Hearing Statement: Matter 6 South Godstone Garden Community and Housing Allocations

SCG01: South Godstone Garden Community

Issue: Is the policy for the allocation of a broad location for a Garden Community at South Godstone justified, effective and consistent with national policy?

Question 6.1 Is the approach that the specific details of the proposed Garden Community would be determined through an Area Action Plan (APP) effective and is it clearly justified to address these matters in an additional development plan document?

1.1 No. The approach is not effective because insufficient evidence is currently available to demonstrate that the proposed Garden Community is deliverable and/or viable. The current evidence is inadequate and inconsistent. Infrastructure requirements have not been adequately assessed or costed.

1.2 Policy SGC01 is supported by almost no evidence about feasibility, funding, delivery mechanisms or availability of land. Key details needed to have confidence that the proposed development is deliverable and viable have not been included but have been left to an Area Action Plan. This does not comply with national policy which advises that the “what, where, when and how” questions should be addressed to provide clarity for local communities and developers. It is not justified to leave these details to an AAP. This is an unsound approach because the Garden Community is a key plank of the Council’s Plan to deliver sustainable development and yet crucial information needed to judge whether the Garden Community is deliverable and/or viable is not available.

1.3 Regarding viability, the benchmark land value is a key driver in the Garden Community viability assessment. The GVA Study (INF2, Section 6) models both “agricultural” and “greenfield development” values as benchmark land value and the results show how applying greenfield development value decreases the projected return figures. We believe landowners will not sell at agricultural value unless forced to do so by compulsory purchase. This accords with the BNP Paribas viability study (INF15 pages 28 and 29) which uses greenfield development value which common sense dictates would be the more realistic figure.
1.4 The GVA Study shows that at greenfield development value and at 34% affordable, the Garden Community is just viable (12.4% IRR versus 12% threshold) but at 40% affordable the Garden Community is no longer viable. However, allocated greenfield sites elsewhere in the Local Plan are expected to deliver 40% affordable housing plus infrastructure. This opens the door to developers to challenge any affordable threshold either for the Garden Community or for any other greenfield site elsewhere in the District based on viability and/or delivering less infrastructure – or both.

1.5 Policy SGC01 relies on the Infrastructure Delivery Plan and its updates. This cannot be effective and consistent with national policy as the IDP is an unexamined document outside of the planning system which cannot be given weight.

1.6 There is no clarity or certainty about how the necessary upgraded rail service would be delivered or the necessary improvements to the road infrastructure.

**Question 6.2 Was the broad location for the proposed Garden Community selected on a robust basis?**

1.7 No. As explained in our answer to question 3.1 not all relevant factors were considered when selecting the location.

1.8 The Sustainability Appraisal and relative SA scoring of the sites has made unrealistically optimistic assumptions about the benefits of the South Godstone Garden Community when the evidence either does not support or contradicts those assumptions. As a result the assessments lack the necessary degree of objectivity and are therefore unreliable.

**Question 6.3 Is the proposed broad location in a suitable location for housing development?**

1.9 No. South Godstone is currently a small village with poor options for sustainable travel and virtually no employment nearby. Its residents are heavily dependent on the car to access services and jobs. The Council hopes to change that but its aspirations must be realistic and it has not produced credible evidence to demonstrate that they are.

1.10 The broad location is unsuitable because it comprises a large amount of Green Belt land which makes a very significant contribution to the openness of the Green Belt at the heart of Tandridge district. This land meets the purposes for Green Belt set out in the NPPF, its loss would cause substantial harm to the Green Belt, and there are no exceptional
circumstances to justify its release. The constraints of the location including the lack of a credible rail service, coupled with the lack of local jobs or access to nearby large employment centres, makes the location unsustainable development. Without jobs, the pattern of out-commuting by car would be reinforced, self containment would be further reduced, and the Garden Community would be a dormitory settlement.

**Question 6.6 Is there evidence that land within the proposed broad location would not be available for development?**

1.11 Yes. The Council intends to use its compulsory purchase powers to acquire some of the land. This means that land is not available for development until the compulsory purchase process has been successfully completed. A further analysis of Tandridge District Council's Delivery Options commissioned from Avison Young by the Council and dated June 2019 states the following: (this document is not in the Examination library but OLRG can provide the Inspector with the full document if he wishes)

4.2 There are also around 356 small plot owners within the 'trio land' at the far south east of the site who were sold plots on an investment basis, though they were sold without access. Most of the owners are believed to reside in India and Pakistan.

