TANDRIDGE DISTRICT OUR LOCAL PLAN: 2033
EXAMINATION IN PUBLIC

HEARING STATEMENT

MATTER 8:
DEVELOPMENT MANAGEMENT POLICIES

LAND WEST OF GODSTONE (SITE HSG11)

ON BEHALF OF M&G REAL ESTATE

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HEARING STATEMENT – MATTER 8: DEVELOPMENT MANAGEMENT POLICIES

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1. INTRODUCTION

1.1 This Hearing Statement has been prepared by Pegasus Group on behalf of M&G Real Estate, the freehold owner of Land West of Godstone, proposed for residential allocation under Policy HSG11 within the Tandridge District Council (TDC) ‘Our Local Plan: 2033’, (July 2018 and January 2019 versions), hereafter referred to as ‘the Plan’, and is provided in response to the Inspector’s Matter 8 (Development Management Policies) and associated issues and questions raised.

1.2 M&G Real Estate’s overall position in respect of the Plan is one of ‘in principle support’, subject to proposed minor amendments as set out within this Statement.
2. MATTER 8 – DEVELOPMENT MANAGEMENT POLICIES

**Issue:** Are the individual policies clear, justified and consistent with national policy and will they be effective?

**TLP02: Presumption in favour of Sustainable Development**

2.1 **Question 8.1:** Is the Policy necessary given the guidance in the PPG that in local plans there should be no need to reiterate policies that are already set out in the National Planning Policy Framework (Paragraph: 010 Reference ID: 12-01020140306)?

2.2 The proposed Policy may not strictly be necessary given its reiteration of national policy as set out within the National Planning Policy Framework (NPPF, 2012), however it is considered that there is no harm arising from the inclusion of this ‘in principle’ policy, which helpfully sets out the clear ambitions and objectives of development in TDC over the next Plan period and which commits the Council to working collaboratively with Applicants, which is to be supported.

2.3 **Question 8.2:** If the policy is justified, should it be consistent with the Framework 2019 paragraph 11d)?

2.4 The TDC Local Plan, if adopted, is to be brought forward under the ‘transitional arrangements’ of paragraph 214 of the NPPF (2019) and accordingly, it is appropriate that the policies contained therein reflect the requirements of the NPPF (2012) version. Future Planning Applications will nonetheless need to have regard to the NPPF (2019) as a ‘material consideration’ and as such it is not considered necessary to reiterate this within the TDC Local Plan unless the Inspector felt that it would add further clarity.
TLP03: Green Belt

2.5 Question 8.3: Would the second paragraph of the Policy be effective given the legal requirement that local plans are to be reviewed at least every five years?

2.6 In respect of the first sentence, and as set out within our response to Matter 3 (The Spatial Strategy), Question 3.6, it is considered that the Policy wording would benefit from further clarity in respect of confirmation that the ‘Site Allocations’ identified within the Proposals Map are excluded from the Green Belt.

2.7 In respect of the second paragraph of the policy, it is further considered that the following minor amendment to the wording of Policy TLP03 would ensure the Policy is effective and consistent with national planning policy:

“Further changes to the Green Belt boundary within this Plan, will only take place...”

2.8 The proposed amendment is considered to allow sufficient clarity that the proposed Green Belt boundaries are to be fixed for the lifetime of the emerging Plan, whilst acknowledging the requirement to review local plans every five years and the potential therefore for further amendments to Green Belt boundaries in future as consistent with national planning policy and the requirements of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.9 Question 8.4: Is the third paragraph of the Policy consistent with paragraph 87 of the Framework in stating that inappropriate development will normally be refused?

2.10 Whilst the wording is slightly different to that within the NPPF (2012), the general objective of the Policy wording is considered to be consistent with national planning policy, particular given the reference in the second sentence of the third paragraph to the role of ‘Very Special Circumstances’ required to make inappropriate development acceptable.

2.11 Question 8.5: Are the proposed Modifications necessary for soundness?

2.12 No comment.
2.13 **Question 8.6:** In terms of paragraph 154 of the Framework, does Policy TLP04 provide a clear indication of how a decision maker should react to a development proposal? Is the Policy proportionate in requiring all proposals to demonstrate mechanisms to provide infrastructure?

