Tandridge District Council Examination of ‘Our Local Plan:2033’

Statement in relation to Matter 4 Green Belt boundary alterations

August 2019
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1. **Matter 4 Green Belt boundary alterations: 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?**

1.1 These representations are made on behalf of Mr Andrew Telfer and relate to the inconsistent and irrational approach that Tandridge District Council (the Council) has taken regarding the Green Belt boundary alterations and its subsequent assessment of the Green Belt in order to fit its approach to Green Belt release.

**Question 4.3 Have all realistic alternatives to releasing land from the Green Belt been considered, such as further development or increasing densities, and would the most efficient use of land proposed for release from the Green Belt be made?**

1.2 In June 2018 the Council published its Green Belt Assessment (Part 3) ‘Exceptional Circumstances and Insetting’ [GB1]. In paragraph 1.2 of the assessment the Council confirms that all its options in meeting its development needs have been assessed and that given the extent of Green Belt across the district some release is necessary. This conclusion was drawn in part owing to 94% of the district being designated as Green Belt and the district’s pressing development requirement, of which its full objectively assessed need cannot be met.

1.3 Allied to this the settlements within the district are low density in character, which makes high density development inappropriate in townscape terms, whether this is in-fill development or the development of brownfield sites. Furthermore, it is apparent from the Housing Employment Land Availability Assessment [SAD6] (HELAA) that there are extremely limited brownfield sites that are capable of accommodating significant development. In the light of these constraints, the purpose of the assessment was therefore to establish whether there is any Green Belt land that demonstrates exceptional circumstances needed to justify a release from the Green Belt in order to assist in meeting the Council’s pressing development needs.

1.4 The Green Belt Assessment acknowledges at paragraph 3.23 that the available land in meeting the district’s development needs in sustainable locations is extremely limited. It is accepted that the land supply of settlements outside the Green Belt has been exhausted. Furthermore, as described, the character of district significantly hampers the opportunity to introduce high densities even in the larger settlements.

1.5 At paragraph 1.14 the Council confirms that it has sought to make best use of the 6% of land in the district that is not within the Green Belt. Confirmation is given that every reasonable alternative to Green Belt release has been considered. The Council concludes that having exhausted all reasonable development opportunities in the district (given the paucity of land which is not designated as Green Belt) and the unmet development need in the district as a result, that exceptional circumstances for moving the Green Belt exist.

1.6 Given the significant constraints of the district and its pressing development requirements it is evident that the Council has considered all reasonable alternatives to Green Belt release in the district. In fact the Council has sought to suppress the amount of Green Belt land that could be considered in exceptional circumstances for release.

1.7 Having accepted the need to release Green Belt land to help deliver the Council’s significant development requirements in the absence of all realistic alternatives to releasing land from the Green Belt, the Council has failed to adopt a robust selection methodology for sites to be released from the Green Belt.

**Question 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?**

1.8 The Council has adopted an unreasonable approach to its site selection methodology for identifying sites that could, in the exceptional circumstances identified, contribute to delivering the Council’s identified and acknowledged development needs. The Council has failed to consider the reasonable option of identifying or allocating sites that are within a proximate buffer zone of existing settlements,
that are sustainable and well served by transport links and other services. Therefore, the Council has failed to consider sites that would relate equally as well to those that are adjacent to a boundary with the existing settlements, in terms of accessibility and proximity to services.

1.9 In the Sustainability Appraisal [SSHA3] at 5.6 SA of Options: Relationship of New Residential Allocations to Existing Built Form/Settlement Boundaries, the Council confirms the binary assessment of options. Option 1 being the allocation of development sites anywhere and without regard to existing form/settlement boundaries. Option 2 only allocate development sites where adjacent to existing built form/settlement boundaries. The commentary confirms the discounting of all sites that were not adjacent to a settlement boundary through the Housing Employment Land Availability Assessment¹. Table 15: Summary of SA Assessments of Delivery Approaches and Settlement Hierarchy confirms that only sites that are adjacent to boundaries of Tier 1 and 2 settlements will be considered as potentially suitable for Green Belt release [SSHA3].

1.10 The Council has therefore failed to consider the obvious alternative of sites in the Green Belt that are well related to settlements (particularly Tiers 1 and 2) that would also meet the exceptional circumstance assessment to move the Green Belt boundary. These are sites that are proximate to the settlement boundary and with that accessible to services and public transport. Such sites are well related to the settlement and in locations which would improve the Council’s ability to deliver its pressing development need sustainably.

