

Tandridge District Council

Our Local Plan 2033

Examination – Note for Inspector

Housing Infrastructure Fund (HIF)

Background and Update Information

November 2019

Document Reference TED24:

*Tandridge District Council – Housing Infrastructure Fund (HIF) Background and Update
Information – November 2019*

Introduction

1. This note provides background information on the Surrey County Council (SCC) Housing Infrastructure Fund (HIF) Bid for Government capital funding of the major highway improvements necessary to facilitate the proposed South Godstone Garden Community (SGGC) development. This includes background on the supporting information that has been required from Tandridge District Council (TDC) on its commitment to delivery of the SGGC (this is known as the 'dependent development'). The note also updates on the current position on the Bid and the likely timetables for:
 - Funding decisions
 - Deadlines for HIF capital spend and implications for implementation of the highway improvement schemes
2. The HIF Bid has been progressed in parallel with publication and submission of the Our Local Plan 2033 (LP). Because the detailed Bid submissions and proceedings are confidential and due to Bid process timings, it has not been possible to include full HIF Bid information in published LP evidence. Some of the documents associated with the Bid are available in the evidence library and are referenced below. Most are not, as they consist of:
 - Infrastructure scheme designs and costings still in development. This information could mislead interested parties as to the Highway Authority's final proposals and intentions (particularly on possible impacts on land outside the highway boundary);
 - Detailed overall costing and viability assessments. These are commercially sensitive in respect of implementation of SGGC, especially for planning obligation negotiations and potential public-sector interventions and partnerships with landowners and developers.

If this material were to be released in complete form now there could be prejudice to the competitive HIF Bid process, to highway scheme implementation arrangements and to effective public-sector involvement in progressing SGGC.

The Council is in a 'chicken and egg' position. Objectors to the LP suggest that viability and implementation of SGGC is dependent on the outcome of the HIF Bid. Homes England (HmE

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- the Government's Bid assessment body) point out that a HIF grant is dependent on knowledge that the SGGC proposal can be viewed as 'sound' in terms of the emerging LP.

Background

3. The HIF process / guidance is detailed at the link below:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/625525/HIF_Forward_Funding_supporting_document_accessible.pdf

4. Bids require submission of a very detailed economic, commercial, financial and management case for public investment. The bids are rigorously assessed by HmE working directly with Ministry of Housing and Local Government (MHCLG) and Department for Transport (DfT). A specialist multi-disciplinary consultancy team provides analysis to HmE for the assessment process. Because the requirements are quite onerous from a local authority bidder perspective, HmE provide co-development financial support to bidders where they feel there is a reasonable chance of a successful outcome.
5. A by-product of the HIF Bid process is that the public-sector viability analysis for housing delivery, and the level of scheme development for the highway junction improvements needed, is unusually advanced and detailed for a Local Plan preparation stage.

Bid Position

6. The Bid is titled: *Unlocking Strategic Development Sites – HIF/FF/577*. It was submitted on 22 March 2019. The Bid is made under the 'Forward Funding' category of HIF. It seeks grant funding for highway junction improvement 'schemes' at the A22 / M25 Junction 6 and the A22/ A264 junction at Felbridge in Tandridge (termed the 'infrastructure schemes' in the Bid). Grant funding is intended to facilitate and accelerate 'housing delivery' (as described in the bid process – this is the primary outcome sought from the public-sector investment). Where possible funds invested are to be recovered and recycled into the housing delivery part of the project. This would be through planning obligations to require developer contributions to support, for example; further highway improvements, higher levels of affordable housing, community facilities or development design quality.

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7. Bids must be made by principal local authorities, in this case SCC, as the Local Highway Authority (HA). Tandridge District Council (TDC) as Local Planning Authority (LPA) has been a very active Bid partner, effectively initiating the bid and providing substantial additional funding for the highway scheme design work involved (DHA and WSP highway engineering consultancies – see below) and economic / financial case, development appraisal and viability analysis (Avison Young Consultancy – see below). West Sussex County Council (WSCC) and Mid Sussex District Council (MSDC) have been strong supporters of the Bid, due to the cross-boundary issues arising from potential development traffic loads on Felbridge Junction from within both counties. The whole junction is within Surrey, but the existence of this partnership will be important to deal with traffic signal coordination with nearby junctions and any need to acquire land outside the highway on the WSCC boundary.
8. HmE awarded co-development support funding of £96,000 in early 2019, in recognition of the clear potential of the Bid for housing delivery, but also because they understood that SGGC was an emerging, local plan led, housing delivery proposition; not one with a long history and designed ‘shovel ready’ infrastructure schemes already in place. The availability of co-development funding has been very helpful in encouraging commitment by SCC / TDC, but it goes only part of the way to funding the extensive technical work required to progress a Bid. Both councils have incurred substantial additional costs, all at their risk on the outcome of the LP and Bid processes. This demonstrates a high level of political and organisational commitment to achieving a step change in housing delivery in Tandridge (an area previously subject to planning restraint and low levels of local infrastructure investment).
9. The Bid is currently in HmE ‘assessment’. There has been no adverse feedback on its prospects to date. The Bid partners feel the cost / benefit attributes of the proposals (scheme cost versus housing delivery outcomes) are generally very favourable when compared to successful bids in other part of the country and to the successful HIF bids by SCC elsewhere in the County (See Bid extracts below).
10. The original timetable for HmE decision was ‘Autumn 2019 (see extract email at Appendix 1). It is now understood that decisions are delayed until early 2020, partly due to the general election in December 2019.

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Bid highlight information

11. The bid project summary and high level cost benefit position is reproduced below:

Project summary

What is the name of your scheme?

Unlocking Strategic Development Sites – HIF/FF/577

Please provide an Executive Summary for your proposal.

The HIF Project: To enable South Godstone Garden Community (SGGC), through A22 highway (junction) improvements.

SGGC: The proposed new settlement is within the Metropolitan Green Belt, in a District previously subject to development restraint. The area has lacked infrastructure investment and this now constrains large scale development. SGGC is well located, with existing rail infrastructure, but requires Green Belt release (NPPF ‘exceptional circumstances’ justification). It must be clearly viable and deliverable. The proposal has been subject of careful early planning, especially in relation to viability, direct local authority involvement, land assembly / value equalisation arrangements, affordable housing delivery, infrastructure planning and community building. SGGC is an ambitious, but realistic, attempt to ‘significantly boost housing supply’. It demands effective Government support.

Housing market: The local housing market is buoyant. It is close to strategically important economic ‘hotspots’, with high demand and strong values. SGGC will open up a new, more affordable, market sector. On this basis there is a very low risk of ‘displacement’ of private investment through public ‘subsidy’.

Highway constraints: Comprehensive modelling of traffic impacts for the LP indicates that the primary route – the A22 – has very limited capacity to accommodate additional traffic, largely due to junction capacity and design limitations. The scale of traffic impact on two key junctions is judged ‘severe’ by the responsible highway authorities / Highways England. This prevents development until the improvements are made. Thus, SGGC is entirely ‘dependent’ on the junction improvements. Both improvements are needed now, so the junctions cannot be separated as unrelated / optional improvements.

Theoretically, a significant contribution to the cost of highway improvements might be required as part of a grant of planning permission. However full funding by a developer would be unlikely to be fairly and reasonably related (NPPF). Additionally, a requirement for completion of the schemes before development commences and a related ‘up front’ payment would give rise to serious cash flow issues. The complexity of the highway improvements required necessitates direct public sector implementation. This requires pump-priming public funding. The position is however conducive to

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planning system opportunities for recovery and recycling of the public investment in the longer term.

Whilst not directly part of the Bid, the improvements would have spin off benefits in enabling further housing development at East Grinstead, at the Tandridge / Surrey border. West Sussex CC and Mid Sussex DC strongly support the project on this basis.

The Junction improvements: The bid is for circa £57 million. This would fully fund improvements designed to maximise capacity at:

A22 / M25 Junction 6 (£46m): The roundabout gyratory can be widened to provide additional lanes and signalisation upgrades.

A22 / A264 Felbridge Junction (£11m): The scheme involves widening and adding ‘jet lanes’, with associated signal reconfiguration and improved pedestrian crossing facilities.

Economic and transport benefit / cost: The public investment proposed would enable 4000 homes, with an economic benefit of circa £127M. Overall, the housing benefits to HIF investment Benefit / Cost Ratio (BCR) is 3.52 before additionality (or 2.82 with). This is based on very cautious / robust assumptions. Investment also addresses a pre-existing infrastructure deficit and helps address traffic pressures from the wider programme of housing development, on multiple smaller scale sites. These benefits have been treated as a ‘bonus’ as they are not included in the Bid case, but they are important.

The transport network user benefit /cost analysis cannot be so clear cut. The theoretical BCR is negative. This position arises because the transport modelling looks at development generated traffic pressure on a widespread local network with existing congestion. Significant user benefits at the Bid improvement junctions (circa £25M) are outweighed by the road user dis-benefits from the additional traffic arising from SGGC (circa £614M). Seen in context, this demonstrates more clearly that the major junction interventions are urgently needed and also, that, as planned, the local authorities will need to implement further supporting highway improvements, using developer funding. That said, it is also likely that complete mitigation of the highway impacts of large scale housing growth may not be possible, as there are fundamental funding and environmental limits. This is likely to be the case in most SE England growth locations. However, SGGC, with its existing rail access, offers considerable advantages because alternative transport is feasible.

Please provide an overview of the project, including your project scope for the infrastructure and for the wider project.

Tandridge District Council (TDC – the Local Planning Authority - LPA) submitted its Local Plan (LP) (Appendix 1) to the Planning Inspectorate in January 2019. The LP proposes a 4000 home Garden Community at South Godstone. SGGC is subject to a current Garden Communities Programme Bid (Appendices 2a and 2b).

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The proposal is for the 'Bidder' (SCC as Highway Authority - HA) to implement one construction package of two concurrent schemes of major junction improvements on the A22 Corridor in Tandridge District. The improvements are required to enable South Godstone Garden Community (SGGC) to come forward.

Overview and Rationale:

The major housing development proposed at SGGC depends on access to the A22, which is the main arterial route in the strategic road network for Tandridge and adjoining urban areas, particularly East Grinstead (in West Sussex) to the south. This part of the Surrey and West Sussex road network has very limited capacity to accommodate additional traffic due to junction design limitations.

The highway improvements required are substantial, complex and costly (approx. £57 million). They are off-site highway improvements away from the SGGC development site.

The need for the highway improvements relates not just to the impact of the SGGC but arises from current traffic congestion / service issues and the cumulative impact of small and medium scale developments planned for the area in both TDC's and Mid Sussex Local Plans (Appendix 1 and 3).

Whilst a significant contribution to the cost of highway improvements might be required as part of a grant of planning permission (planning obligation – Planning Acts legal requirement in a Section 106 agreement, or a unilateral undertaking), full funding by a developer would be unlikely to be readily justified as 'fairly and reasonably related in scale and kind' (NPPF Para 56). Additionally, a requirement for completion of the schemes before development commences and a related 'up front' payment would give rise to cash flow-based viability issues for the development. The need is current and urgent, whereas the delivery of SGGC is a few years away. Complementary highway improvements elsewhere on the A22, which will be delivered concurrently with housing rather than before, can be reasonably related to, and funded by, the development. These costs have been allowed for in financial modelling. Thus, public funding is only being sought where absolutely necessary.

