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

Tandridge District Council Hearing Statement

Matter 8 Development Management Policies

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

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’ (MD1)
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
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)?

Response to Inspector’s Issues / Question

8.1.1 No. The policy is not strictly necessary. However, it does add something to the NPPF in the expression of the Council’s intent set out in the second paragraph of the Policy.

8.1.2 It should be noted that for several years following the introduction of NPPF 2012, Planning Inspectorate practice in examining plans was that a policy related to the Presumption in Favour of Sustainable development (SD) should be always be included (for soundness). The Council’s view is that inclusion or exclusion of this policy is not a matter of soundness.
8.2 If the policy is justified, should it be consistent with the Framework 2019 paragraph 11d)?

Response to Inspector’s Issues / Question

8.2.1 The Policy was prepared on the basis of the wording in NPPF 2012. NPPF 2018/19 changes the detailed wording of the Presumption, though not the intent. The Council agrees that it would be appropriate to make the policy consistent with the most up to date NPPF wording. The Council would be content to see a recommended Main Modification on this point; or to make the change as an Additional or Other Modification.

Evidence

None

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.3.1 Yes. This part of the policy reflects the intent of the NPPF that nationally / strategically, Green Belt purposes and boundaries are to be viewed as long standing (NPPF Para.83). It would not be expected that they would be subject to frequent review. This approach should apply for, at minimum, the whole plan period to 2033.

8.3.2 The Policy reflects the Council’s view that its Green Belt Assessment (GBA) has been undertaken as a long term, strategic, exercise. The GBA considered Green Belt purposes and boundary issues in the District afresh and comprehensively (taking account of the planning history of the Metropolitan Green Belt - MGB - and of the NPPF Para.80 Green Belt purposes and also of the NPPF Para.47 requirement to boost significantly the supply of housing). The task was to find the appropriate balance between maintaining Green Belt purposes and meeting development needs in the long term.

8.3.3 The concepts of permanence / long term are clearly important (NPPF Para. 83). To expect a regular five yearly plan review process to change strategically drawn Green Belt boundaries does not seem to sit at all well with this intent. The Council’s view is that the statutory five year plan review requirement is to ensure a regular check on the success or otherwise of plan implementation, not to introduce frequent wholesale strategic revisions to plans. Such an approach to review would be impractical in terms of public perception and realistic timescales for plan making, especially where large scale housing projects are included. It would also seriously detract from the certainty required for successful planning. (See responses to Matter 6 questions). The Council has undertaken a very substantial re-set of policy, determined by current, prevailing, longer term exceptional circumstances (development - especially housing - need). Re-visiting this should not be necessary again in the foreseeable future, especially in just five years. Five years from now it is intended that the Garden Community (SGGC) will
be beginning to deliver a substantial new housing supply. It will continue to provide housing opportunities for the following ten years at least. The Policy is intended to clearly indicate that during the plan period, SGGC will be the only place where Green Belt boundaries are still to be altered (through the AAP), to allow continuing housing opportunities in the District.

8.3.4 That said, the Council suggests that, if the Inspector is concerned about the approach taken, the intent of the policy could be clarified to indicate: ‘Further changes …….will only take place within the plan period ……..’. The Council would be content to see a recommended Main Modification on this point; or to make the change as an Additional or Other Modification.
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?

Response to Inspector's Issues / Question

8.4.1  Yes. The intent and effect of the wording is consistent with NPPF Para.87, especially when the paragraph is read as a whole.

8.4.2  If exact repetition of NPPF wording is preferred, then the Council would be content to see a recommended Main Modification on this point; or to make the change as an Additional or Other Modification.
8.5 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.5.1 No, but see responses to Q8.3/4. The Council’s view is that the originally proposed modifications to TLP03 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

GBA series of evidence documents

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
TLP04: Infrastructure Delivery and Financial Contributions

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?

Response to Inspector’s Issues / Question

8.6.1 Yes, the Council contends that the policy as worded provides sufficient clarity as to what expectations exist in relation to infrastructure provision. TLP04 sets out how the Council expects infrastructure to come forward, whilst providing sufficient flexibility to accommodate a variety of site specific circumstances. A decision maker should permit applications that are supported by appropriate infrastructure at the appropriate time. Applications that have a negative impact on infrastructure and do not mitigate for that impact should normally be refused.
8.7 Is Policy TLP04 consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

Response to Inspector’s Issues / Question

8.7.1 Yes. The regularly updated Infrastructure Delivery Plan (IDP) (INF1) will be the starting point to identify what infrastructure might need to be provided in each case. This provides sufficient certainty as to what requirements may be placed on applications in any given geographical area. Where a development is judged to give rise to an infrastructure requirement, or have a direct impact on existing infrastructure, it is an expectation that commensurate infrastructure is provided to mitigate for that impact. This is consistent with the NPPF Para.204. Moreover, the Council is able to collect CIL for cumulative impacts and also require site specific infrastructure where this is required.
8.8 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.8.1 No. The Council’s view is that the proposed modifications to TLP04 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication 'Our Local Plan:2033'). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.8.2 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. All of the proposed modifications to TLP04 have therefore been highlighted as a potential main modification in TED01/02 (Part 2 – Proposed modifications originally categorised as proposed minor modifications (May 2019).

Evidence

INF1 – Tandridge District Infrastructure Delivery Plan 2019

MD1 – Our Local Plan 2022 Submission 2019

TED01 – Schedule of Proposed Main Modifications (May 2019)

TED02 – Response to Inspector Documents ID2 and 3

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.9.1 The IDP (INF1) is not a policy document. It is an important source of information and evidence that is a material consideration in planning decisions. The IDP cannot override the NPPF or LP policies, or the specific programmes and commitments of infrastructure providers. Nevertheless, as far as development viability is concerned, the policy reference is essential to indicate that the Council will expect applications to be prepared and determined on the basis of land values and a viability analysis that factors in the cost of making all reasonable (NPPF Para.204) infrastructure requirements. It is partly the LPA’s responsibility to be clear about what those requirements are from the outset of the planning process. This policy is designed to achieve that, using the IDP as an essential tool. Any review of policy by infrastructure providers during the period of the Local Plan could impact on the amount and type of infrastructure required. The IDP therefore sets out a broad framework for infrastructure provision to 2033 and more detailed infrastructure requirements and costs where these are known. It is a ‘living document’ that will be regularly updated. This introduces the essential flexibility required in the infrastructure planning process.

8.9.2 The IDP forms the basis for assessing infrastructure contributions that would be sought to meet the needs of new development. The importance of robust infrastructure planning is emphasised in the NPPF (Paras.156/7), which states the need for Local Plans to include strategic policies to deliver the provision of infrastructure and to plan positively for the development related infrastructure required in the area.

8.9.3 By signposting to the IDP, as a living, regularly updated document, LP Policy TLP05, builds in the necessary flexibility to accommodate changing circumstances, including those of infrastructure providers. The IDP is an effective mechanism in that it enables the Plan to be implemented in an up to date and relevant infrastructure context.

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
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?

Response to Inspector’s Issues / Question

8.10.1 This is a reasonable requirement that should be clearly flagged to applicants in the context of this LP policy. The Council already charges a fee where an applicant submits a viability assessment. This is fund independent and impartial advice to verify the assessment. Many LPAs charge a fee to cover the associated costs of independent assessment. However, the Council agrees that the requirement is not a ‘pure’ land use policy matter and that it is better referenced in the supporting / reasoned justification text. This change has been included as a proposed Minor or Other Modification to the LP (tracked in MD1 – see response to Q8.11).
8.11 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.11.1 No. The Council’s view is that the proposed modifications to TLP05. (including to related Para.16.8 of the reasoned justification) do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

INF1 – Tandridge District Infrastructure Delivery Plan 2019

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.12.1 See response to Q2.21 for the general principles related to use of the Housing Strategy as a document referenced by the LP. The policy only provides a clear indication of how a decision maker should react to a development proposal if it is accepted as appropriate that the policy can refer to a separate evidence related document; the Council’s Housing Strategy. The Housing Strategy is intended to be the source of up to date information and evidence that can be material in deciding on how best to respond to varying aspects of housing need in decisions on planning applications. However, when used in this way, the Housing Strategy cannot be, and is not intended to, determine particular outcomes or decisions. However, taking proper account of the Strategy will mean that a development proposal is positively supported under this policy.

8.12.2 Given the range of housing issues covered in detail in the Housing Strategy it would be difficult to suggest how these issues could be fully dealt with in the Plan document itself. The policy is generally important to the Council as it prioritises achieving appropriate forms of housing provision; not just numbers. It effectively flags that this will be a material consideration in negotiating the detail of housing sizes and types and planning obligations on affordable housing. This approach accords with NPPF Para.50.
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?

Response to Inspector’s Issues / Question

8.13.1 See responses to Qs 2.21, 3.10 and 8.14. The principles set out in those responses also apply in respect of this policy, particularly in relation to the policy intent, of maintaining flexibility, negotiating appropriate outcomes and using the most up to date evidence, as flagged by the word ‘Responsive’ in the policy title.

8.13.2 The Council agrees that the housing typologies listed in the policy are to be researched in a Strategic Housing Market Assessment (SHMA). The Council’s SHMA research and evidence covers these typologies and it has informed the Housing Strategy. However, the Strategy is action orientated, in response to the evidence. That said, inclusion of a supporting reference to the SHMA in the policy could be appropriate.

8.13.3 In addition to the general points made in response to Qs 2.21, 3.10 and 8.14, for this particular policy, an important distinction should be drawn between its application to development proposals and to neighbourhood plans.

8.13.4 For development proposals the issue is clearly whether the Strategy can serve as an information and evidence source and be flagged as a material consideration for Development Management decisions through the policy; or whether it is necessary to include explicit housing strategy requirements in the policy itself. The Council’s proposed (now suggested as potentially Main) Modifications to the policy (in TED01) are intended to clarify the Council’s approach by replacing ‘accord with’ with ‘should take account of’.

8.13.5 However, for the reference to neighbourhood plan, the position should be seen differently. Under policies TLP08 Rural Settlements and TLP09 Limited and Unserviced Settlements, the Council intends to encourage rural area neighbourhood plans (NPs)
to take on a specific Housing Strategy implementation role. This role is to provide some additional rural needs / exceptions affordable housing. In Tandridge this must be well justified because NPs will have to be made in the context of Green Belt policy. NP housing allocations in Green Belt go beyond NPPF Para.89 exceptions. They might not strictly conform to the NPPF or the Development Plan. The relevant NPPF Para.89 exception requires: ‘limited affordable housing for local community needs under policies set out in the Local Plan…’. Policy TLP10 usefully sets the essential local plan policy to guide this aspect of neighbourhood planning, by saying that the definition of limited affordable housing and local community needs for housing has to be proposed / negotiated taking account of the Council’s Housing Strategy. This is an appropriate, economical and flexible way of setting a direction for neighbourhood planning to deliver some valuable additional affordable housing without unduly compromising the aims of Green Belt policy. Incidentally, it should be noted that the related policy TLP13 Rural Exception Sites sets the terms of NPPF ‘limited’ and this is also part of this context.
8.14 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.14.1 No. The Council’s view is that the proposed modifications to TLP10 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications. In this particular case the modifications intend to clarify exactly the point at issue; the Council’s intent that the Housing Strategy is a useful evidence source document, not a policy document for planning decisions.

8.14.2 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. The proposed modifications to TLP10 have therefore been highlighted as a potential main modification in TED01/02.

Evidence

HNS1E – Tandridge Housing Strategy 2019-2023 Feb 2019

HNS9 Review of Inspector’s Decisions on Strategic Housing Market Assessment and Objectively Assessed Housing Needs for Tandridge, Updated 2018

Strategic Housing Market Assessment (SHMA) series:

- HNS10 - Addressing the Needs of All Household Types for Tandridge Updated 2018
- HNS11 - Affordable Housing Needs Assessment for Tandridge Updated 2018
- HNS12 - Analysis of Market Signals for Tandridge Updated 2018

MD1 – Our Local Plan 2033 Submission 2019

TED01 – Schedule of Proposed Main Modifications (May 2019)
Supporting Papers
None
8.15 What is the justification for resisting the loss of residential land and units and the amalgamation of dwellings resulting in a net loss of units?

Response to Inspector’s Issues / Question

8.15.1 The justification is, as the policy states: ‘to ensure that housing supply is protected’. This is very important in the context of the significant pressure for additional housing reflected in the objectively assessed needs (OAN) estimate and a high level of planning constraint on meeting need (LP Reasoned Justification Paras.18.8-9). Meeting housing need is a top priority in the NPPF and LP. Protecting existing housing is a normal / common approach in Local Plans and is effectively a necessary baseline for the LP housing requirement. The exception criteria elements of the policy provide appropriate flexibility.
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?

Response to Inspector’s Issues / Question

8.16.1 See responses to Qs 2.21, 3.10 and 8.14. In respect of this policy the Council has reconsidered the reference to the Housing Strategy and taken the view that the Strategy evidence is not of crucial relevance to this policy, as the issues are dealt with directly and effectively in the policy wording. This is reflected in the Council’s proposed Other or Minor Modifications (MD1).
8.17 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.17.1 No. The Council's view is that the proposed modifications to Policy TLP11 (mainly a deletion of reference to the Housing Strategy) do not go to the soundness of the Plan (these are proposed Other or Minor Modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

HNS series of evidence documents

HNS1E – Tandridge Housing Strategy 2019-2023 Feb 2019

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.18.1 Yes, the intention is to define ‘limited’. There is no specific evidence for this figure; only a local planning judgement. See response to Q8.12, which explains the Green Belt context for this fully and relates the policy to the role of neighbourhood plans in a largely Green Belt District.
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?

Response to Inspector’s Issues / Question

8.19.1 Evidence for the 10% limit arises only from the Council’s general experience of operating rural exceptions housing policy, particularly in light of the NPPF’s (Para.54) introduction of the potential for a market housing subsidy element. This is a pragmatic policy limit based on the generally open formulation of the NPPF, which gives full responsibility for the application of the policy to the Local Planning Authority (LPA); ‘LPAs should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs’ (TDC emphasis).

8.19.2 Setting a relatively low limit is essential to achieve the intent of NPPF Para.54, which is to achieve mainly affordable housing (‘significant additional affordable housing’) and for that housing to be truly affordable in the context of the rural area concerned (usually social rented, with local connections occupancy restrictions). The whole purpose of the exceptions policy is to facilitate use of land that would not otherwise be permitted for housing. This should attract a low land sale value and thus achieve a very significant affordable housing subsidy (to support affordable housing types that need the greatest subsidy and are most relevant to meeting local rural needs). The land value subsidy is paramount.

8.19.3 The policy change to introduce the possibility of some market housing within an exceptions scheme is intended to offer a somewhat greater incentive to landowners to release land for exceptions schemes. However, the intention is not to allow a large quantity of market housing in rural areas, particularly in Green Belt. In this position, clarity on the level of additional market housing value acceptable is essential to give certainty to a landowner / developer in bringing forward schemes. The change in national policy and its vagueness (combined with a widening of planning definitions of affordable housing to include more market sale products) has tended to make negotiation of exceptions schemes that fulfil the intent of the policy more difficult. This is particularly the result of the openness of the NPPF policy; because landowner hope
value of development value uplift is effectively raised / consolidated. This is a particularly difficult issue for the affordable housing providers (councils or housing associations) because they need to fix value clearly, so that they can tell a local community what specific type affordable housing they can afford to deliver. This fix will often affect the balancing of affordable housing gain and environmental harm in community support or opposition to the proposal. Ultimately this will also depend on the planning decision and detailed terms of the permission / planning agreement. However, policy certainty is really needed early in the exceptions scheme process. That certainty will facilitate a land transaction and avoid potential considerable wasted effort in preparing for a development that ultimately does not achieve community support.

Evidence
None

Supporting Papers
None
TLP14: Specialist Need Housing & Extra Care

8.20 Is the specific requirement for the provision of 25 extra care units within policy HSG16 justified?

Response to Inspector’s Issues / Question

8.20.1 Yes. The Council has identified, through discussion with housing and social care partners, a need to secure modern, purpose designed, extra care units as part of its housing mix. The need is estimated to comprise:

a. sufficient units of affordable extra care housing to reduce Surrey County Council’s (SCC’s) reliance on traditional residential and nursing care over the next ten years; and

b. sufficient additional units of independent living to support people with a learning disability and / or autism over the next five years.

More detail on the approach to these needs is set out in the corporate policy / evidence in the Council’s Housing Strategy (HNS1E). The new housing proposed under Policy HSG16 would provide for older people in the local area and help free up existing homes by encouraging them to downsize.

