Tandridge District Council ‘Our Local Plan: 2033’ Examination Hearing Statement in response to the Inspector’s Initial Matters, Issues and Questions, Document ID/5 V3 submitted by the Woldingham Association

**Matter 8: Development Management Policies**

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

**TLP10: Responsive Housing Strategy**

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?

8.1 No to both the Regulation 19 and MD1 (the modified Local Plan) versions of TLP10 because neither contain criteria that decision-makers can use to evaluate a planning application. This means TLP10 is neither effective nor consistent with national policy.

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 meetings 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?

8.2 No, it is not justified or consistent with national policy because the Housing Strategy is not an Examined document and so is not required to either be sound or consistent with relevant planning case law.

8.3 It is not justified that Neighbourhood Plans, which must be sound, should assist in meeting the objectives of a document that is not itself subject to the same rules, including relevant planning case law.

8.4 It is also not justified or consistent with national policy for this policy to introduce additional requirements on adopted Neighbourhood Plans that may render them out-of-date.
8.5 Yes, the matters are those which should be covered in a SHMA.

8.6 The adopted version of the Housing Strategy was published after the Regulation 19 (HNS1(E)) and this document further supports our view that policies or Neighbourhood Plans should not be required to be in accordance with documents that are themselves, not required to be sound.

8.7 This is because HNS1(E) contains policies for both open market and affordable mix/tenure and specialist housing that we believe are not justified, effective, or consistent with the PPG for the reasons we give in our answers to Matter 2/Q2.2 and Q2.20. HNS1(E) also worryingly contains a policy that pre-determines decisions, as in Policy HS4 on page 28, with no regard to any other Development Plan document.

The Council would accept all developments that offer 100% affordable or social rent.

8.8 For these reasons and those in our Regulation 19 representation, we believe that it is not effective, justified or consistent with national policy for planning applications or Neighbourhood Plans to be subject to policies in the Housing Strategy, either directly or via its inclusion in Policy TL10.

8.14 Are the proposed Modifications necessary for soundness?

8.9 No, because the modified policy is still not effective, justified or consistent with national policy.
8.16 The Council’s Housing Strategy is not a development plan document. Is it justified and consistent with national policy that proposals must demonstrate how they are responding to the requirements of it?

8.10 No, it is not justified or consistent with national policy because the Housing Strategy is not a development plan document.

8.17 Are the proposed Modifications necessary for soundness?

8.11 Yes, and in addition a clause should be added that requires proposals to be subject to all other policies in the Development Plan.

8.18 What is the justification for the use of the figure of no more than 20 units? Is it intended that development of such a scale would be considered as being ‘limited’ in regard to the fifth bullet point of paragraph 89 of the Framework?

8.12 The two reasons given in MD1: paragraph 18.24 for the 20 unit upper limit are not supported by evidence:

a. “Past permissions” – as we explain in paragraph 18.36 of our Regulation 19, our analysis of the Tandridge Annual Monitoring Reports (e.g. paragraph 5.24 of the report for 2018 can be found on the Tandridge web-site under current and adopted planning policies shows completions for that year) show larger schemes in the larger settlements and schemes of no more than 10 units in the smaller settlements. This is entirely consistent with these schemes being intended to meet very local community need.

b. “consistency” – these schemes are supposed to meet very local need (paragraph 53 and paragraph 89/fifth bullet point of the Framework) so there is no expectation or other requirement that the schemes be “consistent”.
8.13 We provide even more detail on the above in paragraphs 18.36 and 18.47 of our Regulation 19. As we explain in Matter 3/Q3.8, it is important to understand when reading our comments that Woldingham is inset from the Green Belt and that infilling is not allowed in the Green Belt outside of the inset area in the Plan.

8.14 An attempt to reduce this upper limit is included the supporting text of MD1: paragraph 18.24 which states that

*However, sites of 20 units may not be considered suitable in all locations…*

8.15 This is supporting text and not policy, and so carries almost no weight in decision-taking.

8.16 Further, there is no mechanism to assure that 20 would constitute "limited" because each scheme is intended to provide for local community need (paragraph 53 of the Framework) and so their size/scale/form should reflect that. Past permissions show that a number of permitted schemes are smaller than 20, which is consistent with the very low amount of local need arising in these communities.

8.17 However, it is also a given in planning that schemes will be put forward to achieve upper policy numeric limits. Open market housing is now allowed, and so stretching to the upper limit is inevitable. There is no effective mechanism in the Plan to moderate this.

