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7th September 2018

Nutfield Parish Council
27 Shirley Avenue
Redhill
Surrey, RH1 5AH

Tandridge District Council
8 Station Road East
Oxted
Surrey, RH8 0BT

Dear Sir/Madam

Nutfield Parish Council's Representations on Tandridge DC's "Our Local Plan: 2033 (Regulation 19)"

Introduction

Nutfield Parish Council is a largely rural parish located within Tandridge DC's administrative boundary, but adjacent to the district council's western boundary with Reigate and Banstead BC. Situated between the town of Redhill to the west and Godstone to the east, all of the Parish lies within the Green Belt and part is within an Area of Outstanding Natural Beauty. All three of its settlements are "washed over" by the Green Belt.

Although the Parish Council has a limited remit in respect of planning issues, it has been engaged in Tandridge DC's Local Plan making process from the initial stages. Throughout this process the Parish Council has produced regular updates for its Parishioners, taken up opportunities to represent the interests of its local businesses, residents and those working in the Parish, and made substantive comments on all three of Tandridge DC's Regulation 18 Local Plan consultations.

The Parish Council's Representations

While the Parish Council acknowledges that "Our Local Plan: 2033 (Regulation 19)" should be read as a complete document, it does not have the resources to review the entire document. So, the Parish Council has restricted its representations to issues of "soundness" (paragraph 182, 2012 NPPF) and also to those policies which have specific relevance for its Parishioners, local employers and their employees, and the Parish's various community and voluntary groups. Sixteen such policies were identified, and each was reviewed taking into account the relevant 2012 NPPF

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policies while also identifying any policy changes in respect of these in the current NPPF (2018).

Based upon its limited review of “Our Local Plan: 2033 (Regulation 19)” the Parish Council has reached the conclusion that in broad terms it supports this document and finds that for the most part it meets the four tests of “soundness”. However, the Parish Council has identified shortcomings in respect of ten policies which in its view should be addressed prior to this document being submitted for examination.

The Parish Council’s representations are set out below.

NPC Representation 1 - the Parish Council fully endorses the following policies:

- TLP09: Limited & Unserviced settlements
- TLP15: Gypsy, Traveller and Showpeople Provision
- TLP20: Supporting a Prosperous Economy
- TLP21: Employment Hierarchy
- TLP32: Landscape Character
- TLP34: Area of Greater Landscape Value and Area of Outstanding Natural Beauty Candidate Areas

NPC Representation 2 – The Parish Council has concerns about the effectiveness of six policies within “Our Local Plan: 2033 (Regulation 19)” to deliver their required outputs and outcomes.

A Local Plan’s policies and proposals should be deliverable over its life. However, in the Parish Council’s opinion there is either a degree of uncertainty around these six policies or a lack of internal consistency within the document which could potentially undermine their effectiveness.

2.1 *Enhancing certainty*

The Parish Council believes that the following policies need to be amended to give greater certainty that their anticipated outputs and outcomes can actually happen.

2.1.1 *TLP12: Affordable Housing Requirement*

The key to delivering this policy is a table setting out the proportion of affordable homes to be provided on all sites. The proportion depends upon a development’s location and the size of the site referenced by either its measured area or the number of homes being proposed.

While there is no argument about the area of a site, what is open to dispute is the number of homes that could be accommodated upon it. The Parish Council believes

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that setting a size limit by number of homes will not result in the best use of land. There is evidence that a planning applicant will seek to avoid providing affordable housing by proposing building 14, 9 or 4 homes on sites that could accommodate a higher number.

The Parish Council recommends that the number of dwellings should be expressed in terms of a site's assessed capacity based upon the appropriate density for that location/settlement, and that this table should be amended as set out below:

Location/settlement type	Size		Affordable housing requirement
	Assessed site capacity	Site area	
Urban Settlements (Tier 1)	15 dwellings and over, or	0.5ha or more	20%
Semi-Rural Service Settlements (Tier 2)	10 dwellings and over, or	0.25ha or more	40%
All allocated housing sites which have been released from the Green Belt*	10 dwellings and over, or	0.25ha or more	40%
Any site not in the above categories excluding rural exception sites	5 dwellings and over		40%

In addition this policy needs to contain a link to TLP19: Housing Density and the Best Use of Land, and there are potentially two ways in which this could be done. Either "Assessed site capacity" could be defined in the Glossary referencing TLP19 or a sentence could be included at the end of this policy, such as "The Council will determine the "Assessed site capacity" in accordance with TLP19: Housing Density and the Best Use of Land".

2.1.2 TLP19: Housing Densities and the Best Use of Land

While this policy is consistent with the 2012 NPPF the Parish Council believes that it would more robust and defensible if the final sentence of the first paragraph was slightly reworded.

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As Arup's "Urban Capacity Study" highlighted, should Tandridge DC "*choose to include locally specific policies on residential density within the Local Plan, these should be informed by the optimised densities set out in this report...*" In addition the term "*optimised densities*" is used within "Our Local Plan: 2033 (Regulation 19)" (but not within any policies), yet it is not a term that is defined in its glossary.