2.14 Paragraph 154 of the NPPF (2012) requires Local Plans to be aspirational, but realistic.

2.15 The Infrastructure Delivery Plan (IDP) is an aspirational document and it is right that this remains a ‘living document’ to ensure flexibility to reflect and respond to changing infrastructure pressures and requirements over the lifetime of the Plan. However, given the flexible and aspirational nature of the IDP it is therefore questioned whether its inclusion within the Policy is appropriate and whether reference within the supporting text, to ensure due weight is given to this important ‘material consideration’, would be sufficient.

2.16 It is considered that for matters that are ‘larger than local’, such as the delivery of infrastructure, some of which arguably plays into the requirements and aspirations of the wider County and sub-region as well, that the Policy otherwise provides sufficient guidance and flexibility to effectively monitor appropriate contributions towards, and the delivery of, new infrastructure. Importantly, it is noted that the Policy as worded does not preclude development from coming forward in advance provided appropriate contributions are secured through appropriate mechanisms.

2.17 It is considered however that the Policy could benefit from further clarification that appropriate contributions towards infrastructure will only be sought in accordance with the relevant tests, whereby:

> “Applications must demonstrate mechanisms to provide appropriate infrastructure set out in the most up-to-date iteration of the IDP where such requirements for planning obligations comply with all of the following:

- Necessary to make the development acceptable in planning terms;
- Are directly related to the development; and
- Fairly and reasonably related in scale and kind to the development”
2.18 **Question 8.7:** Is Policy TLP04 consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

2.19 See response to Question 8.6 above.

2.20 **Question 8.8:** Are the proposed Modifications necessary for soundness?

2.21 No comment.
TLP05: Development Viability?

2.22 **Question 8.9**: Is the Policy effective and consistent with national policy in requiring compliance with the Infrastructure Delivery Plan which is not a development plan document?

2.23 The Infrastructure Delivery Plan (IDP) is an aspirational document and it is right that this remains a ‘living document’ to ensure flexibility to reflect and respond to changing infrastructure pressures and requirements over the lifetime of the Plan. However, given the flexible and aspirational nature of the IDP it is therefore questioned whether its inclusion within the Policy is appropriate and whether reference within the supporting text, to ensure due weight is given to this important ‘material consideration’, would be sufficient.

2.24 It is therefore considered that for matters that are ‘larger than local’, such as the delivery of infrastructure, some of which arguably plays into the requirements and aspirations of the wider County and sub-region as well, that the Policy otherwise provides sufficient guidance and flexibility to enable the effective delivery of sustainable development over the period of the Plan and to respond to the infrastructure pressures at any given time.

2.25 However, it is to be noted that the above is only made acceptable by the inclusion of the new text “and government guidance”, which is welcomed to ensure that any changes to the IDP are grounded by the requirement for planning obligations to satisfy the relevant tests¹.

2.26 Accordingly, the Policy is considered to be effective and consistent with national policy in order to enable the delivery of sustainable development over the Plan period.

2.27 **Question 8.10**: Is the requirement for a fee for reviewing a viability document justified in a land use planning policy and necessary to make development acceptable in planning terms?

2.28 The requirement for a fee for TDC to review a viability document is arguably not justified in terms of land use planning or to make development acceptable in planning terms.

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¹ NPPF (2012) Paragraph 204; NPPF (2019) Paragraph 56; and CIL Regulation 123
2.29 It is considered that there exist alternative mechanisms by which the Council can cover the costs of such reviews should this be deemed reasonable and necessary.

2.30 **Question 8.11: Are the proposed Modifications necessary for soundness?**

2.31 No comment.
TLP10: Responsive Housing Strategy?

2.32 **Question 8.12:** In terms of paragraph 154 of the Framework, does Policy TLP10 provide a clear indication of how a decision maker should react to a development proposal?

2.33 Paragraph 154 of the NPPF (2012) requires Local Plans to be aspirational, but realistic and to provide a clear indication of how a decision maker should react to a development proposal.

2.34 The Housing Strategy is not a Development Plan document and is not therefore subject to the same level of scrutiny or examination. Whilst the reasoning behind TDC’s ‘responsive’ Housing Policy is recognised, it is considered that in reality this can cause significant difficulties for Applicants bringing forward allocated sites, given the potential ad hoc nature whereby changes to housing need could otherwise be introduced.

