Examiners Further Questions

Limpsfield Neighbourhood Plan 2018 - 2033

Further Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPi

John Slater Planning Ltd

4th January 2019
Introduction

1. As you will be aware I have been appointed to carry out the examination of the Limpsfield Neighbourhood Plan. On 7th December 2018, I submitted a document entitled Initial Comments of the Independent Examiner seeking clarification on a number of matters and I am grateful for the comments received from both the District Council and the Parish Council.

2. I have been proceeding with the drafting of my report and I had hoped to have been able to issue a report next week. However, I became aware yesterday, through an online article in Planning Resources, that Tandridge District Council has agreed to shortly submit its Local Plan to the Secretary of State. Could I be advised whether it has now been submitted. I have reviewed the Planning Officer’s report that was presented to Tandridge’s Planning Policy Committee on 19th December 2018. This highlights the fact that that the local plan version for submission, will be including a housing figure which is less than the districts Objectively Assessed Need (OAN).

3. This, as the Officer’s report points out, will be a matter which the Local Plan Inspector will have to address and no doubt will be the focus of discussion at the Local Plan Examination. It is not a matter that necessarily is central to my examination of the Limpsfield Neighbourhood Plan, but it could have implications for my consideration of the question of Local Green Space (LGS) and in particular site, LGS2 Glebe Field. As parties will be aware this has been the subject of objections at Regulation 16 stage, on behalf of the Diocese of Southwark.

Local Green Space

4. I have come to an initial conclusion, that two linked sites, LG1 Brook Field and LGS3 Glebe Meadow are both capable of designation as LGS. The Brook Field is not available for development and I am satisfied that the Glebe Field has a more formal recreational role that means it is important for the community.

5. My overall impression is that the adjacent Glebe Fields also meets the specific tests set out in paragraphs 76 and 77 of the NPPF (2012) and I am satisfied that the site is “demonstrably special to the local community and holds a particular local significance”.

6. However, my conclusions on LGS designation must also have regard to whether the plan meets the requirement, set out in Para 76, namely that “Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and compliment investment in sufficient homes, jobs and other essential services”.

7. I recognise that the Submission Version of the local plan is not seeking to allocate any residential land in Limpsfield Parish. However, the Officer’s Report acknowledges that if the Local Plan Inspector does not accept the
Council’s arguments put forward for not meeting the OAN, then additional sites may need to be found.

8. It strikes me that the Glebe Fields site is within the settlement boundary and hence does not require development encroaching in the Green Belt and it is a location where residents would be able to use the town centre without the need for a car, and also it is within walking distance of Oxted Railway Station. As such it could be argued that its location is more sustainable than other possible housing sites that may have to be considered. The difficulty is that if the land is designated as LGS, then the opportunities for residential development within the settlement boundary, will be lost for the period of the Local Plan.

9. The dilemma I face is, whilst there is undoubtedly clear public support for designation, the Local Plan Inspector may require the District Council to seek to find additional housing sites and Glebe Fields, which may be attractive in terms of its location, would be ruled out on the basis of its LGS designation. Hence it could be argued, that the LGS designation, under the particular circumstances, where the shortfall in the emerging Local Plan meeting its OAN, would be inconsistent “with the local planning of sustainable development”. That conclusion only arises if the Local Planning Inspector does not accept the District Council’s arguments on the constraints of the AONB and Green Belt which prevent it meeting its requirement for new homes.

10. I have given some thought as to whether the land could be given some temporary protection until the position regarding the Local Plan and the housing figures, has been resolved. If the land is not required, as part of the Local Plan, or is not found to be a preferred location, then it would be possible to confer LGS status at that stage, possibly through a review of the neighbourhood plan. Alternatively, I could just recommend that the land is not designated as LGS but I am trying to reconcile the public support for LGS designation, with an uncertain housing supply situation.

11. I am therefore inviting comments or representations on this question, from Tandridge District Council, Limpsfield Parish Council and the agents on behalf of the landowners, on the question of whether the identification of Glebe Fields as LGS could be inconsistent with the local planning of sustainable development, in view of the fact that this land is within the settlement boundary, is not in the Green Belt and is available for development and the emerging local plan is not proposing to meet Objective Assessed Need.

Policy LNP2

12. This is a matter that I have picked up in my report, but in view of the fact that I am seeking further representations on the topic of Glebe Fields, I am taking the opportunity of seeking the views of both the Parish Council and the District Council on a further matter.
13. The substantive wording of Policy LNP2 is almost identical to that set out in Policy DP8 of the Local Plan Part 2: Detailed Policies. Therefore, that current policy already protects the built-up areas within Limpsfield Parish. Could the Parish Council explain what is the rationalise for duplicating the policy in the Neighbourhood Plan.

14. Furthermore, it appears that the new local plan does not carry that policy forward in the same form i.e. a policy specifically dealing with Residential Garden Land Development and it appears to place greater emphasis on making efficient use of land, in line with national advice, as set out in the proposed Policy TLP 19: Housing Densities and the Best Use of Land. Could the Parish Council and the District Council offer a view as to whether it considers that the provisions of Policy LNP2 would be in conflict with Policy TLP 19, if that policy were to be adopted. I have regard to whether the provisions of Section 38 (3) of the Planning and Compulsory Purchase Act 2004 would apply, if the local plan were adopted after the neighbourhood plan is made.

**Final Matters**

15. I would ask that responses to these two matters could be coordinated by Nicola Walters from the District Council. I am copying this note to the Parish Council and the LPA, and I would ask that Tandridge forward this note to the agents for the Diocese of Southwark. I would be pleased to receive any comments by 5pm on Friday 18th January 2019.

