consider that exceptional circumstances exist to release land from the Green Belt. This includes a consideration of the acute housing needs in the District, the shortage of non-Green Belt land that can accommodate growth in a sustainable manner, the negative consequences of not developing in the Green Belt, the extent of harm that would arise to the Green Belt and the extent to which impacts upon the Green Belt can be mitigated.

6. Exceptional circumstances is not defined in the NPPF, however in the High Court judgement Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 10784 (“the Calverton Judgement”) the judge established what should ideally be considered. Paragraph 51 of judgement identifies this to be:

“(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 the 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.”

7. In respect of point (i), TW notes that the Council’s OAN is significant and that the District is one of the least affordable in the Country. It is therefore clear that an acute housing need exists. Turning to point (ii) the District is covered by 94% Green Belt with only limited opportunities for further infilling within sustainable settlements inset from the Green Belt. Paragraphs 311-314 of HNS2 address this matter in further detail and it is demonstrable that significant constraints exist in respect of the availability of land for new development. The Council’s SA (MD5) considers growth options that do not involve the release of Green Belt land but given only 6% of the District would fall under this category, it is clear that such an approach would result in an even greater shortfall against the Council’s OAN, a further shortfall against affordable housing needs and adverse impacts upon the character and appearance of the urban settlements. As such, it is clear point (iii) is addressed.

8. Given the above, TW agree that exceptional circumstances exist at a District level although we do not comment upon the exceptional circumstances relating to specific allocations (points (iv) and (v) of the Calverton Judgement).

South Godstone Garden Community

9. Turning to the South Godstone Garden Community (“SGGC”), paragraph 33.19 of the TDLP is clear that the local plan does not make any formal adjustments to the Green Belt for the Garden Community at this stage and that this will be determined at the AAP stage.

10. Nevertheless, TW note that the Council has given consideration to the strategic exceptional circumstances case for a Garden Community in the chosen location, which is set out at Section 4.1 of GB1. In effect, the Council has applied points (i), (ii) and (iii) of the Calverton Judgement in order to determine the strategic exceptional circumstances case for a Garden Community around South Godstone – an approach we support in principle.

11. GB1 is clear that whichever Garden Community location is chosen, harm to the Green Belt would arise but that the benefits of the proposal in combination with the District wide considerations amount to exceptional circumstances, albeit noting that specific extent of harm and ability to ameliorate this would be addressed at the AAP stage.

12. In terms of the strategic exceptional circumstances case, TW’s Regulation 19 representations to Policy TLP01 and Matter 3 Statement outline the benefits of a Garden Community in the southern/central part of the District.
13. TW consider that these benefits are material in establishing at a high level the exceptional circumstances for the Garden Community, having regard to the first bullet point of paragraph 85 of the NPPF. In particular, these benefits could not be achieved through a solely dispersed approach to housing, or a Garden Community in another part of the District, for example Redhill Aerodrome, which is located on the periphery of the District and would result in a substantial ‘watering-down’ of benefits to the District.

14. The Council has carried out a range of Green Belt Assessments in preparing the TDLP, with the Part 1 Green Belt Assessment (2015) (GB6) considering the role large parcels play against the purposes of including land within the Green Belt. We note that this study is high level and prepared well before Garden Community locations were established, for example it doesn’t consider the broad locations previously identified as a single entity. As such, its value in assessing the role of Green Belt land in the Garden Community broad location, in particular the indicative boundary identified on page 245 of the TLP, is somewhat limited. This has ultimately led the Council to make very broad conclusions about each of the Garden Community options and ultimately outline that harm to the Green Belt at each of the locations would be similar.

15. TW has no objection to this approach in principle, where an area for longer term growth is truly broad. However, in the case of the TLP, the Council’s ‘broad area’ is limited in scale.

16. Furthermore, the Council’s evidence base identifies that within this already small area of search, certain parts are more preferable (please refer to our Regulation 19 representations to Policy SGC01 for further detail). As a result, it would appear that the Council only consider approximately half of what is already a limited ‘area of search’ is likely to be appropriate for development (to the south of South Godstone). Clearly this does not represent the type of ‘broad location’ expressed at paragraph 47 of the NPPF and as a result, the AAP will have little scope to consider a range of Green Belt boundary options.

17. Through this demonstrable failure to identify a true broad location for long term growth, the Council will have little scope to minimise Green Belt impacts through absence of alternative locations for specific development parcels. This approach is likely to result in greater impacts than might arise through a consideration of a true broad location such as ‘the central/southern part of the District’, an approach which conflicts with points (iv) and (v) of the Calverton Judgement. Indeed, TW’s own Green Belt Assessment suggests this to be the case (see Appendix 2 of our Regulation 19 representations to Policy TLP01).