8.20.2 SCC has indicated to the Council the following evidence of older persons need relevant to this location specific policy / proposal (underline is TDC emphasis):

Residential: Of the 725 bed capacity, the SCC-funded demand in 2016 was 39%. The current ratio of SCC funded beds / 1000 people aged over 75 is 19. Considering demographic growth, and the strategic aim of decreasing the ratio by 10%, this means that a likely 82 additional residential beds would be needed in the area by 2025, to support SCC demand. For the rest of the market (which is only influenced by the demographic growth), an additional 189 beds are likely required, for a total of 271 new residential beds, which will decrease the total ratio to 46 beds / 1000 75+. This ratio would however be higher than the county average of 38. It would take 101 beds to
attain this ratio. Both Tandridge and Reigate & Banstead have residential supply ratios above the Surrey average. A well populated Tandridge ward without provision is Warlingham East & Chelsham & Farleigh, though this is on the county border. Note also that 26 of the 45 OP Residential homes in the area (58%) are registered to support people with dementia, which as an average, is well below the Surrey average of 69% and just below the south east average of 61%.

**Recommendation:** Shape the residential market in East Surrey to deliver 82 additional beds for SCC and 189 beds for self funders by 2025 (44 and 95 respectively by 2020).

**Extra Care:** The Surrey wide ratio of Extra Care to the 75+ population in 2025 is 7. This is far below the Housing LIN/SHOP recommended ratio of 25. However note that the UK average is currently 11 (Housing LIN data), so most of the country has far to go before it can reach this desired ratio. In Surrey, it has recently been agreed to investigate the development of 600 additional units, which should give Surrey a ratio of 10 in 2025. East Surrey CCG currently has 167 (36% for SCC) units of EC, which gives it a ratio of 10. However all of this capacity is in Reigate and Horley, and there is currently zero capacity in Tandridge. So whilst additional capacity is needed in both areas, this is a higher priority in Tandridge. There is potentially higher demand in the mid/north of the district, for instance near Oxted.

8.20.3 See also responses to Qs.6.82 / 6.84.
8.21 The Council’s Housing Strategy is not a development plan document. Is it justified and consistent with national policy that proposals take full account of it?

Response to Inspector’s Issues / Question

8.21.1 See responses to Qs 2.21, 3.10 and 8.14. Similar principles apply.

Evidence

None

Supporting Papers

None
8.22 Are the thresholds in TLP17 II. for the requirement of Health Impact Assessments justified? Should Health Impact Assessments be sought for where a development would be likely to give rise to significant impacts on the health and wellbeing of the local population or particular groups within it (PPG Paragraph: 004 Reference ID: 53-004-20140306)?

Response to Inspector’s Issues / Question

8.22.1 Yes. The Council considers that Health Impact Assessments (HIAs) should be sought where a development would be likely to give rise to significant impacts on the health and wellbeing of the local population or particular groups within it (LP Para.19.4), but it also feels a specific threshold to judge this is useful.

8.22.2 The PPG does not define what is meant by significant impacts. It is for the LPA to determine what it considers to be ‘significant’ and to set any thresholds. In arriving at its thresholds, Tandridge has had regard to those used by other local authorities, but it has also taken into account local factors, which it considers warrants the proposed threshold. One of the key issues identified through the LP evidence-base has been the cumulative impact of development on infrastructure, with existing health services being over capacity (LP Para.11.22) due, in part, to the cumulative effects of development (The use of HIAs will help assess the potentially cumulatively significant effect a proposal could have on well-being, health infrastructure and / or the demand for healthcare services - LP Para.19.5). Other factors taken into consideration are the likely scale of ‘windfall’ sites coming forward within the District based on previous applications, with small-scale and piecemeal sites predominantly coming forward in recent years (LP Para. 15.2 of the LP), and the scale of sites proposed for allocation (LP Summary Table of Housing Allocations). The Council has therefore taken a locally appropriate approach to setting the threshold and determining significance, whilst allowing for flexibility and planning judgement in determining when health impact assessments may be necessary outside of these thresholds.
8.23 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.23.1 No. The Council's view is that the proposed modifications to TLP17 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication 'Our Local Plan:2033'). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP18: Place-Making and Design

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

Response to Inspector’s Issues / Question

8.24.1 Yes. The policy will be effective and is consistent with national policy for requiring good design, as set out in the NPPF. The content of Policy TLP18, including points I.-XIII., is consistent with NPPF Section 7: Requiring Good Design, Para.58 in particular, and NPPF Section 10 on meeting the challenge of climate change. The criteria are not overly prescriptive but provide an essential check list to inform detailed Development Management consideration. The policy itself is reasonable and measured in its approach and provides relevant criteria for the consideration of all development.
8.25 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.25.1 No. The Council’s view is that the proposed modifications to TLP18 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP19: Housing Densities and the Best Use of Land

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

Response to Inspector’s Issues / Question

8.26.1 Yes. Policy TLP19 supports the development of brownfield / previously developed land where appropriate, as does Policy TLP01 (in accordance with NPPF Para.11). However, the context of significant levels of Green Belt means that many of the District’s brownfield / previously developed sites are located in the Green Belt. Moreover, many serve as existing employment land, are located away from our sustainable settlements and do not accord with our spatial strategy (TLP01) in terms of locating new development close to the main services and infrastructure. Accordingly, the Council does not consider that these sites are appropriately located for residential development. The Council also does not believe a ‘scattergun’ development within the Green Belt is the best or most effective use of land, nor is it a sustainable approach in terms of accessibility to services and facilities. It would encourage increased car dependency. Furthermore, the Council does not agree that isolated but well used employment sites should be lost to residential development where these are now the main locations available in the District for that purpose. (as set out in LP Para. 21.5 of the LP).

8.26.2 However, the Council does support the re-use of previously developed/brownfield sites within its main / most sustainable settlements (TLP01). The extensive LP evidence-gathering process has identified limited opportunities, with many of the previously existing sites having already been developed. See the response to Matter 4, Q4.3 regarding the Council’s consideration of development within its urban/built-up areas.
8.26.3 The Council fully recognises that both land allocated for development and windfall sites need to be used effectively. Policy TLP19 states that all development must make efficient use of the land to ensure a sufficient supply of homes for the benefit of the wider community. The Council’s response to Q4.3 (Paras.4.3.3 and 4.3.5) sets out the Council’s approach to increasing densities. In essence, densities for new development should take account of a number of factors, including the characteristics of the surrounding area. Policy TLP19 sets out criteria which need to be taken into consideration when arriving at densities and the best use of land. The Council feels that Development Management negotiation, based on this policy and site character, is preferable to a rigid minimum density 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?

Response to Inspector’s Issues / Question

8.27.1 Yes. See response to Q8.26. The Council considers that this Policy provides a clear indication for decisions, as it seeks the efficient use of land, whilst directing the decision maker to matters / criteria that need to be taken into consideration in achieving this. The matters properly include other policy requirements and aspects of the Council’s LP evidence base.
8.28 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.28.1 No. The Council’s view is that the proposed modifications to TLP19 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP22: Rural Economy

8.29 Is the Policy consistent with national policy for Green Belts given that the potential development envisaged 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?

Response to Inspector’s Issues / Question

8.29.1 Yes, the policy is considered to be effective at supporting a prosperous rural economy and would be generally consistent with national policy for Green Belts.

8.29.2 Any application for development should be considered against the national policy and the LP as a whole. NPPF Para.89 allows for the construction of buildings for agriculture and forestry, proportionate extensions and replacement of buildings within the Green Belt, as well as limited infilling or the partial or complete redevelopment of previously developed sites. Therefore, there is some scope for the development for rural businesses and enterprises in the District which would be entirely consistent with national policy for Green Belts.

8.29.3 The policy is also effective in supporting the rural economy as it encourages Development Management to positively consider the development of all rural businesses and enterprises within the District. Whilst it is clear that the economic benefits of supporting such development would not supersede considerations relating to whether development is inappropriate development in the Green Belt, there may be some instances where NPPF Para.87 very special circumstances may exist to support and facilitate the development of rural businesses and enterprises for local economic development reasons. It should be noted that there is a strong relationship between this policy and the approach taken to Important Employment Site Allocations (IES) in the LP; which established employment generating land uses, but are also ‘washed over’ by Green Belt (see responses to Matter 7 questions).

Evidence

None

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
Supporting Papers

None
TLP23: Protection, Provision and Enhancement of Schools

8.30 Would the Policy be effective and justified in requiring the agreement of the education authority for new schools and education facilities?

Response to Inspector’s Issues / Question

8.30.1 Yes, the education authority is, formally, always the commissioner for state school places (even where the Education Funding Authority – EFA (central Government) other providers are involved in provision. They should be a key partner in the provision of school places as part of their statutory duties and are the responsible body in for strategic planning of local provision. It is their views on provision levels required and locational needs that are reflected in the Infrastructure Delivery Plan (IDP), even though they will often not be a direct provider.

8.30.2 It should be noted that this policy is directed specifically at essential state funded education provision. It does not cover private education provision, where the providers operate as businesses. For private education planning applications will be considered under the policies of the Plan as whole.
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?

Response to Inspector’s Issues / Question

8.31.1 Yes. In an authority that is predominantly Green Belt, the scope for providing school places in non-Green Belt locations is heavily constrained. In responding to the characteristics, it is necessary to balance the need for essential infrastructure such as school places with the protection of the Green Belt. Most of the schools in the District are located within Green Belt, where their grounds / playing fields and generally open sites make a contribution to the NPPF purposes. Those that are not in Green Belt are already operating on sites that have limited scope for expansion. The policy is intended to be supportive / permissive for state educational uses. It is sometimes suggested that there is an alternative; which is to remove school sites from the Green Belt to allow full scope for development. This is not an appropriate approach in Tandridge as the open areas of school sites are usually crucially important to Green Belt purposes and should be protected unless there are NPPF very special circumstances, which would be considered under Policy TLP23 criteria.

8.31.2 The NPPF 2012 states:

*Para.37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.*

*Para.38. For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.*

In a predominantly Green Belt authority the only way meet the increasing demand for school places and to minimise journey lengths is to have a permissive policy that enables
essential education development to come forward in the Green Belt locations that best serve a growing population.
8.32 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.32.1 No. The Council’s view is that the proposed modifications to TLP23 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP24: Retail Hierarchy

8.33 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.33.1 No. The Council's view is that the proposed modifications to TLP24 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP25: Retail Frontages

8.34 Is the Policy sufficiently clear in how the percentages of retail frontage are defined? How would these be applied in practice through the development management process?

Response to Inspector’s Issues / Question

8.34.1 Yes. The policy sets out the minimum percentage threshold of retail (A1) units that are to be retailed in the total primary and secondary frontage for town and local centres and relevant criteria for development management consideration. This is further explained in LP Paras. 25.5 – 25.9. Para. 25.8 refers to Town and Local Centre Review 2018 (ECRT2) and Tandridge Retail and Leisure Study Update 2018 (ECRT3) as evidence sources. ECRT will be regularly updated to measure the performance of active frontages in each town and local centre. This provides flexibility for update and appropriate application of percentage policy thresholds.
8.35 If the percentages set out are found to be in need of updating should this be considered in a review of the Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England Regulations 2012)? Would it be effective and consistent with national policy to update the percentages outside of the development plan as suggested?

Response to Inspector’s Issues / Question

8.35.1 See response to Q8.36. Yes. Formal policy review would be undertaken through the five-year statutory requirement for Local Plan review. However, the policy also, potentially, envisages more frequent review of the percentage thresholds applied. It is envisaged that the evidence base will be updated annually. There is uncertainty forecasting long-term retail trends and consumer behaviour in the retail industry. Development Plans should develop (and keep under review) town centre strategies that plan for a limited 5-year period, whilst also giving a Local Plan ‘lifetime’ (plan period) view (ECRT11, Page 6, Para.3.2). In the drafting the Policy, on current evidence, it was established that retaining the set threshold percentages for the primary and secondary frontages in town and local centres would be a basis to protect a mix of retail, employment and leisure units from further decline (ECRT2, page 29, para. 5.7). The recommendation to continue using the percentage thresholds for retail frontages is supported by the conclusions of ECRT3 (Page 22, Para.5.28).
8.36 Town and Local Centre Reviews and Retail Centre Health Checks are not part of the development Plan. Is it effective and consistent with national policy that the policy requires compliance with the findings of these documents? Consequently, 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?

Response to Inspector’s Issues / Question

8.36.1 See response to Q8.35. The Town and Local Centre Review is now the only relevant source / evidence document related to the policy. This is indicated in the Council’s proposed Minor and Other Modifications or potential Main Modifications (TED01). The Review provides up to date evidence on the performance of existing retail centres, as well as the latest defined hierarchy of centres under Policy TLP24 (ECRT2, Page 6, Para 2.1). Policy TLP24 and TLP25 are applied in conjunction with each other and the Town and Local Centre Review presents the basis for the policies to operate.

8.36.2 The Town and Local Centre Review is an “up-to-date and relevant evidence" that is integrated into the policy to “take full account of relevant market and economic signals" (NPPF Para158). It is an enabling document that ensures the protection of the vitality and viability of the retail centres in the district. It provides appropriate flexibility in applying the policy.

8.36.3 It is preferable to use supporting documents in such cases because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (NPPG, Para. 002).
8.37 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.37.1 No. The Council’s view is that the proposed modifications to TLP25 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.37.2 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. All of the proposed modifications to TLP25 have therefore been highlighted as a potential main modification in TED01/02 (Part 2 – Proposed modifications originally categorised as proposed minor modifications (May 2019).

Evidence

ECRT2 – Town and Local Centre Review 2018
ECRT3 – Tandridge Retail and Leisure Study Update 2018
ECRT11 – Tandridge Retail and Leisure Study 2015
MD1 – Our Local Plan 2033 Submission 2019
TED01 – Schedule of Proposed Main Modifications (May 2019)
TED02 – Response to Inspector Documents ID2 and 3

Supporting Papers

None

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
TLP26: Development Within and Outside Town and Local Centres

8.38  Is the 500 square metre threshold for applying a sequential test justified and in accordance with national policy as set out in paragraph 24 of the Framework? 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?

Response to Inspector’s Issues / Question

8.38.1 Yes. The policy provides a clear indication as to how a decision maker should react to a development proposal. A 500 sq.m floorspace threshold for applying a sequential test is justified in published evidence (ECRT3 Para.5.37). The threshold is set to relate to the scale and type of retail centres in Tandridge because they are generally quite small. This means that even quite small scale out of centre permissions could have an adverse impact. The NPPF (Para.26) explicitly allows for locally set thresholds for impact and the policy reasonably also uses the threshold approach to for the sequential test. These two issues are effectively integral, because a sequential judgement requires a knowledge of impact. Development proposals of a larger scale (over 500 sq.m gross) will be considered sequentially in accordance with paragraph 24 of the NPPF and Policy TLP26. This is also explained at LP Para.25.11. The sequential approach will therefore be applied to reflect the evidence and recommendations of ECRT3 and take account of the individual retail centres in the District and local characteristics.

8.38.2 Overall the policy is effective in providing a clear basis for decision (NPPF Para154). A sequential approach will be applied in accordance with the NPPF ‘Town Centre first’ principle and also with regard to Policy TLP21 (see responses to Matter 7 questions and Q8.29).
8.39 Are the floorspace thresholds for impact assessments justified?

Response to Inspector's Issues / Question

8.39.1 Yes. See responses to Qs8.37-8. The floorspace thresholds set for impact assessments are specifically justified in published evidence (ECRT3 Paras. 8.35 and 8.36). NPPF Para.26 sets a threshold of 2,500 sq.m in the instance that a locally set threshold is not assessed and applied. ECRT3 sets a local threshold that is specific to take account of the size, role and character of the centres in the District.
8.40 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.40.1 No. The Council’s view is that the proposed modifications to TLP26 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.40.2 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. All of the proposed modifications to TLP26 have therefore been highlighted as a potential main modification in TED01/02 (Part 2 – Proposed modifications originally categorised as proposed minor modifications (May 2019).

Evidence

ECRT3 – Tandridge Retail and Leisure Study Update 2018

MD1 – Our Local Plan 2033 Submission 2019

TED01 – Schedule of Proposed Main Modifications (May 2019)

TED02 – Response to Inspector Documents ID2 and 3

Supporting Papers

None
TLP27: Retail Provision

8.41 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.41.1 No. The Council's view is that the proposed modifications to TLP27 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP28: Caterham Town Centre and Local Centre

8.42 In criterion I, is it effective and consistent with national policy to refer to the Council’s Housing Strategy rather than Policy TLP10, as the Housing Strategy is not part of the development plan?

Response to Inspector’s Issues / Question

8.42.1 See responses to Qs.2.21, 3.10 and 8.14. These responses explain the intended role of policy references to the Council’s Housing Strategy. In this instance a simple cross reference to the lead Policy TLP 10 would serve as well as a direct reference to the Housing Strategy. The Council would be content to include this change as a Minor or Other Modification.
8.43 Is it effective and consistent with national policy in criterion X to refer to the parking standards applied by the Council when these are not specified in the Plan? Consequently, 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?

