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

Tandridge District Council Hearing Statement

Matter 4 Green Belt Boundary Alterations

Issue: Is the Green Belt Assessment consistent with national policy for Green Belts, is it based upon appropriate criteria and is it adequate and robust?

September 2019
Notes:

1. The term ‘The Council’ or the abbreviation ‘TDC’ is used as shorthand for Tandridge District Council
2. The abbreviation LP is used for the submitted ‘Our Local Plan 2033’
3. All quotations are distinguished in italics and referenced in brackets
4. All references are to published LP evidence documents and the 2012 NPPF and associated 2014 PPG unless otherwise stated

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4.1 Was the Green Belt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts.

Responses to Inspector’s Issues / Questions

4.1.1 Yes. The Council’s Green Belt Assessment is underpinned by the Tandridge Local Plan Green Belt Assessment Methodology (2015) (GB14; GB15). Further refinement, including deviations and clarification relating to the methodology, are set out in the Green Belt Assessment Part 1 Report (2015) (GB6). Together these documents set out a clear methodology. To ensure its robustness, the Council engaged with and sought input from key stakeholders. The comments received, where relevant, helped shape the methodology.

4.1.2 There is no national guidance and minimal best practice guidance on how to conduct a Green Belt Assessment (GB14 paragraph 3.1). However, the Methodology notes that any assessment must have regard to, and be consistent with the policies in the NPPF, whilst considering how the Green Belt is relevant to Tandridge. The Council also drew upon the lessons learned from the methodologies used by other authorities.

4.1.3 The aims and purposes of the Green Belt as set out at paragraphs 79 and 80 of the NPPF 2012 are at the forefront of, and run throughout, the Methodology. This is especially relevant to the initial strategic overview and land parcel purposes assessment (GB6). The approach taken considers in detail how well parts of the Green Belt in the District function against the NPPF Green Belt purposes. This provides a tool for differentiating the relative importance of the various parts of the Green Belt; so as, eventually, to be able to identify the parts that might be lost to development, with least overall harm to the purpose of the Green Belt (as a whole). This may not be the intended role of the NPPF purposes, and they were certainly not written to be disaggregated in this way, but this is the best method available and it is commonly used for Green Belt assessment / review.
4.2  **In terms of paragraph 84 of the Framework, have the proposed alterations to the Green Belt taken account of the need to promote sustainable patterns of development and are they consistent with the Local Plan strategy?**

**Responses to Inspector’s Issues / Questions**

4.2.1 Yes. In undertaking its Green Belt Assessment (GB1-GB15) and seeking to identify locations where development might take place with least harm, the Council has been very cognisant of the need to take into account sustainable patterns of development. The Green Belt Assessment was one part of an overall development site selection process that took account of the sustainability of locations in terms of settlement hierarchy and infrastructure. This overall process is explained in the responses to Matter 3 questions.

4.2.2 In taking account of the need to promote sustainable patterns of development within Tandridge, the Council has had to reconcile two NPPF policy positions which pull in different directions; meeting development need and Green Belt protection. The District is currently 94% Green Belt, where the starting point is that development is inappropriate (paragraph 89), so there are no easy or obvious choices for development strategy and Green Belt boundary changes. The NPPF requirement is to attempt to meet OAN in full (Para.14) and, also, to locate development in the most accessible (sustainable) locations. Such locations are usually the most obviously important to Green Belt purposes (e.g. the settlements closer to the Greater London boundary). The Council has therefore had to prepare the LP in a way that balances these two diametrically opposed policy positions. It has approached evidence collection to support decisions on the balance to be struck in an ‘existing policy off’ manner. This includes assuming that the settlement hierarchy / pattern is not fixed, the character of existing settlements can change, and Green Belt should not necessarily constrain development in the way it has in recent years. In each case the evidence prepared explores the implications of a ‘fresh start’ to planning in respect of these points. This is in the spirit of NPPF Para.83 on Green Belt boundary changes; they can only come through a review of a Local Plan, where all issues are considered together.