2.35 It is considered that for ‘local’ matters, such as housing needs, that policy should be as prescriptive as possible, and based on a tested and robust evidence base, to ensure appropriate guidance and certainty for developments coming forward within the Plan.

2.36 As such, the need for the varying housing types, tenures and mix as identified within the Housing Strategy (2019) should be appropriately examined through the Local Plan-making process and if found to be acceptable, should be prescribed in Policy, where after it is appropriate for any housing mix as proposed at a development site to be tested against the prescribed Policy through the Planning Application process and subject to viability.

2.37 **Question 8.13:** The Council’s Housing Strategy is not a development plan document. Is it justified that the Policy favours proposals which accord with it or that Neighbourhood Plans should assist in meeting its objectives? Are the matters listed those which paragraph 159 of the Framework states should be considered in the preparation of the Strategic Housing Market Assessment?

2.38 See response to Question 8.12 above.

2.39 **Question 8.14:** Are the proposed Modifications necessary for soundness?
2.40 No comment.
TLP18: Place-making and Design

2.41 **Question 8.24:** Would the Policy be effective and consistent with national policy for requiring good design as set out in the Framework?

2.42 Yes. It is considered that the Policy would be effective and consistent with national policy to ensure the delivery of sustainable development over the Plan period.

2.43 The enclosed Testing Layout (Appendix 1) illustrates how site HSG11 can be developed to deliver up to 250 new homes, having regard to the criteria set out within the emerging Policy TLP18.

2.44 **Question 8.25:** Are the proposed Modifications necessary for soundness?

2.45 No comment.
**TLP19: Housing Densities and the Best Use of Land**

2.46 **Question 8.26: Would the Policy be effective and consistent with national policy in encouraging the effective use of land?**

2.47 The provisions of Policy TLP19 are supported, however it is considered that such provisions should also be reflected within the capacity / site yield of the site allocations, particularly in respect of site HSG11.

2.48 M&G Real Estate consider the potential development capacity of site HSG11 to be greater than currently envisaged by the Plan.

2.49 The Plan proposes to allocate site HSG11 for 150 homes, however as illustrated by the enclosed Testing Layout (Appendix 1), the site is demonstrated to have capacity to deliver up to 250 new homes, being based on a robust landscape-led approach to ensure the proposals sit comfortably within their surroundings.

2.50 As such, site HSG11 is capable of contributing further towards meeting TDC’s identified housing needs than currently envisaged by the Plan, thereby helping to reduce pressure on bringing forward additional and/or less suitable sites.

2.51 **Question 8.27: In terms of paragraph 154 of the Framework, does Policy TLP19 provide a clear indication of how a decision maker should react to a development proposal?**

2.52 Yes.

2.53 **Question 8.28: Are the proposed Modifications necessary for soundness?**

2.54 No comment.
TLP31: Access to Countryside

2.55 Question 8.52: Are the proposed Modifications necessary for soundness?

2.56 The NPPF (2012) paragraph 154 requires Local Plans to be aspirational, but realistic.

2.57 However, it is considered that the Policy requirement under point IV for “all new [Public Rights of Way (PROW)] to be provided as multi-user routes and be designed with suitable widths to enable use as bridleways” is not a realistic requirement given that all new sections of PROW will not always join with existing sections of bridleways.

2.58 Accordingly, a more holistic approach is required where the policy should seek ‘opportunities’ to create new multi-user routes where this is feasible and where this would create an enhanced and joined-up PROW network.
**TLP32: Landscape Character**

2.59 **Question 8.53:** Is it effective and consistent with national policy for the Policy to require the protection and enhancement of the key landscape features identified in the Surrey Landscape Character Assessment 2015 and the Tandridge Landscape Capacity and Sensitivity Assessment 2016-2018 when these are not set out in the Plan? In terms of paragraph 154 of the Framework, does the Policy provide a clear indication of how a decision maker should react to a development proposal?

2.60 It is considered that reference to such evidence base documents should be made within the Policy supporting text to ensure appropriate consideration is given to these documents as important ‘material considerations’ in both the preparation and determination of Planning Applications for development.