**Ability of the Promoters to Assemble the Site and Deliver SGGC**

5.1 There is currently no single party or consortium who has the ability to obtain vacant possession of the site and the site remains in multiple ownership with a large number of owners. At present there is no certainty from any promoter that they will be able to acquire the required third party land by negotiation, or that any of the option/promotion agreements will ever actually be exercised. Whilst the principle of development of the land is established, the current agreements may not be the mechanism by which they are brought forward.

**Summary**

5.3 Although it is a matter for the Council to decide, based on our review to date, in our professional opinion we consider it likely that the Council will need to use its CPO powers to some extent to bring forward delivery of SGGC.

**Question 6.10 Are the proposed Modifications necessary for soundness?**

1.12 No. The proposed Modifications do not address the problems with soundness. In addition, the policy requires accordance with documents which are unexamined Council adopted documents drawn up outside of the planning system. We suggest that references to these documents are deleted from the policy.
HSG13: Land West of Red Lane, Hurst Green

**Question 6.67 What are the exceptional circumstances for the release of the site from the Green Belt?**

1.13 There are no exceptional circumstances that would outweigh the harm to the Green Belt and justify the release of the site. The Council’s exceptional circumstances case for this site is based on accepting very large elements of unmet need from outside the HMA and from those who move to Tandridge as a “lifestyle choice”. We believe this is contrary to the sustainability objective of the NPPF.

1.14 HSG13 strongly fulfils the Green Belt purposes. The Green Belt Assessment Part 1 (GB10) concluded that parcel GBA 022, in which the site is situated, exhibits the essential Green Belt characteristic of openness, that it checks unrestricted sprawl of large built up areas and that it safeguards the countryside from encroachment. Development of this site would impact on the ability of the Green Belt in this location to prevent sprawl and would have a harmful impact on its openness.

1.15 Appendix 3 of our first Regulation 18 representation, the Collective Representation on the Tandridge District Local Plan – Issues and Approaches (included at Appendix B of Chapter 14 of our Regulation 19 submission) compiled by planning consultant Tony Fullwood MRTPI, explains that many of the conclusions in the Green Belt Assessments that purposes are not fulfilled are flawed because they are the consequence of how the parcel boundaries were drawn, rather than being conclusions arising from an integrated and holistic assessment of how the land fulfils the Green Belt purposes.

1.16 As set out in Appendix 3, in the case of HSG13 Green Belt purposes two and five are met as well as one and three.

1.17 HSG13 comprises HELAA Sites OXT 021, OXT 48 and a small part of OXT 063 (considered unsuitable) from the Regulation 18 Sites Consultation. HELAA Site OXT 021 is located within an Area of Great Landscape Value. HELAA Sites OXT 021 and OXT 048 are within the Low Weald Farmland Character Area of the Surrey Landscape Character Assessment – Tandridge District, 2015.
1.18 The Green Belt Assessment (Part 3): Appendix 1 (2018) (GB2) states that the site does not have satisfactory access to a GP surgery or a secondary school. This is correct.

1.19 In addition, the site does not have satisfactory access to infant school places as evidenced by the case example in paragraph 15.27 of our Regulation 19 submission on Chapter 15 Infrastructure. There are 110 new homes proposed in Hurst Green (HSG13 and HSG14) but no new school/school places are included despite the existing deficit.

1.20 The “Strategic Opportunity” referenced in the policy text to improve primary school provision in the area is not effective because the project is not supported by Surrey County Council as explained in our answer to question 6.70. It is unacceptable to state that if the all-through primary school does not go ahead this Green Belt site will be released for housing development.

1.21. Paragraph 72 of the NPPF makes clear that great importance is attached to ensuring that a sufficient choice of school places is available to meet community needs. Local authorities should be proactive in meeting this requirement and should give great weight to the need to create and expand schools. The Council has not demonstrated any reasonable prospect that necessary school places will be delivered or that it has made the required effort to provide them.

