

TLAG – response to MIQs (13 September 2019)

Matter 8 – Development Management Policies

MIQ number	Question	Cross reference to TLAG representations	TLAG response
Q8.3	<p><i>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?</i></p>		<p>The second paragraph of draft TLP03 states that <i>“further changes to the Green Belt boundary will only take place for the South Godstone Garden Community, within the Area of Search, identified in Chapter 33 of Our Local Plan: 2033 and through the preparation of an Area Action Plan”</i>.</p> <p>TDC suggest, at paragraph 33.18 of the draft Local Plan, that they <i>“feel that the exceptional circumstances which will result in the loss of Green Belt to allow for the Garden Community, are established in principle”</i> and that it is only the detail of the new boundary of the Green Belt that would be considered through the AAP <i>“once new settlement form, design, infrastructure and permanent boundaries can be better understood”</i>.</p> <p>Firstly, as set out in our response to Questions 2.16 and 4.5, TLAG does not agree that it is appropriate to defer the detailed consideration of large-scale Green Belt release to a future AAP where it is fundamental to the overall spatial strategy. Whilst we recognise that the new NPPF<sup>1</sup> advises that where a need for changes to Green Belt boundaries has been established through strategic policies detailed amendments to the boundaries may be made through non-strategic policies (para 136) this cannot be applicable in this case. The proposal for South Godstone is not a minor alteration to a Green Belt boundary on the edge of a major settlement. These proposals would require the wholesale deletion of a large area of Green Belt in an area totally divorced from any other non Green Belt area. It is impossible to conclude on the deliverability of the planned number of houses at South Godstone without this detailed analysis.</p> <p>Secondly, in any event, even if it were appropriate to defer the detailed boundary analysis to a further AAP, we would argue that TDC absolutely have not established the principle of Green Belt release at South Godstone. This case simply has not been proven.</p>

<sup>1</sup> Whilst not directly applicable to the examination of this plan, nevertheless a material consideration.

			<p>The Green Belt Assessment (Part 3) which provides TDC’s ‘evidence base’ in support of the purported exceptional circumstances does not support TDC’s conclusion that Green Belt release at South Godstone is justified at a broad strategic level. The report concludes (in relation to any one of the three potential garden village locations) that whilst there would be harm to the Green Belt whichever option is chosen, exceptional circumstances exist because of the acuteness of the need for housing, constraints on supply for housing and the difficulties of achieving sustainable development without impinging on the Green Belt. As TLAG have addressed in our regulation 19 representations (paragraphs 4.40 – 4.47) and in response to questions 2.11, 2.12 and 3.1 of the MIQ’s, these conclusions are either inaccurate or do not represent in themselves exceptional circumstances for Green Belt release. An “<i>acuteness of the need for housing, constraints on supply for housing and the difficulties of achieving sustainable development without impinging on the Green Belt</i>” does not justify the council’s spatial strategy, as proposed. No meaningful attempt has been made to maximise development in urban areas.</p> <p>In response to the Inspector’s specific question, neither the deletion nor amendment of the second paragraph of TLP03 would address TLAG’s concerns – this would not suffice. Our detailed objections to the overall spatial strategy and inappropriateness of South Godstone as a location for large scale housing are set out in our regulation 19 representations and responses to the Inspector’s questions on these matters.</p>
Q8.6	<i>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?</i>		<p>TLAG support the principle of the policy, that it is essential that there is certainty over the delivery of necessary infrastructure prior to granting planning permission. With this principle in mind it is evident that housing will not be deliverable at South Godstone in accordance with the housing trajectory set out in the draft Local Plan. We address this point in response to questions 2.11 and 2.12. In accordance with TLP04 any application for planning permission at South Godstone could not be approved.</p>
Q8.26	<i>Would the Policy be effective and consistent with national policy in encouraging the effective use of land?</i>		<p>TLAG agree with the principle of this policy insofar as it prioritises previously developed and brownfield land. But the policy as drafted does not go nearly far enough towards prioritising higher density development in existing urban areas at the top of the settlement hierarchy. In this regard it is not consistent with national policy requirements to promote the most efficient use of land.</p>