Response to Inspector’s Issues / Question

8.43.1 Criterion X of Policy TLP28 refers to the parking standards applied by the Council. The parking standards are detailed in the Parking Standards Supplementary Planning Document (SPD). This is referenced as a supplementary planning document that would be monitored and updated in conjunction with the development plan as part of the Council’s wider process. This is detailed at LP Para.35.4. Use of an SPD for this purpose is appropriate and introduces a necessary level of review and flexibility for update of standards.

8.43.2 The Parking Standards SPD was amended and adopted by the Council on 6 September 2012. As an adopted SPD it is now a material consideration that decision makers must take into account when determining a planning application. This is an appropriate use of an SPD in accordance with NPPF Paras.153/4.

8.43.3 A more specific reference to the SPD could be included in the Policy. The Council would be content to include this change as a Minor or Other Modification.
8.44 Is the approach to seeking financial contributions set out in Policy TLP18 consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

Response to Inspector’s Issues / Question

8.44.1 See responses to Qs.8.6-8 on the reference within the policy to the Infrastructure Delivery Plan (IDP). Similar principles apply here. The approach to securing financial contributions in policy TLP28 is relevant to Caterham town centre and Caterham on the Hill local centre, to improve the infrastructure within these areas. The policy sets out a list of infrastructure needs that are expected to be provided for in tandem with planned development within Caterham town centre and Caterham on the Hill local centre.

8.44.2 This is consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 as the context of a site in terms of scale and kind will be factored within the decision-making process when financial contributions are sought. Community Infrastructure Levy can be deployed in some cases. In others site specific planning obligation contributions may be appropriate.
8.45 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.45.1 No. The Council’s view is that the proposed modifications to TLP28 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

HNS1E – Tandridge Housing Strategy 2019-2023 Feb 2019
HNS2 – Tandridge Local Plan 2033 Housing Topic Paper 2019
INF1 – Tandridge District Infrastructure Delivery Plan 2019
MD1 – Our Local Plan 2033 Submission 2019
Parking Standards Supplementary Planning Document

Supporting Papers
None
8.46 In criterion I, is it effective and consistent with national policy to refer to the Council’s Housing Strategy rather than Policy TLP10 as that document is not part of the development plan? How would the delivery of 60 dwellings be achieved? Are these homes included in the supply for housing?

Response to Inspector’s Issues / Question

8.46.1 See responses to Qs.2.21, 3.10 and 8.14. These responses explain the intended role of policy references to the Council’s Housing Strategy. In this instance a simple cross reference to the lead Policy TLP10 would serve as well as a direct reference to the Housing Strategy. The Council would be content to include this change as a Minor or Other Modification.

8.46.2 Criterion I supports the delivery of around 60 residential units which the Modifications state will be located at 110 Station Road East and 43 East Hill. The updated Housing Topic Paper includes a list of housing sites expected to be delivered as part of the supply of housing (HNS2, Page 110). In this list the two sites that are anticipated to come forward in relation to TLP29 are stated. It confirms the provision of 50 units at 43 East Hill and 10 units at 110 Station Road East to be delivered within the next 5 years. This has been accounted for in the Local Plan housing trajectory. The sites are now noted in the policy wording in the Council’s proposed Minor or Other Modifications.
8.47 What is the justification for the inclusion of the listed sites in criterion II?

Response to Inspector’s Issues / Question

8.47.1 Criterion II lists redevelopment sites that the Council will support within the Oxted town centre boundary. Published evidence (HNS2, Page 53, Para.268) makes reference to the ambitious plans to revitalise the town centre through a programme of strategically important projects, known as RegenOxted. The RegenOxted programme forms part of the Council’s 2019/20 Delivery Plan (Project SR4). As part of Regen Oxted, the following key projects will be delivered:

- Redevelopment of the Gasholder
- An Urban Street Redesign / improvement Project for Station Road East and West
- Additional parking capacity
- Creation of a business hub

8.47.2 Criterion II lists the sites that will be delivered as part of the RegenOxted programme. Planning applications with regards to the redevelopment of Oxted Gasholder and Ellice Road Car Park have been permitted. These permissions form a key element to delivering the Oxted regeneration programme and have been included in the policy to confirm their position as key projects to support the revitalisation of the town centre. The Gasholder redevelopment is underway.

Document Reference TED12: Tandridge District Council Hearing Statement Matter 8
8.48 Is it effective and consistent with national policy in criterion X to refer to the
parking standards applied by the Council when these are not specified in the
Plan? Consequently, 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?

8.48.1 See response to Q 8.43.
8.49 Is the approach to seeking financial contributions set out in Policy TLP29 consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

Response to Inspector’s Issues / Question

8.49.1 See response to Q.8.44. Similar principles apply.
8.50 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.50.1 No. The Council’s view is that the proposed modifications to TLP29 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

HNS1E – Tandridge Housing Strategy 2019-2023 Feb 2019

HNS2 – Tandridge Local Plan 2033 Housing Topic Paper 2019

INF1 – Tandridge District Infrastructure Delivery Plan 2019

MD1 – Our Local Plan 2033 Submission 2019

Corporate Delivery Plan 2019-2020

Parking Standards Supplementary Planning Document

Supporting Papers

None
TLP30: Green and Blue Infrastructure

8.51 Are the proposed Modifications necessary for Soundness?

Response to Inspector’s Issues / Question

8.51.1 No. The Council’s view is that the proposed modifications to TLP30 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.51.2 The proposed modifications ensure the net gain requirement is consistent with Policy TLP35.

8.51.3 The penultimate paragraph contained a typographical error, referring to ‘ANGsT’ standards, which has now been corrected to ‘ANGSt’, in line with Natural England’s own terminology format.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
TLP31: Access to Countryside

8.52 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.52.1 No. The Council’s view is that the proposed modifications to TLP31 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
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?

Response to Inspector's Issues / Question

8.53.1 Yes. It is effective and consistent with national policy. There is no definitive NPPF / PPG position on using supporting information and evidence related documents to assist in implementation of Local Plan policy. The only guidance is general, on pure policy content, and is related to formal Supplementary Planning Documents (SPD) (Paragraph: 008 Reference ID: 61-008-20190315: Revision date: 15 03 2019).

8.53.2 However, the NPPF (Para.158 and 170) does require Local Plans to be based on adequate, up-to-date and relevant evidence about the environmental characteristics of the area. Furthermore, the PPG (ID: 8-001-20140306) sets out that, where appropriate, landscape character assessments should be prepared to help understand the character and local distinctiveness of the landscape and identify features that give it a sense of place. The Surrey Landscape Character Assessment 2015 and the Tandridge Landscape Capacity and Sensitivity Assessment 2016-2018 serve this role.

8.53.3 The Council's view is that its approach does not seek to elevate the supporting documents it refers to as a form of planning policy. The supporting documents are intended to provide evidence, information and best practice sources that will be useful reference points in Development Management decisions. They are very important to evidence based planning decisions. The Council's always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.
8.53.4 It is preferable to use supporting documents in cases such because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (ID: 61-002-20190315; Revision date: 15 03 2019 -2019 PPG).

8.53.5 The Council considers that the District has some of the best landscapes in the county / Country, and that even where it is not subject to national designations, it has its own distinctive, attractive, character, which needs to be recognised appropriately. The LP seeks to both recognise the landscape and protect and enhance it (LP Paras.26.6, 26.7 and 26.8). By referring to the Council’s evidence base, Policy TLP32 puts in place mechanisms which will ensure that where development is proposed, the intrinsic character of an area is understood and used to guide the appearance of built form (LP Para.26.7). The Policy sets out the Council’s expectations of development proposals and contains criteria which will be effective in guiding and assessing development proposals. Accordingly, the Council is satisfied that this Policy gives a clear indication of how a decision maker should react to a development proposal.

Evidence
LAN series of evidence documents

Supporting Papers
None
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?

Response to Inspector’s Issues / Question

8.54.1 Yes. It is effective and consistent with national policy. See response to Q8.53. Similar principles apply. Specifically, with regard to AONBS, the PPG notes that management plans highlight the value and special qualities of these designations and states that regard should be had to them, as they underpin partnership working and delivery of designation objectives (ID: 8-004-20140306). The Surrey Hills and High Weald Management Plans therefore play an important role in understanding their landscape and scenic beauty.

8.54.2 The PPG makes it clear that management plans do not form part of the statutory development plan and the Council’s view is that its approach does not seek to elevate the supporting documents it refers to as a form of planning policy. However, the PPG states that they may contribute to setting the strategic context for development by providing evidence and principles, and that they should be taken into account in the Local Plan. Moreover, it states that they may also be a material consideration when determining planning applications. In accordance with the PPG, the Surrey Hills and High Weald AONB Management Plans are intended to provide evidence, information and best practice sources that will be useful reference points in Development Management decisions. They are very important to evidence based planning decisions. The Council’s always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.
8.54.3 The Council considers that the District has some of the best landscapes in the county / country and is fortunate to include two Areas of Outstanding Natural Beauty (Surrey Hills to the north and High Weald to the south-east). In line with the NPPF, the Policy sets out the Council’s expectation with regards to the AONB and contains criteria which will be effective in guiding and assessing development proposals. By referring to the Council’s evidence base, Policy TLP33 puts in place mechanisms which will ensure that where development is proposed, the landscape and scenic beauty are understood and used to guide the appearance of built form. Furthermore, the Policy sets out when the AONB needs to be considered and the matters which development proposals need to take into account and address in their siting, scale and design. It reflects the NPPF in stating that major development will not be permitted except in exceptional circumstances and provides a steer in terms of small-scale affordable housing schemes and/or rural exception sites (See response to Q8.55). Accordingly, the Council is satisfied that this Policy gives a clear indication of how a decision maker should react to a development proposal.
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?

Response to Inspector’s Issues / Question

8.55.1 Yes. This Policy is consistent with national policy in saying that small scale affordable housing schemes and/or rural exceptions sites ‘may’ be acceptable. The NPPF does not require that development is not to be permitted within the AONB. What it does require that great weight should be given to conserving landscape and scenic beauty and that planning permission should be refused for major development (undefined), except in exceptional circumstances and where it can be demonstrated to be in the public interest (paragraphs 115 and 116). The NPPF also advises local planning authorities to support sites in rural areas, to allow limited provision of small sites to be developed for affordable housing in rural communities. Paragraphs 18.20-18.21 of the LP notes that Tandridge is a predominantly rural district with high house prices but that housing need is directed towards our most sustainable settlements. As a consequence, many of our rural settlements, being in unsustainable locations, are unlikely to benefit from the affordable housing secured through normal planning applications. Which would lead to an imbalance in the demographics and would be contrary to the NPPF’s core principle of supporting thriving rural communities.

8.55.2 Policy TLP33 gives a clear steer that this only relates to small-scale affordable housing schemes and/or rural exceptions development; their scale should not be of such a large scale as to harm the AONB and to constitute ‘major development’. Regardless, this Policy sets out that any such proposal will need to conserve and enhance the AONB in accordance with the NPPF. It is therefore not considered to be inconsistent with the NPPF to indicate that this type of development may be acceptable.

8.55.3 Moreover, it provides a clear steer to the development management process that this type of scheme has support in light of the need to ensure and support thriving
communities and that they must serve a demonstrable local need and serve that need in perpetuity.
8.56  Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.56.1 No. The Council’s view is that the proposed modifications to TLP33 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019
Surrey Hills Management Plan 2014-2019
High Weald Management Plan 2019-2024

Supporting Papers

None
TLP34: Area of Greater Landscape Value and Area of Outstanding Natural Beauty Candidate Areas

8.57 Would the retention of the designation of Areas of Greater Landscape Value (AGLV) until the Surrey Hills AONB review is completed apply any different development management requirements to the AGLV than that set out in TLP32?

Response to Inspector’s Issues / Question

8.57.1 The Council’s (now proposed Modified version) of LP Policy TLP34 sets out the following in relation to AONB candidate land designated as AGLV:

*Any planning applications within the AGLV will be required to demonstrate that they would not result in harm to the setting of the AONB or the distinctive character of the AGLV itself, until such time as there has been a review of the AONB boundary.*

8.57.2 It then proceeds to set out that once the review has been completed, any land previously designated as AGLV and which does not form part of the revised AONB, will no longer hold its AGLV status and will be assessed in accordance with TLP32. In the particular, interim, circumstances now, the candidate / AGLV areas require additional development management consideration, reflecting their quality and relationship to the setting of the AONB. This precautionary approach is necessary to protect highly valued landscape areas at an interim stage of policy development.
8.58 Is the application of the principles for protecting the AONB to the AONB Candidate Areas consistent with national policy given those areas are not protected landscapes?

Response to Inspector’s Issues / Question

8.58.1 Yes. See response to Q8.57. The responsible body; Natural England has already indicated that these landscapes have the potential to become part of the AONB and a formal consideration and decision process will happen during the remaining part of the LP period.

8.58.2 The supporting text / reasoned justification to the landscape policies recognises that the AONB Candidate Areas, which primarily includes land designated as Areas of Great Landscape Value, currently hold less weight than the AONB in policy terms (LP Para.26.21). However, it has also been recognised that the land designated as AONB Candidate Areas has been identified as meeting the criteria for having ‘natural beauty’ for AONB designation. Furthermore, recommendations have been made to review and potentially amend the boundaries. This falls within the gift of Natural England and which has programmed this within its Corporate Plan.

8.58.3 Given that assessments have identified the very high landscape quality in these areas; sufficient to meet Natural England’s criteria for ‘natural beauty’ for AONB designation, the policy requires that any planning applications within the AGLV demonstrate that they would not result in harm to the distinctive character of the AGLV itself or the setting of the AONB. Policy TLP33 will also apply and this requires that any planning application which influences the AONB’s setting will need to demonstrate that the development is considered on the basis of the same principles as those applicable within the AONB. Policy TLP33 will cover those areas of the AONB Candidate Areas which do not coincide with the AGLV. The Council considers that this overall approach is justified on the basis that that it would be perverse to apply just general landscape policies until a formal decision has been made by Natural England as to whether land so designated warrants full designation as AONB.
Note: There is error in the tracked change version of Our Local Plan:2033 (MD1). The following sentence has been omitted from Policy TLP34, (without having been shown as crossed through): “In assessing applications, the same principles for protecting the AONB as set out in TLP33, as a precautionary approach, will apply.”
8.59 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.59.1 No. The Council’s view is that the proposed modifications to TLP34 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.59.2 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. All of the proposed modifications to TLP06 have therefore been highlighted as a potential main modification in TED01/02 (Part 2 – Proposed modifications originally categorised as proposed minor modifications (May 2019).

Evidence

MD1 – Our Local Plan 2033 Submission 2019
TED01 – Schedule of Proposed Main Modifications (May 2019)
TED02 – Response to Inspector Documents ID2 and 3

Supporting Papers
None
TLP35: Biodiversity, Ecology and Habitats

8.60 Is the Policy consistent with paragraph 109 of the Framework in respect of net gains in biodiversity?

Response to Inspector’s Issues / Question

8.60.1 Generally yes, but the Council's proposed Minor and Other modifications clarify the Policy on this point. The modifications which require a net gain in biodiversity, rather than ‘no net loss’, ensure Policy TLP35 is fully consistent with the Framework.

NPPF Para.9 states:

‘Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

• moving from a net loss of bio-diversity to achieving net gains for nature1;

8.60.2 NPPF Para.109 states:

‘The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’

8.60.3 The emphasis of the NPPF is on ‘net gain’ (which reflects the latest wording of TLP35), as opposed to ‘no net loss’ which TLP35 previously stated and was less demanding than the Framework. Similarly, the revised wording of the modified Policy TLP35 emphasises the importance of biodiversity ‘recovery’, rather than merely ‘sustain’. This is again in accordance with the principle of ‘net gain’ as opposed to ‘no net loss’.

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8.60.4 The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment. The PPG underlines the statutory basis for these aims, noting that biodiversity net gain 'may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006'.
8.61 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.61.1 No. The Council’s view is that the proposed modifications to HSG03 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None

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8.62 Is the 7-kilometre zone of influence justified and would it be effective in securing the protection of the SPA?

Response to Inspector’s Issues / Question

8.62.1 Yes, the 7km mitigation zone of influence is fully justified. The Council’s Habitats Regulations Assessment (MD8) analyses and contains extensive and detailed supporting evidence in relation to this question.

8.62.2 Section 5.4 of MD8 sums up academic research in relation to the recreational disturbance effects on the key Annex 1 species of birds. It sums up the disturbance impacts to heathland breeding birds as:

- Increased nest predation by natural predators or dogs when adults are flushed from the nest or deterred from returning to it by the presence of people or dogs;
- Chicks or eggs dying of exposure because adult birds are kept away from the nest;
- Accidental trampling of eggs by people, where nests are on the ground and may be close to paths;
- Reduced productivity resulting from delayed breeding, fewer young, decreased food availability and/or nest failure;
- Displacement from / avoidance of otherwise suitable areas of habitat; and
- Increasing stress levels in adult birds in response to perceived predation risk.