The HA's requirement is to improve the junctions before development can start, so there is no prospect of relating phasing of the housing project to developer funding contributions and implementation.

The complexity of the scheme necessitates direct implementation by SCC as responsible HA working closely with Highways England (M25 implications) and WSCC (cross boundary implications). It is not suitable for implementation by a developer under a Highways Act Section 278 agreement.

No public funding is currently available to implement the improvements. HA budgets cannot fund major capital schemes. As noted above, site specific developer contributions are not available. CIL collected to date is insufficient owing to the

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historical pattern of piecemeal development in this 94% Green Belt authority and is also heavily committed to other development related infrastructure priorities.

The position necessitates advance funding from a public source. HIF provides the only realistic option in this respect.

All this clearly indicates market failure and a need for public intervention. This is because, whilst the ‘user pays’ principle might apply generally (land owner / developer through land value uplift as a proxy for the future occupants of the housing) there is no practical way of securing sufficient private sector funding from the multiple beneficiaries of the project and scheme.

12. Some information on the highway improvement schemes is included in the Local Plan Evidence Library; web links below:

[A22 / M25 Junction 6 \(DHA consultancy developed scheme and Statement of Common Ground with Highways England\)](#)

[INF4 - Tandridge District M25 Junction 6 Briefing Note 2018](#)

[INFE29 - Junction 6 Mitigation Note](#)

[SDTCE23 - Statement of Common Ground Highways England 2019](#)

A short paper by DHA rebutting a critique of the scheme design submitted to the Examination by a particular objector is also available as an Examination Document.

It is important to note that the improvement scheme is largely for works on the roundabout gyratory lanes below the M25 over-bridge. The construction is within the Highway boundary and controlled by SCC as HA. There is very limited work to the Motorway slip roads and therefore limited involvement on Highways England (HE) highway. This also reduces potential construction management issues and any possible disruption to flows on the M25 itself.

[A22 / A264 Felbridge Junction \(WSP Consultancy developed scheme\)](#)

[INF3 - Felbridge Junction Feasibility Assessment Note 2018](#)

[INFE31 – Felbridge Junction Executive Summary](#)

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13. A high-level breakdown of the Bid funding sought is at Appendix 2. These figures contain significant contingency and risk allowances, as required for the bid process. These allowances include sums for land acquisition (Felbridge), which may not be required. The contingencies and risk allowances are particularly high due to the emerging design position, arising from the absence of 'shovel ready' schemes at the outset of the Bid. It is likely that planned and out-turn costs will be lower once the scheme design process is complete and at tender. The sum of the construction and design costs is approximately £25 million. This figure can be taken as a realistic estimate of likely out-turn costs and it is a figure that is best used for viability assessment of the SGGC proposal. Roughly equivalent figures are included in the viability assessments for the GC (see below).

14. The high-level process / programme for highway scheme implementation included in the Bid is at Appendix 3. This demonstrates the SCC commitment to meet the HIF deadlines for capital spend on the highway schemes (2024/25 year implementation). This is the programme as submitted. It will need to be renegotiated / adjusted to reflect the delay in Bid decisions, but the general deadline is still achievable. Government may eventually offer some flexibility in this respect.

15. Highway Authority commitment to the Bid / schemes is set out at Appendix 4.

16. Transport modelling demonstrating the need for the highway improvements was undertaken by SCC and is included in the LP Evidence Library; web link below:

[INF28 - Tandridge District Strategic Highway Assessment 2015](#) (and associated documents)

This has been further developed, including with DfT standard benefit / cost analysis, as part of the HIF bid.

17. For viability and delivery of SGGC the LP Evidence Library includes the overall viability analysis undertaken by Avison Young consultancy (then GVA); weblink below:

[INF2 - Tandridge District South Godstone Garden Community Financial Viability Assessment 2018](#)

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This draws on detailed investigation and costing of the range of infrastructure required for a new settlement / community as set out in the Tandridge Infrastructure Delivery Plan; weblink below:

INF1 - Tandridge District Infrastructure Delivery Plan 2019

Viability and deliverability analysis has been considerably developed, detailed and updated, in a full benefit / cost economic modelling context, within the HIF Bid submission and then verified as part of the Bid assessment. Overall the analysis shows that SGGC housing delivery is viable, even without the HIF funding. However, it also demonstrates the considerable advantages of HIF 'pump priming' in several respects. Public sector forward funding can:

- create private sector development confidence by reducing early borrowing costs and financial risks
- accelerate the start of the project.
- create headroom for the costs of other aspirations in creating a high quality Garden Community, with greater affordable housing provision. This particularly supports HME's wider objectives

These are all outcomes that HIF seeks to achieve.

Some additional update SGGC viability and delivery information prepared by AY for the Bid is summarised at Appendix 5.

18. One of the most important attributes of the SGGC proposal is rail accessibility. The possibility of including rail infrastructure improvements in the HIF Bid was considered with HmE and DfT and rail industry interests during the HIF Bid submission and assessment process. It was decided not to progress this once it became clear that the improvements could not be shown to be part of the critical path to delivery, as a good rail service already exists. However, future potential for practical and effective improvement has been agreed. Some background information on this is at Appendix 6. Aside from the rail passenger service from the existing SG Station, it should be noted that representations in respect of Lambs Business Park proposals confirm the existence of licensed / working industrial rail

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sidings facilitating employment developments at this location. A letter from Network Rail on this is included in Appendix 6.

19. The HIF Bid has been closely linked to an application for SGGC to be included in the Government's Garden Communities Programme. This was successfully achieved in June 2019, with an award of £150,000 of funding made, which will be used for development of the AAP and master planning. Details of the application / decision are at Appendix 7.
20. In parallel with, and as part of, the HIF Bid, the Council has been investigating land ownership / assembly issues and preparing to lead the development from a public-sector perspective (potentially with HmE support). This leadership could include use of compulsory purchase powers, if necessary. Details of the land ownership investigations (redacted for commercial confidentiality) are at Appendix 8 (separate attached reports). Details of the Council's resolution on its role are at Appendix 9

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Appendix 1

From: HIF [<mailto:HIF@homesengland.gov.uk>]

Sent: 27 March 2019 18:10

Subject: HOUSING INFRASTRUCTURE FUND – FORWARD FUNDING: POST BUSINESS CASE SUBMISSION PROCESS [OFFICIAL SENSITIVE]

Dear Paul,

HIF/FF/000577 – Unlocking Strategic Development Sites

Thank you for submitting your business case for Forward Funding under the Housing Infrastructure Fund programme. You should have received an automatic acknowledgement of your submission on the Portal.

Due to the large number of bids we have received in this final bidding window, the assessment of your bid will commence in earnest from June, and it is anticipated that a funding decision will be made by Ministers on your bid from Autumn 2019.

As part of the assessment process, we will be conducting initial due-diligence on schemes and have commissioned external consultants to conduct this. During this time, we will ask you for further information. This may be because sufficient evidence has not been submitted in your bid, evidence may not be of sufficient quality, or further clarity is required. This could be about any of the five sections of the business case. During this process, you will not be able to change any fundamentals of your bid. We will only be seeking further evidence or clarification of what has been submitted to support the decision making process on bids.

To ensure that we are able to assess your bid in June and a funding decision can be provided as quickly as possible thereafter, we would encourage you to use the next few months to assemble any key documents evidencing the statements in your bid, if you have not already provided these in your submission. This may require information from any partners you have been working with including delivery partners and consultants assisting you in writing your bids, so you may wish to let your partners be aware of this requirement. As detailed in the prospectus, to properly assess your bids, we expect an open book policy, including any relevant information from delivery partners or consultants such as viability assessments or economic models.

We will be in touch again in June to begin requesting this further information to inform our assessment of your bid.

All HIF queries can continue to be directed to the HIF@Homesengland.gov.uk in the interim.

Kind Regards

HIF Team



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Appendix 2

Unlocking Strategic Development Sites - Cost Plan

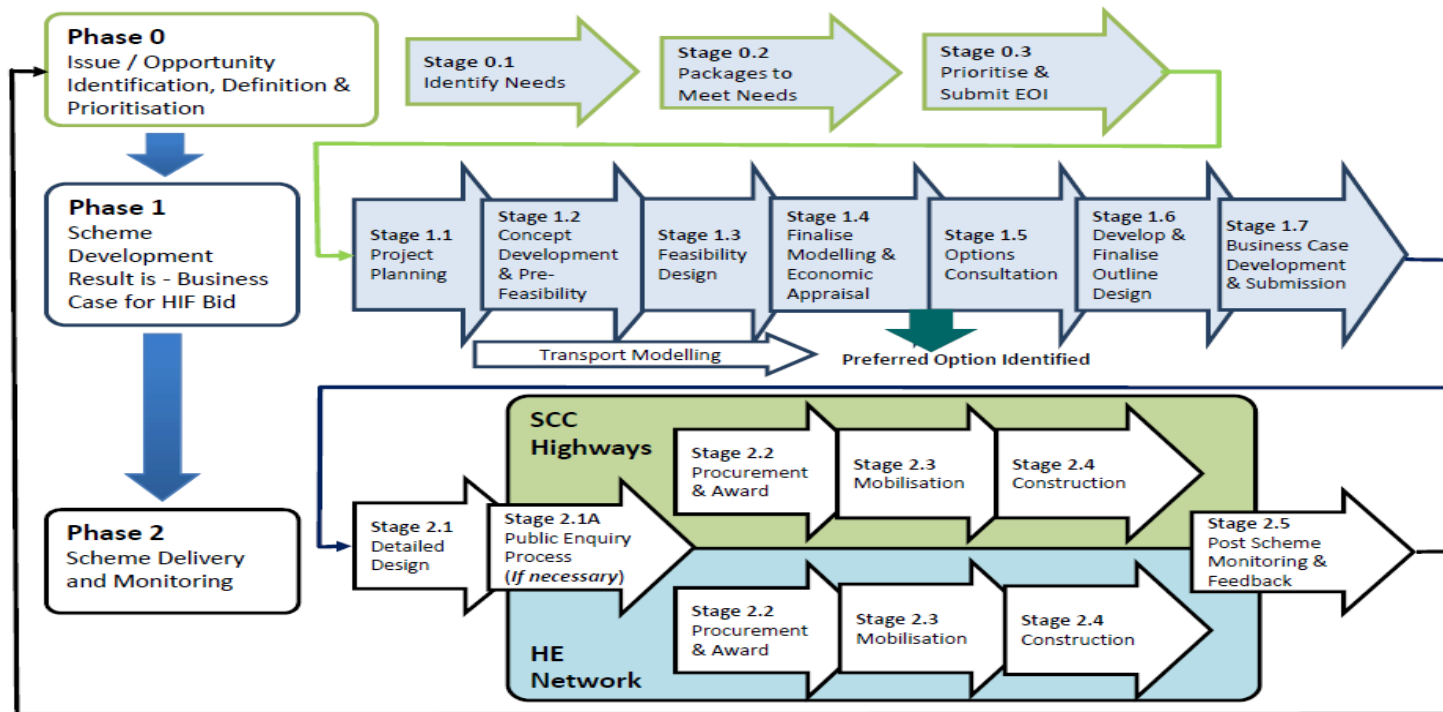
	Total	Junction 6	Felbridge
Total Construction Works	£21,621,420	£19,621,420	£2,000,000
Total Design Fees	£3,243,213	£2,943,213	£300,000
Total Land Acquisition Costs	£2,775,000	£50,000	£2,725,000
Risk @ 40%	£11,055,853	£9,045,853	£2,010,000
Commuted Sums	£2,700,000	£2,500,000	£200,000
Total Client Fees	£3,436,560	£1,977,262	£1,459,298
Compound Inflation	£12,386,267	£9,984,194	£2,402,074
Grand Total	£57,218,314	£46,121,943	£11,096,372

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Appendix 3

Tandridge HIF E2E Process Phases & Stages



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Appendix 4



[REDACTED]
Exec Director for Finance
County Hall
Penrhyn Road
Kingston Upon
Thames
Surrey KT1 2DN

21 March 2019

Email: [REDACTED]
Contact Number: 0208 541 7246

Dear Housing Infrastructure Fund,

Re: Unlocking Strategic Development Sites – HIF/FF/577

As Section 151 Finance Officer for Surrey County Council, I approve the submission for this application.