16. Please can parties place a copy of this document and the respective responses on the District Council’s and the Parish Council’s respective websites.
Mr G H Dessent
8 Hurst Green Close
Oxted
Surrey
RH8 9AN

18th January 2019

Mr John Slater
John Slater Planning Ltd

Dear Mr Slater,

Re: Limpsfield Parish Council Response to Further Comments of the Independent Examiner

The Parish Council wishes to thank the Examiner for giving it the opportunity to provide further comments before the conclusion of your examination of the Limpsfield Neighbourhood Plan.

Our comments relating to the proposed Local Green Space designations and on Policy LNP 2 are attached.

As requested, the Parish Council will publish the Examiner’s Further Comments and the Parish Council’s response on the Limpsfield Parish Council and the Limpsfield Neighbourhood Plan websites.

Yours Sincerely

Geoff Dessent

Clerk to Limpsfield Parish Council

cc Emma Amies - Tandridge District Council - Nicola Walters - Tandridge District Council
Local Green Space Designations

We are pleased to note your preliminary view that both the Brook Field (LGS1) and Glebe Meadow (LGS3) are capable of designation as Local Green Spaces. The Parish Council appreciates your recognition of the importance that these areas have to the local community and the specific recreational role played by the Glebe Meadow. We have no further comments to make on this aspect of the Neighbourhood Plan. However, we do note the very recent representations from the Parochial Church Council, which refer to the range of uses which might be suitable in the Glebe Meadow (LGS 3), the Parish Council would consider it appropriate to add the word ‘sport’ to ‘public recreational’ and ‘community’ in policy LNP8.

With respect to the adjacent Glebe Field (LGS2), we are pleased to note your overall impression is that the proposed allocation meets the specific tests set out in the NPPF. This was firmly the Parish Council’s view when considering the tests and making the proposal. We have already provided a significant amount of detail on the specific tests and do not feel it necessary to restate that information here.

The Parish Council notes and appreciates your comments with respect to the wider issue of ‘the local planning for sustainable development’ as it relates to the Glebe Field and in particular your concerns relating to the emerging Local Plan. We have liaised closely with the District Council throughout the preparation of the Neighbourhood Plan. Whilst we have been aware of the emerging Local Plan and of the discussions relating to the OAN for housing, the Parish Council was not aware from our dialogue with the District Council that this was likely to be an issue for the Neighbourhood Plan. Extensive work had been carried out by the District Council to identify potential development sites across the District and none had been proposed within the built-up area of the Limpsfield Parish. We note that that this work included an Urban Capacity Study, carried out by Ove Arup Partners (Tandridge District Council Urban Capacity Study June 2017), designed to ‘identify additional sites which have not currently been included in the HELAA process within existing sustainable settlements’. Oxted, Hurst Green and Limpsfield were included in this work. Appendix A to the study shows the areas of search and the sites which were identified. The Glebe Field is shown as being in the urban area but was not a selected site.

Notwithstanding this, we have indicated in the Neighbourhood Plan our commitment to working constructively with the District Council on the strategic decisions needed to identify suitable sites for new housing where they would affect the Parish. This approach is set out in the third and fourth paragraphs on page 21 of the Neighbourhood Plan. The Parish Council’s own decision not to make any housing allocations is also documented in the last two paragraphs of page 20 of the Neighbourhood Plan; this followed the consultation with local residents and businesses in 2017, in which, amongst other things, respondents were asked to identify sites that they thought could be suitable for development and sites which they considered unsuitable (Survey questions 2.2 and 2.3 and Residents Household Survey final report May 2018). The Parish Council had also met and
discussed the Glebe Field and Meadow with the Diocese of Southwark in October 2017, before the Regulation 14 and Regulation 16 versions of the Neighbourhood Plan were prepared.

The Parish Council acknowledges the possibility that the Local Plan Inspector may require the District Council to seek additional housing sites. However, we do not believe that this should prevent the Neighbourhood Plan including the Glebe Field as an allocated Local Green Space. The allocation is well justified and, as you, the Examiner, have noted, it meets the specific tests for Local Green Space designation, is ‘demonstrably special to the local community’ and ‘holds a particular local significance’. In our view the allocation is wholly consistent with ‘local planning for sustainable development’ as set out in Paragraph 76 of the NPPF. Whilst housing is an important component of sustainable development, the 2012 NPPF recognises that sustainability is a much broader concept, incorporating a range of economic, social and environmental issues. Although the Neighbourhood Plan is not being judged against the new NPPF, we also note that this extends the ‘social objective’ of sustainable development to make specific reference to open spaces. In this wider context of sustainability, the Glebe Field contributes directly to the quality of the built and natural environment by retaining, within the framework of the built-up area, a highly valued lung of open space for Limpsfield which, as demonstrated by the support given to the proposed Local Green Space allocation and by the Examiner’s preliminary conclusions, adds significantly to the quality of life experienced by those who reside in or visit the Parish.

We also acknowledge that, from the perspective of housing delivery alone, the area could be seen as being in a sustainable location. Its allocation as Local Green Space would not, however, mean that development cannot or would not continue to take place within the Parish. As indicated on page 22 of the Neighbourhood Plan as submitted, windfall sites will continue to come forward. In our view, a decision by the Local Plan Inspector to require the District Council to seek further housing allocations would involve much wider strategic decisions and should not compromise a detailed local decision on a site which it has been acknowledged meets all the normal criteria for designation as Local Green Space. If in due course, the District Council is required to seek more land for housing, then Policy TLP01 of the Submission Local Plan states:

“We will support our areas in preparing positive Neighbourhood Plans so that our communities can take a leading role in shaping their settlements and helping us meet identified development needs to keep the District a place where people want to live, work and visit. The support for Rural Exception Sites will be extended to all our settlements where justified and remain responsive to local need.