4.2.3 The proposed changes to Green Belt boundaries to allow for development need have been decided as part of the wider plan-making process. From the outset, the Council
explored a range of reasonable alternatives through its Spatial Approaches Topic Paper (December 2015) (SPS4) and consulted upon them through its Local Plan: Issues and Approaches Regulation 18 consultation (18 Dec 15 – 26 Feb 2016). As stated at paragraphs 3.2 and 4.4 of the Topic Paper, in lieu of a regional or county level strategic planning strategy, the Council relied on the general principle set out in NPPF to develop potential delivery strategies to deliver different levels, and sustainable patterns of, development. The Council consulted upon six approaches (Approaches 1, 2a, 2b, 3, 4, 5 and 6) and did so to allow consultees and the Council to consider the reasonable alternatives and influence future decisions about the preferred approach.

4.2.4 These approaches were considered further within the Council’s Our Local Plan: Preferred Strategy (March 2017) (SPS2). This consideration is summarised in the responses to Matter 3 questions process. Some of the approaches investigated included the release of Green Belt. Our Local Plan: Preferred Strategy recommended a hybrid approach for delivering sustainable development (comprising Approaches 3 and 6 – depending on Green Belt releases), which the Council adopted. SPS2 (Para. 1.5) sets out that the ability of the LP to meet development need requirements through a sustainable pattern of development, effectively has to be balanced against the Green Belt harms arising.

4.2.5 The LP has been prepared from the Preferred Strategy. The distribution of development to sustainable locations (locations that are accessible and relatively well provided with facilities and infrastructure) is now embodied in the Spatial Strategy, as set out at Policy TLP01. TLP01 sets out, amongst other things, the locations which will be the focus for development. In the short to medium term, development is to be directed towards the most sustainable existing settlements, which are our most built-up (Tier 1) and semi-rural service settlements (Tier 2) In the longer-term South Godstone Garden Community (SGGC) contributes (in an accessible location and of a scale to support infrastructure, service and facility provision).

4.2.6 As part of the Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting 2018 (GB1) and the associated Appendix 1 (GB2) individual potential development sites were considered in terms of not just Green Belt harms from their development, but also whether they comply with the Spatial Strategy. As a result, the
Green Belt alterations proposed as part of the LP are only in locations that accord with the Council’s spatial strategy.

4.2.7 Continuously, throughout the Green Belt Assessment and Spatial Strategy preparation processes (site selection), the Council has undertaken a Sustainability Appraisal (MD4-MD7). This has ensured that the sustainability implications of the various approaches considered have been appraised at every stage, as an essential part of how the plan has evolved.
4.3 Have all realistic alternatives to releasing land from the Green Belt been considered, such as further development in the urban area or increasing development densities, and would the most efficient use of land proposed for release from the Green Belt be made?

Responses to Inspector’s Issues / Questions

Realistic alternatives to Green Belt release

4.3.1 Yes. From the outset, the Council has explored a range of alternatives in order to identify a Strategy for meeting development needs in a sustainable way and without release of Green Belt land (See the responses to Questions 4.1-3 and Matter 3 questions for more detail on this). This exploration started with a comprehensive consideration of urban capacity and regeneration / redevelopment options (SPS4). The backdrop to this exploration is however that Tandridge is a rural district with generally quite small urban areas and is 94% Green Belt. This limits the alternative to Green Belt release, especially where the plan seeks to meet higher levels of development need.

4.3.2 As noted at paragraph 5.10 of the Preferred Strategy, the Council actively sought to identify potential development sites within existing, more sustainable, settlements. This included longer term options for redevelopment where land availability had not necessarily been promoted to the Council (through the HELAA). As part of this it also explored the ability to increase densities in these urban areas. This was undertaken through the Urban Capacity Study (2017) (SBC2), which included detailed consideration of brownfield land and optimisation of densities. The UCS identified 16 brownfield sites within or adjacent to settlements within the top three tiers of the Council's Settlement Hierarchy (SBC8). However, 13 of these sites could not be considered for LP allocations because they either serve as car parks associated with railway stations or supermarkets or are actively used for other purposes and are considered inappropriate or undeliverable in the foreseeable future.

4.3.3 As set out in the supporting text to the LP (21.8 – 21.11), the Council has discussed and considered how to make best use of land by increasing densities. The Council is conscious of the principle that urban area densities should generally be increased for the sake of housing supply and sustainability (walk/ cyclability and viability of public

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transport). This is now more prominent in Government policy (NPPF 2018/19). However, this principle has to be set against the existing low density character of many parts of this District and the reality that existing densities are largely fixed if there are few redevelopment opportunities. As set out at paragraph 21.10 of the LP, the Council considers that the idea of assuming that every locality offers opportunities to increase densities should be treated with caution (see also SSHA3 and SSHA18). Certainly, for Tandridge, deliverability is a major issue, as settlement patterns and urban structure in the District are largely fixed, at least in the short to medium term (there are few redevelopment opportunities). Regardless of this, settlement character and identity should be respected. The Council considers that, whilst optimising densities should be pursued as opportunities arise (e.g. the regeneration schemes factored into the LP land supply assumptions – see responses to Matter 2 questions), this should be balanced with existing settlement character considerations. The Urban Capacity Study has contributed greatly to understanding of the limited extent to which increasing densities could benefit our District in the immediate future.