8.62.3 The HRA (MD8) section 5.4.2 notes that historic visitor data suggests that most visitors come from areas local to the Forest (within 7km), meaning that additional development in parts of Tandridge near to the Forest may increase recreational disturbance in combination with development planned by other authorities. The remainder of the HRA (MD8) Section 5.4.2 is devoted to undertaking extensive analysis of the 2009 and 2016 Ashdown Forest Visitor Surveys (SSHA14), which it notes demonstrated broadly similar visitor patterns.
8.62.4 The HRA (MD8) notes that a key finding of the 2016 Visitor Survey showed that of all visitors, the majority (76.3%) live within 5km, and 81.3% live within 7km. 7% of all visitors live between 7km and 21km away, and 6.7% of all visitors live more than 21km away. However, of those that who visit frequently (daily or most days), 100% live with 7km of the SPA. There are many other notable points relating to visitor pattern that are derived from the Visitor Surveys and summed up in the HRA.

8.62.5 Map 6 in the HRA (MD8), together with the supporting text, showed that Tandridge’s particular impact pathway is essentially down the A22 via East Grinstead, in other words from the north-west of the Ashdown Forest. With reference to Map 6, the HRA (MD8) noted that from this direction there is a clear drop off in visitors beyond 7km. Moreover, as the following map shows (map 7), whilst there may be visitors to the Ashdown Forest from much further afield (blue shades) they generally are not regular visitors and visit less than monthly. More regular visitors visiting weekly (orange and red shades) are overwhelmingly clustered in close vicinity to the Forest. As a reliability check, comparison of the 2016 survey data was made with the earlier 2009 survey data which confirmed this pattern.

8.62.6 On page 78 of the HRA (MD8) ‘Conclusions on Mitigation Zone’ notes that: ‘The data that was collected for the Visitor Survey can be utilised to inform the identification of the Ashdown Forest SPA Mitigation Zone. A number of options for buffer / zone of influence distances have been assessed in parallel within the Sustainability Appraisal, which concludes that 7km is most appropriate. A 7km distance does not cover the entire recreational catchment of the SPA/SAC but does cover the core catchment within which the overwhelming majority of regular visitors derive. Therefore, a net change in population within this 7km zone has a realistic possibility of a significant net change in visitor pressure within the SPA and thus an increased risk of an adverse effect. The Sustainability Appraisal has considered alternative options and distances, however the evidence shows that a 7km distance will cover the vast majority of circumstances within which recreational pressure on the SAC/SPA needs consideration as an impact.’
8.62.7 The HRA cross-refers to the Sustainability Appraisal. In Table 63 of Document MD5/SSHA3, the SA assessed a number of options for the Ashdown Forest Mitigation Zone/Zone of Influence, including:

- No Zone of Influence (ZoI)
- 5km
- 7km
- 10km
- 15km
- Across all Tandridge District
- Allow bespoke mitigation on a case by case basis
- Specify a 7km mitigation zone but do not specify mitigations measures

8.62.8 The TDC SA concurs with other sources and other local authorities that 7km is the most appropriate mitigation zone. On page 247 it states ‘The HRA, cooperative working with other authorities, and analysis of the Visitor Surveys all suggest that 7km is the most appropriate mitigation zone to capture the majority of visitors. A 7km distance does not cover the entire recreational catchment of the SPA/SAC but does cover the core catchment within which the overwhelming majority of regular visitors derive.’ It is noteworthy that 7km was the accepted distance in the Mid Sussex District Plan 2014-2031 adopted on 28/03/18.

8.62.9 As stated in the SA text, the choice of options stems from duty to cooperate discussions with other authorities, interpretations of the visitor survey results as well as analysis of this by relevant authorities.

8.62.10 Tandridge DC meets regularly with other local authorities as part of an Ashdown Forest SPA Working Group. Other participants/attendees include Natural England, Wealden DC, Mid Sussex DC, Lewes DC, Tunbridge Wells BC and Sevenoaks DC. The Group produced a 2019 Statement of Common Ground on Recreational Impact (SSHA1) in which the partners agree to ‘continue to work together on the commissioning and analysis of visitor surveys to agree strategic mitigation measures’ as well as measures to mitigate visitor pressure. Paragraph 12b of SSHA1 states that ‘It is the advice of Natural England that it is reasonable for new developments within a zone where

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residents frequently visit Ashdown Forest to contribute to mitigation measures and that the objective of a jointly agreed strategic zone for mitigation is to capture the majority of new frequent visitors to Ashdown Forest. It is clearly not possible or practical to capture all new visitors to a designated site recognising that some will come from very far distances. Additionally, capturing a defined percentage of visitors is less relevant than the distance at which frequent visitors to Ashdown Forest drop in numbers. This ensures that any “significant” impact is addressed by strategic measures to the point that residual impacts would not be considered significant.’

8.62.11 Paragraph 12c of SSHA1 states ‘A strategic 7km zone for SAMM is currently in operation or proposed by all the signatory authorities but there is no objection by any one signatory against another to the current interim approach employed by any authority in the application of a zone or zones until such time as there is agreement on any new zone and the supporting policy is adopted by each authority.’

8.62.12 The SA (MD5/SSHA3) Section 5.15 considers options to address Ashdown Forest recreational impacts and notes that there are two types of mitigation:

1. Provide a financial contribution towards a Strategic Access Management and Monitoring (SAMM) strategy. This aims to manage visitors on-site at Ashdown Forest and the strategy will involve joint working with the other affected local authorities², the Conservators of Ashdown Forest and Natural England.

2. The provision of Suitable Alternative Natural Greenspace (SANG) which is a greenspace that is of a quality and type suitable to be used as mitigation to offset the impact of new development on the Ashdown Forest SPA. A SANG site could either be provided on the development site itself or through a financial contribution towards a strategic SANG.

² Tandridge DC has worked in partnership with the other authorities who are likely to deliver residential development near to Ashdown Forest SPA. The authorities have agreed to coordinate a strategic approach to collect developer contributions to deliver access management and monitoring measures. Such a strategic approach ensures development can be delivered and ensures potential issues with recreation are resolved. This is noted in section 5.15.2 of the SA.

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8.62.13 The Council’s website\(^3\) sets out more detail on these measures, including mechanisms for payment. It includes the Strategic Access Management and Monitoring (SAMM) Strategy under ‘Background Information’. The SAMM Strategy measures were discussed in more detail in the HRA (MD8) section 5.5.1 and projects include the following:

- Project 1 - Code of conduct for dog walkers
- Project 2 - Code of conduct review and promotional materials
- Project 3 - Access Management Officer
- Project 3a - Volunteer Dog Rangers
- Project 3b - Community events
- Project 4 - Assistant Access Management Officer
- Project 5 - Delivery of access management objectives through the Dog Training Programme.

8.62.14 The effectiveness of these projects will be continue to be monitored by the Ashdown Forest SPA Monitoring Strategy 2018 (SSHA8), which is discussed in more detail in paragraphs 8.62.17 to 8.62.18 below.

8.62.15 Cooperative working with partner authorities as well as extensive supporting evidence has led to the recognition that 7km is the appropriate distance to mitigate recreational impacts upon the Ashdown Forest. It is noteworthy that although there are no Local Plan residential allocations within the Tandridge 7km mitigation zone, there have been several windfall applications, including larger sites and one application for more than 100 dwellings. Therefore, it is considered important and proportionate to address the issue as part of the Local Plan for both SAMM and SANG, particularly mindful that further windfall applications seem likely to occur across the plan period to 2033. This will ensure maximum effectiveness in securing the protection of the SPA.

8.62.16 However, since there are no Local Plan allocations within the 7km mitigation zone and no guarantee that any development will actually come forward, the Council cannot justify

identifying a SANG within the local authority boundary at this stage. This has necessitated the stepped hierarchical approach outlined in the Policy TLP36 which allows for other options, including the provision of SANG alongside development or in the vicinity of it as a main priority. In the event of this not being feasible then the policy allows for contributions towards a shared SANG in another authority, or further afield within Tandridge District. Subsequent to submission of the Local Plan, the Council has received further input from Natural England necessitating further changes to Policy TLP36. The resulting proposed main modifications can be found in document TED01 and are discussed in the answer to the Inspector’s question 8.66.

8.62.17 Regardless of the detailed wording of Policy TLP36, in the event of a proposal not being able to satisfy any of the levels of the SANG hierarchy, or agreeing SAMM payments, the scheme will justify refusal against the requirements of the Habitats Regulations. Therefore, Policy TLP36 guarantees the protection of the Ashdown Forest SPA.

8.62.18 Ongoing monitoring is key to ensuring both SAMM and SANG are effective in securing the protection of the SPA. Attention is drawn to document SSHA8 the ‘Ashdown Forest SPA Monitoring Strategy’ by Footprint Ecology, which sets out monitoring requirements that relate to strategic mitigation at Ashdown Forest SPA, including SANG and SAMM. Monitoring is integral to the strategic mitigation ‘package’; ensuring the successful delivery of the mitigation work, ensuring approaches are working as anticipated and informing whether further refinements or adjustments are necessary to further increase the effectiveness of mitigation measures. It will inform whether resources can be better allocated and will pick up changes in access patterns (for example in response to changes in climate, new activities or in response to changes on the sites themselves). Most of the monitoring measures will continue indefinitely.
8.63 Is the policy wording in respect of Appropriate Assessment for development beyond the ‘zone of influence’ consistent with the requirements of the Habitats Regulations and would it be effective? Should the Policy be referring to schemes which are likely to have a significant effect upon the Ashdown Forest SPA, either individually or in combination with other plans or projects?

Response to Inspector’s Issues / Question

8.63.1 The Local Plan Policy TLP 36 states ‘For sites beyond the 7km zone of influence, the Council will take a precautionary approach where an Appropriate Assessment may be required under the Habitats Regulations Assessment to determine whether there will be a likely impact on the integrity of the Special Protection Area.’

8.63.2 The explanation and rationale behind this approach can be found in the HRA Section 5.4 ‘Conclusions on Mitigation Zone’ which states the following:

However, because the 7km distance is somewhat artificial (and only an estimate at this stage), it is conceivable that developments slightly outside this zone may still contribute to recreational activity to a material extent. For example, the impacts from recreational pressure of a large housing development slightly further than 7km from the SAC/SPA boundary may also warrant HRA screening.

It is to cover these circumstances an approach is recommended whereby ‘large scale [housing] developments taking place outside 7km but close to its boundary will be considered on a case by case basis for potential effects on Ashdown Forest and the need for avoidance and mitigation measures’. In relation to the garden community, this will be taken forward as a future Action Area Plan (AAP). The preferred location (South Godstone) is approximately 15km away, so considered unlikely to lead to significant visitor pressure on the Ashdown Forest. However, visitor patterns may be different for the population of a new settlement compared to additional population to an existing settlement. Therefore, as part of the development of the AAP, further monitoring and investigation may be appropriate to assess future visitor patterns from a new garden community.
8.63.3 It is considered that the policy provision offers a degree of flexibility over the course of the plan period to 2033. It is also noteworthy that this provision stems from discussion with partner authorities as part of the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy Group and is reflected in the Plans of other authorities.

8.63.4 Mid Sussex District Plan (adopted 28th March 2018) contains the following provision in Policy DP17 ‘Large schemes proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation for the SPA. Such proposals for development will be dealt with on a case-by-case basis’.

8.63.5 Wealden District Council Local Plan Policy EA 2 (at Examination at the time of writing) states ‘Large residential development schemes located close to but beyond the 7 kilometre boundary will be assessed on a case by case basis. Where it is concluded that development is likely to result in a significant effect, either alone or in combination, an appropriate assessment will be required with the consideration of mitigation measures commensurate with the quantum of growth proposed that will allow a conclusion of no adverse effect on the integrity of the SPA’.

8.63.6 Whilst it is recognised that the Plan is being examined under the 2012 NPPF, it is considered relevant to note the wording of the new government guidance on Habitats Regulations Assessment4 published on 24/07/2019 which states ‘All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.’ Therefore, the wording of TLP 36 is consistent with this precautionary approach.

8.63.7 There is already an expectation in the Habitats Regulations that any scheme likely to have a significant effect on an International Habitats Site should undergo HRA

4 [https://www.gov.uk/guidance/appropriate-assessment](https://www.gov.uk/guidance/appropriate-assessment)
screening. This is underlined in government guidance as set out in preceding paragraph.

8.63.8 However, if it is the Inspector’s view that the policy wording should be clarified to be more specific, then the Council is open to changes coming forward as a recommended Main Modification. Some suggested direction of wording for inclusion at the start of the policy is suggested below:

*In order to prevent adverse effects on the Ashdown Forest, new development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.*
In respect of criterion III. is it justified to seek provision of a SANG alongside the proposed garden community given the order of priority for provision of SANG in respect of the SPA as set out in the Habitats Regulation Assessment and potential implementation date of any such SANG at the proposed Garden Community?

Response to Inspector’s Issues / Question

8.64.1 The LP commits to a new 100ha area of Green infrastructure alongside the new South Godstone Garden Community, in Policies SGC01 and TLP30.

8.64.2 It is important to note at the outset that this commitment would still be fully justified on the basis of local policy and national objectives, supported by background evidence - irrespective of Habitats Regulations Assessment considerations or SANG considerations.

8.64.3 The Council’s Open Space Study (October 2017)\(^5\) considered Natural England’s Accessible Natural Green Space Standard (ANGSt) for sites over 20ha. It showed access deficits across the south of the District for 20ha accessible natural greenspace (ANGS) and across all areas except the north-east of the District for 100ha ANGS. There are no 500ha ANGS within the District, even though the ANGST standard states that there should be one accessible 500-hectare site within ten kilometres of home. Achievement of these standards clearly requires a strategic scale ANG, with the south of the District appearing most in need. The commitment to the ANGST access standard is set out in Policy TLP38 and its achievement will provide recreational space for community health & well-being.

8.64.4 In addition, a strategic scale area of green infrastructure would help the LP deliver a net gain in biodiversity, in accordance with NPPF aims and objectives. NPPF Para.9 highlights that sustainable development involves moving from a net loss of bio-diversity

to achieving net gains for nature (as set out in the Natural Environment White Paper, The Natural Choice: Securing the Value of Nature, 2011.) NPPF Para.109 states that ‘The planning system should contribute to and enhance the natural and local environment by ‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure’. National commitments to a net gain in biodiversity are reflected in Local Plan Policies TLP30 and TLP35. This should contribute to the delivery of the current national Biodiversity Strategy Biodiversity 2020, which has a high-level target ‘outcome’ to find room, by 2020, for an additional 200k ha of Priority habitats across England.

8.64.5 As now reflected in NPPF 2018/19 (Para.174), the Local Plan also has a role in promoting stepping stones and priority habitats. Therefore, green infrastructure provision may also act as a ‘stepping stone’ area habitat between existing designations and should therefore seek to incorporate priority habitats that facilitate this role. The Council has had some initial discussion with Surrey Wildlife Trust regarding the potential role of the 100ha GI in this respect, and more detailed consideration of this benefit can be considered as part of the South Godstone Garden Community Action Area Plan.

8.64.6 The South Godstone Garden Community site also overlaps with the Eden Biodiversity Opportunity Area (BOA) comprising floodplain grazing marsh, wet woodland and lowland meadows. As cited in published evidence (ECO11 -Ecological Appraisals of Potential Garden Village Locations), development offers an opportunity to create a green infrastructure corridor and increase linkages between the meadows and ancient woodlands, particularly around Cloverhouse Meadows in the south east quadrant. Broadening and enhancing the ancient woodland corridor in the north west quadrant and increasing wildlife linkages in the north east quadrant could be achieved within a holistic masterplan. The Ecological Assessment map at Appendix C of the Ecological Appraisals of Potential Garden Village Locations indicates various areas where new habitats could be created to buffer and enhance existing assets. Seeking opportunities for Priority habitat creation and restoration particularly within and adjacent to Biodiversity Opportunity Areas (BOAs) is a key element of Policy TLP35.
8.64.7 Given the Eden BOAs overlap with areas of flood risk, wetland habitat enhancements may also act as multifunctional sustainable drainage and natural flood risk management for flood alleviation, in accordance with Local Plan policies TLP30, TLP35 and TLP47(e). This will also be a matter for the forthcoming South Godstone Garden Community Area Action Plan to investigate further.

8.64.8 The provision of a strategic scale area of green infrastructure also acts as a climate change adaptation measure in accordance with wider national and local policy aims. It may achieve this by incorporating carbon sequestration, cooling and shading, air quality buffering, protection of water quality and other natural resources. The role of green infrastructure in terms of climate change adaptation was addressed in the Council’s response to Q1.8.