Previously-developed land within settlements will be prioritised and all development designed at appropriate densities in accordance with TLP19 and other relevant policies of the development plan.”

Whilst all areas of open land within the Green Belt and within the built-up area will come under scrutiny, the policy is clear that previously developed land should be the District’s preference. In the context of the Glebe Field, that scrutiny should be made in the context of its proper allocation as a Local Green Space.

The Parish Council acknowledges and appreciates your efforts to find a way forward which enables the area to obtain temporary protection. We consider, however, that, in the event that the Local Plan inspector were to conclude that further housing sites were to be needed across the District, the absence of a proper Local Green Space designation would result in the importance of the Glebe Field
not being fully recognised. Any further search for sites should be carried out on an equitable basis, taking into account the natural, physical and policy constraints affecting each site. If, despite meeting the criteria for Local Green Space designation, the Glebe Field has been granted only temporary protection, the weight given to its protection would inevitably be substantially less than if it had been formally allocated. In our view this would be unreasonable and would unfairly distort the consideration of the Glebe Field alongside other open areas in the Parish and elsewhere in the Local Plan area. Moreover, the need for a subsequent review of the Neighbourhood Plan to enable the Glebe Field’s formal allocation as Local Green Space would reopen a debate which, in our view, has already been fully and properly addressed.

The Parish Council considers that the third option, of not allocating the Glebe Field at all, would be unacceptable. Having determined that the area meets the basic tests set out in the NPPF, it would be wrong to leave the area open for development on the basis that the Local Plan Inspector may require a wider review of the District’s housing numbers. The proposed allocation of the Glebe Field meets the tests for Local Green Space and, in our view, meets the principles of sustainable development. As indicated above, consideration of future housing needs across the District should be a wider strategic discussion, in which the Parish Council is committed to engage constructively. Such consideration to Local Plan considerations should not constrain an important and well justified local decision to provide policy protection for a highly valued area of local green space.

**Policy LNP 2**

With regard to Policy LNP2, which as currently drafted has two elements.

The first part is a general policy which indicates that, subject to other policies, housing development would be acceptable in the built-up area. Whilst this may be seen as repeating other local and national policies, it is felt to be important in indicating that the Neighbourhood Plan is supportive of the principles of sustainable development and the delivery, where appropriate, of housing from within the built-up area.

As you rightly identify, the more detailed element restates Policy DP8 of Tandridge District Council’s Local Plan Detailed Policies. The policy has been developed at a time when the Tandridge Local Plan has been under preparation. Given the detail of policy DP8 and the fact that it related to the whole of the District, it was considered that it would come under review as part of the local plan process.

Following the work undertaken on the Neighbourhood Plan, it was concluded that the policy was of particular importance to Limpsfield where the spacing between dwellings and the relationship between houses and gardens is particularly important to the long-standing character of the area. It was therefore included in the Regulation 14 draft of the Neighbourhood Plan as an Appendix with an indication in the relevant policy that, if DP8 were not to be retained in the Local Plan, it would continue to have effect within Limpsfield.

While the Parish Council was preparing the Regulation 16 draft of the Neighbourhood Plan, it became apparent that there was a formal proposal to replace Policy DP8 by policies in the emerging Local Plan (Regulation 19 Draft). In line with its conclusions on the local importance of DP8, the Parish Council resolved that the policy should be formally incorporated into the Neighbourhood Plan as a primary element of Policy LNP2. The Examiner may note that the final draft of the Local Plan, as recently approved, does not seek to replace policy DP8. However, given that, at Examination there may be further discussions with regard to its applicability across the whole of the District, the Parish
Council remains concerned that the policy may yet be replaced or removed and detailed issues relating to the management of garden land development left to future neighbourhood plans to address.

We consider that policy LNP 2 is in accordance with both the NPPF and Policy TLP19 of the draft Local Plan. The relationship with the NPPF is dealt with in the supporting text to the policy, including reference to the 2018 NPPF (paragraph 122d) and ‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens)’. We have nothing further to add on this. With respect to Policy TLP19, we note that the broad criteria for residential development which it contains. We consider that there is nothing in policy LNP2 which would conflict with the principles set out there. In particular:

1. in accordance with TLP19iii, the policy provides detail on protecting the character of the site, its immediate surroundings and the wider locality and landscape

4. in accordance with TLP19v, it seeks to secure the most efficient use of land, having regard to the particular character of the area and supports an approach which both prevents smaller housing developments prejudicing larger developments which may be more efficient in the use of land and helps to accommodate new development in ways which are sympathetic to its surroundings

5. In accordance with the second sentence of the Policy (incorporated into the final draft of the Local Plan), it reflects the particular appraisal of Limpsfield and its character, as evidenced by the independently prepared Heritage and Character Assessment, carried out by AECOM, and other work done by the Parish Council in the preparation of the Plan.

In these circumstances the Parish Council would ask the Examiner to recommend that the principles of policy DP8 be retained within the Neighbourhood Plan, either as currently proposed within Policy LNP2 or by way of an Appendix as originally proposed in the Regulation 14 draft of the Neighbourhood Plan.
Comments made on behalf of:-

The South London Church Fund and Southwark Diocesan Board of Finance

in response to the ‘Further Comments of the Independent Examiner’
dated 4th January 2019 re Limpsfield Neighbourhood Plan 2018 – 2033

Land at The Glebe (Site 1 – LGS2) and

The Glebe Field (‘Glebe Meadows’ – Site 2 – LGS3)

Off Limpsfield High Street
Limpsfield
Surrey

18 January 2019
This statement is provided in response to the request by Mr John Slater BA (Hons), DMS, MRTP, Independent Examiner of the Limpsfield Neighbourhood Plan 2018-2033 as set out in ‘Further Comments of the Independent Examiner’ paper dated 4th January 2019. These representations are submitted on behalf of our clients (The South London Church Fund and Southwark Diocesan Board of Finance), the landowners of The Glebe Field and Glebe Meadow (the glebe land) identified under the Draft Limpsfield Neighbourhood Plan (LNP) as LGS2 and LGS3. Whilst the LNP identifies the sites as two areas, the land registry title relates to a single parcel of land and the site has only been split through the current management of the land. The Glebe Field is let on an annual basis to a farmer; the Glebe Meadow is only defined as such by way of a lease to the Parochial Church Council of St Peter’s, Limpsfield. Both sites are private and neither offers formal public recreational access.