4.3.4 The outputs of this and other parts of the Council’s evidence base are summarised in the Housing Topic Paper (HNS2). Section 4 comprises a detailed assessment of the land supply situation and demonstrates how the Council has explored all realistic alternatives within its built-up areas. This work has highlighted that the options for not impacting upon the Green Belt are very limited.

Efficient use of land where Green Belt is released

4.3.5 LP Policy TLP19: Housing Densities and the Best Use of Land states that all developments must make the most efficient use of land to ensure a sufficient supply of homes. However, as set out in the policy’s supporting text (paragraphs 21.9 to 21.13) the Council considers that the density of development is dependent upon a number of factors, including the location of the site, access point/s, the local road network, amenity space and characteristics of the surrounding area. Accordingly, policy TLP19 contains criteria which development should accord with. This includes the following: 11. Create permanent and defensible boundaries for the Green Belt, where they apply. This reflects an important limitation on the ability to achieve higher densities, because urban extension sites may require lower density edges for Green Belt integration, landscape and character reasons. This problem is acute on the
smaller sites, and the LP has many such sites, as these predominated in the site selection process outcomes.

4.3.6 For sites proposed for release, an estimated site yield has been included in the LP (individual housing site policies). These yield assumptions have been arrived at with regard to a range of site factors and individual site characteristics. They are felt to be entirely reasonable assumptions for plan making purposes and would generally be taken as a minimum to be achieved, subject to unforeseen circumstances. This is not explicit in the LP policy, but the consideration would apply generally under the NPPF. A significant failure to achieve efficient use of land would be likely to justify refusal of a planning application, and it is rarely the case that an applicant would not effectively utilise land. However, it is possible that, in implementation, densities and yields could turn out higher, especially on some of the larger sites. This issue is explored in responses to Matter 2 questions on the LP housing trajectory and land supply. Of course, under that heading the Council is subject to pressure to make cautious assumptions about densities and yields, in the interests of overall land supply flexibility. That sets up an inevitable conflict with NPPF policy to release Green Belt land only to a level, and in locations, that satisfy a test of exceptional circumstances. That said, the Council has explored these issues very carefully throughout the preparation of the Local Plan and takes the view it has settled on the right balance of policy and yield assumptions.
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?

Responses to Inspector’s Issues / Questions

4.4.1 Yes. The overall Green Belt Assessment (GBA series of evidence documents) is comprehensive in ensuring that the LP development site selection process takes proper account of NPPF Green Belt policy and the local role of the Metropolitan Green Belt (MGB).

4.4.2 The diagram in the Housing Topic Paper (HNS2 Figure 1) as referred to in the responses to Matter 3 questions summarises the process and shows how the various factors determining site selection were considered. It is important to recognise that the overall site selection process covered more than just Green Belt. This is particularly relevant as the selection process was, at its initial stages, undertaken in a policy-off manner, as described in responses to other Matter 3 and 4 questions; meaning that Green Belt considerations were not included. The first stage ruled out sites that were of landscape and ecological value, so this means that sites may have been excluded from consideration where they might be seen as ‘least damage to Green Belt’ options.

4.4.3 As far as the Green Belt Assessment is concerned, this was applied at detailed area / site level, as a test of the level of harm from development of the site to Green Belt purposes. The aim was to find development sites that did least harm to the purposes (and thus potentially met a site-specific interpretation of the NPPF exceptional circumstances test – as opposed to reliance only on a general development need circumstance) (GB1).

4.4.4 Our Local Plan: Preferred Strategy (March 2017) (SPS2 paragraph 6.2) illustrates this approach in general terms, by referring to the areas to be considered for development as follows:

*The delivery of sustainable development through allocated sites on the edge of Tier 1 and 2 settlements and in locations supported by Neighbourhood Plans, by adjusting the Green Belt boundary where none of the purposes which define the Green Belt are served and where exceptional circumstances are considered to exist;*

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4.4.5 Furthermore, it is noted (paragraph 5.16) that, for those sites where the purposes of the Green Belt have been shown to be met, any exceptional circumstances test would require a very high benchmark to be set.