1.11 As a result of the fundamentally flawed approach that the Council has adopted in the assessment of alternatives to its preferred option (emanating from its assessment of HELAA sites), the Green Belt release methodology is not robust as it’s underpinned by a defective Sustainability Appraisal. The Council has failed to identify and assess sites for Green Belt release even if they are within a proximate buffer zone of existing settlements or well related to services and transport infrastructure, and thus in sustainable locations.

1.12 This is a deficient approach when considered in the light of comparable Green Belt assessments undertaken by authorities of a near identical character to Tandridge in terms of Green Belt coverage. Specifically, Runnymede which is almost entirely designated Green Belt aside from inset settlements. Runnymede Borough Council (RBC) undertook a review of its Green Belt in identical circumstances to those of the Council. Namely demonstrating exceptional circumstances having exhausted all reasonable alternatives as part of the Local Plan process.

1.13 As a fundamental part of its Green Belt Review Part 2, 2017 it was explained that RBC developed indicative fixed buffers around each identified settlement. In determining an appropriate width of buffer. As part of the exercise RBC carried out a literature review of broadly comparable studies elsewhere. On the basis of the literature review, the conclusions of the centre hierarchy paper, and following a high level consideration of the overall size of the borough and spacing between settlements, as a starting point, the following buffers were drawn around all of the urban settlements in Runnymede at 1km and 500m².

1.14 In order to take into account the more sensitive, and less sustainable nature of typically smaller settlements, a narrower buffer was drawn. Through further consideration equally it was concluded that the starting point of 1km and 500m buffers around the borough’s urban settlements was reduced to 400m in order to provide a reasonable buffer for the more urban parts of the borough, reducing to 250m for local service centres and their surrounding urban areas.

1.15 The purpose of these buffers was to indicate the maximum likely extent of sustainable development and reflect the order of the settlements in terms of the amount of development that could be accommodated. The purpose of the exercise was to limit the area of the assessment of sites to within the defined buffers. Paragraph 2.2.4 of the assessment describes the approach as:

‘ensuring a proportionate and focussed study’

1.16 As is indicated in RBC’s Green Belt Review following a literature review of comparable studies, this approach has recently been adopted by other Green Belt authorities, namely Epping Forest District

¹ P159 Sustainability Appraisal Volume 2 (July 2018) [SSHA3]
² Paragraph 2.2.2 RBC Green Belt Review Part 2, 2017
Council, Rotherham Metropolitan Council and Calderdale Council. All of which applied a buffer around each type of settlement as a starting point for assessing suitable sites that could be released.

1.17 In the case of Rotherham this approach was taken before concluding that the whole Green Belt should be reviewed. Its starting point was an outer boundary distance of 1000m in the attempt to assess Green Belt land that may have potential for development, whilst retaining the ability to exclude land with no development potential on the grounds of unsustainability. However, it was concluded during the course of the review that the entire Green Belt should be assessed. The borough was sub-divided into ‘logical’ parcels, and each parcel the subject of assessment against a set criteria. The methodology focused on the requirements of paragraph 85 of the Framework, 2012, using physical features that are readily recognisable and likely to be permanent in accordance with national policy.

1.18 This methodology used by equally constrained Green belt authorities in order to assess whether the full extent of Green Belt land can be released through the application of the exceptional circumstances test has not been adopted by the Council. Rather it has concluded that only sites adjacent to the settlement boundary of specific settlements should be reviewed for release to assist in meeting the Council’s significant development requirements. Furthermore, the Council did not even consider this methodology, dismissing as it did, sites that are well related to settlements, within walking distance of transport links and services, well contained within defined physical boundaries and thus entirely sustainable.

1.19 The twin factors of the standard approach of applying buffers around settlements in Green Belt authorities in order to assess suitable sites for release, and the failure of the Council to be able to plan for its objectively assessed needs should have compelled the Council to at least make an assessment as to whether more land could be released from the Green Belt by applying the exceptional circumstances test. The failure of the Council to even consider this approach demonstrates that the site selection methodology applied to sites to be released from the Green Belt is not robust.

1.20 The lack of robustness of the Council’s methodology for assessing suitable sites for release from the Green belt is, as identified, demonstrated by the fact that its starting point was to assess Option 2 of the Sustainability Appraisal, any site within the Green Belt regardless of its location or sustainability credentials. It is therefore entirely unreasonable that the Council has not sought to consider a methodology which would allow the consideration of sites proximate to settlements or apply a buffer zone approach.

