Nutfield Parish Council’s Response - Tandridge DC’s Local Plan consultation

The Parish Council is pleased to submit its response to the Local Plan consultation that runs from 4 November until 30 December 2016. In this response the Parish Council has categorised its comments as follows:

- Observations - matters where the Parish Council believes that there are shortcomings that undermine the effectiveness of this consultation exercise;
- Concerns - issues where the Parish Council disagrees with Tandridge DC’s approach and/or its judgements;
- Inaccuracies - where the evidence upon which a judgement has been made is factually incorrect.

1.0 Consultation Process

The Parish Council has a number of reservations about how this second consultation exercise was handled. In its view Tandridge DC’s approach has undermined the ability of residents, businesses and community and volunteering organisations to fully engage in the consultation process and to adequately express their views.

Observations

1.1 Timing – once again the eight week consultation period, as for Tandridge DC’s 2015 Local Plan consultation, includes the run up to and the Christmas holiday period, and ends on 30 December 2016. The Parish Council knows that individual Parishioners and its local volunteer community organisations are finding it difficult to submit comprehensive responses during what is a very busy time for most people.

Also Tandridge DC is asked to take into account the Christmas and New Year period when issuing its consultation on the draft Local Plan next year.

1.2 Number of documents – the Parish Council believes that the legitimacy of this consultation process has been undermined by the difficulty in navigating through and across the plethora of evidence documents. For example,

- Tandridge DC has failed to provide executive summaries to all the documents. Doing so would have helped Parishioners to more quickly understand their contents and relevance.
- Although this consultation focuses on the Sites Consultation (Regulation 18) document, the Parish Council believes that Tandridge DC should have specifically highlighted the potential impact upon the currently “washed over” settlements of its Green Belt Part 2 assessment findings. From the Parish Council’s viewpoint these findings are likely to be of equal, if not, of greater concern to our Parishioners.
- A plethora of evidence documents have been published in 2016, yet there is no simple guidance or map showing the inter-relationship or the hierarchy between them.

1.3 Inaccessibility of the consultation documents – although the Parish Council accepts that by its very nature the Local Plan evidence base comprises a series of technical documents, it believes that Tandridge DC should have paid more attention to improving their “readability”.

None of them are particularly well written, so making it particularly difficult for Parishioners to easily comprehend and appreciate their key points and findings.
2.0 Sites Consultation (Regulation 18)

While the Parish Council understands the reasons behind Tandridge DC’s decision to issue this document, the district council itself acknowledges that it is still “at an early stage in the plan making process” (page 2). The Parish Council believes that it was premature to issue this consultation document, and that in doing so the purpose of this consultation is severely undermined.

Observations

2.1 An incomplete document – in so many respects this Sites Consultation is unfinished and there are too many unknowns. As a result, the Parish Council’s view is that respondents have not been given sufficient information on which to make an informed judgement about each site.

For example, Tandridge DC has missed the opportunity to include the significant information available in the Landscape Capacity and Sensitivity Studies, or even to highlight the location of this further relevant information. In the Parish Council’s views the Landscape Capacity and Sensitivity Studies of each site should have been included in this document rather than “the snap shot” presented.

2.2 Lack of context – in its “Issues and Approaches” (Regulation 18) document Tandridge DC set out a number of possible delivery approaches to achieve its housing target for the period 2013 - 2033. Without knowing what progress Tandridge DC has made on refining the potential delivery approaches or being given an update on the number of homes completed or granted planning permission since 2013, it is difficult to comment on the inclusion of particular sites within this document.

In its response to the “Issues and Approaches” consultation the Parish Council set out its preferred delivery approach and this remains its position:

“The Parish Council would like TDC to include Approach 2B within its delivery strategy. This would fit with the government’s wish to increase the density of development around commuter hubs as set out in its consultation on amending national planning policy (as set out in the NPPF). Building at a density of 70 dwellings per hectare in Caterham Valley and Oxted is currently within the range of TDC’s existing Core Strategy Policy 19 which it is intending to retain. Also increasing the residential populations in both towns would bring the increased “foot fall” required to address Issues 2, 3 and 4 identified in the Town Centres / Retail and Leisure section.