4.4.6 The Green Belt Assessment element of site selection process was subsequently applied to the selection of the Garden Community location, though this had to be done more in terms of the general development need aspect of exceptional circumstances and the strategic GBA view of the District (GB6).
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?

Responses to Inspector’s Issues / Questions

4.5.1 Yes. The overarching exceptional circumstances justification for the release of Green Belt for development, to the extent proposed, is derived from the extensive evidence base which underpins the LP. The Council’s specific view on exceptional circumstances is set out in the Council’s Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting Paper (GB1) and the associated Appendix 1 (GB2).

4.5.2 There is no policy assistance available in the NPPF or the PPG to help define ‘exceptional circumstances’. Case law in the form of the Calverton judgment is helpful to the extent of suggesting the matters that should be considered. Ultimately it is necessary to make a planning judgement. This is the LPAs task.

4.5.3 The five matters set out in the Calverton case have been carefully identified and grappled with by the Council (GB1). The detailed assessment against these matters is set out in GB1 and GB2.

4.5.4 In essence the exceptional circumstances at a strategic and overarching level are to be found in the acuteness and intensity of assessed development need and the lack of reasonable alternatives following an exploration of the District’s housing supply options. This includes identifying the very limited supply of suitable brownfield sites and the constraints on changing densities in existing urban areas that follow from this and also from the District’s particular environmental character. The Council has fully explored a range of approaches to provide for its development needs and these include development located solely within its urban areas, including at different densities. However, these approaches showed a significant shortfall against the development need identified and were therefore considered to perform poorly against economic and social sustainability objectives. As a result, the Council considers that there are exceptional circumstances in overall terms for the release of the Green Belt. Simply put – there are no other reasonable alternatives if a balance is to be struck.
4.5.5 Exceptional circumstances also have to be shown on a site-specific basis (what is the particular set of exceptional circumstances – primarily in terms of no, or limited harm, to the NPPF purposes). This has been addressed in responses to Matter 6 (housing allocations) and Matter 7 (employment land allocations).
4.6 In overall terms, are the proposed boundaries of the Green Belt defined clearly and would they be likely to be permanent or capable of enduring beyond the plan period?

Responses to Inspector’s Issues / Questions

4.6.1 In terms of the sites proposed for release and the associated Green Belt boundaries, the Council has been guided by Para.85 of the NPPF. The Council recognises in its Exceptional Circumstances and Insetting Paper (GB1 Para. 3.39), that physical boundaries that provide visual and functional separation to the Green Belt will need to be maintained and enhanced where possible. The Council considers that the sites proposed for release contain physical features that are readily recognisable, clearly define the boundary and are reasonably permanent. However, the Council also recognises that they will need to be reinforced and the use of appropriate design and layout will be necessary to further ensure the Green Belt boundaries comply with Para.85. Given the extent of Green Belt coverage in the district, finding physical boundaries such as roads, river courses etc. in all cases has proven challenging. Using existing boundaries in every case would likely result in an excess of land release which is not needed and would be very damaging to Green Belt purposes. Therefore, in some cases a pragmatic application of the NPPF policy has been necessary. Further, an appropriately worded condition has been included for each LP site allocation policy, which requires the following: ‘Design and layout should actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent’.

4.6.2 In relation to the boundaries associated with the South Godstone Garden Community, the LP only identifies a broad location which indicates where the principle of development is established (TLP01). The Council recognises that there will be a need to make an alteration to the current Green Belt boundary but that this will only take place through the Area Action Plan. Definition of the Green Belt boundaries will be informed by further area specific evidence and a master-planning exercise. This will ensure that the most appropriate boundaries are defined and can endure beyond the plan period (paragraph 14.5 of the LP) (MD1). Policy SGC01: South Godstone Garden Community covers this issue clearly:

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Our Local Plan does not alter the Green Belt boundary to accommodate the development of the Garden Community and this is a matter for the AAP. Sensitive areas of landscape will be avoided in determining development boundaries (the sufficient separation from) nearby settlements of Blindley Heath and Tandridge will be an important factor for consideration when establishing the extent of the development.”