I am satisfied that the bid meets the requirements set out in the guidance and relevant terms and conditions for the Housing and Infrastructure Fund.

I agree to account for the funds received.

Yours faithfully

[REDACTED]
[REDACTED]
Executive Director of Finance

Signed on behalf of Surrey County Council

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1. Delivery Programme

AAP and Planning Application Timing

- 1.1 In order for the first homes to be completed in the timeframe submitted in the Local Plan housing trajectory, an AAP needs to be prepared and adopted, and planning permissions needs to be secured.
- 1.2 There has been some concerns raised over the appropriateness or feasibility of overlapping these two processes. However, in our view it is entirely possible, and indeed best practice, for preparation of the AAP and a planning application to overlap and inform each other.
- 1.3 It is common practice for planning applications to be prepared alongside an AAP, as the more detailed evidence base required of a planning application can be fed into the AAP and help ensure that the latter is robust and deliverable. Deliverability of an AAP is also demonstrated by the fact that a planning application is being advanced, by a developer committed to delivering the scheme.
- 1.4 This approach also has the advantage of avoiding consultation fatigue, by allowing some combination of consultation processes between the two rather than repeating much of the same content numerous times and over a very long time period.
- 1.5 None of this is to say that the independence of the AAP or the Council's role as planning authority is compromised. The planning authority is free to take evidence from the emerging planning application, and representation from the developer, and do with it as it wishes, in combination with consultation responses. As the AAP emerges this is shared with the developer to ensure that the planning application is in conformity. This approach ensures that the preferences, aspirations and requirements of the planning authority and local community are fed directly into the planning application, and that ultimately there is harmony between the two.

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- 1.6 The potential alternative approach, where preparation of the application is only started following adoption of the AAP, risks the application being based on different evidence, reflecting different priorities, and less in conformity with the AAP.
- 1.7 A fully optimised programme would provide that the application is prepared alongside the AAP, and submitted shortly after the AAP is submitted for examination. The application would then be lodged whilst the AAP is being examined, and would be determined after the AAP is adopted.
- 1.8 The programme we have suggested below is conservative in that it shows less overlap than this. This is to allow more time for the Council to carefully consider an Outline Business Case and to take sufficient time in securing a delivery partner in the event one is required, and generally in order to be robust. It is noted that in theory the AAP timetable may slip given the Local Plan determination is behind the time envisaged in the Local Development Scheme (LDS). However, the potential for greater overlap with the planning application than has been allowed for would mean that any such delay would not affect the overall programme.
- 1.9 In our view it is also possible for the AAP to be adopted faster than the period currently shown in the LDS. Whilst we have nevertheless adopted the LDS programme, it is possible for an AAP to be adopted over c 2 to 2.5 years with sufficient commitment of resource. If this is the case then the whole programme could be accelerated.

Delivery Route and Partner Selection

- 1.10 Though the preferred delivery route for the Council is not currently decided, the Council has developed its thinking considerably on this including running a number of workshops, commissioning analysis and putting high level options to Members at Committee.
- 1.11 The Council is committed to continuing to work with existing landowners and promoters to deliver the GC. However, the objectives of the GC are clear, as are its infrastructure requirements and the need for comprehensivity. Landowners and promoters must develop their proposals in line with these, and be able to demonstrate the ability to deliver. Should this prove not to be the case, the Council is prepared to use its compulsory purchase powers to ensure the GC is delivered, and in accordance with the Local Plan and AAP. This has been confirmed at Committee on multiple occasions.
- 1.12 The Council is also committed to taking an active role in the delivery of the GC. This extends beyond use of compulsory purchase powers to setting up delivery structures and procuring its own delivery partner if necessary. The Council has explored potential delivery structure approaches from the use of collaboration and equalisation agreements with landowners/promoters, to selecting its own partner and shaping delivery through the use of Development Agreement or Joint Venture models.

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- 1.13 Selecting its own delivery agent and using such partnership structures will afford the Council greater control over delivery in terms of phasing and the form of the scheme. This can include a degree of control over the pace of delivery, including the potential to control the release of serviced land parcels to the market (see below).
- 1.14 Final decisions on delivery structure and approach are yet to be made, but the Council is advanced in its thinking and its commitments to enable a transition to Council-led delivery well within programme, responding to emerging greater detail on the precise location and form of the scheme as the AAP evolves, and in the event that it becomes evident that it will not be sufficient to rely upon existing landowners and promoters alone. The Council is at a stage where it would be able to advance to determining a preferred delivery method through development of a full Outline Business Case in relatively short order at an appropriate point over the development of the AAP.

Developer Model

- 1.15 It is not currently determined whether the GC will be delivered by a single developer, multiple in partnership, or through a master-developer acting as infrastructure provider and then selling serviced land parcels to housebuilders.
- 1.16 We would anticipate that the most likely model for a scheme of this size and will be a developer directly delivering some housing but disposing of serviced parcels to others. This would fit best with the overall balance of infrastructure cost requirement to value, and scheme size. In our view the infrastructure requirements are not of such a scale as to deter developers, but that the scheme size would suggest that even a housebuilder would seek to dispose of some land in order not to concentrate too much resource on one site and to meet ROCE-based return measures.
- 1.17 This would also most likely be a preferred approach for the Council given the disposal of serviced parcels can provide for the acceleration of delivery through greater product differentiation and ease of selling through multiple outlets. Given the Council's willingness to directly drive the delivery of the scheme, if this is determined to be an optimal model through the Outline Business Case process then it will form an integral part of partner selection.

Land Assembly, CPO and Planning Permission Timing

- 1.18 Based on our experience, there is likely to be some overlap between the land assembly process (perhaps including use of compulsory purchase if required) and other workstreams such as planning.
- 1.19 The programme below shows the land assembly process running from Q2 2021 through to start on site in 2024. Although some initial discussions on availability of land for development have been undertaken, this element of the programme represents the focused period of discussion

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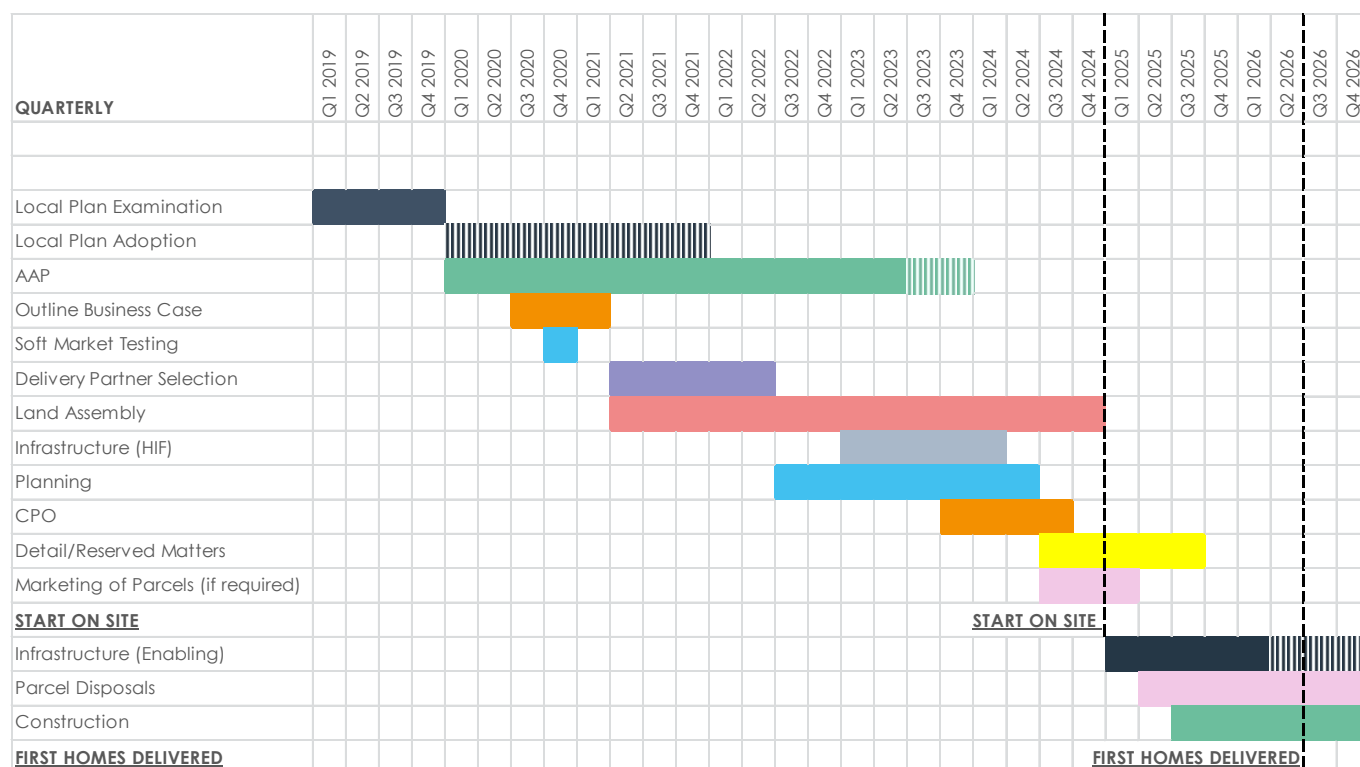
and negotiation with the variety of landowners, option holders, land promoters and others with an interest in the land required. It can be seen it commences part way through the AAP process, when it can be assumed the boundary of the proposed GC has been refined through that process and the area of development identified.

1.20 Preparation of the planning application commences in Q3 2022, with submission assumed after c 1 year, and determination a year later in Q2 2024, which allows time for full grant as opposed to just a resolution. The CPO process (if required) comprises making an Order, objection period, Public Inquiry if required, and decision on the Order. It can be seen that this commences towards the end of the planning process in Q4 2023 and completes in Q3 2024. Given this timing, the programme assumes an outline or similar permission would have been granted prior to any required Public Inquiry into the CPO.

1.21 Preparatory work will be undertaken prior to the making of the Order, in the usual way. Following confirmation of an Order, the Council would then be in a position to implement the Order within the usual time limits.

Overall Programme

1.22 We would suggest that the overall timetable below is deliverable:



1.23 The programme includes an allowance for delay in adopting the Local Plan until the end of 2021. This does not impact the overall programme, however, as the Council is committed to

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progressing the AAP once it receives the Inspector's letter indicating soundness of the Plan, following the hearings. In the event there is any delay to the AAP, this is not considered to delay the following stages for the reasons outlined above.