In the Parish Council's view the final paragraph of this policy should be amended to read "Proposals will be assessed against the optimised densities set out in the Council's Urban Capacity Study (2017) and any subsequent update". Also the phrase "optimised densities" should be added into the Glossary and defined in accordance with Arup's report.

2.1.3 TLP22: Rural Economy

Over recent years this Parish has lost a number of local business sites to housing development. If this policy is to be effective, then the Parish Council recommends that it needs to be strengthened by changing the first sentence from "the Council will positively consider" to "the Council will positively enable:".

The first sentence and bullet point would then read "*In order to support a prosperous rural economy and assist in the provision of jobs and in accordance with other policies of the development plan, the Council will positively enable*":

1. the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion of existing buildings and provision of well-designed new buildings of appropriate scale;"

Please note that the Parish Council's has a more substantive comment about this policy set out in NPC Representation 4 (paragraph 4.2).

2.1.4 TLP33: Surrey Hills and High Weald AONB

As the preceding text does not provide any context for this policy, its aim is unclear.

In addition the jurisdiction of this policy is also unclear because of the ambiguity around the use of the word "relevant". Does it relate to planning applications within Tandridge DC's two AONBs or development proposals outside of them that may have a direct or indirect impact upon them, or both?.

This comment should be read in conjunction with the Parish Council's recommendations for the re-wording of this policy set out in 2.2.3 below, NPC Representation 3 (paragraph 3.3) and NPC Representation 4 (paragraph 4.3).

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2.2 Ensuring internal consistency

The Parish Council has identified three instances where a policy within “Our Local Plan: 2033 (Regulation 19)” is or could be seen to be inconsistent with another policy or policies within it.

2.2.1 TLP08: Rural Settlements

The insertion of Tandridge DC’s existing Detailed Policy 12 (paragraphs A and B) in full has introduced a degree of inconsistency with other policies and /or repeats parts of policies that appear elsewhere. In particular the final paragraph (which probably should be labelled C) is particularly problematic.

The Parish Council believes that there are two options for improving this policy’s consistency:

- the final paragraph with its bullet points is deleted and replaced by a paragraph that references the relevant policies within “Our Local Plan: 2033 (Regulation 19)” with Paragraphs A and B retained;
- the existing Detailed Policy 12 is retained (with its superseded paragraphs deleted), Paragraphs A and B removed from this policy, and the policy references the relevant policies within “Our Local Plan: 2033 (Regulation 19)” and Detailed Policy 12;

Any revision should also ensure that relevant 2012 NPPF policies are not replicable for the reason set out in NPC Representation 4.

2.2.2 TLP16: Traveller Pitch/Site/Plot Design

While the Parish Council fully supports this policy it is unclear how it relates to TLP18: Place-Making and Design (Chapter 20 “Place Making”). In the Parish Council’s opinion many of the general principles in this policy should also be referenced in TLP16.

In the Parish Council’s view either TLP16 should be:

- moved into the Place Making Chapter; or
- appropriate references to TLP18 are added that explicitly clarify whether all or only particular requirements of this policy need to be taken into account.

2.2.3 TLP33: Surrey Hills and High Weald AONB

In the Parish Council’s opinion the final paragraph of this policy (beginning “Small scale...”) is better placed within the appropriate housing chapters.

It is also questionable whether this policy is consistent with the local housing policies set out in respect of the Green Belt or Rural Housing. Further Footnote 34 on page

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19 of the 2018 NPPF states that *“i.e. the areas referred to in footnote 6. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt”*.

This comment should be read in conjunction with the Parish Council’s recommendations for the re-wording of this policy set out in 2.1.4 above, NPC Representation 3 (paragraph 3.3) and NPC Representation 4 (paragraph 4.3).

NPC Representation 3 – “Our Local Plan: 2033 (Regulation 19)” fails to fully meet all of the requirements of the 2012 NPPF.

The 2012 NPPF lays down a number of expectations about the content of a Local Plan. The Parish Council believes that the three policies listed below fail to fully meet these requirements.

3.1 TLP10: Responsive Housing Strategy

“Our Local Plan: 2033 (Regulation 19)” does not meet the requirements of the 2nd bullet point of paragraph 50 of the 2012 NPPF. As currently drafted, this policy fails to ensure that future residential developments deliver the “right” kind of homes needed in this district as required by the 2012 NPPF.

Instead of meeting the NPPF paragraph 50 requirements within its Local Plan, Tandridge DC is proposing to delegate this to a non-statutory document, namely the Tandridge District Housing Strategy (2018). At best this document would only be a “material consideration” in making planning decisions, and Tandridge DC would be under no statutory obligation to review this document every five years or even keep it updated. In addition while this document is cited in the evidence base supporting this policy, it has not yet been drafted.

The Local Plan evidence does include a document, “Tandridge Housing Strategy Precis (2018)”. While the content of this document is still being developed, it does not demonstrate that it will fulfil the criteria set out in the 1st and 2nd bullet points of paragraph 50.

The Parish Council believes that Tandridge DC should use the evidence from its Strategic Housing Market Assessment (2018 iteration) to fulfil the requirements of paragraph 50, set out its housing requirements in its “Our Local Plan: 2033” and specifically state that any updates to these requirements should be based upon its most recent Strategic Housing Market Assessment.