For the purpose of clarification whilst the Limpsfield Neighbourhood Plan Pre-Submission Plan June 2018 identifies Brook Field as LGS2, Glebe Field as LGS3, and Glebe Meadow as LGS4, (as referenced in our client’s main submissions), more recent documents have changed their references to Brook Field as LGS1, Glebe Field as LGS2 and Glebe Meadow as LGS3. These representations accordingly refer to the updated position and refer to both sites (LSG2 and LSG3) as glebe land.

These submissions should be read in the context of the main objections set out in our clients’ objection statement dated October 2018 which comprehensively sets out the significant impact likely to arise not only to the settlement of Limpsfield but Tandridge District as a whole if these “two” sites are designated Local Green Space (LGS) under the Limpsfield Neighbourhood Plan proposals, by way of fettering our clients’ ongoing work in the local community. Our clients are not commercial property developers. In association with the PCC of St Peter’s, Limpsfield, they wish to protect the status of the glebe land to ensure that they can continue to serve the Limpsfield parishioners as well as the wider community. This means that if it transpires local and district needs are not being met, which includes the provision of affordable housing, market housing (including starter homes) elderly person accommodation, educational and community facilities including health centres/surgeries and dedicated formal recreational facilities, then the opportunity arises for the glebe land to be released. The glebe land is currently without designation, sits comfortably within the built confines and is well served by local infrastructure. It is accordingly deemed to represent a highly sustainable site to meet these purposes.

It is noted that on 19th December 2018 the Tandridge District Council Planning Policy Committee voted in favour of submitting the new District Local Plan (Our Local Plan: 2033)
for examination before the deadline of 24th January 2019. This was specifically to avoid the need to meet the new government housing target of 12,900 homes or 645 homes per annum. It is understood that the Objectively Assessed Need figures (OAN) identified by the Council was 9,400 homes over a 20 year period, equating to 470 homes per annum. This was subsequently revised to 7,960 homes, equating to 398 per annum. However these figures have been rejected by the Council on the grounds that it considers it will not be possible to deliver this number of homes in the District due to identified constraints such as the Green Belt and AONB. The Council has accordingly chosen to drop its target to 6,056 homes over the plan period, equating to only 303 homes per annum. This is submitted to be a significant reduction against the former identified targets and a momentous reduction from the anticipated new government target of 12,900 homes. It represents a late main modification to the Plan.

5. It is not the remit of this document to specifically address the merits or otherwise of the Council’s decision to promote a lower housing target than the District’s OAN as this will form part of the consideration and examination of the ‘Our Local Plan’ in due course at the Local Plan Examination. However, our clients agree with the Independent Examiner’s comments that it is relevant in the context of the highly sustainable location of the glebe land and the implications in imposing LGS designations if the District Council’s proposed low housing figure is not deemed to be reasonable and it proves necessary to find other suitable sites to meet the District’s needs. As part of the background evidence, the Tandridge District Infrastructure Delivery Plan – July 2018 identifies a number of requirements in the Oxted and Limpsfield areas, which include recognised deficits in health and education facilities and a requirement for junction improvements at the A25 Westerham Road junction with the B269 High Street, Limpsfield.

6. Our clients recognise that due to the fact the sites have not been principally developed, maintaining them as open space will inevitably be welcomed by some residents who are keen to impose a LGS designation over them. Our clients have already raised disquiet over the soundness of the Limpsfield Neighbourhood Plan (LNP) in the light of the fact that a number of those sitting on the Steering Committee live in the immediate vicinity of the sites, in Detillens Lane, and where it is submitted a clear conflict of interest arises. It is understood no declarations of interest have been made during all the stages of the preparation of the LNP. Our clients note the Parish Council’s response on this matter, but submit that personal interest declarations should have been offered by these individuals throughout the process in the interest of fairness and openness.
7. Notwithstanding the above, the desire of some to include the glebe land as LGS is submitted to be based on limited survey responses as only 10% and 30% responses to the LNP proposals were received, representing a very small proportion of the overall parish population. Accordingly 90% of a 30% response identifying a desire for the land to be designated LGS, in our clients’ view, still represents a very small figure, particularly when it should also be noted that some of the responses made are recorded as coming from postcodes completely outside the area, namely Maidstone, Norwich, Westerham, Edenbridge and Warlingham and where there is uncertainty over other responses where postcodes are not even provided. Whilst therefore our clients are not seeking to deny that there is support for a LGS designation, the weight to be attached to such support needs to be carefully assessed against the facts and where it is understandable that the response from those living in the area is inevitably more likely to identify a preference to keeping the land open than risking it being subject to development in the future.

8. In this respect, our clients are mindful of the contents of the new Local Plan shortly proposed to be the subject of examination. Paragraph 11.15 recognises that neighbourhood planning allows people to ‘say where they think new houses, businesses and shops should go.’ Paragraph 11.17 goes on to state: ‘Neighbourhood Development Plans should support the strategic development needs set out in Our Local Plan and plan positively to support local development in the area they cover and meet the needs of the District. They cannot be used to block development and are much more about shaping sustainable places.’