- 1.24 The Outline Business Case process will be worked up alongside the development of the AAP as the detail of emerging design proposals and the evidence base will feed into the preferred delivery model, including identification of the full funding requirement and timing. This will also allow time to engage further with existing landowners and promoters on the precise requirements of the scheme and to determine which will cooperate through collaboration and equalisation agreements or similar.
- 1.25 To the extent required, a delivery partner will then be procured, again overlapping with the AAP but timing the procurement to coincide with an advanced stage of the AAP, so that parties have good definition of the scheme to respond to. Securing a partner before the AAP is finalised will also have the advantage of allowing some input from them prior to final consultation.
- 1.26 In the event a serviced land parcel model is proposed, the programme allows the time for marketing and disposal of plots. The former can take place once there is delivery certainty on confirmation of the CPO, but can take place in advance of the infrastructure works being delivered as disposal terms can be negotiated prior to actual disposal. This is typical practice and allows disposal of plots as soon as infrastructure works are completed.
- 1.27 Infrastructure works related to HIF funding, namely M25 Junction 6 and the A22 Felbridge Junction, will be delivered early as they are funded separately and this is the required timeframe for HIF funding. We have allowed a further 6 months of infrastructure work prior to any plot disposals.
- 1.28 We have allowed 15 months from plot disposals to first housing delivery. It is noted that for a housebuilder this would need to allow for both reserved matters consent and construction time. With enough prior work to prepare a planning application, this is achievable. However, if the selected delivery partner is itself seeking to directly deliver homes as well as provide infrastructure, then this is eminently achievable as it will have been working towards implementable permission since the original outline permission 9 months earlier. Indeed, the original permission may even have been a hybrid with a detail first phase. Whether or not this is the preferred approach will be determined through the Outline Business Case, but we would anticipate this form of hybrid approach to be likely to be preferred.
- 1.29 These timescales have been considered against best practice research (Nathaniel Lichfield and Partners - NLP – Report; Start to Finish How Quickly do Large scale Housing Sites Deliver? Nov 2016). It is important to note the method behind this analysis. NLP count the time period from the point at which the site in question was first formally identified as a potential housing

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allocation (e.g. in a LPA policy document)'. The average length of time identified from this point to submission of the first planning application is 3.9 years. Following this, the average time to first housing delivery for large sites is 'in the order of 5.3 – 6.9 years'. [Housing delivery is the completion of the first unit or where the exact month isn't known the midpoint, i.e. October, of the annual monitoring period]. This gives a total of 9.2 – 10.8 years.

- 1.30 The Council selected the Garden Community as part of their spatial strategy in March 2017. A Garden Community consultation, including South Godstone was undertaken in August /September 2017. South Godstone Garden Community was identified as the preferred location in the Regulation 19 document published at Planning Policy Committee in July 2018. If starting from March 2017, delivery of the first homes in 2026/27 as proposed in the submitted trajectory would provide for a total period on a comparable basis of c 9.5 years. If the July 2018 was taken, then a total period on a comparable basis would be c 8 years. On a high level, average basis, the Council's projected start on site is entirely supported by the NLP analysis as it is within the range found for the sample sites on average. This is before even considering that for SGGC the Council proposes to drive delivery directly, and that the proposed AAP will do much of the work typically required for planning applications.
- 1.31 The Council is also geared up to commence work on the AAP and, at an appropriate point of development of the AAP, an Outline Business Case. The GC is already on the Homes England Garden Communities programme, including having had some capacity funding assigned, and we are already retained to advise on these next stages of work.

2. Delivery Trajectory

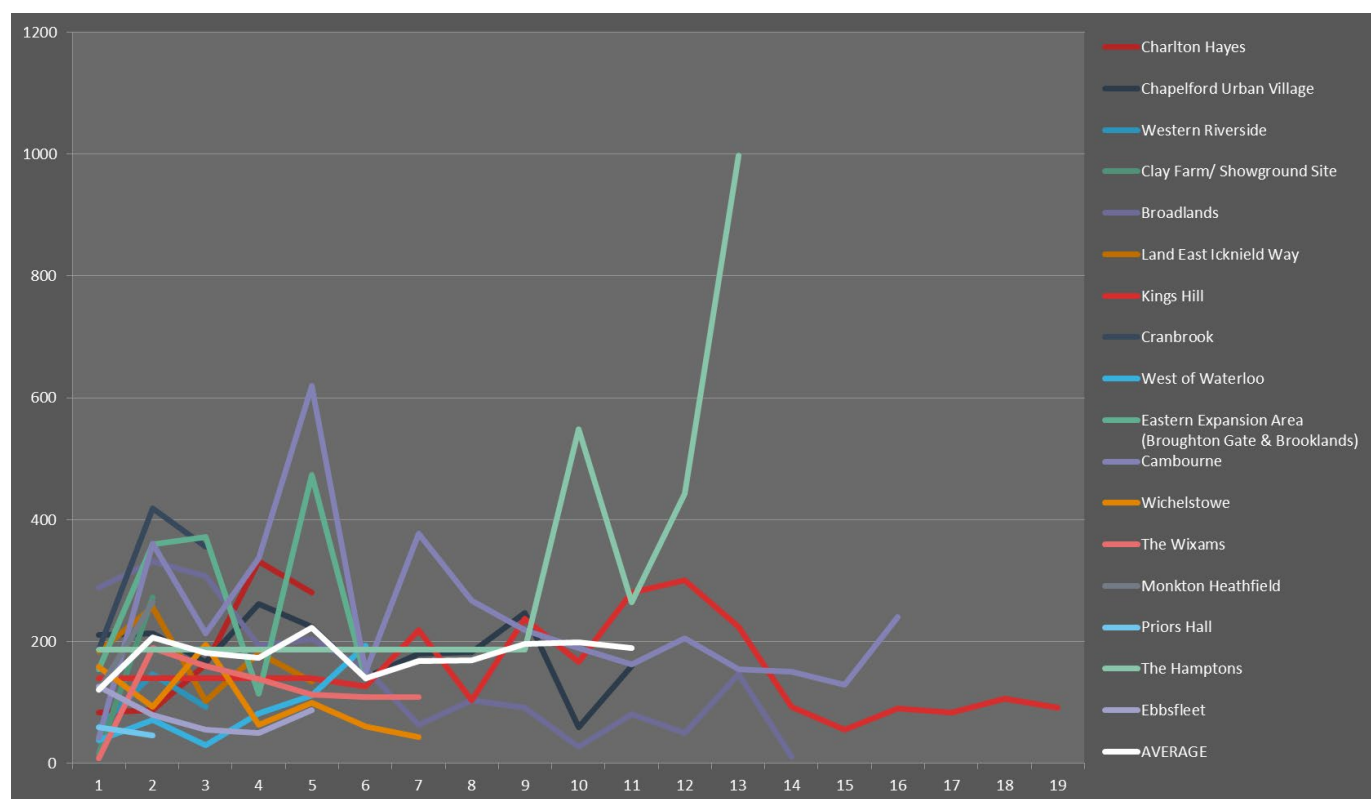
- 2.1 Quite detailed assumptions on the anticipated housing delivery trajectory for the Garden Community have been developed for the HIF bid. This includes the timing of the first delivery of homes, and the profile of delivery thereafter. The former is dealt with above.
- 2.2 With regard to the latter, the Local Plan makes an overall average assumption consistent delivery of homes from the first year (i.e. 200 per annum from year 1).
- 2.3 In reality it is likely that the GC will deliver at a varied rate across its programme, and that it is likely to involve some degree of starting at a slower rate initially and increasing to a peak. However the projected housing delivery of 200 units per annum is nevertheless appropriate as an estimate of delivery on average, given the actual deliver rate will fluctuate and the peak rate may be greater than this average allowance. We have previously advised the Council that a stabilised rate of c 270upa should be achievable.
- 2.4 The NLP report states that on average larger schemes (over 2,000 units) deliver at a rate of 161 units per annum overall. We would comment that this is just a simple average, and that it

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masks a very wide range of delivery rates. The report itself states on multiple occasions that there are a myriad of factors that affect delivery, that every site is different.

- 2.5 The 161upa average is based on data from 17 sites from all over the country, covering a very wide range from 53-321upa.



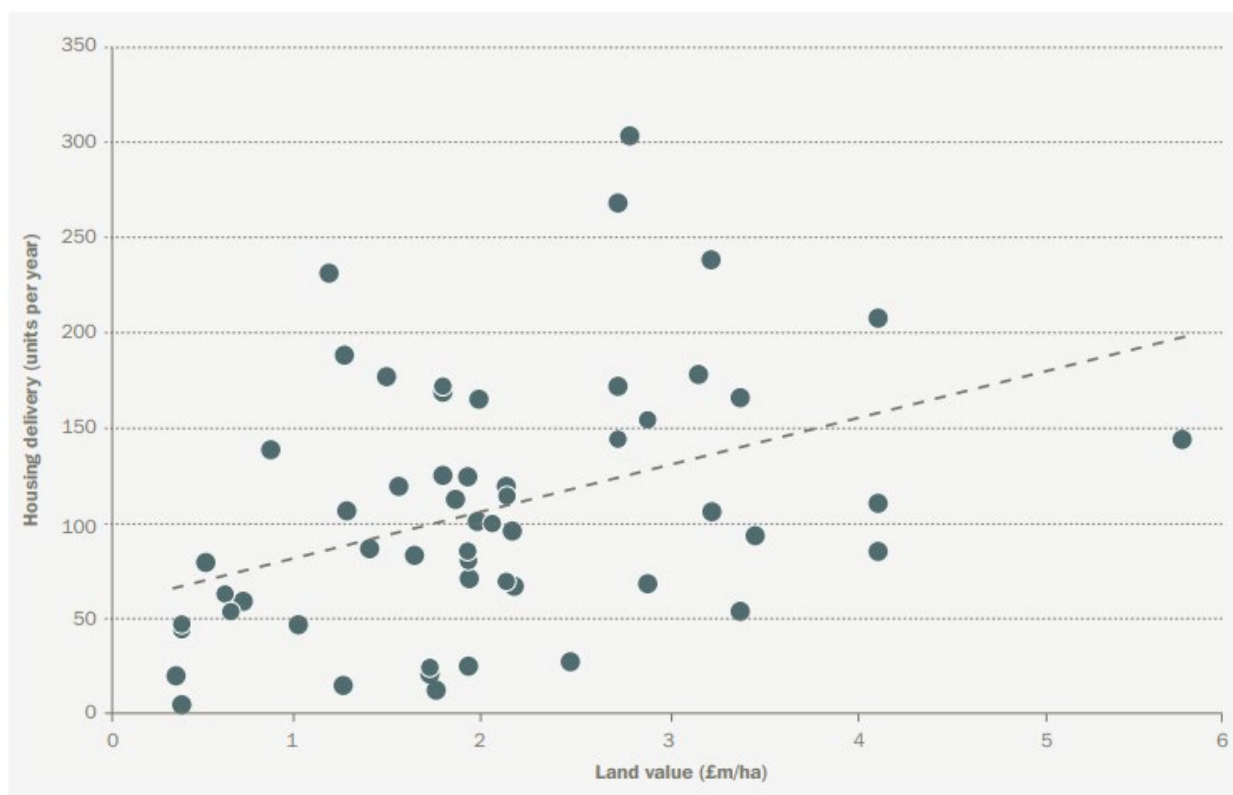
- 2.6 Where the data only shows overall delivery over a number of years we have assumed constant delivery at the same level over this period for the purpose of illustration.
- 2.7 The chart demonstrates the highly volatile nature of delivery rates for any given year, as well as the wide range of delivery rates across schemes. As stated earlier, it is difficult to draw conclusions from such a widely varying data set, but it is interesting to note the white line, which shows the average delivery rate for every year for which there are at least 5 data points.
- 2.8 For all but 2 years, this average hovers around the 200upa mark. This demonstrates the reasonableness of the Council's approach, namely the adoption of a delivery rate not intended to reflect exact figures, but an average overall of rates of delivery over time that may in reality be more mixed.
- 2.9 Whilst we would accept that delivery on site may not start at a consistent rate, we are of the view that the specific circumstances of the site and proposed delivery approach would allow delivery at a faster peak range that would average to the profile submitted in the Local Plan

documents. Once stabilised, we are of the view that a rate of c 270upa could be achieved. This is due to a number of factors:

- Market depth/strength of market;
- Multiple outlets; and
- Delivery model.