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3.2. TLP13: Rural Housing Exception Sites

Tandridge DC's Glossary includes terminology that is also within the 2012 NPPF's Glossary. This policy includes a reference to affordable housing, yet the definition of "affordable housing" in "Our Local Plan: 2033 (Regulation 19)'s" Glossary is not in accordance with that in the 2012 NPPF.

The Parish Council recommends that where the terminology in "Our Local Plan: 2033 (Regulation 19)" is the same as that used in the NPPF, then reference should be made to the definition in the NPPF, so that is always consistent with national guidance.

So, in this instance the definition of "affordable housing" in "Our Local Plan: 2033 (Regulation 19)" would be as follows: "Affordable Housing" – as defined in the current NPPF.

3.3 TLP33: Surrey Hills and High Weald AONB

This policy does not make any reference to the Surrey Hills AONB Management Plan as required by the existing statutory Management Plan (2014 – 2019 paragraph 1.4). Specifically the Parish Council would have expected the policy to contain a reference to the role of this Management Plan.

In the Parish Council's view an additional paragraph needs to be added to this policy along the following lines - "Both this Plan and all relevant neighbourhood plans will pay regard to the principles set out in the Surrey Hills ANOB Management Plan. This Plan will also be a material consideration in determining planning applications".

This comment needs to be read in conjunction with NPC Representation 2 (paragraphs 2.1.4 and 2.2.3) and NPC Representation 4 (paragraph 4.3).

NPC Representation 4 – "Our Local Plan: 2033 (Regulation 19)" includes the insertion in full, part or an inadequate precis of 2012 NPPF policies contrary to the Local Plans PPG.

This PPG specifically states "*There should be no need to reiterate policies that are already set out in the National Planning Policy Framework*".

There are four policies in which paragraph(s) from the 2012 NPPF are either:

- replicated word for word; or
- broadly replicated; or
- Inadequately summarised.

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The Parish Council's view is that these paragraphs should be deleted, as in the instances listed below there appears to be no justification for their inclusion. Deleting them would have the added advantage of ensuring that any relevant amended 2018 NPPF paragraphs would automatically apply to "Our Local Plan: 2033" upon its adoption.

4.1 *Policy TLP03: Green Belt*

The penultimate paragraph of this policy should be deleted - "*Within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. Proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm*".

It is broadly, but not strictly, in accordance with 2012 NPPF paragraphs 87 and 88. In addition it significantly dilutes their meaning by using the phrase "normally be refused" rather than "should not be approved".

4.2 *TLP22: Rural Economy*

A substantive part of this policy replicates paragraph 28 of the 2012 NPPF.

The Parish Council believes that this policy should be re-written so that only the Tandridge DC specific requirements are mentioned. With the policy amended in this way the Tandridge specific requirements would be retained yet it would also ensure that the 2018 NPPF paragraphs automatically apply with their helpful additional requirements.

Please note that this comment should be read in conjunction with NPC Representation 2 (paragraph 2.1.3).

4.3 *TLP33: Surrey Hills and High Weald AONB*

In the Parish Council's opinion two paragraphs within this policy need to be deleted in addition to the revisions highlighted in Representation 2 (paragraphs 2.1.4 and 2.2.3) and NPC Representation 3 (paragraph 3.3).

The penultimate paragraph is an inadequate summary of NPPF paragraph 116 and it should be deleted: "*Major development in the AONB will not be permitted other than in exceptional circumstances and where it can be demonstrated to be in the public interest*".

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The final paragraph is not in accordance with NPPF Paragraph 115, is unclear and not consistent with “Our Local Plan: 2033” housing policies set out in respect of the Green Belt or Rural Housing, and should be deleted: *“Small-scale affordable housing schemes and/or rural exceptions development may be acceptable where they would serve a demonstrable local need, in perpetuity and conform with the policies in the Development Plan”.*

4.4 TLP37: Trees and Soft Landscaping

The final paragraph significantly replicates bullet point 5 of paragraph 118 except for the reference to “(including from indirect impacts such as visitor pressure)” and should be deleted: *“Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland (including from indirect impacts such as increased visitor pressure), unless the need for, and benefits of, the development in that location clearly outweigh the loss”.*

To accommodate the reference to indirect impacts, a new final paragraph could be drafted along the following lines - “When determining requests for planning permission the Council will also take account of any indirect impacts such as visitor pressure”.

Please note Nutfield Parish Council’s Regulation 19 submission is supported by the Nutfield Conservation Society as detailed below.

‘Nutfield Conservation Society fully support the representation from Nutfield Parish Council concerning the Tandridge Draft Local Plan Consultation (Regulation 19).

This support is from our 10 strong committee plus 166 members of Nutfield Conservation Society.

Peter Forbes – Chairman. www.nutfieldconservationsociety.org.uk’

NPC are happy to meet with representatives of TDC to discuss or clarify issues raised within this submission. If you have any questions please do not hesitate to contact me.

Yours sincerely

Nicky Chiswick
Clerk and RFO to Nutfield Parish Council