8.64.9 Therefore, the provision of a 100ha area of green infrastructure resource at the South Godstone Garden Community is justified by several Local Plan and national aims, including:

- to address pre-existing access deficits to larger natural greenspace (100ha+) that exists cross the south of the District, and to meet the open space standard requirements of Policy TLP38, specifically Natural England’s Accessible Natural Greenspace (ANGSt) Standard.
- to deliver a net gain in biodiversity and to seek opportunities for priority habitat creation and restoration particularly within and adjacent to Biodiversity Opportunity Areas (BOAs).
- to meet the aims and objectives of the adjacent Eden Biodiversity Opportunity Area, in accordance with the BOAs guidance document here.
- to improve and enhance biodiversity and habitat connectivity as components of wildlife corridors in accordance with the NPPF. Such an area of GI may also act as a ‘stepping stone’ area habitat between existing designations, and should therefore seek to incorporate priority habitats that facilitate this role.
- as a climate change adaptation measure incorporating carbon sequestration and air quality buffering.
- as flood alleviation and/or part of a multi-functional area designed primarily for SuDS;

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• as recreational space for community health & well-being to meet national Biodiversity targets, including where expressed by priority habitat and/or ‘Natural Character Area’.

8.64.10 Green infrastructure of a strategic scale at South Godstone may inevitably bring the benefits of a Suitable Alternative Natural Greenspace (SANG), being of large scale, attractive to local residents and in turn discouraging them from travelling further afield to make recreational visits to international sites outside the District boundaries. Therefore, it seems sensible to include SANG at the South Godstone Garden Community as an option within the SANG hierarchy of Policy TLP36, albeit after options in the vicinity of the development or closer to the Ashdown Forest and on a similar impact pathway have first been investigated and ruled out. The issue of the timescale of the Garden Community delivery may at least be partially addressed via the application of Grampian conditions linked to phasing, to secure SANG, as recognised in the HRA.

8.64.11 It should be noted that there is a Council proposed Main Modification to this policy (TED01), so the Criterion iii referred to in Q8.64 is criterion iv in the Proposed main modified version of the policy. In both versions of the policy the immediately preceding option on the SANG hierarchy is to make appropriate contributions to a SANG on a similar impact pathway. With regard the scope to ‘share’ SANG in this way, the latest position is as follows: Mid Sussex District Council have offered officer level commitment to providing SANG capacity within their District for 100 dwellings from Tandridge DC. Wealden DC have also confirmed that in principle they would be open to sharing their SANG with Tandridge District Council for a limited allowance, subject to the outcome of their own Local Plan, including confirmation of their own housing number. Therefore, it seems likely that there is at least some capacity within Mid Sussex and / or Wealden to accommodate Tandridge development, which will likely suffice for the short and medium term.

8.64.12 Also, in both the submitted (MD1) version of the policy and the proposed TED01 modification version, the final level of the SANG hierarchy is to ‘offset contributions towards another SANG anywhere within 7km of Ashdown Forest’. Lewes District Council have indicated that they can offer Tandridge District Council SANG capacity
in this regard. However, it should be noted that the Proposed Main Modification version of TLP36 is more restrictive. Within TED01 this element is restricted to ten dwellings, but under MD1 there was no such restriction. The reasons behind this are essentially due to updated advice from Natural England and is explained more fully in the answer to Q8.66. However, the implication of this change is that the reliability of the final level of the Policy TLP36 SANG hierarchy as a ‘catch-all’ fall-back is much reduced. Although still a low risk, this proposed change nonetheless increases the possible chances that larger schemes may be refused on the basis of the Habitats Regulations.

8.64.13 This underlines the importance of presenting as wide a range as possible of options to enable development schemes to meet their obligations under the Habitats Regulations, without being overly prescriptive. The options in Policy TLP36, as proposed in TED01, are set so as to accommodate different scales of development as well as development across the full plan period to 2033. Therefore, it is considered a proportionate and justified response to facilitate sustainable development whilst ensuring Council meets its obligations to protect international habitats sites.

8.64.14 It should be noted that the matters discussed in response to the Q 8.64 were also given consideration in published evidence (MD8 Section 5.7).
8.65 Is the approach to seeking financial contributions set out in Policy TLP36 consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

Response to Inspector’s Issues / Question

8.65.1 Policy TLP36 is necessary for the Council to fulfil its statutory obligations in terms of the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’). These transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law and also transpose elements of the EU Wild Birds Directive in England and Wales. The Council has a statutory duty to prepare the LP and is therefore the competent authority for the purposes of the Habitats Regulations. As stated in regulation 9(5) of the Habitats Regulations, a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

8.65.2 The Council's HRA (MD8) has indicated that mitigation measures are necessary to address adverse effects on the integrity of the Ashdown Forest as a result of recreational impacts. The Council has worked in partnership with other LPAs within the established 7km mitigation zone. These take the form of Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG). The response to Q8.62 (paras. 8.62.11 to 8.62.17) sets out how and why the proposed mitigation measures will be effective.

8.65.3 The LP does not specify the detail of how contributions will be collected. Nor does the HRA (MD8). The HRA (MD8) simply says (on page 62) ‘Detail of mechanisms for collection, as well as availability of potential sites elsewhere will be established by a separate guidance note. Collections may be via CIL, Section 106 or some other mechanism’. Therefore, the collection method can remain flexible to respond to legislative changes.

8.65.4 The Council’s approach is entirely consistent with paragraph 204 of the Framework and with the Community Infrastructure Levy Regulations 2010, being:

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(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

8.65.5 As established by the process of HRA, mitigating the recreational impacts of development with the 7km zone of the Ashdown Forest is necessary to make development acceptable. The HRA (MD8), supported by the SA (MD5) has established why development within the 7km mitigation zone is considered to directly relate to recreational impacts upon the Ashdown Forest.

8.65.6 Charges are fairly and reasonably related in scale and kind to the development. The local authorities who are likely to deliver residential development near to the Ashdown Forest SPA have agreed to coordinate an approach to collect developer contributions to deliver visitor access management and monitoring measures at the Ashdown Forest SPA. This coordinated approach is supported by Natural England. SAMM charges are set out in the SAMM Strategy Tariff Guidance6 and are currently set at £1,170 per dwelling (paragraph 9.5). These charges are consistent and applicable across six local planning authorities (Tandridge, Lewes, Mid Sussex, Wealden, Sevenoaks and Tunbridge Wells). Where mitigation is provided via financial contributions to an off-site SANG, the charges are set by the individual host authority on a per-dwelling basis and used for the ongoing management and maintenance of SANG. The SA (MD5) supported the option of collecting SANG contributions from all developments within the 7km mitigation zone.

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6 Available under 'Background Information' on the Council’s website https://www.tandridge.gov.uk/Planning-and-building/Planning-applications-and-enforcement/Making-and-submitting-a-planning-application/Protecting-the-Ashdown-Forest
8.66 Are the proposed Modifications to the Policy and supporting text necessary for soundness?

Response to Inspector’s Issues / Question

8.66.1 The Council suggested no proposed modifications to policy between the Reg 19 LP in July 2018 and the Submission LP (MD1) in January 2019. However there were a few minor modifications to supporting text, wording clarifications in the supporting text / reasoned justification. The Council’s view is that these do not go to the soundness of the Plan. The modifications are only suggested for the benefit of clarity / consistency with the wider plan.

8.66.2 In the Schedule of Proposed Main Modifications (TED01 Part 3), the Council is proposing Main Modifications to this policy. There proposed modifications are explained within the TED01 document itself and in the following paragraphs.

8.66.3 In July 2017, Natural England advised the Council the following in relation to the provision of SANG for the Ashdown Forest: ‘Your best bet is to continue to explore SANG sharing. As your housing within the zone of influence is likely to be windfall only then we have no problem with the SANG being sited anywhere to “offset” any recreational pressure increase from Tandridge. Lewes DC also have a SANG and do not have much housing coming forward so I am sure they will be happy to discuss a sharing arrangement’

8.66.4 As a result of this advice, Tandridge District Council formulated the version of Policy TLP36 in document MD1, with part iv of the policy being particularly relevant to the point (‘The priority hierarchy for SANG delivery will be as follows: (iv) Offset contributions towards another SANG anywhere within 7km of the Ashdown Forest’). Natural England made no objection to this approach during the formal consultation period.

8.66.5 However, in January 2019 Natural England made comments on a windfall planning application located within the 7km mitigation zone (Frith Manor Farm, 101 dwellings). Essentially these indicated that due to the scale of the proposal they would not be
prepared to accept the scheme offsetting contributions towards a SANG in Lewes District. It is noteworthy that the Natural England team that was the statutory consultee in respect of planning applications was different to the Natural England team that advised on the Local Plan in respect of Ashdown Forest policy.

8.66.6 The Council expressed concern to Natural England that their advice on the application did not concur with the emerging LP policy, nor with the previous advice received from Natural England in relation to the LP, noting that their previous advice had not indicated an upper scale limit to windfalls that should be covered by the policy.

8.66.7 In resulting discussion between the Council and a number of Natural England officers a solution was agreed where the LP policy could be further clarified to stipulate size thresholds for the SANG delivery hierarchy. In particular, the final level of the SANG delivery hierarchy ‘Offset contributions towards another SANG anywhere within 7km of the Ashdown Forest’ be amended with the caveat ‘This option will normally only be appropriate for smaller developments of 10 or under’. This was the upper scale limit Natural England indicated that they would be prepared to accept. In light of Natural England’s post-LP submission representations, this change is considered necessary for soundness.

8.66.8 In addition, subsequent to submission, Natural England have requested the inclusion of the following sentence in policy ‘Locally provided SANG should be able to demonstrate a funding mechanism at application which would provide the full costs of creating and maintaining the SANG in perpetuity (minimum of 80 years), as well as a proposed management body.’ This change is also considered necessary for soundness.

8.66.9 Further clarifications to the policy necessary for soundness include confirmation that the policy is applicable to all net gains of residential development. In addition, greater clarity to the initial hierarchy steps in the policy is proposed so as to clarify that provision of SANG within the Tandridge section of the 7km mitigation zone is prioritised over other options, such as sharing SANG in a neighbouring authority. The minimum distance for a round walk within the SANG has been amended to 2.3km for
greater consistency with Natural England guidance. The proposed Main Modifications (TED01) also now confirm that all SANG solutions will be subject to the agreement of Natural England.

8.66.10 There are a number of other modifications to TLP36 and its supporting text included in TED01 which benefit clarity / consistency and assist in the interpretation of the policy. Some of the clarifications relate to matters the Inspector has subsequently raised in separate questions. The Council proposes adding further clarity to LP para 26.68 to explain the SANG delivery hierarchy, which is helpful in respect of the Inspector’s MIQ 8.64. It is proposed that the text confirms a nationally applied principle that ‘In the event of a proposal not being able to satisfy any of the levels of the SANG hierarchy, the scheme will justify refusal against the requirements of the Habitats Regulations’. Clarifications proposed to LP Para.26.67 will be helpful in relation to matters the Inspector has subsequently raised in Q8.62, by confirming that the HRA also sets out the justification for a 7km mitigation zone. Similarly, LP Para 26.67 confirms that the HRA also sets out the justification for a 7km mitigation zone, which is helpful in respect of Q8.62.

Evidence

ECO11 – Ecological Appraisals of Potential Garden Village Locations Tandridge and Adjoining Authorities 2017

MD1 – Our Local Plan 2033 Submission 2019

MD5 – Tandridge Local Plan 2033 Sustainability Appraisal Volume 2 Options Assessment 2019

MD8 – Habitats Regulation Assessment for the Tandridge Local Plan 2033 and Garden Community 2019

OTL2 – Open Space Study 2017

SSHA1 – Ashdown Forest Statement of Common Ground on Recreational Impact 2019

SSHA3 – Tandridge Local Plan Sustainability Appraisal Regulation 19 Stage Volume 2 Options Assessments 2018
SSHA8 – Ashdown Forest SPA Monitoring Strategy 2018
SSHA14 – Ashdown Forest Visitor Survey 2016
TED01 – Schedule of Proposed Main Modifications (May 2019)

Supporting Papers
None
TLP37: Trees and Soft Landscaping

8.67 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question.

8.67.1 No. The Council's view is that the proposed modifications to TLP37 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.68.1 Yes. Policy TLP38 Play and Open Space is consistent with the NPPF. The requirement for loss resulting from proposed development to be replaced by equivalent or better provision in terms of quantity and quality in a suitable location comprises just one component of NPPF Para.74. Whilst it does not replicate the wording exactly, it is considered that the wording of TLP38 covers the wider intent of the NPPF Para.74 as is applicable to play and open space, not just the second bullet.
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?

Response to Inspector’s Issues / Question

8.69.1 Yes. In accordance with NPPF Para.154 of the Framework, the policy gives a clear indication of how a decision maker should react to a development proposal.

8.69.2 Policy TLP38 reproduces the key table (table 13) from the Council's Open Space Assessment (OTL2) in full, to aid the decision maker.

8.69.3 However, it is important to note that document OTL2 further breaks down the requirements by Parish, and presents the access standards in the form of catchment mapping throughout the document. Therefore, it would not be possible to present the full range of supporting contextual information within Policy TLP38, which inevitably necessitates cross-referral to OTL2. Decisions will inevitably be based upon a case-by-case judgement necessitating analysis of both quantity and access standards in combination. The policy provides a clear direction regarding the evidence that should inform the decision, as well as the basis on which decisions should be made.

8.69.4 The Council's view is that its approach does not seek to elevate the most up to date Open Space Assessment and Corporate Open Space Strategy as forms of planning policy. The supporting documents are intended to provide evidence, information and best practice sources that will be useful reference points in making Development Management decisions. They are very important to evidence-based planning decisions. The Council always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.

8.69.5 It is preferable to use supporting documents because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents

Document Reference TED12:
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of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (PPG ID: 12-010-20140306). This is a quite normal approach to Local Plans depending on circumstances and the need for update and flexibility.
8.70 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.70.1 No. The Council’s view is that the proposed modifications to TLP38 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

OTL2 – Open Space Study 2017

OTL3 Tandridge Open Space Sport and Recreation Facilities Assessment Likely Requirements for a Potential Garden Village 2017

OTL4 Tandridge Open Space Sports and Recreation Facilities Assessment Community and Stakeholder Consultation 2017

OTL5 Tandridge Open Space Sport and Recreation Facilities Assessment Typologies and Standards 2017

Supporting Papers

None
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?

Response to Inspector’s Issues / Question

8.71.1 Whilst it does not replicate the NPPF wording exactly, it is considered that Policy TLP39 is wholly consistent with NPPF Para.74.

8.71.2 It is considered that the wording of TLP39 ‘appropriately replaced in a suitable location’ effectively summarises and covers the full intent of the NPPF in its entirety, not just the second bullet. It is notable that bullet 3 of paragraph 74 allows for the development of alternative sports and recreation, the needs for which clearly outweigh the loss. Therefore, it is considered that a Local Plan policy which replicated the wording of the second bullet of NPPF paragraph 74, but not other elements such as the third bullet, would be an incomplete application of national policy.

8.71.3 This is an important principle in the context of the LP, where Sport England and the National Governing Bodies are accepting and supportive of the proposal to provide artificial 3G pitches either locally as part of the new South Godstone Garden Community. Development of more 3G provision accords with their national priorities and the benefits to sport will provide sufficient compensation for the loss of grass pitches at Warlingham. This response is also relevant to particular LP site allocations, where pitches are a matter of consideration, particularly HSG15, HSG18 and SGGC.
8.72 Is it effective and consistent with national policy to require accordance with the Council’s 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?

Response to Inspector’s Issues / Question

8.72.1 The policy reads ‘All applications for development must be in accordance with the Council’s most up-to-date Playing Pitch Strategy.’

8.72.2 Current sport-specific and strategic recommendations are actually contained within INF13, the Playing Pitch Strategy and Action Plan (June 2018) and are detailed and extensive, so a policy cross-reference is considered more appropriate.

8.72.3 However, it is acknowledged that the current Playing Pitch Strategy stipulates that the loss of pitches at Housing sites HSG15 and HSG18 should be explicitly mitigated via three artificial 3G pitches at South Godstone. The now proposed Main Modification (TED01) whereby Policy SGGC 01 will state ‘up to 2x3G pitches’ will be provided. This is a reflection of the current consultation feedback from sporting bodies. An alternative way of dealing with this uncertainties on this issue might be to modify the policy to state:

All applications for development must be in accordance with the policies in this Plan, Sport England’s playing fields policy, and have regard to the Council’s most up-to-date Playing Pitch Strategy

8.72.4 It is also notable that Sport England’s Playing Pitch Strategy (PPS) Guidance emphasises the importance of keeping strategies robust and up to date by setting in place a monitoring and review process. If no review and subsequent update has been carried out within three years of the PPS being signed off, then Sport England and the National Governing Bodies would consider the PPS and the information on which it is based to be out of date. This would impact on any planning applications relating to a playing pitch site.
8.72.5 Therefore, the wording of the first paragraph of TLP39 is reflective of the fact that the PPS will necessarily be subject to ongoing monitoring review on a more regular basis than the Local Plan cycle, as required by Sport England. Therefore, the decision-maker is alerted to this fact by the wording of the policy and guided to respond accordingly.