9. Tandridge District comprises 94% Green Belt land. Proposals under the new Local Plan will ensure that 93% Green Belt land is retained and the District Council’s Planning Policy Committee submits that such land can remain defended. If this objective is to be achieved then it is right that full and effective use of existing sites within sustainable locations is made. It is, however, fully appreciated that it is similarly appropriate to ensure a high quality environment is secured.

10. The glebe land sits immediately adjacent (south) to Brook Field (LGS1 – The Brook Field). Brook Field itself is extensive and provides a quality green lung for the benefit of the parish. Our clients submit it has significantly greater value as an open area than the glebe land, benefitting from a river with associated ecology, flora and fauna and with recreational and educational value. For these reasons it has been recognised within the Local Plan as a Biodiversity Opportunity Area. Whilst there is a public footpath running across LGS2 linking into LSG1 and the developments to the north and south, the Glebe Field is used for grazing purposes and as agricultural land has no formal recreational role. It is private land and not
accessible to the public for recreational purposes. It could be fenced off to prevent trespass, although our clients have currently chosen not to do so. LGS3 already benefits from some educational use, as referenced in the main submissions, and whilst the tenants have been willing to allow some recreational use, this is at their goodwill, as private land. Accordingly apart from the open character which principally benefits those residents backing onto the sites off Detillens Lane, our clients maintain that for the reasons outlined within the main submissions and as above the limited value of the sites does not justify a LGS designation in the context of paragraph 77 of the NPPF 2012 and paragraph 100 of the NPPF 2018 as holding a particular local significance. The sites do not have a formal recreational role thereby limiting their importance and there are no features of particular local significance that would not otherwise be expected against land as undeveloped which, our clients contend, would justify overriding other important material considerations addressing the needs of the District in responding to housing targets as well as other provision for health facilities and community based accommodation.

11. Furthermore, our clients submit that when assessed together, namely all three sites LGS1 (4.95 hectares), LGS2 (3 hectares) and LGS3 (1.26 hectares), they constitute an extensive area of land (over 9 hectares). Extensive tracts of land should not be designated as LGS in the context of the NPPF criteria paragraph 100 (c). As Brook Field LGS1 offers significantly greater community benefits in the context of the NPPF, it remains appropriate to consider its designation as LGS. However, collectively all three sites result in one substantial swathe of land and designation of the smaller pieces is accordingly deemed to be unnecessary and inappropriate in the context of the NPPF criteria paragraph 77 (2012) NPPF and 100 (2018) NPPF where LGS designations should not be used where a green space is an extensive tract of land. This view is further supported by the comments expressed both in relation to consideration of the South Downs Plan in 1986 and by the Inspector addressing the Tandridge District Plan 2000 when assessing the merits of all three sites and where it was concluded that the whole area fulfilled a local gap function. Such a local gap function is maintained through the retention of Brook Field LSG1 which equates to 4.95 hectares. It is significant to note that despite the comments made against former Local Plans, Tandridge District Council has not sought to identify the land as open space and the land has remained undesignated as a consequence throughout this period.

12. Further justification is set out below having regard to the findings of the Open Space Study and the recognised needs of the District as set out within the new Local Plan and where current resistance is being placed by the District Council on meeting the identified Objectively Assessed Needs of the District.
13. In further weighing up the merits of applying a LGS designation over the glebe land, our clients make reference to the Tandridge District Council Open Space Study (October 2017). This is a comprehensive study of open space, sport and recreation facilities and has been used to inform the preparation of the new Local Plan. In the light of the findings contained within the document, the District Council has not sought to impose any open space designation on the subject sites and the Policies Map continues to show the site as undesignated. The document contains a summary of Open Space Standards under Table 13 at paragraph 6.8. The application of the Local Standards is set out under section 7 which includes the application of standards for natural green spaces (ANGSt). Limpsfield benefits from a substantial Area of Accessible Natural Green Space against the accessible natural green space standards as set out under paragraph 7.3.2 and Figures 13 and 14. The parish also sits well in the context of identified amenity and play (child) buffers (Figures 9 and 11).

14. In addressing existing open space provision under section 5.2 Tables 6 and 7 (page 51) show Limpsfield as benefiting from one of the largest areas of amenity green space and has by far the greatest area of accessible natural green space (332.46 hectares). The supply within Limpsfield against the Tandridge Quantity Standards is set out under Table 14 and shows that Limpsfield substantially exceeds the standards for amenity green space. The strategic options and policy recommendations for open space are set out under chapter 8 where it is confirmed Limpsfield benefits from good access against the 20 hectare and 100 hectare ANGSt standards with provision of natural green space falling well above the average levels of provision for the District.

The link to the Open Space Study is provided at: Open-space-sport-and-recreation-typologies-and-standards.pdf

15. In the light of the above findings and the fact that there is readily accessible open space available for recreational and other purposes only a very short walking distance away, coupled with the fact that Brook Fields is proposed as LGS which maintains a gap between developments, our clients maintain that it is inappropriate to stagnate the subject land, particularly having regard to its location within the built confines and where sustainable development can be secured.

16. Paragraph 76 of the NPPF 2012 and 99 of the NPPF 2018 allows communities to designate LGS which are deemed to be of particular importance to them. However, this should be consistent with the local planning of sustainable development and complement investment in
sufficient homes, jobs and other essential services.’ On enquiry of the Parish Council, it is understood that no exercises have been carried out by the Parish Council in seeking suitable housing sites within Limpsfield and those identified by the District Council within the Green Belt have been withdrawn. This is submitted to sit uncomfortably against the Parish Council’s objectives of imposing LGS designations on land within the urban confines which is well served by existing infrastructure and where development can contribute towards meeting housing, educational, health and community needs.