Strength of Market

- 2.10 The proposed GC is in an area of very high house prices, in an affluent area of the South East of England, where average house prices are almost double the national average, and are c 14 times local incomes.
- 2.11 Whilst we would repeat our view of the limitations of the dataset presented in the NLP report, there is an attempt to tie delivery rates to geographical location with reference to strength of market. This is with reference to a metric of CLG land value estimates for Local Authorities (2014). The most recent MHCLG figures for policy appraisal (2017) estimate the residential land value for Tandridge as £6,805,000/ha. This value is quite literally off the scale of the chart presented in the NLP report (repeat below). The trendline, stated to show “**a clear relationship between the strength of the market ... and average build out rates**”, suggests that in an area of such high value a delivery rate of over 200upa would be achieved.



Source: NLP analysis and CLG Post-permission residential land value estimates (£/ha) by Local Authorities (February 2015)

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- 2.12 In fact, the Tandridge policy appraisal land value is the 19th highest of all authorities outside of London, making it one of the strongest markets in the country.
- 2.13 Within the viability evidence supporting the Local Plan the housing values adopted are also reflective of the rate of sale envisaged. In order to support rates of sale (to fit the business model of likely developers – see below) the values adopted are significantly below what can typically be achieved for new build housing in the area, because typical development is of a much smaller scale, and targeted at a luxury end of the market. This offers significant scope to deliver homes at more affordable pricing, to target a different market segment and achieve increased rates of sale as a result.
- 2.14 Tandridge also has a housing affordability ratio of 14 times the average resident wage, making it one of the least affordable places to live outside of London. This suggests that there is significant pent up demand for housing priced more affordably, and that housing marketed at lower unit values, likely in the context of a large strategic site with a large quantum to dispose, will sell well and at a strong pace. Notwithstanding this, the adopted sales rate is a typical one.

Multiple Outlets

- 2.15 The proposed location of the GC lends itself well to sales through multiple outlets.
- 2.16 Whilst the exact siting and layout of the scheme has yet to be determined, the Area of Search includes many different access points which enables the delivery of multiple outlets from a practical point of view, and to allow differentiation.
- 2.17 The site also provides scope for significant product differentiation. The character of the Area of Search is varied, with varied topography, a number of natural and heritage features and centred on the focal point of a train station. This lends itself to a variety of products and marketing exercises as there will be a range of different settings, and different densities and housing typologies will be suitable in different locations. This differentiation is important for ensuring separate outlets perform in isolation and do not draw on each other's trade.
- 2.18 In our view, the site could comfortably support 3 or 4 different outlets. Given the expectation of delivery of a high proportion of affordable housing (40% affordable has been tested in the viability evidence), this would provide that for the scheme as a whole to deliver at a rate of 270 upa, each outlet would only need to secure sales at a rate of 1 per week. This is an eminently achievable rate, even with some overlap of markets between outlets, and one which housebuilders would often set as a minimum and would typically expect to significantly exceed.

Delivery Model

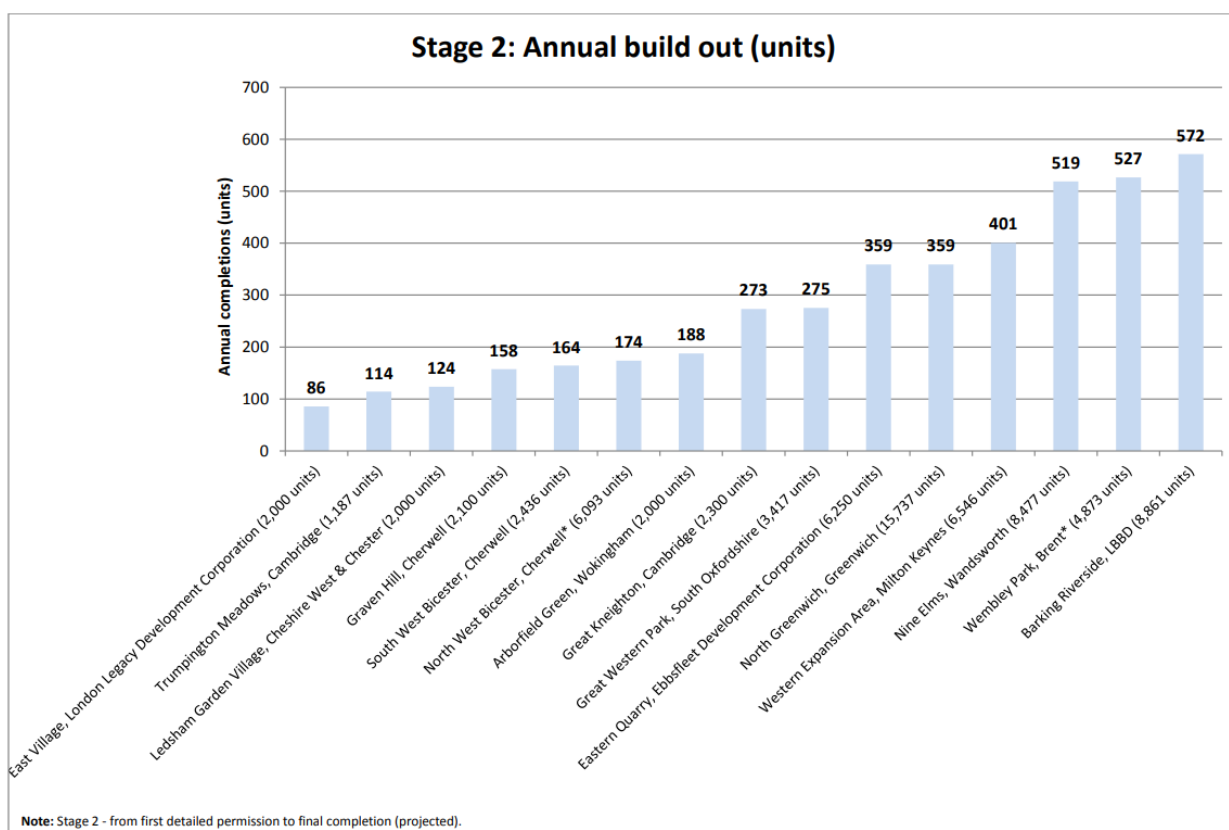
- 2.19 As described above, the Council is prepared to take an active role in delivery of the GC and to drive its objectives and the aspirations of the Local Plan aspirations through to delivery, including procuring a development partner if necessary.
- 2.20 Through the Business Case process the optimal delivery approach, but a masterdeveloper model, where infrastructure is delivered upfront and serviced parcels are disposed to housebuilders, is likely to be preferred, at least within a hybrid model if not adopted solely.
- 2.21 This approach lends itself to faster rates of delivery both by enabling the provision of multiple outlets described above, including with multiple different housebuilders, and also due to the business models of firms likely to deliver the scheme. Masterdevelopers are driven by IRR and ROCE measures of return which are highly sensitive to timing and phasing. Such developers will look to deliver at healthy rates of sale, either directly of houses or disposals of plots, to support a higher IRR, rather than focussing on profit on cost or revenue metrics that aren't time-sensitive. Aligning business models to timing in this way will further help to ensure that faster rates of delivery are secured – put simply it will not be the developers' preference to hold land and delay delivery.

Alternative Profile

- 2.22 Drawing on the above we consider below a potential delivery profile that may more closely reflect actual on-site rates, though would not provide for a different overall quantum of delivery within the Local Plan period than that submitted for examination.
- 2.23 We have previously advised the Council that a stabilised rate of c 270upa should be achievable for the GC. This is due to the factors described above, and is supported by evidence. Though the stated average rate in the NLP report is lower, as described above on further analysis a higher average annual rate could be supported using the same data, and there are issues with data variance and sample size.
- 2.24 The Letwin Review ('Independent Review of Build Out Rates', June 2018) has been referred to in discussion of the HIF bid and the Local Plan. We have analysed the Review findings. This assessed delivery rates for a number of large schemes over recent years, much as NLP did, albeit more recently. The schemes were varied in their scale and location, with significant variance in results. The chart below shows the full range:

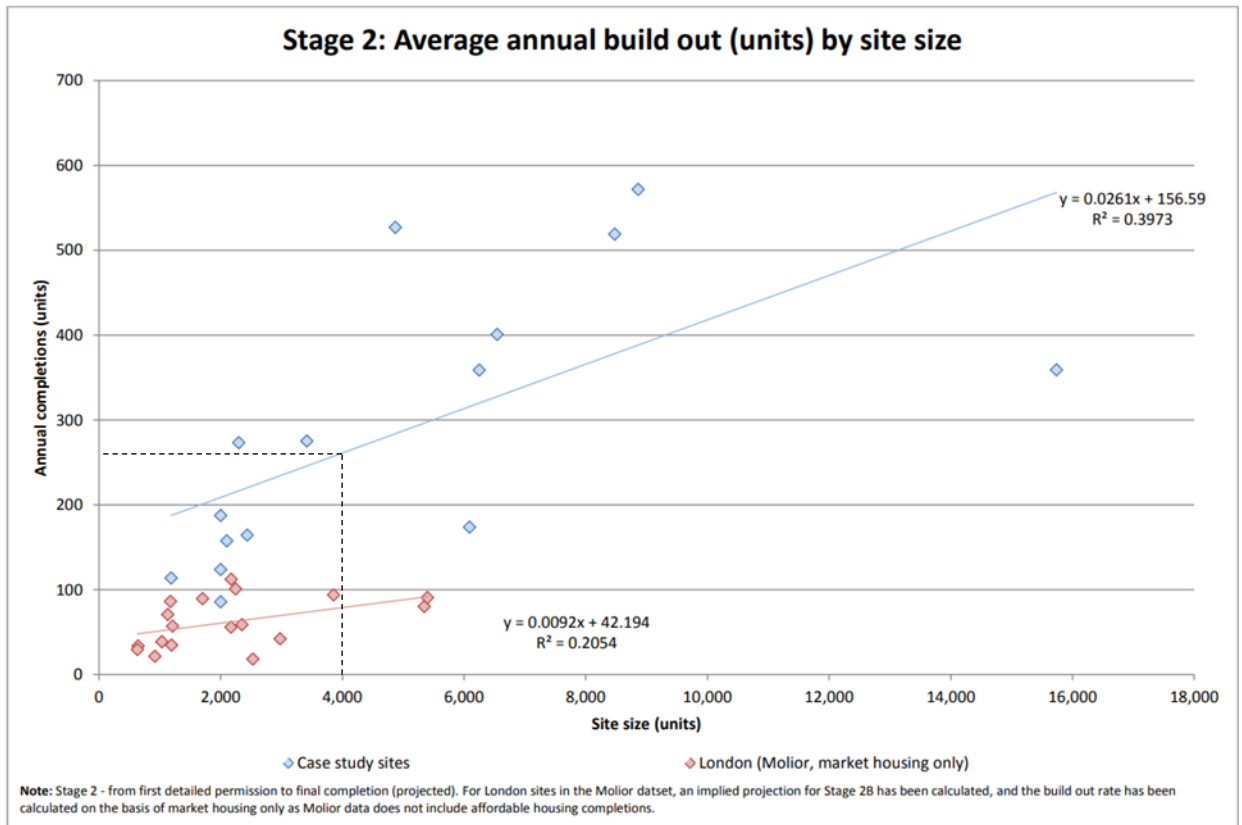
Document Reference TED24:

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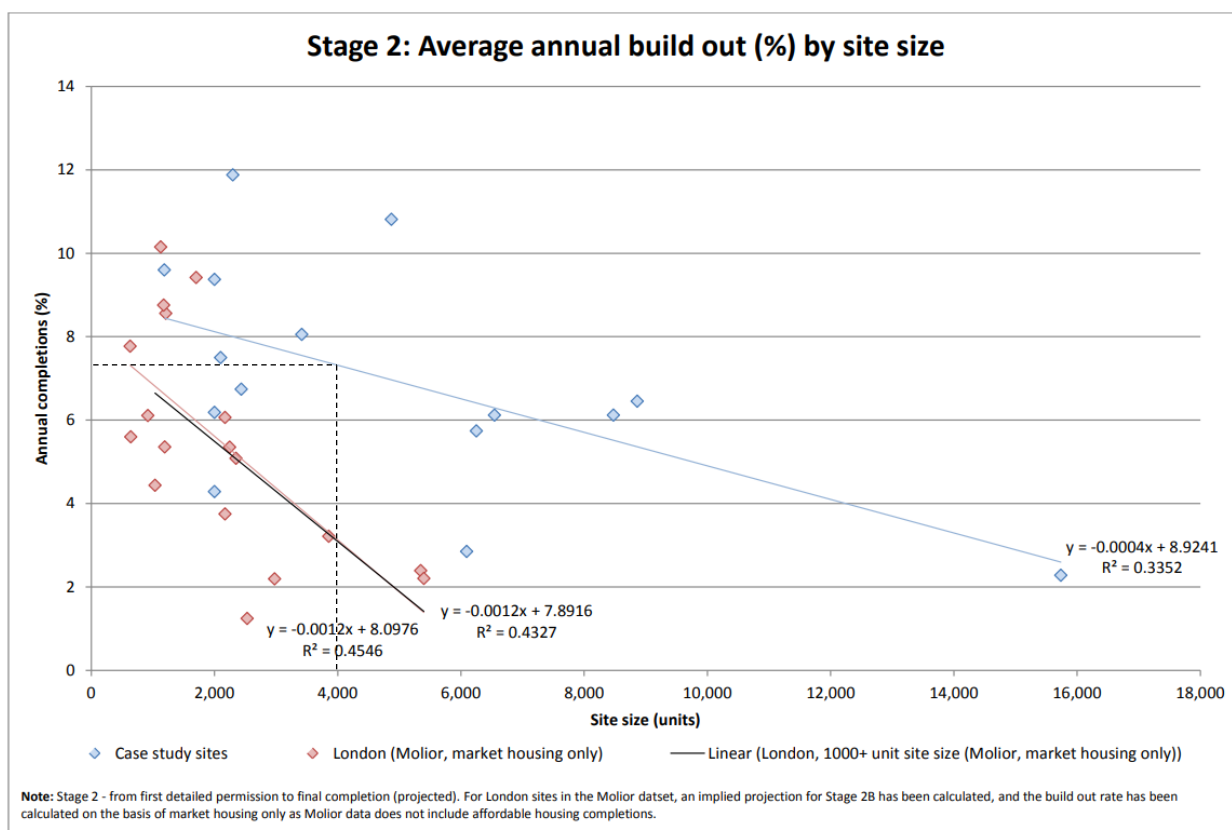


2.25 'Stage 2' refers to the build-out phase of development following grant of the first detailed planning permission. It should be noted that this may capture a wider timeframe than the build out rates published within the NLP Report. The latter appears to list annual completions on site once completions start to be declared, primarily from annual monitoring data, and therefore would not necessarily capture time between permission being granted and the first completion, i.e. reserved matters/satisfaction of conditions.

2.26 Analysing this in greater detail, the report finds correlation between size of scheme and speed of delivery. This makes sense given larger schemes with longer timeframes are likely to be driven by IRR and ROCE measures of return that are time dependent, and therefore those developers delivering such schemes will focus on a healthy rate of sale above other considerations, even above maximising sales values to an extent. The chart below illustrates the relationship:



2.27 Clearly there are examples well above and below the trend line, but the overall correlation suggests a scheme of 4,000 units such as that proposed at South Godstone should deliver at a rate of c 260 per annum (dotted line our addition). The below chart expresses the same data in terms of percentage of scheme delivered per annum rather than units.



- 2.28 For a scheme of 4,000 units, the correlation suggests a delivery rate of c 7.2% per annum. This is equivalent to 288 units per annum.
- 2.29 In addition, one aspect not analysed in the review is the level of affordable housing at each scheme. It is unequivocal that investigations made clear that adsorption of affordable homes is limited only by the delivery of the private homes to cross-subsidise them, rather than any inherent shortage of demand, and that no developers reported difficulty disposing of affordable units. Assuming a viable scheme overall, therefore, it stands to reason that high levels of affordable housing will provide for greater delivery rates overall, given that a greater proportion of the overall deliver will not be subject to normal market absorption.
- 2.30 Tenure was not a metric measured in the Letwin review. However, we would assume that the delivery of 40% affordable housing at SGGC is towards the top of the range of proportions delivered at the analysed schemes. We would therefore expect that the South Godstone scheme should deliver on the faster side of average compared to the other schemes.
- 2.31 Besides this analysis, on a more qualitative basis we would consider a stabilised rate of c 270upa to be achievable for all the other reasons described above. We would therefore consider the below alternative delivery profile to be achievable by way of illustration:

Year	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	TOTAL
Units Delivered	75	125	175	225	270	270	270	1,410
Private Units Per Week	0.87	1.44	2.02	2.60	3.12	3.12	3.12	
Outlets	1	2	2	3	3	3	3	
Private Units Per Week Per Outlet	0.87	0.72	1.01	0.87	1.04	1.04	1.04	

- 2.32 This alternative delivery profile would deliver approximately the same number of units over the plan period as that submitted for examination. It is eminently achievable.
- 2.33 As described above, actual delivery rates may be affected by a wide range of factors and so actual delivery may fluctuate. Hence, the Council's approach has been to adopt a consistent average rate. The above illustrates one potential profile that could deliver this quantum in practice.

The updated and detailed SGGC financial appraisal prepared for the HIF Bid is summarised below.

This is based on 40% affordable housing delivery and full coverage of IDP infrastructure costs. It allows a £21million infrastructure cost contingency.

South Godstone Garden Community
Financial Assessment Appraisal

Development Appraisal
Avison Young
01 March 2019

APPRAISAL SUMMARY**AVISON YOUNG****South Godstone Garden Community
Financial Assessment Appraisal****Summary Appraisal for Phase 1**

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Houses	1	2,547,840	424.19	1,080,768,250	1,080,768,250
Affordable Houses	1	1,001,984	230.11	230,566,538	230,566,538
Affordable Flats	1	293,280	256.00	75,079,680	75,079,680
Totals	3	3,843,104			1,386,414,468

Investment Valuation

Supermarket	
Manual Value	7,150,000
General Retail	
Manual Value	2,850,000
Pubs	
Manual Value	1,100,000
Food and Beverage	
Manual Value	3,300,000
Industrial	
Manual Value	36,100,000
	50,500,000

GROSS DEVELOPMENT VALUE**1,436,914,468**

Purchaser's Costs	5.8%	(2,929,000)	(2,929,000)
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NET DEVELOPMENT VALUE**1,433,985,468****NET REALISATION****1,433,985,468****OUTLAY****ACQUISITION COSTS**

Residualised Price		77,779,480	77,779,480
Stamp Duty		3,879,974	
Agent Fee	0.8%	583,346	
Legal Fee	0.5%	388,897	
Town Planning		1,000,000	
			5,852,217

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost
Supermarket	19,700 ft ²	120.00 pft ²	2,364,000
General Retail	13,455 ft ²	120.00 pft ²	1,614,600
Pubs	7,000 ft ²	120.00 pft ²	840,000
Food and Beverage	15,600 ft ²	120.00 pft ²	1,872,000
Industrial	208,820 ft ²	100.00 pft ²	20,882,000
Religious Facility	1,000 ft ²	140.00 pft ²	140,000
Community Building	4,000 ft ²	140.00 pft ²	560,000
Private Houses	2,547,840 ft ²	125.00 pft ²	318,480,000
Affordable Houses	1,001,984 ft ²	125.00 pft ²	125,248,000
Affordable Flats	351,950 ft ²	140.00 pft ²	49,273,011
Totals	4,171,349 ft²		521,273,611

Build Cost Contingency	5.0%	26,063,681	
Infrastructure Contingency	10.0%	21,800,000	
Infra, Enabling & Servicing		218,000,000	
			265,863,681

Other Construction

Estate Management Contribution		12,000,000	
CIL		30,100,000	
			42,100,000

PROFESSIONAL FEES

Professional Fees on Buildings	6.0%	31,276,417	
Professional Fees on Infrastructure	10.0%	21,800,000	
			53,076,417

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 ARGUS Developer Version: 6.50.000 Date: 01/03/2019

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APPRAISAL SUMMARY**AVISON YOUNG****South Godstone Garden Community
Financial Assessment Appraisal****MARKETING & LETTING**

Marketing Private Residential	1.0%	3,184,800	
Marketing Commercial		600,000	
			3,784,800

DISPOSAL FEES

Sales Agent Fee	1.0%	13,084,058	
Sales Legal Fee	0.3%	2,820,848	
Affordable Housing Fee		300,000	
			16,204,906

FINANCE

Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Land		37,861,850	
Construction		28,883,421	
Other		17,774,015	
Total Finance Cost			84,519,285

TOTAL COSTS**1,070,454,397****PROFIT****363,531,071****Performance Measures**

Profit on Cost%	34.0%
Profit on GDV%	25.3%
Profit on NDV%	25.4%

IRR	13.5%
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Profit Erosion (finance rate 6.000%)	4 yrs 11 mths
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Explanatory extract from Bid:

The GDV estimate has been provided by Avison Young as development consultants.