1.22 It is stated in the IDP that schools will be expanded to cope with the effects of site allocations but there is no allocation of land to securely deliver this expansion. Instead the Local Plan includes an ad hoc policy that creates Very Special Circumstances for schools development. This approach does not ensure that sufficient school places will be provided as part of each site policy, nor does it give sufficient assurance regarding actual delivery. It is not logical or sustainable for the Local Plan to propose the release of land from the Green Belt for significant new housing development which will only exacerbate the existing pressure on schools, while still requiring the consequently needed expansion of those schools to demonstrate very special circumstances. This is a serious omission in the Local Plan and is contrary to all the statements made in it about delivery of infrastructure.

1.23 The combination of factors above means that there are no exceptional circumstances to justify amending the Green Belt boundary and removing HSG13 from the Green Belt.
6.68 *Is the proposed Green Belt boundary justified and consistent with national policy as set out in paragraph 85 of the Framework?*

1.24 No. The boundary is not justified or consistent with national policy because it does not meet the identified requirements for sustainable development as explained in our response to question 6.67. In addition, there is no clear and defensible boundary between the edge of the site and the adjacent Green Belt.

**6.69 Are the requirements for financial contributions as set out under Infrastructure consistent with national policy for planning obligations and conditions as set out in the Framework and are they justified?**

1.25 No. The requirements are not consistent with national policy as they rely on being in accordance with the Infrastructure Delivery Plan which is an unexamined document drawn up outside of the planning system. The IDP is not required to be sound so policies that are required to be sound should not rely on it for decision making.

**Question 6.70 Is the text under ‘Strategic Opportunity’ justified, effective or necessary? Does the policy provide a clear indication of how a decision maker should react to a development proposal?**

1.26 No. The text is woolly and non-specific and no land is allocated for the suggested all-through primary school. If there is an opportunity for school expansion then, under the Duty to Co-operate, it should have been explored and agreed with the education authority, Surrey County Council, before the Regulation 19 was published.

1.27 Since the Regulation 19 consultation, it has become clear that Surrey County Council does not support the project. In paragraphs 3.10 and 3.11 of the Statement of Common Ground between Tandridge District Council and Surrey County Council dated December 2018 (SDTC6), the County Council makes that clear stating “SCC cannot commit to the provision of an all through primary school as part of this site identified as a ‘Strategic Opportunity’ in the Local Plan.” Nevertheless, the Council has stated that it is not amending the policy and the IDP.

1.28 As a result of the above, the policy is highly confusing and does not give a clear indication of how a decision maker should react to a development proposal.
Question 6.71 *Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?*

1.29 Yes. The site is not in a suitable location for development as required by footnotes 11 and 12. As explained in our answer to question 6.67, the site strongly fulfils the Green Belt purposes making a significant contribution to openness and preventing urban sprawl. The site does not have satisfactory access to a GP surgery, a secondary school, or an infant school.

**Question 6.72 Are the proposed Modifications necessary for soundness?**

1.30 No. The proposed Modifications do not achieve soundness because they do not address the factors listed in our response to question 6.67. We suggest that the site is deleted from the Plan.

**HSG14: Warren Lane Depot, Hurst Green**

**Question 6.73 Are the requirements for financial contributions as set out under Infrastructure consistent with national policy for planning obligations and conditions as set out in the Framework, and are they justified?**

1.31 No. The requirements are not consistent with national policy as they rely on being in accordance with the Infrastructure Delivery Plan which is an unexamined document drawn up outside of the planning system. The IDP is not required to be sound so policies that are required to be sound should not rely on it for decision making.

**Question 6.74 Are there any matters which would mean that the site is not deliverable or developable as per footnotes 11 and 12 to the Framework?**

**Suggested modification**

1.32 The site is an ideal opportunity to provide affordable housing but the BNP Paribas Viability Assessment (INF15) indicates that there may be considerably more scope for this than the 20% currently proposed. Comments made in our response to question 6.67 regarding HSG13 and the lack of infant school places in this location also apply to HSG14.
We suggest that the site should not be developed until viability for affordable housing is properly assessed and provision is made for infant school places.