18. If a true broad location was identified, the Council could consider a range of options for allocating growth which would offer greater scope to minimise impacts across a range of factors. Such an approach would be more aligned with the more limited evidence base that exists to support the Garden Community at present. To offer genuine choice and alternatives, such an area must include real options in terms of Garden Community locations, which we consider a ‘central/southern part of the District’ broad location would offer, covering Blindley Heath and South Godstone.
19. Having regard to the favourable consideration of land at Blindley Heath in the Council’s SA and other evidence base documents, it is considered that this modification can be achieved without a fundamental re-writing of the Council’s evidence or a change in it spatial strategy. As a result, this modification would be relatively straightforward and need not introduce significant delay, having regard to the urgent need to deliver new homes in the District.

20. However, without the above change to the broad location, we consider the TLP to be unsound.

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?

21. It would appear that Policy TLP08 of the TDLP relates, in part, to the identification of settlement boundaries for Rural Settlements.

22. TW raised significant concerns at the Regulation 19 stage in respect of the Council’s approach to the insetting of villages. We are not clear whether the Inspector wishes to deal with this through the relevant policy as part of Matter 3 or the Green Belt session - Matter 4. Assuming the latter, we comment as follows.

23. The Council’s Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting 2018 (GB1) outlines that a number of villages are currently washed over by the Green Belt. Paragraph 86 of the Framework is relevant in this regard and states that:

“If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.”

24. The Council’s Part 3 Green Belt Assessment includes a consideration of villages washed over by the Green Belt and Table 1 identifies a list of settlements that are appropriate for insetting. Blindley Heath is included within this list, which TW supports. The settlement is sizeable, with a population of more than 1,000 and includes a significant array of built form (both residential and commercial) some of which is fairly high density and demonstrably fails to exhibit an open character and therefore contribute to the openness of the Green Belt.

25. However, paragraph 2.14 of the Part 3 Green Belt Assessment then sets out that the Council has applied its own sustainability test against the currently washed over settlements that fail to comply with paragraph 86 of the NPPF. At paragraph 2.34 of GB1 the Council then concludes that having regard to its own sustainability test, it is only appropriate to inset Godstone from the Green Belt as:

“Whilst other settlements similarly do not exhibit an open character, however in light of the work undertaken through the Settlement Hierarchy they do not offer sustainable locations for further
development above and beyond that which can currently be secured; as such no other settlements are being recommended”

26. Given the above, it is clear that the Council accepts that a number of settlements, such as Blindley Heath, fail to contribute to the openness of the Green Belt and should therefore be inset, in accordance with paragraph 86 of the NPPF - an approach that TW would wholly support. However, the Council has then created an additional assessment criteria beyond that identified by national policy. The justification appearing to be:

i. that this follows a similar approach the Council has adopted in preparing earlier plans; and

ii. that insetting the villages listed in Table 1 of the Part 3 Green Belt Assessment would not offer sustainable locations for further development.

27. In respect of point ‘i’, earlier plans pre-date the NPPF and therefore these plans cannot be used a justification for an unsound approach.

28. In terms of point ‘ii’, this demonstrates a conflation of two issues. Paragraph 86 of the NPPF is expressly associated with the consideration of a single test – is it necessary to prevent development in a village because of the contribution its open character makes to the openness of the Green Belt? This interpretation is supported by the Inspector dealing with the Guildford Local Plan which has recently been found sound, where at paragraph 101, the Inspector states:

“In previous plans, all the villages except for Ash Green were washed over by the Green Belt, but the NPPF states that only those villages whose open character makes an important contribution to the openness of the Green Belt should be included within it.”

29. The Council in identifying that the village do not offer sustainable locations for growth is failing to acknowledge that insetting does not in itself permit any development and it would be for the development management process / future local plan process to consider the merits of development proposals. In such circumstances, sustainability would of course be a relevant factor, alongside other considerations, in accordance with national policy. The Council appear to acknowledge this, outlining at paragraph 2.36 of GB1 that:

“Whilst insetting would allow for a greater level of development, any such development would still be subject to planning policies. It is through these planning policies that the Council, as Local Planning Authority, would seek to ensure that only development appropriate to the character and appearance of that settlement is permitted.”

30. TW consider that following the correct application of paragraph 86 of the NPPF and consent insetting of villages, it is likely that alterations to the conclusions of the GB1 will be required in terms of the consideration of land adjacent to currently washed over villages. This is to ensure compliance with paragraph 85 of the NPPF i.e. that when defining new Green Belt boundaries local planning authorities should “not include land which it is unnecessary to keep permanently open”, “satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan
period“ and “define boundaries clearly using physical features that are readily recognisable and likely to be permeant”.

31. Having regard to these requirements, we consider that land controlled by TW at Blindley Heath could be released from the Green Belt and accommodate additional housing.

3.9 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?

32. Please see our response to question 3.8 in this Matter Statement.