8.72.6 A subsequent review of the Playing Pitch Strategy will be necessary not just to comply with Sport England Playing Pitch Strategy Guidance, but to reflect any subsequent evidence and to inform the forthcoming South Godstone Garden Community AAP.

8.72.7 The Council's view is that its approach does not seek to elevate the most up to date Playing Pitch Strategy as a form of planning policy. Supporting evidence documents are intended to provide information and useful reference points in making Development Management decisions and are therefore very important to evidence-based planning decisions. The Council’s always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.

8.72.8 It is preferable to use supporting documents because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (PPG ID: 12-010-20140306). This is a quite normal approach to Local Plans depending on circumstances and the need for update and flexibility.
8.73 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.73.1 No. The Council’s view is that the proposed modifications to HSG03 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.73.2 In relation to the fourth paragraph, the policy has been re-worded essentially to remove references to general open space, since this is the subject of the separate policy TLP38. Similarly, references to recommended standards are not applicable in the context of playing pitches since Sport England does not support a standards-based approach to identifying new provision requirements and Playing Pitch Strategies base demand modelling on team generation rates and population change. Therefore, the proposed modification reference to ‘evidence-based requirements’ is considered necessary as a more accurate wording.

8.73.3 The changes in the fifth paragraph are to bring the policy wording more in line with NPPF terminology which talks of ‘harm’ to the green belt rather than ‘significant detrimental’ impact.

8.73.4 The change to the sixth and final paragraph is in order to confirm that the Council’s preference is for physical provision, hence the addition of the wording ‘in the first instance’. The further additional wording is necessary to confirm the expectation that financial contributions will also cover long-term management and maintenance of the facilities, in addition to provision.

Evidence

INF13 – Tandridge District Playing Pitch Strategy and Action Plan 2018

INF14 – Tandridge District Playing Pitch Strategy Assessment Report 2018

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
MD1 – Our Local Plan 2033 Submission 2019

OTL6 – Assessing Needs and Opportunities for Indoor Sports and Facilities in Tandridge 2017

TED01 – Schedule of Proposed Main Modifications (May 2019)

Supporting Papers

None
TLP40: Burial Space

8.74 Is the Policy consistent with paragraph 89 of the Framework which includes cemeteries as one of the exceptions where the construction of new buildings in the Green Belt is not regarded as being inappropriate as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it?

Response to Inspector's Issues / Question

8.74.1 NPPF Para.89 does allow for ‘the provision of appropriate facilities … for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.’ However, it is noted that the NPPF 2012 omitted that ‘the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with including land in the Green Belt’ which had been included in paragraph 3.12 of the previously applicable Planning Policy Guidance 2: Green Belts. As such, as the provision for cemeteries in the District would involve the change of use of land and the Local Plan was drawn up in accordance with the NPPF 2012, the supporting text at Para.27.20 sets out that that cemeteries would be inappropriate development in the Green Belt and therefore NPPF very special circumstances would be required. It is noted that Government policy may change; however the plan was drafted to accord with the NPPF at that time.

8.74.2 It is noted that in the NPPF 2019, the material change of use of land for cemeteries has now been included as an exception to inappropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it (Para.146). Whilst the wording of the NPPF 2019 is pragmatic and reasonable, particularly given the PPG2 history on this matter outlined above, this is not the iteration of the NPPF against which the plan is being examined.

8.74.3 That said, should the Inspector feel that modifications to the wording of Policy TLP40 to conform to the revised NPPF 2019 would be desirable, then the Council would be content (suggested that this would be a minor or other modification made on the adoption of the LP). It is however suggested that the criteria included in Policy TLP40
are still reasonable and applicable to all applications for cemeteries in the Green Belt whether they are being considered as appropriate or inappropriate development.

Evidence
MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers
None
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?

Response to Inspector’s Issues / Question

8.75.1 The relevant evidence-based documents mentioned throughout the content of Policy TLP41 are supporting evidence documents to assist in implementation of LP policy. The AONB Management Plan has a different status as it is a statutory document that ensures AONBs are properly managed. “The Countryside and Rights of Way Act 2000 requires local authorities with land in AONB to prepare and publish an up-to-date plan which ‘formulates their policy for the management of the area and for the carrying out of their functions in relation to it’” (The High Weald AONB Management Plan 2019-2024, page 13). Reference to this is made in Policy TLP41 in order to conform with national policy.

8.75.2 In regards to the other listed documents in Policy TLP41, these are subject to updates and the Council therefore suggest TLP 41 policy wording should therefore be read as ‘determined by ....the evidence .....in the ...’.

8.75.3 There is no definitive NPPF / PPG position on using supporting information and evidence related documents to assist in implementation of Local Plan policy. The only guidance is general, on pure policy content, and is related to formal Supplementary Planning Documents (SPD) (PPG, Para. 008).

8.75.4 The Council’s view is that its approach does not seek to elevate the supporting documents it refers to as a form of planning policy. The supporting documents are intended to provide evidence, information and best practice sources that will be useful reference points in Development Management decisions and accord with the NPPF
paragraph 154. They are very important to evidence-based planning decisions. The Council's always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.

8.75.5 It is preferable to use supporting documents in cases such because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (PPG ID: 12-010-20140306).

8.75.6 However, if it is the Inspector's view that the policy wording should be clarified to refer to 'evidence' (as suggested above) then the Council is open to these changes being made as a Minor or other Modification or coming forward as a recommended Main Modification.

Document Reference TED12: Tandridge District Council Hearing Statement Matter 8
8.76 Is the third paragraph of the Policy clear in respect of development proposals in the Green Belt and would it be effective?

Response to Inspector’s Issues / Question

8.76.1 Yes. Development proposals for visitor attractions within the Green Belt would be subject to Policy TLP03: Green Belt (within the LP). Moreover, the adoption of the LP will necessitate the replacement of a number of existing policies as set out Appendix 2 of the LP and will include the partial replacement of Tandridge District Local Plan Part 2 Detailed Policies 2014-2029. Appendix 2 lists existing policies which are to be replaced either in full or in part; this is reflected in the strike-through version of the Local Plan Part 2 (OTH4). Policy DP13: Buildings in the Green Belt is shown as being retained in full; accordingly.

8.76.2 These policies would guide the decision maker with respect to determining whether a development proposal constitutes ‘inappropriate development’. In circumstances where it is considered to constitute ‘inappropriate development’, the third paragraph of Policy TLP41 and the associated criteria, provide a clear steer on what factors, when assessed together, can constitute very special circumstances, whilst remaining mindful of the fact that there may be other factors which may constitute very special circumstances. This Policy seeks to support the District’s local and rural economy and the Council considers that the LP is clear with respect to tourism development in the Green Belt and in particular, this Policy will be effective in supporting rural tourism.
8.77 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Questions

8.77.1 No. The Council’s view is that the proposed modifications to TLP41 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

OTH4 – Amended Tandridge Local Plan Part 2 Detailed Policies 2014 to 2029 2018

TED01 – Schedule of Proposed Main Modifications (May 2019)

High Weald AONB Management Plan 2019-2024

Supporting Papers

None
TLP42: Hotels and Tourist Accommodation

8.78 Is the first part of the policy in respect of the existing level of hotel provision clear and would it be effective?

Response to Inspector’s Issues / Question

8.78.1 Existing supply of hotel provision in Tandridge are detailed in the East Surrey Rural Tourism Co-operation Project (OTL1, Page 25 Appendix B). The data audit collected from the study revealed that 25 accommodation establishments currently reside in the District (OTL1, page 16). The Surrey Futures Hotel Study (ECRT13, page 15, chapter 11) emphasises the need for hotel development within Surrey to support future growth of the County’s economy and tourism. Policy TLP42 applies a proactive response to hotel development by supporting the retention of existing hotel provision, but allowing a loss of provision where it can be demonstrated the existing development can be suitably replaced.

8.78.2 The implementation of policy TLP42, with respect to the first part of the policy, will be effective in resisting loss of much needed hotel provision in the District. The Council seeks to maintain the level of hotel provision in Tandridge and promote an increase in provision where possible.
8.79 Is the third paragraph consistent with paragraph 204 of the Framework and the Community Infrastructure Levy Regulations 2010 and would it be effective?

Response to Inspector’s Issues / Question

8.79.1 Yes. See responses to Qs 8.6-8. The Infrastructure Delivery Plan (INF1) will be the starting point to identify what infrastructure might need to be provided in each case. This provides sufficient certainty as to what requirements may be placed on applications in any given geographical area. Where a development is judged to have an impact on infrastructure it is an expectation that commensurate infrastructure is provided to mitigate for that impact. This is consistent with NPPF Para.204. Moreover, the Council is able to collect CIL for cumulative impacts and require site specific infrastructure where this is required.
8.80 Is the paragraph in respect of ‘New Accommodations’ consistent with paragraphs 24 and 28 of the Framework?

Response to Inspector’s Issues / Question

8.80.1 Hotels and tourist accommodation are listed as main town centre uses and are therefore considered as part of the sequential test in accordance with NPPF Para.24. Policy TLP42 refers to applications for hotels and other tourist accommodations being supported where they “meet all other relevant policy requirements, including TLP18: Place-making and TLP03: Green Belt”. Policy TLP26 details the application of sequential testing on proposals that seek to provide main town centre uses and should therefore be read in conjunction with Policy TLP42.

8.80.2 Policy TLP22 refers to supporting schemes that relate to tourism and promoting a prosperous rural economy in Tandridge. NPPF Para.28 emphasises the role planning policies should have to support economic growth in rural areas, including supporting sustainable rural tourism and leisure developments. Ensuring LP policies are considered as a whole will allow for the correct balance to address tourist accommodation needs whilst factoring in the environmental and Green Belt constraints of the District. Policy TLP22 is consistent with this approach and the implementation of TLP42 will take into account “all other relevant policy requirements”.

Document Reference TED12: Tandridge District Council Hearing Statement Matter 8

115
8.81 Is it effective and consistent with national policy to require accordance with the Surrey Hotels Futures Study 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?

Response to Inspector’s Issues / Question

8.81.1 The Surrey Hotels Futures Study is a supporting paper to assist in implementation of Local Plan policy. This document is subject to updates and the Council therefore suggest TLP 42 policy wording should be read as ‘determined by ....the evidence .....in the Surrey Hotels Future Study (2015)’.

8.81.2 There is no definitive NPPF / PPG position on using supporting information and evidence related documents to assist in implementation of Local Plan policy. The only guidance is general, on pure policy content, and is related to formal Supplementary Planning Documents (SPD) (NPPG, Para. 008).

8.81.3 The Council’s view is that its approach does not seek to elevate the supporting documents it refers to as a form of planning policy. The supporting documents are intended to provide evidence, information and best practice sources that will be useful reference points in Development Management decisions and accord with the NPPF paragraph 154. They are very important to evidence-based planning decisions. The Council’s always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision and the content of the supporting documents will never be taken as policy.

8.81.4 It is preferable to use supporting documents in cases such because they can be readily and regularly updated to reflect the latest evidence. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (NPPG, Para. 002). However, if it is the Inspector’s view that the policy wording should be clarified to refer to ‘evidence’ from the study (as suggested above) then the Council is open to these changes coming forward as a recommended Main Modification.

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
Evidence

ECRT13 – Surrey Hotel Futures 2015
INF1 – Tandridge District Infrastructure Delivery Plan 2019
OTL1 – East Surrey Rural Tourism Cooperation Project Extracts for Tandridge District 2018
TED01 – Schedule of Proposed Main Modifications (May 2019)

Supporting Papers

None
TLP43: Historic Environment

8.82 Is TLP43 consistent with national policy as set out in the Framework in respect of consideration of effects upon the significance of heritage assets and the requirements to balance any harm against public benefits?

Response to Inspector’s Issues / Question

8.82.1 Yes. Policy TLP43 will be applied in conjunction with saved policy DP20: Heritage Assets. The adoption of the LP will necessitate the replacement of a number of existing policies as set out Appendix 2 of the LP and will include the partial replacement of Tandridge District Local Plan Part 2 Detailed Policies 2014-2029. Appendix 2 lists existing policies which are to be replaced either in full or in part; this is reflected in the strike-through version of the Local Plan Part 2 (OTH4). Policy DP20 is shown as being retained in full; accordingly, the assessment of any application will be supported by this policy.

8.82.2 Policy DP20 sets out a presumption in favour of development proposals which seek to protect, preserve and wherever possible enhance the historic interest, cultural value, architectural character, visual appearance and setting of the District’s heritage assets and historic environment and that where a proposal results in harm to or loss of a designated heritage asset, planning consent will only be granted where the public benefits of a proposal significantly outweigh the harm or loss.

8.82.3 These policies together require consideration of the effects of proposals upon the significance of our heritage assets and/or its setting, and provide a clear guide, which is consistent with the NPPF, in terms of the balance given to public benefit when harm or loss of a heritage asset is proposed.
8.83 Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.83.1 No. The Council’s view is that the proposed modifications to TLP43 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

OTH4 - Amended Tandridge Local Plan Part 2 Detailed Policies 2014 to 2029 2018

Supporting Papers

None
TLP44: Renewable Energy Infrastructure

8.84 Is Policy TLP44 consistent with renewable energy, historic environment and Green Belt policy as set out in the Framework and would it be effective?

Response to Inspector’s Issues / Questions

8.84.1 Policy TLP44 is consistent with the NPPF. The Policy does say that 'renewable and low carbon energy schemes will be positively considered' subject to certain criteria and this is consistent with the generally supportive tone of NPPF Para.97.

8.84.2 The importance of avoiding harm to heritage assets and the openness and purpose of the Green Belt is also recognised in the final sentence of TLP44.

8.84.3 The Sustainability Appraisal provides useful contextual information. Environmental Report (Section 3, SA Objective 8 of document MD4) has supporting information on potential technologies, as well as consideration of the sensitivities of Gatwick Airport. As demonstrated in the Sustainability Appraisal Baseline Information for SA Objective 8 (Document MD7) Tandridge's best opportunities for wind energy as well as ground source heating and cooling are focused to the north and south of the District and overlap with the District's Areas of Outstanding Natural Beauty to a significant extent, particularly in the north. Therefore, landscape as well as heritage considerations are a particularly important consideration. In addition, Tandridge also has over 90% Green Belt coverage, so the scope to identify broad areas which are automatically suitable for renewable energy schemes is limited.

8.84.4 NPPF Para.91 does indicate that whilst many renewable energy projects will be inappropriate in the Green Belt, it may be possible to demonstrate very special circumstances. These may include the wider environmental benefits associated with increased production of energy from renewable sources.

8.84.5 However, if it is the Inspector’s view that the Policy TLP44 wording should be clarified to more fully reflect NPPF paragraph 91 by emphasising this principle, then the Council is open to changes coming forward as proposed modifications (suggested as

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a Minor or Other Modification). The Council is also open to amending the policy title to reflect the policy wording. Some possible wording is suggested below:

**TLP44: Renewable and Low Carbon Energy Infrastructure**

Proposals for renewable and low carbon energy schemes will be positively considered provided they are in an accessible location and do not result in demonstrable harm to local wildlife and their habitats, the operations of Gatwick Airport, or to residential amenity through pollution, including noise generation, dust or vibration. Renewable energy infrastructure must not be unacceptably visually prominent within their setting or the surrounding landscape. And

The environmental benefits of increased production of energy from renewable or low carbon sources must not cause should be balanced against the importance of avoiding undue harm to the landscape, heritage assets, or the community amenities and/or the Green Belt. Proposals within the Green Belt will need to demonstrate very special circumstances that outweigh potential harm to the openness or purposes of the designation.

8.84.6 For supporting context, it should be noted that the Local Plan does identify one specific potential low carbon opportunity. Policy SGC01 South Godstone Garden Community states 'The opportunity and ability of this large-scale development to integrate renewable energy technologies and community energy facilities from the outset, will be maximised where viable and should prioritise local energy and heat sources; such as from Lambs Business Park'.

8.84.7 LP Policy SES03 states that the Lambs site will be released from the Green Belt justified by exceptional circumstances, consistent with NPPF Green Belt Policy.