17. The District Council has acknowledged the District has an aging population and with an excess of four bedroom plus dwellings. This gives rise to associated problems not only in relation to the resulting high property values but with the provision of starter homes and the adequacy of the health clinics/surgeries and associated facilities to meet the needs of the growing elderly population. Examples have been highlighted where the young are unable to afford to live in the area and where young health practitioners are unable to commit to work in the District as they cannot find suitable affordable accommodation. Our clients’ land is submitted to be suitable to meet such needs which is capable of responding to community objectives as well as protecting the Church’s mission and ministry in serving local communities. Our clients wish to work with both the District and Parish Councils in a positive manner to address these needs for the benefit both the local and wider communities. This means that community, educational, health clinics/surgeries, recreational facilities and housing, including affordable housing, starter homes and elderly person accommodation, could be achieved across the sites in a sensitive manner at a scale that is sympathetic to the local environment and where open space can also be retained in association with Brook Field, LGS1 and as part of the overall comprehensive development of the glebe land itself. Very positive pre-application discussions have already taken place with the District Council in this respect, with recognition given to the sustainable location and development opportunities that exist here. A sketch layout plan is presented showing one possible form of development, although it is appreciated other options are available which include providing a new recreation pitch potentially running across both pieces of land, to release other areas of the site to address other needs. The sketch proposals are appended at A1 which should be read as representing only one option.

18. This illustrative scheme shows a residential mix comprising 1, 2, 3, 4 and 5 bedroom units within terrace, semi-detached and detached arrangement and small blocks of apartments and at a proposed scale of single, 2 and 3 storey and a 10 x 1 bed elderly person apartment as a special care facility. The development is shown as comprising:-
The Glebe – site area approx. 30,595msq (3.05 ha) with a total number of dwellings currently shown as 56, thereby creating approx. 18 dwellings per hectare. This is seen to be very low and generous, but in keeping with the general area.

Glebe Meadow, including the access road, hall & rectory equates to approx. 16,970msq (1.69 ha). Density is not identified as this area is considered more suitable for the mixed D1/D2 educational/community and recreational uses.

The number and mix of units can be quite fluid, but as currently illustrated shows:

3 x 2-3 bed bungalows
4 x 2-bed terrace houses
4 x 3-bed terrace houses
6 x 3-bed semi-detached houses
4 x 4-bed semi-detached houses
10 x 4-bed detached houses
5 x 5-bed detached houses
6 x 1-bed & 4 x 2-bed apartments in single building
10 x 1-bed elderly apartments in special care building

TOTAL = 56 dwellings

The two buildings fronting onto the Glebe Meadow could either be 4 semi-detached houses or used for the purposes of community buildings such as dentist/health centre or a larger building for the purposes of a youth centre or scouts or sports facility. There is a large area of open land retained for ongoing open recreational use such as for football. In terms of scale, it is proposed that the development will be principally two storey to accord with neighbouring properties, but with some single storey development to retain views through strategic positions and across to Brook Field, and with some accommodation within the roof space of some two storey development in relation to the larger properties and apartment blocks. In terms of the community buildings, the heightSCALE will depend on the identified uses. Access will be provided across church land, although there are potentially alternative accesses available. The existing public footpath running across the Glebe Field will be retained but diverted through the new development.

19. These proposals have also been submitted in the context of the District Council’s Housing and Economic Land Availability Assessment (HELAA). However the submission was unfortunately made outside the Regulation 19 process and as a result the land cannot currently be included as an allocation and has not been promoted under the Urban Capacity Study or other assessments. Whilst submitted too late for the currently identified residential and mixed use allocations, it is recognised that these assessments are a continuous process as new sites are brought to the attention of the Council. During the Council’s HEELA review it is understood that the land will be assessed and this process is underway. In this respect, our clients robustly contend that the land represents a highly commendable site for sustainable development and accordingly had the site being promoted at the Regulation 19 stage then in
their view there would have been a strong possibility of the site securing a mixed development allocation, not least due to its physical characteristics, lack of ecological sensitivities (it is only grazing land), its sustainable location and the fact that it is not subject to formal designations such as a Conservation Area, Green Belt, Flood Plain or Biodiversity Opportunity Area.

20. It is fully appreciated that further work to appraise its merits in the context of the HEELA process is required before the District Council is able to formally reach a decision, but it is submitted it would be highly prejudicial to remove this opportunity by way of the imposition of a LGS designation at this stage, when there remain so many uncertainties arising over the ability of the Council to meet identified housing and other needs in the District. It is imperative that the opportunity is given to the Council to fully assess the merits of the land for these purposes during the next stage of the HEELA process and it would be deemed extremely unreasonable to deny the landowners this right. If a LGS designation is imposed in the interim then this would form a material consideration against any proposed allocation for alternative uses as an assessment would then also be needed against policies of an adopted Neighbourhood Plan. This would effectively exclude development opportunities and result in the site not being capable of coming forward over the course of the Plan period (an extensive period of time) to assist in meeting identified needs. This course of action should accordingly be avoided in the interests of fairness. The glebe land (a highly sustainable site in the context of the NPPF and outlined criteria and objectives) has simply not been fully assessed for its potential development. It is accordingly submitted only reasonable to allow this process to take place now that it has been identified. The Parish Council seeks to object to the Examiner’s comments over a non-imposition of a LGS designation in the interim period as it wishes to protect the land against any allocation, but this is contended to be an unreasonable position to adopt when all available sites should be capable of being assessed on equal basis, without any new designations being imposed to directly frustrate such an allocation.