1.21 Indeed a significantly more robust methodology would have been to adopt Rotherham Council’s approach of applying, as a minimum, buffer zones around settlements, before concluding that the whole Green Belt should be logically assessed in the context of the exceptional circumstances that exist. Instead the Council has adopted the wholly illogical alternative option to:

‘Allocate development site anywhere and without regard to existing built form/settlement boundaries’

1.22 This obviously irrational approach was equally obviously dismissed but instead of taking a rational approach such as Rotherham and Runnymede and considering carefully defined areas in order to maximise the amount of Green Belt assessed as part of the methodology, the incredibly narrow parameter of only assessing sites adjacent to the settlement boundary has been applied. The approach has negated to consider an intermediate approach, and thus a wider scope of Green Belt sites to be assessed against the exceptional circumstances test, in common with other Green Belt authorities.

1.23 As a result of this approach the Council has dismissed sites that meet the exceptions test and are significantly better related to services and transport links of settlements than sites that are adjacent. Lingfield House (LIN031), for example is well related to Lingfield being a three minute walk from the centre of the settlement. The site is visually well related to the settlement and the narrow strip of land that separates the site from the settlement boundary has no affect in reducing the site’s relationship with the settlement and its sustainability.

\[\text{Section 5 Rotherham Strategic Green Belt Review, 2012}\]
Simultaneously, the Council’s approach has resulted in the support of sites that may be adjacent to a settlement boundary yet are entirely unsuited to be allocated for residential development and therefore should not be released from the Green Belt. This includes site HSG12. Its deficiencies as a suitable housing site are addressed in Mr Telfer’s statement in relation to Matter 6.

The approach adopted by the Council has precluded sites that could meet the exceptional circumstances test and contribute to the Council pressing need for development. This would include sites that are not adjacent to the settlement but very well related to the settlement boundary and services in those settlements, including within easy walking distance to public transport. The Council’s methodology discounts even the consideration of sustainable sites that could meet the exceptional circumstances test and contribute to the Council’s development need.

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

The Council has applied the principles established in the judgement of Calverton Parish Council v Nottingham City Council, 2015 in order to consider the exceptional circumstances relating to Green Belt release. The considerations set out in the judgement are listed in Section 3 of the Green Belt Assessment (Part 3) ‘Exceptional Circumstances and Insetting’ June 2018 document [GB1].

Section 3 sets out the specifics of the Council’s development requirement in the light of the significant constraints across the district, not least that 94% of the district is designated as Green Belt.

Paragraph 3.13 of the assessment confirms that using the standard methodology the Objectively Assessed Need (OAN) for Tandridge the requirement would be 645 dwellings per annum over a 10 year period (2016 – 2026). Whilst the Council disagrees with this approach, it nonetheless points to the fact that the Council’s housing requirement is likely to be significantly greater than is being planned for.

This pressing demand for housing alone is impossible to accommodate on land that is suitable for sustainable development outside the Green Belt. Indeed, sustainable development is impossible to achieve, if even a significantly reduced amount of development is to be delivered as part of the Council’s OAN, as proposed. The ability to deliver any meaningful amount of development on the 4% of the district which is not designated as Green Belt is manifestly limited.

The Council has correctly applied the Calverton principles and logically concluded, having taken into account the considerations of that judgement, that there are exceptional circumstances to release Green Belt land.

Having arrived at this correct position, the Council has in addition sought to apply a locally derived approach to exceptional circumstances. It is the ‘locally derived approach’ that requires sites under consideration to have been ‘strategy compliant’. This approach has been to preclude all sites that are not adjacent to the boundary of a Tier 1 or 2 settlement.

It is the application of this ‘locally derived approach’ that has caused the extent of the proposed release to be artificially lowered and led to the impediment of better suited and further sites from even being assessed. As noted, this self-imposed test has also resulted in unsuitable sites being identified simply because they happen to meet the Council’s narrow definition of being adjacent to the boundary of a settlement boundary.

Had the Council not applied its arbitrary and flawed ‘locally derived approach’ it is entirely feasible that the exception test would have applied to other sites which would have still ensured that the Council met the Calverton principles in its approach to Green Belt release.

Indeed, the Council’s OAN identified by the Government is significant and will remain unmet in this forthcoming plan period. The significant constraints of the district are well rehearsed, however, there has not been a thorough testing of additional sites that could come forward without causing unacceptable harm to the openness of the Green Belt and are sustainable. Mitigation of any consequent impacts of further Green Belt release has not been considered by the Council owing to the narrow parameters of its self-imposed Green Belt release policy.