8.84.8 It is also notable that Lambs Business Park is a waste allocation in the Surrey County Council Waste Local Plan7. Our Local Plan policy SES03 acknowledges the role of the Waste Local Plan, and the potential for energy generation and surplus heat to serve


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the South Godstone Garden Community and the operations of Lambs Business Park. SES03 also states that any proposals for operational uses which unacceptably increase road-based transport movements will be resisted and that proposals for the site must demonstrate how the opportunities presented by the direct access to the rail network have been maximised, as is appropriate.

8.84.9 The SA of Policy SES03 Lambs Business Park within documents SSHAS and MD5 stated the following:

‘The site offers huge scope for renewable and low carbon energy benefits within close proximity (1-2km) of the new Garden Settlement. In order for these benefits to be delivered, the proposed Energy from Waste plant on the west side of the site should be designed to enable use of surplus heat to serve the new community. Benefits could be further maximised by the utilisation of local fuel sources and the option of delivery via the rail sidings. In their Issues and Approaches consultation response, WT Lamb Holdings Ltd noted that Work undertaken by Arup has demonstrated that there is a significant amount of waste arising within Surrey, which currently is either placed within landfill or taken out of County. The development of a large-scale biomass waste gasification plant within the District will ensure that waste is not only handled in a more sustainable manner, but also will result in a production of a significant amount of green electricity (15MW); enough to power 21,000 homes..... It benefits from a railway siding that is within the ownership of WT Lamb Holdings Limited, which will be utilised to receive the pre-sorted and bundled RDF and wood waste. This will ensure that all deliveries necessary to fuel the biomass waste to energy gasification plant can be achieved via sustainable modes of transport’.

8.84.10 It should be noted that the originally Proposed Main Modifications 2019 (MD16) propose additional text to Policy SGC01 as follows: ‘In order to inform and consider energy usage an Energy Strategy should be prepared to inform and support the development, to define the carbon savings, energy generation and opportunities which could be integrated through the scheme.’

8.84.11 These objectives will be developed in the forthcoming South Godstone AAP and its supporting Energy Strategy. LP TLP44 provides the necessary supporting context to
ensure appropriate consideration of renewable and low carbon technologies in light of environmental and heritage constraints.

8.84.12 LP Policies as a whole, including Policies TLP44, SGC01 and SES03 are all consistent with the NPPF requirement that local planning authorities should ‘identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers’ (NPPF Para.96, final bullet).
8.85 To be effective, should the supporting text refer to airport safeguarding provisions for Gatwick Airport as per DfT Safeguarding Circular 01/2003?

Response to Inspector’s Issues / Question

8.85.1 LP Policy TLP44 does note that proposals for renewable and low carbon energy schemes should not result in demonstrable harm to ‘the operations of Gatwick Airport’.

8.85.2 However, if it is the Inspector’s view that the supporting text to Policy TLP44 would benefit from a reference to airport safeguarding provisions as per DfT Safeguarding Circular 01/2003, then the Council is also open to the addition of a new paragraph after current Para.30.8. (suggested as a proposed minor or other Modification. Some possible wording is suggested below. This includes a proposed title amendment to the section to fully reflect its content, as well as a suggested addition to the Key Supporting Documents:

**Renewable and Low Carbon Energy Infrastructure**

30.9 An important consideration for the siting of infrastructure is Aerodrome Safeguarding. The importance of aerodrome safeguarding is also recognised in DfT Safeguarding Circular 01/2003. The forms of renewable and low carbon energy that are known to have an impact on aviation are: wind energy, solar photovoltaic energy and bio gas energy. Gatwick Airport London (GAL) applies a 15km safeguarding zone, which covers most of Tandridge District apart from the far north and eastern fringe. GAL also lodges a ‘wind turbine safeguarding map’ which covers an area out to 30km from the airport (covering all of Tandridge District), within which they ask to see all applications involving wind turbines. Biggin Hill airport applies a safeguarding area that affects northern and central areas of the District. All developers of renewable energy projects should consult early in their projects with the respective authorities and affected aerodromes.

Evidence

MD4 – Tandridge Local Plan 2033 Sustainability Appraisal Volume 1 Context

*Document Reference TED12: Tandridge District Council Hearing Statement Matter 8*
MD5 - Tandridge Local Plan 2033 Sustainability Appraisal Volume 2 Options Assessment 2019

MD7 – Tandridge Local Plan 2033 Sustainability Appraisal Appendices 2019

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

UK Government's Clean Growth Strategy (2018)

UK Government's Industrial Strategy (2017)

Tandridge Air Quality Impact Assessment (2018)

DfT Safeguarding Circular 01/2003

**Supporting Papers**

None
8.86 Is there missing text in the first sentence of the first paragraph of the Policy after ‘designed in such a …’?

Response to Inspector’s Issues / Question

8.86.1 Yes, the first sentence of the policy in the Regulation 19 Local Plan (July 2018) contained a typographical error. It was incorrectly worded and it not make grammatical sense as a result. Therefore the proposed Minor or Other Modification proposed for the submitted LP (MD1) page 238 is necessary to amend this.
8.87 Is it effective and consistent with national policy to require accordance with the Councils Air Quality Impact Assessment, conditions developed by Surrey Air Alliance and the Local Transport Plan when these are not a 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?

Response to Inspector’s Issues / Questions

8.87.1 Yes. The approach taken is consistent with national policy. As set out in the NPPF (Para.12), the first planning principle includes the requirement that ‘Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

8.87.2 In respect of the Air Quality element of PolicyTLP46, the policy provides a practical framework which directs the decision-maker to the local strategies and plans which guide local standards, such as the Local Transport Plan and its supporting, Air Quality Strategy, Low Emissions Transport and Electric Vehicle Strategies; as well as the Surrey Air Alliance.

8.87.3 The policy has been framed to be sufficiently flexible to allow the decision maker to respond to the latest position regarding emerging local strategies and standards. This is considered to be consistent with NPPF Para.10 ‘Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas’ as well as the final core principle of Para.17 ‘planning should take account of and support local strategies to improve health, social and cultural wellbeing for all”. It is considered that Policy TLP46 takes account of such strategies as fully as possible.

8.87.4 The LP period extends to 2033, over which time there are likely to be significant advances in technology and expectation with regard measures such as electric vehicles. It is considered important that the policy directs decision-makers to the issue, whilst allowing them to be responsive to changes in technology and raised

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expectations. It is considered that this approach will maximise the Plan’s effectiveness in preventing unacceptable effects on human health, local amenity or the natural environment.

8.87.5 The Council’s view is that its approach in Policy TLP46 highlights key reference points that will also inform Development Management decisions and are important to planning decisions. The Council’s always intends to negotiate good planning outcomes on an evidential basis. All material considerations will apply at the point of decision. In addition, references to supporting documents of this kind are beneficial in achieving the NPPF / PPG recommended strategic, concise and focused form of Local Plan (PPG ID: 12-010-20140306). This is a quite normal approach to Local Plans depending on circumstances and the need for update and flexibility.

8.87.6 Policy TLP46 makes reference to the Council’s Air Quality Impact Assessment 2018 (ECO4). Section 6.3 of ECO4 titled ‘Air Quality Action’, highlights various measures and policies being brought forward at District and County level and states ‘It is considered that as these policies are brought forward and implemented, the impacts of the Local Plan (as presented in this report), which do not currently take this guidance into account, will be reduced.’ Therefore it has been considered appropriate for the policy to cross-refer to these matters, as it is anticipated that decision makers would draw guidance from them. They are summed up in document ECO4 as follows;

- The draft LES, part of the Surrey Transport Plan, will reduce levels of harmful emissions and improve air quality through a number of measures, including: promoting changes in people’s travel behaviour; expanding access to car club networks, incentivising ultra-low emissions vehicles; reducing Council based emissions including procuring ultra-low emissions vehicles; minimising impacts from new developments; and raising public awareness. This will be tracked through a number of key delivery areas.

- The draft SAA Standard Planning Conditions for Air Quality will propose measures that, for Tandridge, will need to be considered by Environmental Health when a proposed development is a “major development” as defined by the Town and Country Planning (Development Management Procedure) Order

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(England) 201026, and when development is near any of the AQMAs in Figure 1-1. There are multiple conditions that will potentially need to be met, at the discretion of the Council, with the developments associated with the Local Plan. These are inclusive of conditions relating to electric vehicle charging point provision, boiler emissions, ventilation and development transport planning. Each of these will serve to minimise the impact of Plan, where appropriate.

- The draft Electric Vehicle Charging strategy, proposed to address recent projections by the Department for Transport the plug-in vehicles will make up between 3% and 7% of all new car sales in 2020, sets out charge point specifications which, if implemented, will need to be adhered to in the event of the EV charging conditions being enforced by the District. The strategy recommends that trickle charging is not used in the County, so charging points will be required to be of at least 7kw capacity.

- The Air Quality Strategy within the Surrey Transport Plan covers similar themes to the LES, but focuses more on AQMAs within the County, but the Air Quality Strategy Toolkit (Table 5 within the document) provides a matrix of measures that can be considered across the county.

8.87.7 It is notable that at the time of writing ECO4, three out of the four local strategies highlighted within it in section 6.3 were in draft form. This highlights the difficulty of setting an overly prescriptive Local Plan policy.

8.87.8 For reference, an Appendix has been added to this hearing statement updating with the latest situation regarding the Plans, Strategies and Initiatives referred to in the AQIA.
8.88 Are the proposed Modifications necessary for soundness?

8.88.1 An additional two paragraphs on ‘Noise from Gatwick’ have been suggested as a proposed Main Modification. This adds additional guidance on noise pollution from Gatwick Airport. The need for this was identified by air related bodies in response to the Regulation 19 consultation. As written, the proposed change is consistent with the approach taken by both Crawley and Reigate and Banstead as authorities affected most directly by Gatwick Airport. It is therefore considered that this modification is necessary for soundness.

8.88.2 In addition, there are two further modifications to wording, one in the first and one in the last paragraph of the policy. The Council’s view is that these do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

ECO4 - Tandridge Local Plan 2033 Air Quality Impact Assessment Specific attention on the Garden Village Schemes 2018

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None

Appendices

Appendix 1 Update on Local Transport Plan and Surrey Air Alliance
TLP47: Sustainable Urban Drainage and Reducing Flood Risk

8.89 Is Policy TLP47 consistent with the Framework in regard to the impacts of climate change on flood risk?

Response to Inspector’s Issues / Question

8.89.1 Yes. The Lead Local Flood Authority, Environment Agency, and other Risk Management Authorities have been working with the Council extensively to address flood risk and have helped shape the policy wording. This is in full alignment with NPPF Para.100.

8.89.2 The policy wording fully reflects NPPF Paras 94 and 99 in requiring sustainable drainage systems and has full regard to the impacts of climate change balancing the need to address impacts of climate change from both flood risk and drought.

8.89.3 The Council’s Proposed Minor and Other Modifications specifically address the issue of climate change allowances with additional wording (MD1).
8.90 Is it effective and consistent with national policy to require accordance with the Tandridge Strategic Flood Risk Assessment and Infrastructure Plan when these are not development plan documents?

Response to Inspector’s Issues / Question

8.90.1 Yes, the Strategic Flood Risk Assessment is updated periodically to reflect changing circumstances including in relation to climate change and mapping updates and the approach follows that as set out in NPPF Para.100. By signposting the latest position the Council is fulfilling its duties as Risk Management Authority.

8.90.2 In relation to the Infrastructure Delivery Plan (IDP), there is no formal guidance setting out how an IDP should be undertaken or how it might be used, including potentially as a Development Plan Document. The IDP is however conceived as a ‘living’ document. This allows for sufficient flex over time to adapt to changing infrastructure requirements as need arises. Needs often change and the IDP is regularly updated, based on dialogue with the relevant infrastructure stakeholders. The Infrastructure Delivery Plan is the starting point for infrastructure related matters and sets at the Council’s expectation for infrastructure improvements that are necessary to support development in the district. The IDP will be reviewed on a regular basis through the life of the LP to accommodate changes to the policies and strategies of service providers and the introduction of any new technology, infrastructure requirements and their costs. Public funding levels may also change over the life of the plan. It is therefore an important source of planning evidence, relevant to implementation of the policy. For more detail on this issue see the response to Q8.6-8.
8.91 Is the policy effective on requiring accordance with the Building Regulations Part H3 as this is dealt with by other provisions?

Response to Inspector's Issues / Question

8.91.1 Yes. The Council recognises that, in many cases, planning policies should not deal with matters that are dealt with by other legislation. In relation to flood related matters, the Council considers that is it necessary to provide more specific guidance within the LP itself in light of the characteristics of this District. The recent local history and type of flooding events and the need to adapt to Climate Change, require a holistic approach; with particular emphasis on reducing surface water runoff. Flood risk is of real concern to the communities within this district and the Council is fully committed to using every tool it has in order to mitigate for this risk. The policy flags effective implantation of the Building Regulation requirement as having a high level of importance as a component part of a comprehensive planning approach to flood alleviation.
8.92  Are the proposed Modifications necessary for soundness?

Response to Inspector’s Issues / Question

8.92.1 Some are. These are those proposed modifications initially set out in the submission Examination Library Document MD16 - 2019 and then reproduced in Part 1 Schedule of Proposed Main Modifications (Submitted January 2019) of Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3).

8.92.2 The Council’s view is that the remaining proposed modifications to TLP47 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication ‘Our Local Plan:2033’). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

8.92.3 That said, as set out in Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3), it is accepted that an alternative interpretation, as to whether some of the Council’s proposed other / minor modifications constitute a main modification, could exist. All of the proposed modifications to TLP47 have therefore been highlighted as a potential main modification in TED01/02 (Part 2 – Proposed modifications originally categorised as proposed minor modifications (May 2019).

Evidence

INF1 – Tandridge District Infrastructure Delivery Plan 2019

MD1 – Our Local Plan 2033 Submission 2019

Supporting Papers

None

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
TLP48: Water Consumption

8.93 The Policy seeks to apply the Building Regulations optional requirement of 110 litres/person/day. Is this justified?

Response to Inspector's Issues / Question

8.93.1 Yes, this policy is considered to be justified as NPPF Para.94 requires LPAs to adopt proactive strategies to mitigate water supply and demand considerations.

8.93.2 In its report, 'Water Stressed Areas: Final Classification' (2013), which bases its findings upon both current and future water usage whilst factoring in climate change scenarios, the Environment Agency report has identified the South East as an area of 'water stress'. NPPF Para. 99 states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, including for water supply. Therefore, as outlined in Para.30.43 of the LP (MD1) it is considered that for the benefit of the environment and as a result of discussions with key bodies, such as Sutton and East Surrey Water (SES) and Thames Water, a tighter water efficiency requirement of 110 litres per person per day in the construction of all new dwellings is justified in Tandridge.
8.94 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.94.1 Some are. These are those proposed modifications initially set out in the submission Examination Library Document MD16 - 2019 and then reproduced in Part 1 Schedule of Proposed Main Modifications (Submitted January 2019) of Examination Document TED01 (prepared as part of the Council’s response to the Inspector’s initial questions (ID 2 and 3).

8.94.2 The Council’s view is that the remaining proposed modifications to TLP48 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication 'Our Local Plan:2033'). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD1 – Our Local Plan 2033 Submission 2019
TED01 – Schedule of Proposed Main Modifications (May 2019)

Supporting Papers

None

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
TLP49: Waste

8.95 Would the Policy be effective in requiring accordance with the waste collection authority 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?

Response to Inspector’s Issues / Question

8.95.1 Yes. The Policy refers to the general principle of ‘safe and accessible space to store and then present waste’ which is an important policy requirement in itself. The Council is in the process of producing a Supplementary Planning Document, (SPD) ‘Waste and recycling requirements for new residential developments’, which would detail the requirements in the District referred to in Policy TLP49. The document would address matters such as:

- Designing for recycling/waste collection vehicle access;
- Access to recycling/waste bins by residents and collectors;
- Designing for internal kitchen space for recycling/waste storage for flats and houses;
- Designing for external recycling/waste storage at houses;
- Designing for recycling/waste storage at flats (communal bin stores);
- Bin store design – examples;
- Choosing communal bin store locations;
- How many bins will be needed? Calculating recycling/waste storage capacity;
- Supplying recycling/waste bins;
- Construction, completion and occupation of new developments;
- Waste Collection Vehicle Specification;
- Recycling, waste and food bin specifications.

8.95.2 This document is being produced alongside a ‘Residential Development Assessment Checklist’, which would be used by developers and officers to ensure that the requirements for waste collection have been met during the Development Management Process. Therefore, once this SPD has been adopted it is considered
that the policy would give a more detailed indication of how a decision maker should react to a development in accordance with NPPF Para.154. This Policy provides the ‘hook’ for the SPD.
8.96 Is the requirement for all development that provides for food and drink to be consumed off the premises, to provide compartmentalised recycling and residual waste receptacles consistent with the Framework policy for planning conditions and obligations?