21. This position is understood to be supported by the District Council who indicates that if the Council is not required to find additional sites, or where evidence (as yet not undertaken) suggests the land would not be a consideration for allocation, then the chance to receive a formal allocation as a LGC would be lost. This acknowledges all the ongoing uncertainties arising from the potential requirement to find other suitable allocations and the fact that the evidence when produced may well support a case for the land to be allocated. For all these reasons it must be right to maintain the status quo of the site at present until these matters have been fully addressed. Plan-making and decision-taking is an ongoing process and there
is inevitably uncertainty involved at any time. Simply proceeding to impose a LGS designation may be welcomed by some in the local community, but ignores all the other important new material factors that have now arisen and which should be taken into account and which dictate against such designation, particularly when appropriate development could address some of the recognised deficits in both Oxted and Limpsfield.

22. Notwithstanding the above, it should also be noted that a planning application, if submitted, would be determined against the adopted Local Plan (Tandridge Core Strategy and Detailed Policies) and whilst the Regulation 19 Local Plan will form a material consideration, it remains untested and as highlighted above and below is contentious, so the appropriate level of weight will need to be afforded to the document. In this context the development of this site would be promoted as in compliance with relevant planning policy. It is appreciated that this is a matter not under consideration by the Examiner to the LNP but does add weight to the submissions that it would be inappropriate to introduce a LGS designation to effectively stymie development.

23. In addressing the Parish Council’s response to our clients’ Regulation 16 submission set out under the Parish Council’s Appendix 2, it should be recorded that our clients have always maintained willingness (and continue to do so) to work with the Parish Council in seeking to react to recognised needs of the Parish. This includes the provision of starter homes, affordable housing, educational, community, recreational and health/surgery facilities. It is for this reason that they have been compelled to react to the Parish Council’s proposals to designate LGS over the sites, as this is seen to effectively stagnate the land and unduly fetter our clients’ objectives in continuing to work in the community and address such needs. The proposed designation has not been considered appropriate in the past, despite the Parish Council’s reference to views held by former Inspectors addressing other Local Plans and it is submitted there is similarly no justification to impose this designation over the land now, which is seen to be wholly unnecessary. Our clients submit that it is the Parish Council’s objective to prevent the land being utilised in an effective manner both for our clients and the community in the future and this flies in the face of the new Local Plan as highlighted above under paragraph 8 and the objectives set out under the NPPF relating to the designation of Local Green Space which is required to be consistent the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. It was made very clear by the Steering Group representatives to our clients at both meetings held with them that regardless of our clients’ views and position, there was a firm intention of continuing to promote the land as LGS.
24. Despite the recognised needs in the District, the Parish Council has not identified any new housing sites or other essential services such as healthcare facilities being provided within its settlement, although it has acknowledged to our clients that LGS3 would be a good site for a community hub. The land is private and whilst our clients are willing to assist with such objectives this cannot be achieved without our clients, who are subject to stringent charity law, utilising its resources appropriately to realise its ministry objectives. The land cannot therefore be released for such purposes without ensuring important sources of funds are secured to protect the long term future of the ministry in this parish. The work of the church provides highly valuable community care and support as is evidenced by the submissions of St Peter’s Church, albeit that they are only tenants of part of the glebe land.

25. The use of an area of LGS3 for football has been allowed but this has been at the discretion of the church. Whilst our clients do not seek to be difficult about this matter, it is similarly submitted that they should not be penalised for the goodwill that has been expressed in the past by allowing community uses over their land, by way of the Council now seeking to regularise such a use through a LGS designation and seeking to make this a formal recreation facility. The opportunity does however present itself through appropriate development proposals to secure a formal recreational space, as shown on the sketch scheme, appended at A1, or by way of an alternative layout proposal.

26. The Parish Council seeks to justify retention of the LGS designations based, inter alia, on the fact our clients own a small developable site with planning consent in Limpsfield village. It is assumed that this reference is in respect of Dorothy’s Cottage which stands to the east of the Rectory. This site has however been the subject of extensive discussions with the District Council and has a number of planning constraints, rendering only extremely limited development and conversion to be secured. There are a number of difficulties arising from such development and the associated costs have not proved it viable to justify proceeding with the development. In any event, the PCC is urging our clients to dedicate this site for car parking purposes to serve the existing Parish hall and this is a matter currently under consideration. It is understood that the Parish Council is supportive of such proposals and it is accordingly considered disingenuous to therefore seek to promote this site on the basis that it would meet the requisite ministry needs. With respect, the views expressed completely misunderstand the ministry objectives of the landowners in being able to continue their ongoing ministry within this parish. The requirement to protect their assets by making judicious use of their land which is for the benefit of the parishioners as well as the wider community is accordingly of paramount importance.
27. In addressing the wording of Policy LNP8 and the Parish Council’s response to the initial comments from the Independent Examiner, our clients continue to maintain that the designation of these sites as LGS will prevent development that may be required either in the imminent future having regard to the District Council’s position over the OAN as well as during the lifetime of the Plan where other needs may arise and where the use of this sustainably located site would be appropriate. For clarification, paragraph 17 of our clients’ main representations makes reference to the Pre-Submission Plan (June 2018) and whilst it is noted that some of the LGS designations have been removed, it remains relevant in the context of the subject land. It is accordingly submitted highly inappropriate to unduly fetter the development potential of this site and it is submitted that this view has been supported in the past by way of the District Council’s position in not designating the land as open space.