			<p>Furthermore, whilst Policy TLP19 relates specifically to the determination of planning applications, the principles are equally applicable to plan making and the overall spatial strategy for housing delivery. As set out in our responses to question 3.1 (and others), TLAG do not consider that the spatial strategy is consistent with the principles of making the best use of land.</p> <p>The old NPPF contains policies which required planning policies to encourage the effective use of land (paragraphs 17 and 111) but the new NPPF (recognising that the Local Plan is not due to be considered under the new NPPF, though it still represents a material consideration) specifically supports the optimisation of density in development in urban areas (paragraphs 106 and 123). This is particularly relevant where the spatial strategy promotes significant Green Belt release and the consideration of exceptional circumstances. Paragraph 137 requires strategic policies to optimise density of development including a significant uplift in town and city centres and other locations well served by transport, before it can be concluded that exceptional circumstances exist to change Green Belt boundaries.</p> <p>And yet, TDC has made a conscious decision not to optimise densities. In July 2018 the Director of Place, Piers Mason, told TDC's Overview and Scrutiny Committee that draft Policy TLP19 had been amended to "remove reference to....the idea of optimised densities". He also told the committee that a provision to ensure that new developments met the average existing levels of density in their area had been "deleted entirely" from the local plan because he accepted that such a provision could lead to "a potentially continuous upward spiral of density".</p> <p>This appears to flout the requirement in the new NPPF for a "significant uplift" in minimum density standards in towns and cities, and other areas well served by public transport. Accordingly extensive changes to policy TLP19 were indeed made in the final version of the Local Plan, dated Dec 18. All reference to "optimized" or "optimum" densities were removed to be replaced with "appropriate densities". An undertaking to refuse to approve schemes "lower than the average density for the surrounding area" was also removed, from the last para, under "previously developed and brownfield land".</p> <p>As with draft policy TLP3, an amendment to policy TLP19 – whilst necessary to make it sound and compliant with national policy – would not address our objection to the overall spatial strategy adopted by TDC. Our fundamental concerns could only be rectified through a modification to the overarching spatial approach.</p>
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<p>Q8.53</p>	<p><i>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 who a decision maker should react to a development proposal?</i></p>		<p>With regard to the second part of this question, the draft policy is quite clear in stating that development proposals must protect and enhance the key landscape features and visual sensitivities of the landscape character areas identified in the Surrey Landscape Character Assessment 2015 and the Tandridge Landscape Capacity and Sensitivity Assessment 2016-18. Development that does not protect and enhance these features would fail the policy test. TLAG support this policy objective (and for clarity agree that these should be set out in the Plan).</p> <p>TLAG do not consider, however, that these principles have been adequately applied by TDC at the plan making stage, in promoting the Area of Search at South Godstone.</p> <p>The Area of Search falls within area the WF3 Horley to Swaynesland Low Weald Farmland Landscape Character Area (as identified in the Surrey Landscape Character Assessment) whose key positive landscape attributes are identified as:</p> <ul style="list-style-type: none"> <li>• Unsettled, peaceful, gently undulating and open farmland landscape;</li> <li>• Rural views, often framed by tree cover, across the Wealden farmland and to wooded hills to the north;</li> <li>• High density of hedgerows and small blocks of woodland;</li> <li>• Dispersed blocks of, often ancient woodland, connected by hedges;</li> <li>• Small to medium sized fields, divided by strong network of well-maintained and connected hedges;</li> <li>• Network of rural lanes, mostly hedge lined; and</li> <li>• Attractive scattered settlements churchyards and mills</li> </ul> <p>The Surrey Landscape Character Assessment provides landscape strategy guidance for LCA WF3 which is to conserve its peaceful, unsettled character, whilst promoting traditional management of woodlands and hedgerows including the restoration of hedgerow trees. The Landscape Guidelines for Built Development<sup>14</sup> within LCA WF3 include:</p> <ul style="list-style-type: none"> <li>• Conserve the rural, largely unsettled landscape;</li> <li>• Conserve the pattern and character of existing settlements, resisting spread and coalescence of settlement;</li> <li>• Conserve and enhance the landscape setting to villages and edge of settlement;</li> <li>• Any new development should conserve the enclosure and vegetated character of the surrounding landscape;</li> <li>• Built form to be integrated by woodland edges, shaws, hedgerows and open areas linked</li> </ul>
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8.88	<p><i>Is it effective and consistent with national policy to require accordance with the Council’s Air Quality Impact Assessment, conditions developed by Surrey Air Alliance and the Local Transport Plan when these are not a development plan document? In terms of paragraph 154 of the Framework, does the Policy provide a clear indication of how a decision</i></p>		<p>The draft policy is clear that all development proposals must not cause significant environmental effects in relation to pollution and air control. Again, however, TLAG do not consider that these same principles have been adequately applied by TDC in plan making.</p> <p>As set out in our regulation 19 representations and responses to other MIQs, a garden village would perpetuate already unacceptable levels of road congestion and contribute to all the side effects of car travel including poor air quality.</p> <p>The SA found that “air quality is likely to diminish should development go ahead at this potential Garden Community location” primarily because of “increased emissions due to expected high personal car usage, the temporary effects of construction, and the loss of green space which currently acts as a natural air filter”. And, as highlighted in our earlier rep’s, most people living in this garden community</p>

	<i>maker should react to a development proposal?</i>		<p>will commute out to work by car, not by train, thus adding even more traffic to the roads, with its consequent pollution.</p> <p>It is simply not a sustainable location and could not satisfy the policy tests of TLP46 at planning application stage. In which case it cannot possibly be sound to include it as an allocation in the plan.</p>
<i>Q8.89</i>	<i>Is Policy TLP47 consistent with the Framework in regard to the impacts of climate change on flood risk?</i>		<p>The policy is clear that development should be steered to areas with a lower risk of flooding. TLAG support this policy objective, but again this has not been applied by TDC in plan making.</p> <p>Parts of the South Godstone Area of Search are in Flood Zones 2 and 3, although as the SA points out at page 128 there is “sufficient land outside the flood zones” to accommodate all the new housing planned.</p>