Combining Approaches 1, 2B and 3 would deliver an estimated 10,366 additional homes (easily exceeding the identified requirement), minimise the need to build on Green Belt land (other than to meet local needs), would not exacerbate an issue cited in Section 7 (the number of households in rural areas reliant on cars) and would reduce the pressure on what is often barely adequate infrastructure in rural settlements”.

Concerns

2.3 Publishing the location of Category 3 potential sites - the Parish Council believes that it was unwise of Tandridge DC to publish full details of those potential sites that have been excluded from further investigation under its Green Belt Assessment process, as they have been assessed as contributing to the Green Belt’s openness.

The Parish Council does not find Tandridge DC’s explanation for doing so is acceptable. Placing these sites in the public domain has not only given “hope” value to the land owners, but has also alerted developers to the possibility of development within the Green Belt surrounding this Parish.
2.4 Misleading site assessments - despite each potential site appearing to have been assessed against 16 criteria only two, landscape and ecology, have been used in determining their development potential.

The Parish Council is disappointed that Tandridge DC has not made this clearer in the document. In particular, paragraphs 3.3 and 3.5 are particularly misleading. As a result many respondents may not have paid heed to the colour coding of the other criteria, particularly where their colour is “red”.

2.5 “Exceptional circumstances” – the Parish Council has serious concerns about the reference to “exceptional circumstances test” that appears in the assessments of the three potential housing sites located within its parish. This is addressed in its comments on the Spatial Approaches Topic Paper: Sites Consultation (section 4 of this response).

Response to Question 1 - “Do you agree with the Council’s consideration of a site and if not why not?”

2.6 NUT 008 - the Parish Council agrees that this potential site is clearly not suitable for development.

2.7 NUT 010 - this assessment has not taken into account the potential for rain water “run off” from the development of this site which would further exacerbate the surface water flooding on this stretch of Mid Street.

In addition the Parish Council believes that the issues identified in the Landscape Capacity and Sensitivity Study have not been given sufficient weight, namely that any development of this site “would not be entirely consistent with the development pattern along Mid Street” and that any housing proposals “would need to demonstrate no adverse impacts on the setting to the surrounding landscape and settlement”.

Taking into account the site’s Green Belt status and the issues identified above, the Parish Council does not believe that it should be subjected to an “exceptional circumstances” test, and instead should be assessed as unsuitable for development.

2.8 NUT 012 - given the proximity of this potential of this site to Redhill Aerodrome the Parish Council believes that this issue should have been investigated.

The site is located beneath Redhill Aerodrome’s Runway 18/36 which is routinely and regularly used by helicopters departing and arriving at the Aerodrome. In addition both the Air Ambulance and Police helicopters (based at the Aerodrome) operate on a 24/7 basis. Fixed winged aircraft also use this runway, albeit less frequently and only when 08/26 cannot be used.

The Parish Council believes that this site should be re-assessed as not suitable for development given the following constraints:

- impact of Runway 18/36;
- the difficulty of mitigating the adverse impact on South Nutfield of extending its settlement form / pattern;
- its contribution to the setting of the surrounding landscape and settlement.

2.9 NUT 014 - in assessing the potential of this site no regard has been paid to the possible impact upon the listed status of Ridge Green Farm (Grade II).
2.10 ENA 9 - the Parish Council concurs with Tandridge DC’s assessment on this site. It believes that the need to mitigate the impact of any further development if the candidate ANOB is approved, is a significant constraint on its potential for expansion.

2.11 ENA 11 – Although RAV have subsequently put forward the Aerodrome for a mixed housing and employment site (discussed below in response to Question 2), there does seem to be an error in the Landscape Capacity and Sensitivity Study. Paragraph 1.3 judges the visual sensitivity to be substantial yet in the calculation in 2.1 the sensitivity is shown as moderate.

Response to Question 3 – “Other areas - are there any other areas in the district that the Council should consider for its suitability as a location for a new or extended settlement?”

2.12 Since this document was issued Redhill Aerodrome has been submitted as a location for a new settlement. The Parish Council is very concerned to learn from a reliable and well connected third party that Tandridge DC representatives are now talking about this site as a potential area for a new settlement. If true, this is particularly inappropriate, as it is the Parish Council’s understanding that RAV’s submission has not yet been assessed in accordance with Tandridge DC’s HELAA Methodology 2015.