28. The Parish Council acknowledges that there may be an opportunity to introduce development, particularly over LGS3, to meet its own community objectives by way of a community hub. Our clients have been willing to explore this option further but without recognition from the Parish Council over our clients’ charity status and associated constraints it has not been possible to move this forward. However, it is submitted that designating this land as LGS will fetter this opportunity having regard to the charity’s objectives. The Parish Council indicates that LPN8 allows for such development and other development can be considered under very special circumstances, which provides some reassurance but still this leaves considerable uncertainty. It is submitted to be entirely unhelpful to those wishing to meet not only community needs, but district based needs including different types of housing, education and health related facilities by the imposition of such a designation.

29. Whilst it is appreciated that the remit of the Limpsfield Neighbourhood Plan Examiner is not to address the contents of the new Local Plan, our clients are confident that the Examiner will have a comprehensive understanding of the District’s identified constraints, which include the fact that 94% of its land is Green Belt and the problems associated with both existing and proposed infrastructure even based on the low target housing figures. As part of the District Council’s proposals, significant reliance is placed by the District Council on the proposed South Godstone Garden Community. This major development will involves the necessity to introduce large scale infrastructure and the Council anticipates it will also need to exercise its Compulsory Purchase powers. This strategic development is aimed at taking pressure off existing infrastructure, recognising existing school overcapacity and struggling health services and road networks. If the Plan is accepted, it is understood that the site is proposed to
provide 1,400 new units, thereby providing around 23% of the new home target, based on the reduced figure against the formerly identified District’s Objectively Assessed Need. There is however significant contention associated with the introduction of this Garden Community and as a consequence considerable uncertainty associated with its implementation, particularly in relation to the associated infrastructure requirements. It is appreciated that these issues will be considered under the independent examination in due course, but for the purposes of the Limpsfield Neighbourhood Plan submissions our clients submit that these uncertainties over deliverability of this major site render it necessary to ensure other sustainable land remains unfettered so as to enable their release. As the glebe land falls within the built confines and very close to amenities and public transport services, the opportunity exists to assist in the provision of appropriate sustainable development. It is accordingly considered very important to ensure the land is not unduly constrained by way of any LGS designations, if these were to be imposed.

30. Our clients accordingly echo the comments of Mr Slater set out in paragraph 3 of the Independent Examiner’s statement (4th January 2019) and the recognition given to the fact that the subject land is one sitting within the settlement boundary, where development will not encroach into the Green Belt, where ready access is available to town centre facilities without the need for the use of a private car and which is within reach of public transport services. Our clients further agree that the location of the site can readily be deemed to be more sustainable than other sites and furthermore does not require the Council to encroach on Green Belt land, unlike others that have been promoted within new Local Plan as allocated and potentially other new sites which may need to be released in the event that more sites are required to be found. This site sits within the urban settlement identified as Tier 1 under Our Local Plan Policy TLP06 where development is encouraged to be focused and where it is confirmed that such development can be supported by the existing framework of facilities and infrastructure, whilst recognising that improvements may be required but which can be facilitated through new proposals.

31. Whilst our clients recognise there is some public support for the sites’ LGS designations, the level of support is required to be reconciled against a number of material factors as highlighted above. These include the fact that Limpsfield already benefits from well above average natural green space and has good access as measured against the 20 hectare and 100 hectare ANGSt standards; the inclusion of both LGS2 and LGS3 in association with the large swathe of land under LGS1 would, in our clients’ opinion, result in this area being appreciated as an extensive tract of land and accordingly contrary to stated criteria set out under the NPPF; the recognised housing and other needs and decision of the Council to
promote the new Local Plan expeditiously to avoid having to be subject to new government targets requiring the District to provide 12,900 new homes (645 pa); basing its housing target on a figure significantly less than the District’s OAN; the highly sustainable location of this Tier 1 urban land and where our clients have confirmed it is available for a mixed use development and importantly where encroachment on Green Belt land can be avoided; and where it would be prejudicial to the ongoing HEELA process where this land has now been promoted as one which is suitable for allocation and where further evidence is being assimilated to demonstrate this. Any LGS designation would remove this opportunity to fairly consider the merits of the land which is contended is wholly prejudicial not only to the landowners, but gives rise to a failure to respond to District needs which as yet remain inconclusive.

32. Our clients robustly submit that the glebe land should accordingly remain unfettered and neither site designated as LGS (not least to prevent any issues associated with land locking), as in all the circumstances outlined, it is contended a Local Green Space designation does not meet the clear tests set out within the NPPF under paragraphs 99 and 100 (2018 version) or 76 and 77 (2012 version). Even if it is concluded that the tests under paragraph 77 are met, the NPPF requires LGS to ‘be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services’ and ‘be capable of enduring beyond the end of the plan period.’ It has been demonstrated by the evidence available along with the considerable uncertainties arising from the Council’s housing figures which clash with the District’s OAN and which give rise to their own potentially serious implications if these are not accepted, and the recognition that there are other infrastructure needs, that designating this land as LGS would conflict with these specific NPPF criteria. The proposal would be neither consistent with the local planning of sustainable development nor complement investment opportunities. There are accordingly robust grounds to rule out such a LGS designation which is contrary to the objectives of the NPPF, leaving aside the significant detrimental impact considered likely to also arise to the ongoing ministry within the parish in serving the local community.

33. Our clients wish to thank the Independent Examiner for the opportunity to provide these supplementary comments in relation to this very important matter to ensure the charity objectives as previously outlined are not unduly hampered. Our clients have also made it very clear and provided suitable reassurance to the Parish Council that their objectives are directly community based, but these cannot be delivered at the expense of fettering its assets. The Examiner is accordingly urged to modify the LNP by way of the removal of sites LSG2 and LSG3 from the proposed Local Green Space designation to provide clarity and
enable our clients to continue to be confident in being able to provide important ministry services as outlined within the main submissions as well as respond to District’s needs as they may arise in the future. Thank you.