The strategic scheme is different from any of the existing or recent new build developments in either location and are of a scale where it will need to be competitive on a sub-regional basis rather than just local. The units are also priced to reflect the assumed rates of sale and the quantum of sales to be achieved. Avison Young is of the view that the adopted values are reasonable and appropriate.

All other values including affordable residential and commercial values are based on Avison Young's professional view. AY has worked on numerous large scale strategic residential schemes, and is currently advising in relation to the North Essex Garden Communities and land at Ifield, West Sussex. Adopted assumptions are therefore based on relevant and current experience at other projects including being informed by comparable evidence and agent opinion.

In relation to shared ownership values, these values are based on an approximate investment approach similar to that adopted by Registered Providers. The values are based on full market values, for which a 30% upfront share of equity is assumed to be purchased. The remaining equity is assumed to be charged a rent of 2.5% per annum. An efficiency deduction and yield is applied to this income stream and then this capitalised figure is added to the upfront equity sold to arrive at an overall asset value. This value is equivalent to c 71% of private sale values, which AY considers is appropriate in this location.

For the rented affordable units, the value is based on Local Housing Allowance levels in the area. It is assumed that this rent can be charged to the tenants of these units; this is effectively equivalent to most of these units being social rent units given the rent is set at local benefit levels. To this rental stream a deduction for maintenance, management, bad debts and voids is applied, as well as an investment yield. This provides for a capital value for each unit, equivalent to 45% - 54% of private sale value (depending on unit type). AY considers this appropriate in this location and potentially conservation if a greater mix of rental values is to be targeted.

The residential mix assumed is 40% affordable housing, split 75% affordable rent and 25% shared ownership, in accordance with emerging local planning policy.

For commercial uses (employment and retail), Avison Young has reviewed local evidence of comparable transactions and combined this with its experience of similar schemes. The Garden Community proposal is effectively to deliver an entirely new centre, so from a retail perspective direct comparability is difficult. AY has therefore formed a conservative assumption based on rents lower than those generally in the surrounding centres, to account for the new location 'bedding in' and to reflect developers' likely to approach; being that little return if any will be sought on this element; rather the focus will be on securing occupiers to deliver appropriate services for the new housing, to support housing prices and sales rates.

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In relation to employment uses, much the same logic applies, though to some extent transactional evidence at nearby locations is more instructive as the fact this will be a new community is less relevant for these uses. AY has therefore adopted rents and yields similar to those generally found in nearby commercial locations.

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Appendix 6

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Department
for Transport

Senior Planning and Investment Manager
Rail Infrastructure – South
3/23
Great Minster House
33 Horseferry Road
London
SW1P 4DR

07785 459189

Chief Executive
Tandridge District Council
Council Offices
Station Road East
Oxted
Surrey
RH8 0BT

XX March 2019

Dear Louise,

SOUTH GODSTONE – HOUSING INFRASTRUCTURE FUND AND RAIL ENHANCEMENTS

As you will be aware, Tandridge District Councillors Martin Fisher and Keith Jecks met with Sam Gyimah MP and the Rail Minister, Andrew Jones MP, on 28 January 2019, to discuss Tandridge District Council's (TDC) plans for Godstone railway station.

Following that meeting, the Rail Minister wrote to Sam Gyimah MP on 15 February 2019, encouraging TDC to incorporate rail enhancement elements into their Housing Infrastructure Fund (HIF) bid, where analysis and consultation with rail industry stakeholders demonstrated that rail enhancements would be required to permit the level of housing growth needed.

I understand from TDC officials that the analysis conducted has not been able to substantiate a conclusion that rail enhancements are required to support the proposed housing growth. As a result, it is not intended that rail elements are included as part of the HIF bid. DfT supports this intention.

DfT acknowledges and understands the aspirations which TDC has regarding Godstone station and its rail services:

- Improvements to the station building and platforms to (amongst other things) provide step-free access and allow longer trains to call at the station;
- A more frequent service which runs later into the day; and
- The reinstatement of direct services to London.

Should TDC wish to pursue those aspirations, several avenues could be explored.

- DfT has published guidance on [capturing housing impacts in transport appraisal](#) which sets out how to make business cases stronger through the inclusion of dependent development; however, this would still require a funding source.
- Engaging with the train operator, Govia Thameslink Railway, to explore the possibility of introducing a higher service frequency with trains running later into the evening.
- Engaging with Network Rail to explore enhancements to either or both line of route or Godstone station. I would encourage you to consider the DfT's published 'RNEP'

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document on rail enhancements, available [here](#), and discuss the applicability of this with Network Rail. Again, this would still require a funding source to be identified, which could form part of the discussion around any business case development.

- Other options, which are further out on the time horizon, would be discussing specific improvements to the line and station to be delivered through the next TSGN franchise. It is very early on in the reletting process, which may be subject to the outcomes of the ongoing Williams rail review and other extraneous factors, but officials here would be happy to discuss this.
- Additionally, the Brighton Mainline Upgrade may also present an opportunity to reinstate direct services to London; but it is important to note that this project does not currently have guaranteed delivery funding, and it will be many years until this project would be completed, even if funding is secured.

Many of these points are covered in more detail in the Rail Minister's letter to Sam Gyimah MP, and DfT officials would be happy to support TDC with any approach it wishes to pursue. If you or TDC officials would like to discuss this in more detail, please do contact me using the details above.

Yours sincerely,



From: [REDACTED]
Sent: 27 February 2019 14:19
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: South Godstone HIF bid

Paul

I can do Thursday at 1530.

When we spoke to Tandridge to go through the high level plans for Godstone Village I must admit I wasn't aware of them going for a bid for HIF funding. With regards to Godstone Village we said that with the amount of new homes proposed that works would be required at Godstone Station to cater for the extra numbers of passengers. We have not looked at any rail elements bar the station improvements that could be put into any bid. As you know the Tonbridge to Redhill line has no direct service into London which was part of the May 2018 TT change. This is unlikely to change until at least the Croydon Area Remodelling Scheme happens which is probably a decade away.

I have tried to speak to colleagues about who may have instructed Tandridge not to include any rail elements into their bid but so far I haven't found anyone.

Regards

Paul

From: [REDACTED]
Sent: 27 February 2019 11:17
To: [REDACTED]
[REDACTED]
Subject: RE: South Godstone HIF bid

[REDACTED]

I'm conscious that the deadline for HIF applications is looming and as an industry we owe the council a straight answer. Grateful to discuss this at your earliest convenience.

[REDACTED]

[REDACTED] Senior Planning and Investment Manager, South East, Anglia and Enhancements Portfolio,
Rail Infrastructure - South, Department for Transport
3/23 | 07785 459189 |

From: [REDACTED]
Sent: 25 February 2019 13:24
To: [REDACTED]

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Subject: South Godstone HIF bid

Hi [REDACTED],

I've been passed your details by Mark Bristow at Tandridge Council (although, John, we've met before of course). Tandridge have recently been in to meet the Rail Minister to discuss their HIF bid for South Godstone, where they were given a clear steer to put rail elements into their HIF bid where these would be required to support the housing development they are proposing. I understand that NR has advised them not to put rail elements into the bid at all, which has left Tandridge somewhat confused. It'd be really helpful to understand the NR position here; I'm sure we can clear it up with a quick phone call. Would 1330 tomorrow (Tuesday) suit? If not, 1530 on either Wednesday or Thursday would also work.

Many thanks,

[REDACTED]



[REDACTED]
Senior Planning and Investment Manager,
South East, Anglia and Enhancements
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Tandridge District Council – Housing Infrastructure Fund (HIF) Background and Update Information – November 2019

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Dear [REDACTED],

Many thanks for your email – answers to each of your questions as follows:

- a) The Rail Minister suggested the inclusion of rail elements within the bid; rail elements should be included in the HIF bid to the extent that they would be required to unlock housing development that would otherwise not occur. If the required transport capacity uplift can be realised without HIF funding (because it is funded elsewhere, would have happened anyway, or for some other reason), rail elements should not be included in a bid.
- b) As above – rail elements should only be included if the viability of the housing plans are predicated on further infrastructure being put in place.
- c) If the housing development is dependent on the reinstatement of direct London services from Godstone, this would not be deliverable without an infrastructure-led solution and, if this *does* remain an aspiration, on which the housing element is predicated, should be included. When councillors met the Rail Minister recently, the discussion centred largely around improving the frequency, capacity and reliability of the current service, as well as having the services run later, rather than on direct services (although this was mentioned). The feasibility of this requires discussion and agreement with the train operator and DfT colleagues are very happy to support here. If a solution can be found by working with the train operator, then this would not need to be included in the bid (noting that additional services would come with an additional cost). DfT officials have discussed this issue with the operator, who have said that the current infrastructure on the line provides sufficient capacity for growth in the foreseeable future. The reliability of the line has been much improved since the start of 2019, following a period of delays due to speed restrictions being in place. In the longer term, works to extend the platforms on this line could be used to run longer trains and consequently expand the capacity, however this would not be strictly necessary until the available options for increased frequency and capacity within the current infrastructure have been explored. The feasibility of this requires discussion and agreement with the train operator and Network Rail, and DfT colleagues are very happy to support here. On the late night services – this would not require additional infrastructure and as a result isn't related to the HIF bid.
- d) If this is an element for which funding was being sought through HIF, I would see TSGN/Network Rail involvement – at this stage – only needing to go as far as 'in principle support' for the station enhancements, with information on development and delivery costings (bearing in mind that the promoter is on risk for cost increases once

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any funding is secured). It wouldn't be reasonable to expect – say – a GRIP3 design in the next month, but reasonably reliable costings would need to be included. I understood from the councillors' meeting with the Rail Minister that it was hoped that s106/CIL contributions to fund these works could be leveraged from the housing developer; it would be helpful to understand what level of certainty you have over this, and whether you've had previous successes on other schemes. If this element isn't included in the HIF bid and if sufficient developer contributions can't ultimately be secured, it will be very difficult to make the business case to DfT for funding the improvements, so I would counsel you to keep your options open on the source of funding for the station improvements. As above, if you can successfully make the argument that these station improvements would be needed to support the housing development that would make for a legitimate inclusion in the HIF bid. Steer should be able to assist in advising what evidence would be required to make this argument, and we would again be happy to support.

- e) I would encourage you to incorporate rail elements into the HIF bid (for example station redevelopment, platform lengthening or the procurement of additional rolling stock) *if* consultation with Network Rail and GTR shows that these elements are essential to support the level of proposed housing growth along the line. Officials in the Department are happy to support with these discussions.
- f) The 'normal' enhancements pipeline process operated by DfT would remain open – more information available [here](#). However on the face of it, I would not be overly optimistic about the likelihood of success as a very strong business case for investment would need to be made to secure government development and capital funding. Given current low demand at the station and existing spare capacity on the services, even should the housing development come to fruition, there are likely to be much stronger and better-developed cases ahead of this one. Other funding options may include Access for All (which will also rely on a strong accessibility case); as well as the possibility of inserting some form of obligation in the next franchise on the route (the caveat being that it is very early on in the development of the successor to TSGN and the franchise may take a very different form. Other extraneous factors such as the ongoing Williams Rail Review may also change the current landscape further so I would not be able to say now with any certainty that this route would remain open). I'd be very happy to discuss this further with you if helpful.