4.6.3 The AAP and the area of search is further addressed in responses to Matter 6 questions 6.1-6.6.

4.6.4 Paragraph 85 sets out that local planning authorities should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period. The Council has chosen sites which have reasonably clearly defined boundaries, albeit there will be a need for reinforcement, which will help ensure they are likely to be permanent and thus endure. In relation to the Garden Community, the Council will undertake further work as part of the AAP to ensure the Garden Community’s boundaries also meet the requirements of NPPF Para.85.

4.6.5 The Council has proceeded based on the evidence demonstrating its need over the plan period and has sought to address that need as far as possible within fundamental constraints and the need to show exceptional circumstances for Green Belt release. NPPF Para.85 effectively suggests that land for future development should be reserved to assist in maintaining the longer-term permanency of Green Belt boundaries. Given that the existing Green Belt designation is very well justified in relation to NPPF purposes this is not a requirement than can be achieved without doing very substantial harm. The Council’s work is based on current understanding and the current policy position nationally. Beyond the plan period, new homes will be delivered through the Garden Community, however this is to meet current identified need. The amount of land to be released is justified based on exceptional circumstances. Exceptional circumstances would also be necessary for the safeguarding of land for any possible future needs, but none can be identified to justify this approach.

4.6.6 It is recognised that development pressures may continue in the future. Should this occur the Council will need to determine the most appropriate strategy at that time, in light of the policy and evidence base context, which may or may not include a review

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of the Green Belt through the Local Plan process. The Council cannot pre-empt future reviews but based on its current understanding and assessment, it can seek, as far as it is possible to do so, to ensure that the boundaries are permanent and endure in light of current evidence and policy constraints. The Council is satisfied that it has done this.
Evidence
GB1 - Green-Belt Assessment (Part-3) Exceptional Circumstances and Insetting 2018
GB2 - Green Belt Assessment (Part-3) Appendix 1 2018
GB3 - Green Belt Assessment (Part-2) Review 2016
GB4 - Green Belt Assessment (Part-2) Appendix 1 Areas for Further Investigation 2016
GB5 - Green Belt Assessment (Part-2) Appendix 2 Area for Further Investigation 2016
GB6 - Green Belt Assessment (Part-1) 2015
GB7 - Green Belt Assessment (Part-1) Appendix A Historic Assessments 2015
GB8 - Green Belt Assessment (Part-1) Appendix B Strategic Green Belt Area Assessments 2015
GB9 - Green Belt Assessment (Part-1) Appendix C Conservation Areas Map 2015
GB10 - Green Belt Assessment (Part-1) Appendix D Parcel Assessments 2015
GB11 - Green Belt Assessment (Part-1) Appendix E Settlement Assessments 2015
GB12 - Green Belt Assessment (Part-1) Appendix F Areas for Further Investigation Map 2015
GB13 - Green Belt Assessment Review 2015
GB14 - Green Belt Assessment Methodology 2015
GB15 - Green Belt Assessment Methodology Appendix 1 2015
HNS2 – Tandridge Local Plan 2033 Housing Topic Paper 2019
MD1 – Our Local Plan 2033 Submission 2019
MD4 - Tandridge Local Plan 2033 Sustainability Appraisal Volume 1 Context
MD5 - Tandridge Local Plan 2033 Sustainability Appraisal Volume 2 Options Assessment 2019
MD6 - Tandridge Local Plan 2033 Sustainability Appraisal Volume 3 Effects and Conclusions 2019
MD7 - Tandridge Local Plan 2033 Sustainability Appraisal Appendices 2019
SBC2 – Tandridge District Council Urban Capacity Study 2017

Document Reference TED08: Tandridge District Council Hearing Statement Matter 4
SBC8 – Settlement Hierarchy 2015

SPS2 - Our Local Plan Preferred Strategy Paper 2017

SPS3 - Spatial Approaches Topic Paper Sites Consultation 2016

SPS4 - Spatial Approaches Topic Paper Issues and Approaches Consultation 2015

SPS5 - Topic Paper 01 Issues and Objectives 2015

SPS6 - Tandridge District Council Key Constraints 2015

SSHA3 – Tandridge Local Plan Sustainability Appraisal Regulation 19 Stage Volume 2 Options Assessments 2018

SSHA18 – Sustainability Appraisal 2015 Issues and Objectives Regulation 18 2015

Supporting Papers

None