8.18 For these reasons and those in paragraphs 18.37 and 18.47-18.53 of our Regulation 19 representation and the advice of Mr Hobson, QC, we conclude that the policy is not justified, effective or consistent with national policy.
8.19 Where is the evidence to justify that no more than 10% of units on sites of 10 units or more within a rural exception site can be market housing?

8.19 There is no evidence to justify the 10% limit on sites of 10 units or more as we explain in paragraphs 18.35 and 18.37 of our Regulation 19 representation.

8.20 In paragraph 18.18 of our Regulation 19, Mr Hobson, QC explains that it is unrealistic to expect this limit to survive a viability challenge:

*It is however wholly unrealistic to expect such a restriction to survive a challenge on viability grounds...”*

8.21 This is because rural exception sites will be small sites that share many of the characteristics of sites that INF15 – Tandridge Draft Local Plan Viability Assessment shows struggle to be viable at a 40% affordable housing threshold (INF15 – paragraph 6.12, supported by the individual site assessments in Appendix 7). On that basis, there is no realistic prospect that these sites are likely to be viable at 90%.

Suggested alternative

8.22 In our Regulation 19 representation, Mr Hobson, QC, concludes in paragraph 14 that TLP13 is not effective because providing affordable housing in perpetuity outside of Annex 3 will

*in practice prove unenforceable.*

8.23 He also explains in paragraph 13 that TLP13 is also not justified, as follows:

*It is apparent that there has been no proper assessment of what the needs for such a policy are likely to be, and where it is appropriate those needs, if established, should be met. The approach adopted is unjustified. There is no evidential basis for concluding that it represents the most appropriate strategy*
8.24 We rely on his advice in putting forward the suggestion that the current Core Strategy policy requirements for 100% affordable housing in perpetuity on rural exception sites only in Annex 3 areas are justified, effective and consistent with national policy.

8.25 The Monitoring Reports show that these policy requirements have a successful track record for delivering a variety of rural exception housing schemes to meet genuine local rural affordable housing need in perpetuity, and that success is a clear demonstration that the Core Strategy approach is effective.

**TLP19: Housing Densities and the Best use of Land**

8.26 Would the Policy be effective and consistent with national policy in encouraging the best use of land?

8.26 No, for three reasons:

a. TLP19 unnecessarily duplicates other policies in the Local Plan that are more detailed than those in TLP19. This policy adds an unnecessary layer of complexity to assessing proposals that adds no new information for either applicants or decision-takers. TLP19 is also more ambiguous because the provisions are not criteria-based.

b. The question of best use and density applies equally to employment land, yet this policy is only for housing. This is another example of where the issues that arise around ensuring the best of use of land are best addressed by relevant policies for that proposal.

c. As part of the justification for this policy, paragraph 21.5 explains that the
2.15...The Council do not agree that viable employment land should be lost for new homes...”

This sentence also appears to be at odds with being “positively prepared” and also ensuring “the best use of land” because in a district like Tandridge that is heavily constrained by Green Belt, the best use of a brownfield employment land may be for other uses, such as housing or infrastructure.

8.27 For these reasons, we believe that the policy is neither effective nor consistent with national policy.

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?

8.28 No. The provisions are more ambiguous than those contained in the policies relevant to the proposal itself as explained above and in paragraph 21.2 of our Regulation 19 representation.

8.29 The remaining paragraphs in the Regulation 19 version refers to the Urban Capacity Study contains some fundamentally flawed analysis regarding density as explained in paragraphs 21.4-21.13 of our Regulation 19.

8.30 The submission version (MD1) of TLP19 also does not provide a clear indication of how a decision maker should react and so the policy is not justified, effective or consistent with national policy.

8.28 Are the proposed Modifications necessary for soundness?

8.31 No. For the reasons given in Q8.26 and Q8.27 and in Chapter 21 of our Regulation 19, we believe this policy should be deleted.
### TLP22: Rural Economy

8.29 Is the Policy consistent with national policy for Green Belts given that the potential development envisages within the criteria may constitute inappropriate development which is by definition, harmful to the Green Belt? Would the policy be effective in supporting a prosperous rural economy?

8.32 No, the policy is not consistent with national policy for Green Belts because it does not correctly reflect paragraphs 87 to 89 of the Framework.

8.33 The policy is also not effective because it is not criteria-based and so contrary to paragraph 154 of the Framework. It is also unnecessarily repetitive with other policies and so adds no new information either for applicants or decision-takers.

8.34 We suggest modifications after paragraph 23.11 in our Regulation 19.

### TLP23: Protection, Provision and Enhancement of Schools

8.31 Are the criteria set out in respect of schools in the Green Belt justified and consistent with national policy for Green Belts as set out in the Framework?