2.13 RAV have previously declined to submit this site for consideration for housing development within the Local Plan process. This very late submission has all the hallmarks of a totally speculative approach, and perhaps a ploy to circumvent this consultation exercise.

The Parish Council believes that Tandridge DC has an obligation to consult again, ahead of issuing the draft Local Plan in 2016, if this or any other site comes forward and is assessed as having development potential either as a single site or as an area for a new or expanded settlement.

2.14 The proposals in the public domain are very much at the fledgling stage, and there is a complete absence of any substantive detail. So, although it is difficult to submit a robust response to this proposal, the Parish Council feels that it is important to remind Tandridge DC of the following, namely that Redhill Aerodrome:

- is located within the Green Belt;
- is not a Brownfield site as sometimes described by the promoters. The only Brownfield element is the land that has been previously developed, and its Green Belt status was firmly established in the Court of Appeal as recently as October 2014;
- has severe flooding issues which render it unsuitable for development;
- any further development is likely to be constrained due to its impact on the candidate ANOB.

2.15 Contrary to what is often said, the options for this site are not a choice between the housing proposed or a hard runway. In the Parish Council’s view the starting point for this site’s assessment must be that there is absolutely no inevitability that significant development will be permitted at the Aerodrome, as current planning regulations mean the opposite is more likely to be the case.

2.16 The Parish Council feels that it is important that Tandridge DC’s representatives are briefed accordingly.
3 Green Belt Assessment Part 2

In the Parish Council’s opinion there are failings in the robustness of and the application of the test and evidence used in this assessment which seriously undermine its resulting conclusions.

Observations

3.1 Definition of a “village” - NPPF Paragraph 86 specifically states that the assessment of “open” and “openness” relates only to “a village”, yet another term that is not defined in this document. The Parish Council notes that every rural settlement within the district has been assessed without any prior thought being given to whether it fulfils the criteria of being “a village”. The Parish Council thinks that it is surprising that this has happened, as this particular issue was raised by the Inspector examining its draft Core Strategy in 2008 (paragraphs 6.33 to 6.38 Inspector’s Report deal with this issue). The following two paragraphs are particularly relevant:

“6.34. I am, of course, very aware that the CS should not determine the future development of rural communities against a too narrow test of sustainable development (a concern in, for example, The Taylor Review – Living Working Countryside, presented to the Government in July 2008). But some of the Green Belt Settlements that I visited were little more than small, isolated collections of dwellings, clearly dependant on the private car, and which would require major development initiatives to become sustainable communities. I conclude that the CS does not provide a clear, evidence based, long term vision which balances and considers for each Green Belt Settlement their environmental, economic and social needs……..

6.35 I am aware that these settlements have been defined and infilling permitted for many years in the Local Plan, and that the amount of new housing likely to be produced from this source is relatively low. So one option would be to recommend that the Local Plan policies for them continue pending a later review. But it is clear from the evidence that these settlements have never been properly assessed as regards sustainability, nor have they been reassessed in the light of the major national changes in planning for housing in the countryside since they were first brought into being in the mid-1980s. Moreover, whilst the numbers of houses likely to flow from this policy would be small, any new housing could perpetuate unsustainable communities, thereby adversely affecting important Government policies on matters such as climate change.”

As a result, settlements defined by Tandridge DC’s Settlement Hierarchy as being “Limited and Unserviced Settlements” were assessed, even though they have been deemed to be not “sustainable”. Incidentally, the information used to classify Nutfield and South Nutfield is incorrect and this was drawn to Tandridge DC’s attention in February 2016 by the Parish Council. The Parish Council is unclear whether these amendments have been made to the Settlement Hierarchy.

The Parish Council believes that Tandridge DC should have considered and explicitly stated its definition of a village before undertaking this Part 2 Assessment. For example, the UK Office of National Statistics publication (“Urban and Rural Area Definitions for Policy Purposes in England and Wales: Methodology (v1.0)”) could have been used to classify the rural settlements based upon a robust assessment of census information.

3.2 **Assessing the character of each settlement** - the two key terms within Paragraph 86 are “open” and “openness”, yet neither is defined within the NPPF. As a result, their definitions have been the subject of numerous court hearings. In reviewing the Part 2 Assessment the Parish Council has been unable to explicitly identify Tandridge DC’s definition of “open” and “openness”.

