Hearing Statement: Matter 7 Employment land allocations

**Issue:** Are the proposed employment land allocations justified, effective and consistent with national policy?

**SES04: Westerham Road Industrial Estate, Tatsfield**

*Question 7.14 What are the exceptional circumstances for the release of the site from the Green Belt?*

1.1 SES04 is the only proposed Strategic Employment Site that is located in both the Green Belt and in an Area of Outstanding Natural Beauty. We believe there are no exceptional circumstances that would justify the release of this site from the Green Belt.

1.2 A recent planning application for a DPD parcel distribution centre (refused on Green Belt grounds) made clear that the site is vacant stating that: “The proposal represents an opportunity to regenerate the vacant site....” and “The development will substantially transform a vacant site into a well designed contemporary facility...” We question why this site is being allocated as a Strategic Employment Site when there is currently no business operating from it. As previously developed land in the Green Belt - a rare commodity in Tandridge District - we believe this is not the most appropriate use for the site and suggest that the Council instead considers the site for all other appropriate uses including housing.

1.3 Chapter 23 (Policy SES04 Employment land allocation) of our Regulation 19 submission explains in detail why the changes to the Green Belt boundary proposed in this policy are not justified by robust evidence.

1.4 The conclusions in the Green Belt Assessment do not follow recognised case law and QC advice provided to the Council in 2015 and included at Appendix A of Chapter 14 of our Regulation 19 submission. Therefore, the conclusion that the land no longer fulfils the purposes of the Green Belt is not supported by evidence, and is not justified or consistent either with national policy or case law.

1.5 The first question that any Green Belt Assessment should ask is whether there has been any change “on the ground”, and then whether that change is appropriate or inappropriate development. The assessment has not followed that approach.
1.6 The only change noted in the series of Green Belt Assessment documents for this parcel and this site is the expansion of the Moorhouse sand pits. Mineral workings are appropriate development in the Green Belt and so they are not relevant to the assessment. The Assessment also ignores the fact that planning permission for the operations at Moorhouse Sandpits is subject to conditions requiring the restoration of the land once operations cease. The failure by the local planning authority to enforce the restoration conditions now that the site is vacant means that there are more buildings on the site than there would otherwise be.

1.7 Two further changes “on the ground” since the Green Belt was designated involve open storage and hardstanding, neither of which is built form and so there is no harm to the openness from these changes.

1.8 A further flaw in the assessment of the purposes is that both the mineral workings and the site itself have been assessed in an artificially small area and so the conclusion that no purposes are fulfilled has been made by assessing an artificially small area. This is an incorrect approach. Instead, the assessment should be considering the role the land plays in the wider Green Belt.

1.9 The flaws in the Assessment mean that the performance against the purposes has been unjustifiably understated. This leads to the incorrect conclusion that exceptional circumstances exist sufficient to justify removing the Green Belt designation.

1.10 The purposes in the wider context are assessed in Appendix 3 of our 2016 Collective Representation Regulation 18 Issues and Approaches – see Oxted Eastern and Southern Fringe Areas GBA parcels 019, 020, 021 and 022 (included in our Chapter 14 Regulation 19 representation at Appendix B). We have no change to the conclusions in Appendix 3 that the parcel, GBA 019, continues to fulfil the Green Belt purposes.

1.11 The Council itself recognises in its Green Belt Assessment (Part -3) Appendix 1 2018 (GB2) ENA 8, Westerham Road Industrial Estate, “the potential for harm to the ability of the wider Green Belt to meet the Green Belt purposes if employment use of the site were intensified.” And yet it has allocated the site as a Strategic Employment Site.

1.12 July 2019 updates to the PPG (paragraphs 020 – 022) underline the importance of Local Plans achieving a “net gain” to the natural environment so that it is left “in a measurably better state than it was beforehand.” This site is within an AONB, an area
designated for conservation due to its natural beauty, and is adjacent to SSSI woodland. Allocation as a Strategic Employment Site is in conflict with the PPG aims.

1.13 In summary, the land continues to fulfil the purposes of the Green Belt because the changes that have occurred are “appropriate development” which is subject to restoration conditions which will ensure that the site continues to fulfil its original Green Belt functions, and/or there is minimal impact from the change when considered in the wider context of Green Belt land between Oxted and Westerham. The site is in the AONB. The NPPF states that great weight should be given to conserving and enhancing the AONB.

1.14 In addition, there is no “need” element in the exceptional circumstances case as explained in our response to question 5.1. The 2015 AECOM ENA shows an excess of industrial land in the District. The 2017 GL Hearn ENA vastly inflates the need for industrial land in the District and so the employment land projection results are an unrealistic scenario for a predominantly rural district like Tandridge.

**Question 7.15 Is the proposed Green Belt boundary justified and consistent with national policy as set out in paragraph 85 of the Framework?**

1.15 No. As explained in our response to question 5.1, the boundary is neither justified or consistent with national policy because it does not meet identified requirements for sustainable development due to the over-allocation of employment land. In addition, the boundary has been defined using small artificial parcels of land for analytical convenience. This divides sections of Green Belt performing a single purpose and does not facilitate an assessment of the role of the wider Green Belt. This militates against achieving a boundary that is likely to be permanent.

**Question 7.16 Does the allocation constitute major development within the Surrey Hills AONB? Would the proposed allocation conserve the landscape and scenic beauty of the AONB?**

1.16 Yes. There are four proposed Strategic Employment Sites (SES). They are at the top of the employment hierarchy and the Council states in the Local Plan that: “SES are the largest employment sites in the District and will be retained protected for their capacity for commercial, industrial and the employment opportunities they offer not just locally, but in the wider Functional Economic Area, County and beyond.” It is clear that major development is
envisaged and that would constitute major development in the AONB. Such development would not conserve the landscape and scenic beauty of the AONB as required by the NPPF.

1.17 Although a Strategic Employment Site envisages development on a large scale, provision IV of the policy states that development should be “sensitive to its location within the Surrey Hills Area of Outstanding Natural Beauty.” This provision implies that the scale of any development of this site should not harm the AONB. This is not compatible with the proposed allocation for a Strategic Employment Site.

1.18 The NPPF at paragraph 115 states that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” To allocate the land as a Strategic Employment Site would not meet this requirement. It would constitute an urban form of development that would be completely out of keeping with the Surrey Hills AONB. The detrimental impact to the AONB would be permanent and irreparable and this adverse impact to the AONB and to the local and wider landscape must be given substantial weight in the planning balance.

**Question 7.18 Are the requirements for financial contributions as set out in V. consistent with national policy for planning obligations and conditions as set out in the Framework and are they justified?**

1.19 No. They are not justified or consistent with national policy because the Infrastructure Delivery Plan (IDP) is not in the Development Plan yet this policy states that the requirements for financial contributions are to be decided in accordance with it. The IDP has been prepared outside of the planning system and has not been examined or found sound.

**Question 7.19 Are the proposed Modifications necessary for soundness?**

**Suggested modification**

1.20 No. The proposed Modifications do not address the problems with soundness set out above. We suggest the site should be deleted from the Plan as a Strategic Employment Site and considered for other uses.