8.35 No. Our Regulation 19 explains that the ad hoc approach to the provision of schools reflected by the inclusion of this policy is not consistent with either the NPPF or the PPG – both of which explain that policies should provide for all necessary infrastructure, as follows:

> However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself.

8.36 More detail can be found in paragraphs 24.6 of our Regulation 19.

8.37 This policy is also not consistent with national policy for Green Belts, in particular paragraphs 87, 88 and 89 of the Framework because it is tries to create a template for a Very Special Circumstances case without all of the relevant and necessary policy language in paragraphs 87-89 of the Framework.
8.32 Are the proposed Modifications necessary for soundness?

8.38 No, because they do not make the policy sound.

**TLP30: Green and Blue Infrastructure**

8.52 Are the proposed modifications necessary for soundness?

8.39 Yes. However, the modified policy still refers to non-existent “strategic green and blue infrastructure projects” and non-existent documents such as the SPD.

**TLP38: Play and Open Space**

8.68 Is the Policy consistent with paragraph 74 of the Framework in not requiring that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location?

8.40 No, it is not consistent with paragraph 74.

Suggested modifications

8.41 Altering the policy to comply with paragraph 74 may address our concerns raised in paragraphs 27.1-27.5 of our Regulation 19.

8.69 Is it effective and consistent with national policy to require accordance with the Councils Open Space Assessment and Corporate Open Space Strategy when these are not development plan documents? 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?

8.42 No, policies should not require accordance with documents not in the adopted development plan.

8.70 Are the proposed Modifications necessary for soundness?
8.43 Yes, and additional changes to:

a. Make the policy comply with paragraph 74 of the Framework.

b. Remove the requirement for proposals to be in accordance to documents outside of the development plan.

c. Add that proposals should be subject to other policies in the Development Plan.

**TLP39: Providing Playing Pitches and Built Leisure Facilities**

8.71 Is the Policy consistent with paragraph 74 of the Framework in not requiring that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location?

8.44 No, it is not.

8.72 Is it effective and consistent with national policy to require accordance with the Councils Playing Pitch Strategy when 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?

8.45 No, it is neither effective or consistent with national policy for policies to require accordance with documents that are not development plan documents.

8.46 The policy also does not provide clear indications of how a decision maker should react to a proposal, for example:

a. The words “suitable” (as in “suitable” location) and “regard” (as in “Regard will be had to the …) are ambiguous.

b. There is lack of clarity regarding how proposals for indoor facilities in the Green Belt and the AONB will be considered.

c. The outdoor clause is unnecessarily repetitive.
d. There is no requirement for proposals to be subject to other policies in the development plan. There is also no mention of SPDs, character area appraisals, landscape assessments.

8.47 All of this means that this policy is neither effective nor consistent with national policy.

8.73 Are the proposed Modifications necessary for soundness?

8.48 Yes, and more including:
   a. Making the policy compliant with paragraph 74 of the Framework.
   b. Include a list of criteria that do not duplicate criteria in other policies.
   c. Include a clause that requires accordance with other policies in the Development Plan and that proposals should adhere to the requirements of the Surrey Hills AONB Management Plan, any relevant SPDs, character area appraisals and landscape assessments.
   d. Remove all requirements to be compliant with documents that are outside of the planning system.

TLP41: Tourism

8.75 Is it effective and consistent with national policy to require accordance with the Councils most up to date Economic Proposition, the East Surrey Rural Tourism Co-operation Project and the AONB Management Plans when these are not development plan documents? 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?

8.49 No, it is not effective or consistent with national policy for proposals and policies to require accordance with documents that are not development plan documents.
8.50 TLP41 is also not compliant with paragraph 154 of the Framework because it does not provide a clear indication of how a decision maker should react to a proposal. The provisions are both vague and ambiguous and they also duplicate other policies all of which adds unnecessary complexity for applicants and decision-takers. We provide more details in paragraph 28.2 of our Regulation 19 representation.

8.76 Is the third paragraph of the Policy clear in respect of development proposals in the Green Belt and would it be effective?

8.51 No, the policy is not clear with regards to proposals in the Green Belt because it appears to be trying to create a template for a Very Special Circumstances case but without any of the relevant policy language or specific references to those policies for the Green Belt. The policy is not effective and it is criteria-based as explained above.

8.77 Are the proposed Modifications necessary for soundness?

8.52 Yes, but we would go further and remove the policy entirely with the exception of the text for the designated site which could be moved to either TLP01: Spatial Strategy or TLP20: Employment Land given that one of the benefits of retaining the hotel race course site is for local employment. This is not just employment on the site itself, but also the related businesses which include servicing and maintaining the hotel, racetrack and the racehorses.