Based upon the text within the assessment reports it appears that the definition is very narrow and only relates to the volume of buildings. In the Parish Council’s view such a narrow definition is inappropriate when considering the character of a settlement which inevitably will have some level of development. In a recent Appeal Court judgement (Turner v Secretary of State for Communities and Local Government) Lord Justice Sales held that visual impact is implicitly part of the concept of “openness of the Green Belt”

“The question of visual impact is implicitly part of the concept of “openness of the Green Belt” as a matter of the natural meaning of the language used in para. 89 of the NPPF. I consider that this interpretation is also reinforced by the general guidance in paras. 79-81 of the NPPF, which introduce section 9 on the protection of Green Belt Land.”

The consequences of applying this definition to the two settlements within the Parish are discussed in paragraph 3.7 for Nutfield and 3.9 for South Nutfield.

3.3 **Failure to consider the bigger picture** - the Parish Council believes that the judgements are flawed due to Tandridge DC’s failure to take account of the planning policy consequences should the candidate ANOB status be approved. The NPPF is clear that an AONB should be afforded the highest level of protection in terms of landscape and scenic beauty. Tandridge DC is under an obligation to ensure that its duty is fully addressed by appropriate Local Plan policies.

Even if the ANOB application is not approved Tandridge DC should ensure that the Parish’s existing designated Area of Great Landscape Value is protected by appropriate policies.

3.4 **Potential for inconsistency** - with different staff members involved in this assessment process, there is clearly the potential for inconsistency as a result of a lack of a standard clearly expressed definition of “open” and “openness”. In the Parish Council’s view it is surprising that there is no mention of any validation process being undertaken of the completed assessments. Given the potential consequences for settlements of the conclusions reached, this is a serious oversight.

3.5 **Use of a standard pro-forma** - while the Parish Council understands the reason for using a standard pro-forma, it notes that it was used for both the assessment of the individual parcels of land and the settlements. In the Parish Council’s view this decision has skewed the assessment of the settlements for the following reasons:

- by their very definition settlements will be developed to some extent, making Part D redundant.
- it was not sufficiently nuanced to capture the individual characteristics of smaller settlements, such as Nutfield and South Nutfield. For example, while neither village has a Conservation Area, both settlements, and Nutfield in particular has a wealth of historic buildings, with a total of 24 having an English Heritage listing.
- there is no explicit assessment of density and the layout of the settlement being investigated.

**Concerns**

There are a number of issues about the assessments completed for both Nutfield and South Nutfield which in the Parish Council’s view may have contributed to judgements being made that are subjective.
**Nutfield**

3.6 **Is it a village?** – the Parish Council believes that this settlement does not fully meet the criteria for a “village” as either ordinarily understood\(^2\), as it does not have:

- any shops for day to day needs or a Post Office;
- allotments;
- only very limited places of work.

Also as already discussed in paragraph 3.1 there has been no evidence based assessment of its status. Indeed Tandridge DC’s own Settlement Hierarchy defines it as a “Limited and Unserviced Settlement”. If it is not a village, then the Parish Council contends that Paragraph 86 does not apply to this settlement.

3.7 **Failure to consider the visual impact** – As discussed in paragraph 3.2 the Parish Council believes that the assessment should have paid regard to the visual impact of this settlement. Had it done so, then it would have been clear that due to the typology of the settlement and the road layout its volume is never seen in its entirety whether entering from the east or the west.

Incidentally the settlement’s typology means that it is screened and hidden from view from both the north and south, so does not impact upon the openness of the Green Belt land surrounding it.

3.8 **Assessment’s photograph** - in the Parish Council’s view the inclusion of this photograph is misleading as it is an atypical view of the settlement.

**South Nutfield**

3.9 **Failure to consider the visual impact** – as discussed in paragraph 3.2 the Parish Council believes that the assessment should have paid regard to the visual impact of this settlement.

Indeed this Assessment recognises that the village has a “semi-rural appearance” (page 29) in spite of the extent of built development. A closer inspection of the village’s typology, the impact of the railway line embankments and the meanderings of the north / south road (Mid Street) means that the extent of its buildings is never seen in its entirety. In addition a significant proportion of its homes are effectively screened from its various roads as a result of the village’s sloping terrain.