2.61 However, as these documents do not form part of the Development Plan, it is not considered appropriate for these documents to be referred to specifically within the Policy itself.
TLP33: Surrey Hills and High Weald Areas of Outstanding Natural Beauty

2.62 **Question 8.54:** Is it effective and consistent with national policy for the Policy to require that planning applications demonstrate that they meet the provisions and objectives of the most up to date AONB Management Plan given that this is not a development plan document? In terms of paragraph 154 of the Framework, does the Policy provide a clear indication of how a decision maker should react to a development proposal?

2.63 It is considered that reference to the most up-to-date AONB Management Plan should be made within the Policy supporting text to ensure appropriate consideration is given to this document as an important ‘material consideration’ in both the preparation and determination of Planning Applications for development.

2.64 However, as the document does not form part of the Development Plan, it is not considered appropriate for the AONB Management Plan to be referred to specifically within the Policy itself.

2.65 **Question 8.55:** Is the Policy clear and would it be effective and consistent with national policy to say that small scale affordable housing schemes and/or rural exception sites ‘may’ be acceptable? In terms of paragraph 154 of the Framework, does the Policy provide a clear indication of how a decision maker should react to a development proposal?

2.66 No comment.

2.67 **Question 8.56:** Are the proposed Modifications necessary for soundness?

2.68 No comment.
TLP50: Sustainable Transport and Travel

2.69 Question 8.97: Would the Policy be effective in requiring accordance with Local Transport Plan requirements when these are not specified? In terms of paragraph 154 of the Framework, does the Policy provide a clear indication of how a decision maker should react to a development proposal?

2.70 Policy TLP50 of the Draft local Plan relates to sustainable Transport and Travel. The policy indicates that proposals would need to demonstrate that the overall vision of the Surrey Transport Plan are met. The Surrey Transport Plan covers the period up to 2026 which covers a period of 7 year less than the Draft Local Plan (2033) period. It is not considered reasonable at this stage to link development management policy to the Surrey Transport Plan as this has not been subject to the same level of scrutiny and examination as the local plan itself. However, Bullet point 3 of Policy TLP50 indicates that mitigation for development should provide appropriate infrastructure. The requirement to provide appropriate infrastructure to mitigate the adverse impact of development conflicts the aspirations of the Surrey Transport Plan as well as paragraph 34 and 35 of the NPPF 2012 (the version this local plan is examined under) which considers maximising travel by sustainable modes which includes demand management.

2.71 The Surrey Transport Plan sets a clear vision in that policy no longer follows a path of simply providing additional road capacity to address congestion issues. The Surrey Transport Plan sets out that whilst additional road capacity is to be considered as mitigation the following tools should also be considered:

- demand management;
- integrated land use & transport planning;
- network management;
- traffic management;
- freight and goods management; and
- behavioural change.

2.72 Policy TLP50 states that proposals should “...provide appropriate infrastructure measures to mitigate the adverse effects of traffic and other environmental and safety impacts”. The wording of the policy should be amended to ensure that it is in line with the approach of the Surrey Transport Plan. A suggested amendment is set out below:
“...provide appropriate infrastructure measures and/or demand management measures to mitigate the adverse effects of traffic and other environmental and safety impacts”

2.73 The policy indicates that development should not be permitted where traffic cannot be accommodated by existing capacity. This approach does not accord with the requirements of the NPPF in that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is suggested that wording of the policy is amended so that it is in line with the requirements of the NPPF.

2.74 **Question 8.98: Is the 10 year period for a bus operational subsidy justified?**

2.75 The policy outlines a need for contributions towards bus operational subsidy for bus services in the first 10 years of occupation of development. A blanket requirement is not considered justifiable as each development should be assessed on its own merit with appropriate contributions determined at the planning application stage.

2.76 It is also unclear as to whether the requirement for a 10 year bus operational subsidy relates to existing or new services. Moreover, no information is provided as to the rational for a 10 year bus subsidy requirement and in particular this is not stated within the Surrey Transport Plan. The Surrey Transport Plan indicates that that in the event that S106 contributions are secured for bus routes then the council would ensure that there is a realistic and achievable plan in place that the bus services would be commercially viable by the time the contributions cease. Contributions for bus operational subsidy should be considered on a case by case basis which may vary in regards to duration and level of payments. A blanket requirement for 10 years subsidy is not however in line with the Surrey Transport Plan.

2.77 **Question 8.99: Are the proposed Modifications necessary for soundness?**

2.78 No comment.
APPENDIX 1

TESTING LAYOUT