Response to Inspector’s Issues / Question

8.96.1 The requirement for all development that provides for food and drink to be consumed off the premises, to provide compartmentalised recycling and residual waste receptacles is consistent with NPPF Para.206 regarding planning conditions and obligations.

8.96.2 The Surrey Waste Plan (SWP) 2008 outlines the objectives for managing waste within the County, which include promoting the reduction of waste and re-use/recycling with the disposal of waste being the final resort. A23 of the SWP states that ‘positive planning has an important role in delivering sustainable waste management … by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time’ (paragraph 1.5). The SWP also highlights the action of ‘increasing the level of waste recycling by business’, and to ‘encourage and support business to adopt environmental standards’ (paragraph 1.7, A33). In light of this, the Council considers this element of the policy ‘Other Waste’ to be necessary in order to mitigate for the impact of the waste produced as a result of these types of business by facilitating recycling for their customers. The NPPF (Para.7) does also include the minimisation of waste as a key factor in the environmental role of the planning system and therefore the requirement is necessary, as well as being relevant to planning and to the type of development to be permitted.

8.96.3 Details of the specification of bins provided and their location would need to be determined and agreed as part of the Development Management Process, and any agreed requirements should be installed to the correct specifications prior to the commencement of the use of development. As such the Council considers that the requirement would also be enforceable, precise and reasonable in all other respects in accordance with NPPF Para. 206.
8.96.4 In instances where it may not be practical to require individual premises to provide bins it may be reasonable for the applicant to contribute to mitigation of the environmental impact of waste from their business in other ways, such as a financial contribution made through a planning obligation to a wider scheme in the local vicinity. In this instance, as outlined in paragraph 8.96.2 above the Council considers that the planning obligation would be necessary to address the environmental impact of the development in planning terms. Any obligation would also be directly related to the development, and fairly and reasonably related in scale and kind to the development. As such the requirement would be considered to accord with NPPF Para.204 of the Framework with regard to planning obligations.

Evidence

The Surrey Waste Plan 2008

Supporting Papers

None
TLP50 Sustainable Transport and Travel

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?

Response to Inspector's Issues / Question

8.97.1 Yes. The policy sets out the main ‘in principle’ policy considerations. The Surrey Local Transport Plan (LTP) is a detailed policy document owned by the County Council as the responsible Highway / (transport) Authority. The LTP is published on the County Council website and reflects the Highway Authority’s detailed position in relation to sustainable transport. It sets out guidance as to what may be supported or not and the strategy for transport assessments and travel planning. It provides a clear indication for developers and decision makers as to what transport intervention may be supported by the Highway Authority.

8.97.2 Whilst the Local Transport Plan is not a planning policy document it is formal local Government policy document. It is a valuable information and evidence that should be taken account of where applicable. It would be regarded as setting out material considerations for planning decisions under this policy.
8.98 Is the 10 year period for the bus operational subsidy justified?

Response to Inspector’s Issues / Question

8.98.1 Yes, but it is a relatively ‘weak’ requirement. The Council has previously required a 10 year bus operation subsidy and secured this through planning obligations. This is effectively a minimum period whereby having services in place and supported operationally enables sustainable travel patterns to develop. This can help mitigate the transport impact of development.

8.98.2 The Council is aware that elsewhere within the County bus operation subsidy has been secured in perpetuity. The Council has proposed a Main Modification to the policy to introduce an in perpetuity requirement (TED01).
8.99 Are the proposed Modifications necessary for soundness?

Response to Inspector's Issues / Question

8.99.1 Some are. These are those proposed modifications initially set out in the submission Examination Library Document MD16 - 2019 and then reproduced in Part 1 Schedule of Proposed Main Modifications (Submitted January 2019) of Examination Document TED01 (prepared as part of the Council's response to the Inspector's initial questions (ID 2 and 3).

8.99.2 The Council's view is that the remaining proposed modifications to TLP50 do not go to the soundness of the Plan (these are proposed other or minor modifications identified through tracked changes in Examination Library Document MD1 - the Publication 'Our Local Plan:2033'). The modifications are only suggested for the benefit of clarity / consistency with the wider plan and to assist in the interpretation of the policy. The intent and use of the policy is not altered by these modifications.

Evidence

MD16 – Schedule of Proposed Main Modifications 2019

TED01 – Schedule of Proposed Main Modifications (May 2019)

Surrey Local Transport Plan 2014

Supporting Papers

None
TLP51: Airport Related Parking

8.100 Is the Policy justified in prohibiting any additional or replacement airport related parking in Tandridge?

Response to Inspector’s Issues / Question

8.100.1 Yes, as outlined in 32.2 of MD1 the policy is justified in order to ensure that the most sustainable options for airport related parking are supported and will act to ensure that all parking is located within the airport boundary as well as to limit overall provision. This accords with the Gatwick Surface Access Strategy 2012-2030 (Appendix 2) which states the Company’s Car Parking Strategy is to:

‘Provide sufficient but no more on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 40% of non-transfer passengers choosing to use public transport for their journeys to and from the airport when annual passenger numbers reach 40 million. Provide sufficient but no more Company managed on-airport staff car parking spaces than is consistent with the mode share targets detailed in the Airport Surface Access Strategy 2007…’

8.100.2 Policy TLP51 of MD1, which is consistent with the approach taken by the neighbouring authorities of Reigate and Banstead Borough Council and Crawley Borough Council, therefore also supports the airport in trying to encourage a modal shift from reliance on private transportation and to increase public transport user streams which is of importance to Gatwick Airport Limited in terms of achieving their sustainability targets.

Evidence

MD1 – Our Local Plan 2033 Submission 2019

Gatwick Surface Access Strategy 2012-2030

Supporting Papers

None
Appendix 1 Update on Local Transport Plan and Surrey Air Alliance

Local Transport Plan 3 Low Emissions Transport Strategy


The Surrey Low Emissions Transport Strategy is part of the Surrey Transport Plan. It covers emissions from transport which are harmful to health and the environment including local air pollutants and greenhouse gases (together referred to as ‘polluting emissions’).

Since last publishing the Air Quality Strategy (2016) SCC note that further evidence has emerged on the damaging effects of air pollution, most notably the Royal College of Physicians report in 2016 which raised the profile of research into the quantification of deaths attributable to specific air pollutants. Furthermore, since publishing the Surrey Transport Plan’s Climate Change Strategy in 2011, which is superseded by this new strategy, SCC state that the environmental, social and economic cases to limit climate change has become ever more compelling and urgent.

SCC state that the aim of the strategy is to reduce polluting emissions from road transport across the county and work with partners to achieve legal compliance for air quality locally. The county council’s strategy for reducing polluting emissions from transport is by:

- Improving transport networks and infrastructure for sustainable travel such as highway improvements for walking, cycling and passenger transport and supporting the growth of Surrey’s public EV charge point network.

- Travel behaviour change such as initiatives and campaigns in schools/workplaces, road safety initiatives to create a safer environment for walking and cycling, expanding car clubs, encouraging lift sharing, raising awareness and public understanding of air quality and climate change.

- Partnership working such as working with district and borough councils on air quality matters, advising on transport impacts of new development, strategic planning input to...
Local Plans and partnerships with transport providers for modal shift and lower emissions vehicles, including bus companies and train operators.

- Reducing emissions from the council's own estate and operations such as influencing staff business travel, procuring electric vehicles / ultra-low emissions fleet vehicles where viable and where value for money is shown and opportunities in highways operations and maintenance supply chain.

Surrey County Council Electric Vehicle Strategy:


This was approved for adoption into the Surrey Transport Plan by Surrey County Council’s Cabinet on 27 November 2018.

‘We will achieve this through revised planning guidance that encourages developers to build charging provision into new homes, the development of an on-street charging infrastructure policy, provision of public charge points on council land as well as working with partners to support and encourage further provision. In addition to private vehicles, the actions in this strategy also support EV uptake wherever feasible among car clubs, taxis, buses, community transport operators, as well as within our own fleet of council vehicles.’

page 23 'new homes should be planned with capacity to support EV charging.'

Page 24 ‘To enable a coordinated approach to the provision of EV charging infrastructure in new developments across the county, the council has produced planning guidance for use by the districts and boroughs when considering planning applications for new residential and commercial developments. For example, the guidance suggests that for developments of flats or apartments, 20% of available parking spaces should be fitted with a fast chargepoint with sufficient power supply made available for a further 20% of spaces to be fitted with additional fast chargepoints. It is expected that this guidance will be reviewed and updated as EV uptake progresses.

Table 3 on page 42.
EV-friendly' planning policy

- The Vehicular and Cycle Parking Guidance will be maintained and reviewed periodically to ensure the guidance to planning authorities is kept up to date with the development of EV technologies and national policy.

SCC Vehicular and Cycle Parking Guidance 2018:


See page 9 for EV standards.

Local Transport Plan 3 Air Quality Strategy (January 2016)

This was published in January 2016 and is available online here https://www.surreycc.gov.uk/__data/assets/pdf_file/0020/90254/Air-Quality-Strat-15th-Update-rebranded.pdf

Surrey Air Alliance

Purpose and Composition of the SAA

Working in partnership to improve local air quality in Surrey

- Officers from Environmental Health (D&Bs) and Transport/Public Health (SCC)

Joint action includes:

  - Detailed air quality modelling
  - Successful bid to DEFRA Air Quality Fund - schools air quality programme

The SAA is a working group of representatives from District and Borough Councils, Surrey County Council and Public Health teams from across the county, whose purpose is to utilise the opportunity to take forward a strategic approach to addressing air quality across Surrey. They will provide advice and assistance on air quality issues and possible policy areas if
needed, to other bodies such as the Health and Wellbeing Board, subject to approval. The group provides technical advice and assistance to the Surrey Environmental Health Managers Group (SEHMG).

Through this alliance, various measures are being brought forward and developed in the context of air quality, including a draft Low Emissions Strategy (LES), Electric Vehicle Strategy and a set of county wide air quality planning conditions. It is considered that as these policies are brought forward and implemented, the impacts of the Local Plan (as presented in this report), which do not currently take this guidance into account, will be reduced.

Surrey Air Alliance Standard Planning Conditions

The draft SAA Standard Planning Conditions for Air Quality will propose measures that, for Tandridge, will need to be considered by Environmental Health when a proposed development is a “major development” as defined by the Town and Country Planning (Development Management Procedure) Order (England) 2010\(^{26}\), and when development is near any of the AQMAs in Figure 1-1. There are multiple conditions that will potentially need to be met, at the discretion of the Council, with the developments associated with the Local Plan. These are inclusive of conditions relating to electric vehicle charging point provision, boiler emissions, ventilation and development transport planning. Each of these will serve to minimise the impact of Plan, where appropriate.

As of August 2019, the most recent Surrey Air Alliance Workplan is dated March 2019 and developing the conditions remains a key objective with the intention that the Final draft be worked up and presented to Surrey Planning Group in due course.

Surrey Air Alliance Standard Planning Conditions for Air Quality

*Draft SAA Standard Planning Conditions for Air Quality (as at August 2019)*

Environmental Health shall be consulted and the use of AQ conditions considered when any of the following are met:

1) The proposed development introduces new receptors in, or in close proximity to, an AQMA
2) The proposed development results in an increase of road traffic in, or in close proximity to, an AQMA.

3) The proposed development is a “major development” as defined by the Town and Country Planning (Development Management Procedure) Order (England) 2010 (number of dwellings is ≥10 or site of >0.5ha where the number of dwellings is unknown; the provision of more than 1000 m2 commercial floorspace; or site of ≥1ha).

Conditions

Where development generates significant additional traffic:

Condition 1
The applicant shall provide a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport.

Reason: To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and Clean Air Zones in accordance with paragraph 181 of the National Planning Policy Framework.

Where risk of significant AQ effect on residents/occupiers:

Condition 2
The applicant shall carry out and provide to the Local Planning Authority prior to development commencing an AQ Assessment to determine the impacts of the local area’s emissions on the proposed development to assess the potential exposure that residents or users might experience.

Reason: To prevent exposure to poor air quality that would otherwise have an adverse impact on health and quality of life.

Condition 3
Before development commences, a scheme of ventilation of the residential units shall be submitted to this Council. The scheme shall demonstrate that windows of habitable rooms facing XX Road are not capable of being opened except where required for means of escape.

Document Reference TED12:
Tandridge District Council Hearing Statement Matter 8
The scheme shall include details of a ventilation system to provide replacement fresh air obtained from the rear façade at high level. Preference shall be given to passive ventilation. The scheme shall only commence once approved in writing by, and in accordance with any amendments specified by the Council.

**Reason:** To prevent exposure to poor air quality that would otherwise have an adverse impact on health and quality of life.

**Condition 4**
Suitable passive or mechanical fresh air ventilation systems shall be provided to the building in all habitable rooms, including kitchens and bathrooms to ensure adequate ventilation when windows are closed. Before construction of the proposed development takes place, the applicant shall submit and have approved in writing by the Local Planning Authority the scheme to ventilate the proposed properties.

**Reason:** To prevent exposure to poor air quality that would otherwise have an adverse impact on health and quality of life.

**Condition 5**
Before development commences, a scheme of ventilation of the residential properties shall be submitted to the Local Planning Authority. The scheme shall demonstrate that windows facing XX Road are not capable of being opened except where this is required for means of escape. The scheme shall include details of a ventilation system to provide replacement fresh air obtained from a façade, or some other location, that does not face XX Road. Preference shall be given to passive ventilation. The scheme shall only commence once approved in writing by the Local Planning Authority.

**Reason:** To prevent exposure to poor air quality that would otherwise have an adverse impact on health and quality of life.

**Condition 6**
The applicant shall submit to the Local Planning Authority for approval prior to the commencement of development a scheme for providing fresh air ventilation to habitable rooms on the XX Road elevation, the supply to be provided from the rear of the building at high level. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.
Reason: To prevent exposure to poor air quality that would otherwise have an adverse impact on health and quality of life.

Where risk of ‘significant’ AQ effect from the proposed development:

Condition 7
The applicant shall carry out and provide to the Local Planning Authority prior to development commencing an AQ Assessment to determine the impact of the proposed development on the air quality of the local area.
Reason: To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and Clean Air Zones in accordance with paragraph 181 of the National Planning Policy Framework.

Provision of boilers & CHP:

Condition 8
All gas-fired boilers provided in relation to this application shall meet a minimum emissions standard of 40 mg NOx/kWh.
Reason: To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

Condition 9
The solid biomass boiler provided in relation to this application shall meet a minimum emissions standard of 275 mg NOx/Nm and 25 mg PM/Nm.
Reason: To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

Condition 10
All gas-fired CHP plant shall meet a minimum emissions standard of:
** Spark ignition engine: 250 mg NOx/Nm
** Compression ignition engine: 400 mg NOx/Nm
**Reason:** To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

Electric vehicle charge point provision – see Appendix 1

*Where on-site parking is provided for residential dwellings:*

**Condition 11**
An electric vehicle charging point shall be provided for each dwelling. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector.

**Reason:** To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with paragraph 110 of the National Planning Policy Framework.

*Where parking provided for flats, apartments, Nursing Homes, Sheltered Accommodation:*

**Condition 12**
Electric vehicle charging points shall be provided to 20% of the available spaces. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. In addition, a further 20% of the available spaces shall be provided with a power supply (feeder pillar or equivalent) permitting future connection for electric vehicle charging.

**Reason:** To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with paragraph 110 of the National Planning Policy Framework.

*Where parking provided for offices, industrial, schools, retail, leisure facilities:*

**Condition 13**
Electric vehicle charging points shall be provided to 10% of the available spaces. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. In addition, a further 10% of the available spaces shall be provided with a power supply (feeder pillar or equivalent) permitting future connection for electric vehicle charging.
**Reason:** To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with paragraph 110 of the National Planning Policy Framework.

*Where multiple residential dwellings or 1000m² of commercial space:*

**Condition 14**
An electric vehicle rapid charge point shall be provided per 10 residential dwellings and/or per 1000m² of commercial space.

**Reason:** To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with paragraph 110 of the National Planning Policy Framework.

**General:**

**Condition 15**
Before development commences a method statement shall be submitted to and approved by the Local Planning Authority which details how dust from the site will be controlled during the demolition and construction phases of the development.

**Reason:** To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

**Condition 16**
No burning shall take place on site during the demolition or construction phases of the development. Waste shall be removed from site for recycling or disposal.

**Reason:** To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.
No burning shall take place during demolition or development. All waste material must be recycled or disposed of in accordance with the Site Waste Management Plan.

Reason: To sustain and contribute towards compliance with relevant limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

Informatives

All plant machinery and vehicles used on site and visiting the site must be maintained to reduce exhaust emissions. Low emission fuels, or machinery with emission control systems, should be used if possible.

Dust suppression methods must be used where possible to reduce dust dispersion from buildings, chutes, skips and vehicles during excavation, clearance and other site activities.