3.10 **Assessment’s photograph (page 100)** – the Parish Council’s view is this photograph gives a false impression of the village’s built environment.

It is of the homes Trindles Road, the most densely built road in the village. This building type, Victorian terraced and semi-detached workmen’s cottages, is atypical of the village. Had a photograph been taken in The Avenue or in Mid Street (south of the railway bridge), then a very different impression would have been given.

\(^2\) http://www.bbc.co.uk/history/domesday/dblock/GB-536000-261000/page/13
Inaccuracies

The Parish Council has noted the following factual inaccuracies in the assessments which undermine the conclusions reached.

**Nutfield**

3.11 **Assessment Part B** - the Parish Council does not understand the reference in the first sentence to “The settlements of Nutfield….”, and “…the settlements as a whole area are cumulatively quite large”.

The Parish Council requests clarification of the area assessed, and how the judgement of GBA Area 029 being “cumulatively quite large” has been reached. According to Tandridge DC’s analysis of census data has a population of approximately 350, the third lowest of all the settlements in the district.

3.12 **Assessment Part D** – the assessment has failed to highlight that the settlement’s built environment is predominantly just one building deep on both sides of the A25.

3.13 **Assessment Part F** – the Parish Council is unclear why there is any discussion around the difficulty of drawing a boundary around the settlement. There is already an agreed defined boundary around the entirety of the settlement in the existing DPD.

3.14 **Assessment Part L** - the Parish Council has two concerns about the judgement made.

3.14.1 **Assessment of its open character** - Tandridge DC’s assessment that “Land within the core (between development on the west side of Parkwood Road to the cluster of development to the east of Church Hill and Cooper’s Hill Lane) is mostly built-up and not considered to contribute to the openness of the Green Belt” is incorrect.

Entering the settlement from Redhill the homes on the northern side of the A25 from Parkwood Road until the junction with Mid Street (61 – 82 High Street) face hedged fields. After the junction (aside from the homes in the former school and the community hall) there are no buildings until the infill development at Shortacres.

Aside from the Old School House at the junction with Mid Street, the homes on the south side of the A25 do not start until east of the junction with Mid Street. However, when these start they face the open land of the War Memorial, the Memorial Hall, the Recreation Ground and the public footpath (67 – 52 High Street). In addition these homes are well set back from the A25 being situated behind hedges or an old wall.

The assessment failed to mention the open ground of the former Pound. When the homes restart on the north side of the A25 they face the open ground of the former "Pound", and are set back from the road behind hedging.

It is only from 48 High Street on the north side and the first infill development on the south side of the A25 that there are homes on both sides.

In the Parish Council's view the settlement has an open character until the collection of historic cottages (32 - 48 High Street) and the three terraces on the northern side of the A25 and on the south side from the Queen’s Head public house.

3.14.2 **Density** - the Parish Council requests sight of the factual evidence which has been used to measure the density of Nutfield’s buildings. If none is available, then this is clearly a subjective judgement that is not evidenced.
South Nutfield

3.15 **Assessment Part A** – the Parish Council is unclear what area is being referred to in the sentence “The historic core is Victorian with areas of dense development”. Historically the village’s core was immediately to the north and south of the railway station. The Parish Council also disagrees with the assertion that there are areas of dense development.

Developed from 1884 onwards, South Nutfield was effectively zoned by its developer to attract a varied range of purchasers. Building commenced on both north side of the railway line (Trindles Road, Holmesdale Road and parts of Mid Street) and to the south (The Avenue, Bower Hill Close, Netherleigh Park, Nutfield Park, and the west side of Mid Street) roughly the same time. A substantial number of these new homes were detached with substantial gardens, and the Victorian road layout is still much the same today with relatively low density housing (detached and semi-detached), even where infilling has been allowed.

The Parish’s Housing Needs Survey undertaken in May 2011 (using 2001 census data) obviously looked at the housing stock across the entire Parish, but a substantial proportion of its 1,120 homes (2011 Council Tax records) are in South Nutfield. This that of the Parish’s households:

- 40.6% live in detached accommodation compared to 35.4% of Surrey households;
- 26.9% live in semi-detached accommodation compared to 30.8% of Surrey households;
- 21.8% live in terraced accommodation compared with 16.2% of Surrey households.

3.16 **Assessment Part D** – the Parish Council is unclear which developments comprise the “large areas of the village include built form dating from the 1950s and 1960s”.

3.17 **Assessment Part E** – the Parish Council does not accept that “beyond the boundary the village is bounded by fields, many of which do not appear to have an active agricultural use….”. This is incorrect, there are several farming enterprises within the Parish with the land holdings of three directly abutting the village’s DPD defined boundary.

3.18 **Assessment Part H** – in the Parish Council’s opinion the first sentence gives a misleading impression of the extent of amenities within the village. There is only one shop, only one “drinking establishment” and the Parish Council is unaware of any “non-residential institutions” within the Defined Village boundary.

3.19 **Assessment Part L** – there are a number of misleading statements in this conclusion

3.19.1 “large village” – the Parish Council would like sight of the criteria used to assess South Nutfield as a large village. Of the nine settlements currently categorised as “Defined Villages”, South Nutfield has the fourth largest population (circa 1,900), but it is significantly smaller than Godstone, being only 2/3rds of its size in terms of population.

As the paragraph goes on to say, under the Settlement Hierarchy South Nutfield is defined as a rural settlement. However, Godstone is now categorised as a “semi-rural service settlement” together with Lingfield and Smallfield, both of whose populations are double that of South Nutfield.

3.19.2 “some of which is high density terraced housing” – the Parish Council would like sight of Tandridge DC’s evidence as to the percentage of high density terraced housing within the village.

3.19.3 “extends over a wide area” – while this is true, for the most part the village’s built development is predominantly only one building deep.
4 Spatial Approaches Topic Paper: Sites Consultation

While much of the content of this topic paper relates to the two documents upon which the Parish Council has already commented, it has some observations on Section 12, “Exceptional Circumstances”. This is a term that appears in both the Sites Consultation and the Green Belt Assessment.

Observations

4.1 Overview of “exceptional circumstances” case law – while Tandridge DC is correct in highlighting that this term is the subject of case law, the Parish Council feels that its review of existing case law fails to demonstrate an in depth knowledge of relevant cases.

4.2 "exceptional circumstances test" – using this phrase is misleading. There is no standard set of assessment criteria to demonstrate exceptional circumstances. Rather it is an individual site by site judgement based the particular circumstances of each.

4.3 Paragraph 12.1 – highlights that determining “exceptional circumstances” is “a process more appropriate for a later iteration of the Plan”. The Parish Council questions the feasibility of Tandridge DC undertaking this process for all of the Category 2 and 3 sites given the resource requirements needed to make a sound planning judgement for each individual site.

4.4 Altering the Green Belt boundary – the Parish Council is concerned that this Section fails to specifically highlight the principles (established by case law) to be taken into account when a planning authority is considering altering or extending a Green Belt boundary3:

- “…the starting point for every local authority is that this decision should only arise after all reasonable and acceptable efforts have been taken to maximise the amount of development within the urban area. Optimising densities and ensuring that all land is appropriately used must be the first response to growth. This would include a review of employment land and other areas or uses that are protected by planning policies, commensurate with ensuring the proper balance between residential, employment and other uses”.

- “…general planning merits cannot be exceptional circumstances: for example, it is not sufficient that the local authority consider that the relevant land would, or would not be, a sustainable location for development, or that they would have drawn the boundary line in a different place had they been starting from scratch. In other words, something must have occurred subsequent to the definition of the Green Belt boundary that justifies a change. The fact that, after the definition of the Green Belt boundary, the local authority or an inspector may form a different view on where the boundary should lie, however cogent that view on planning grounds, that cannot of itself constitute an exceptional circumstance which necessitates and therefore justifies a change”.

- “…before making any alteration to a Green Belt boundary a local planning authority must determine that exceptional circumstances exist before they do so”;

- “…Should a local authority decide that exceptional circumstances do necessitate a revision to Green Belt boundaries, then they cannot revise the boundaries further than is necessary to meet those exceptional circumstances”;  

3 Extracts taken from Elmbridge DC’s discussion paper on “exceptional circumstances” - www.elmbridge.gov.uk/EasySiteWeb/GatewayLink.aspx?alld=2738