Regards,

■

**Paul Stone | Senior Planning and Investment Manager, South East, Anglia and Enhancements Portfolio,
Rail Infrastructure - South, Department for Transport
3/23 | 07785 459189 |**

From: ■ ■

Sent: 06 February 2019 11:45

To: ■

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Cc: [REDACTED]

Subject: RE: South Godstone HIF bid

Dear [REDACTED],

Many thanks for your offer of assistance and more detailed advice. A conversation we had yesterday with MHCLG, Steer Economic Development and Homes England indicated that in their view the inclusion of rail elements would weaken our BID prospects. As such we just wanted to seek some clarification on a couple of points so that we can try and make a better informed decision on how to proceed:

- a) We understand that we were advised by the Rail Minister to include the upgrade of Godstone Station infrastructure and as per the email trail below an indication from yourself that we may wish to include Redhill-Tonbridge Line upgrades more generally. Please can you confirm if this remains the case considering the following matters?
- b) Please can it be confirmed with Central Government colleagues the true position of DFT and MHCLG as it appears we have received some conflicting advice depending on the day we seek advice/support as to how to proceed?
- c) We were advised that we would need to justify the “dependent development” for each of the infrastructure elements that we were seeking funding support for. In relation to rail upgrades across the whole Redhill -Tonbridge Line, in our view this seems a task beyond our capabilities as it was implied yesterday that we have to identify the precise house which causes the tipping point at which the network would break. Please can you confirm if this is your understanding of what needs to be included and this how you will be assessing the rail element should we include it in our bid?
- d) Currently we have “high level” thoughts on the upgrades for the station, however, feedback from yesterday indicated that much more detail would be required for inclusion in the bid. As such there is a resourcing and timescale issue particularly if we are to have further discussions with Network Rail and TSGN. You have previously indicated it is essential for these partners to be on board, in your opinion, how vulnerable would it be to not have both of these partners fully on board at this stage bearing in mind the timescales for submission?
- e) You have indicated the HIF bid would need to contain costed and achievable interventions that go to achieving the objectives you’re seeking in terms of rolling stock etc. Naturally as a Local Planning Authority, this has never been something we have had to even contemplate. It may seem rather circular, however, can you indicate typical costings for rolling stock etc or point us in the direction of where we might be able to obtain this information quickly? – We would anticipate that a manufacturer would charge different list prices depending on the volume required,

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owing to economies of scale etc and indeed it would depend on the preferred provider of such rolling stock?

- f) You have indicated If the HIF bid is not successful for whatever reason, there is still the opportunity to seek enhancement funding to deliver the project objectives. Please can you confirm which opportunities there may be available to us to explore that you are aware of, notwithstanding priorities of Government and funding streams come and go and how we might go about accessing them?

Owing to our unusually “nonglacial” timescales a response soonest would be gratefully received.

Kind Regards

Strategy Specialist
Strategy
Tel: 01883 732921

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RH8 0BT

www.tandridge.gov.uk



From: [Redacted]

Sent: 30 January 2019 08:34

To: [Redacted]

Cc: [Redacted]

Subject: RE: South Godstone HIF bid

Dear Mark,

Thanks very much for this. I was also at the meeting with the Minister, and would certainly encourage the inclusion of rail elements in the HIF bid. You may not necessarily wish to include the station improvements in the bid if you have a solid-looking funding option through the developers; the HIF bid may be a more appropriate vehicle for the infrastructure on the line of route. I understand that the main problem is the reliability and frequency of the service, along with it not running particularly later into the evening. I would encourage you to discuss the viability of improving this with GTR; a successful HIF bid may unlock the possibility of additional rolling stock – but I couldn't guarantee this (for in-franchise issues, I've copied in my colleague Toby Lorber, who was also at Monday's meeting). The HIF bid would need to contain costed and achievable interventions that go to achieving the objective you're seeking, so ongoing discussion with Network Rail will be essential too. It'll be me that

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ends up appraising rail elements of the bid, so happy to provide more detailed advice once the drafting is available.

If the HIF bid is not successful for whatever reason, there is still the opportunity to seek enhancement funding to deliver the project objectives – although on the face of it, the problem is less an infrastructure one; more a service pattern and timetabling one. Should an infrastructure solution be viable, though, I'd be happy to provide advice on the business case that will need to be produced to support this. I should mention now though – Network Rail's funding for enhancements is very constrained in CP6 (2019-2024) and a very strong business case would be needed to support the investment that might be required. Happy to discuss this further too.

You also touch on works at East Croydon and Windmill Junction – we have been working with Network Rail for some time on the wider Brighton Mainline upgrade; of which this is one element. We are currently awaiting the results of Network Rail's design work and will take a view on further funding for this once more is known – this should be later in the year. The desire for direct London services to be reinstated is noted – I've copied in Will Saltmarsh, who currently leads on the specification of the new franchise, for his information.

Regards,
Paul

**Paul Stone | Senior Planning and Investment Manager, South East, Anglia and Enhancements Portfolio,
Rail Infrastructure - South, Department for Transport
3/23 | 07785 459189 |**

From: [REDACTED]
Sent: 29 January 2019 11:08
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: South Godstone HIF bid
Importance: High

Dear [REDACTED],

As part of a proposed Garden Community at South Godstone, it is envisioned that upgrades to Godstone Station will act as a key anchor as part of the development creating a Gateway for the new community.

There is an existing station in place, albeit this consists of a small car park, two platforms and footbridge with a ticket machine. We seek support for the upgrading of this station as opposed to an entirely new station.

Detail of specific upgrade/design is anticipated to take place as part of an Area Action Plan, however, current thinking is that the station can be "re-orientated" so that main access to the station will be predominantly from the south as opposed to the north as is current which it is acknowledged is

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limited in space owing to just a small car park and surrounding residential development therefore providing limited scope for increasing capacity and for upgrading.

This re-orientation will provide the necessary room for the provision of enhanced facilities and mobility impaired access as well as a potential station forecourt to serve as part of an integrated transport hub for improved bus services, taxi rank and car parking. Part of the costs of this provision can be offset by development of the air rights over a new station ticket hall, for example by provision of a low-rise hotel, office space and/or residential thus creating a “gateway/destination marker” for the proposed new community. The topography of the locality allows for a scheme to be delivered that would not be visually obtrusive, and the utilisation of air rights would not require air rights over the track itself (except for a mobility impaired access bridge to allow full access to both platforms).

In addition, it is desirable for the ticket hall to include a shop and café to provide an additional income stream through rent which should be of benefit to the franchise holder of the station (currently GTR).

The Topography at this location would require the installation of a lift from a ticket hall at street level.

Proposed upgrade works are:

- Provision of a ticket hall to include ticket office and ticket machines
- Provision of W/Cs
- Real time information
- Mobility Impaired access to both platforms to include lift access to street level
- Station forecourt/ public square
- Taxi rank
- Covered cycle parking
- Bus Shelters with real time information and layby
- New car park with approximately 500 -1000 spaces (to be shared between station users and users of the new community village/town centre)

What we are asking for:

- In principle support for the above mentioned facilities
- In principle support for offsetting costs of the upgrade via rent income generation and low-level air rights development over a new ticket hall
- Pro-active and positive engagement by Network Rail and DfT partners in a timely fashion in order to unlock the full potential of a Garden Community
- A position statement that the upgrades are deliverable at this location
- A requirement of any new Franchise Agreement to include direct services into London

We have not been asking for a commitment of money in relation to a station upgrade as we believe the proposals could be self-financing with initial outlay paid for by the developer(s). This being said, the Leader of the Council met with the Rail minister yesterday and was advised that we should include station upgrades in the HIF Bid and seek HIF funds to assist.

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With regards to Direct Access Services/Timetabling we are aware that as part of timetable changes in May of this year, direct services to London have ceased along this line and instead replaced with a shuttle service, we did make representations at the time that we wished for direct services to remain, however, understood that additional capacity was prioritised for the Brighton Mainline as part of the Thameslink initiative.

We are further aware of the constraints on the line from East Croydon and in particular at the Windmill Junction just to the south of Selhurst Depot. We have had discussions with Network Rail in relation to these constraints and expressed support for their work in devising a feasibility study to submit to Government for a funding package. As part of the proposals it is envisaged that further capacity could be created with an additional platform at East Croydon and viaduct and signalling improvements at the Windmill Junction. We have further indicated that our support is based on the allocation of some of the additional train flow paths at peak times in order to enable a reinstatement of a direct services at the very least during these peak times along the Tonbridge to Redhill route.

We seek

- Full support for a reintroduction of direct services from the Redhill – Tonbridge line into London, at least during peak periods, once the upgrades at East Croydon and the Windmill Junction have been completed.
- Any new Franchise Agreement awarded to include such provision
- A commitment that the Redhill – Tonbridge line is not being actively managed to decline.

In relation to this last point, Tandridge District Council is somewhat concerned that it appears that this line is being put into a managed decline by the current Franchise holder.

I would be happy to discuss further should you like to give me a call.

Strategy Specialist
Strategy

Tel: 01883 732921

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From: [Redacted]
Sent: 23 January 2019 10:04
To: [Redacted]

Subject: FW: South Godstone HIF bid

[Redacted],

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See below an email my colleague in rail sent but is yet to receive a response. Grateful if I could copied in to any response.

Thank you,

■

■ | Area Lead for South East, London, South East and Housing Division, Department for Transport
2/16 | 07977 410624 |

From: ■
Sent: 11 January 2019 10:54
To: ■
Cc: ■
Subject: South Godstone HIF bid

Dear ■ (cc. Homes England colleagues),

I hope you don't mind me contacting you unbidden; I understand from colleagues here that you are leading on a potential HIF bid for the South Godstone area, to be submitted by March. By way of introduction, I lead on rail enhancement planning in the Sussex and Kent region for DfT. The purpose of contacting you is to provide you with a few hopefully-helpful pointers on any rail elements of the bid, so that you can incorporate any changes you may wish to make before submitting the bid itself.

I note that you've had some engagement with Network Rail on the scheme and its feasibility. This is encouraging, but I would counsel that any rail enhancements required wouldn't necessarily be able to be funded by Network Rail, who can't necessarily agree to funding unilaterally; particularly in a funding-constrained environment for Control Period 6 (starting 1 April 2019). So any funding required to deliver improvements may need to be included in the bid itself.

Additionally, it would also be well worth discussing the bid with the train operator concerned (TSGN) and setting out their position on feasibility in the bid. Whilst Network Rail is the competent authority for the infrastructure and timetabling, it would be a train operator who would need to deliver any additional services themselves, with the implications for rolling stock and crew availability which that might bring with it – as well as the potential for impact on existing timetabled services, including those on the heavily-used Brighton Mainline.

I would be very happy to discuss any of these further with you if helpful.

Regards,

■

 Department for Transport

■
Senior Planning and Investment Manager,
Rail Infrastructure South

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3/23, Great Minster House
33 Horseferry Road, London, SW1P 4DR

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[REDACTED]
Development Director
WT Lamb Holdings Ltd
Nyewood Court, Brookers Rd
Billingshurst
West Sussex
RH14 9RZ

[REDACTED]
Head of Freight Development
Network Rail
One Eversholt Street
London
NW1 2DN

E [REDACTED]

7th March 2019

Dear [REDACTED]

RE: Godstone Sidings, proposed resumption of traffics

Further to our dialogue regarding the redevelopment of your Godstone facility and the welcome resumption of rail freight traffics; I summarise below the key points of our latest discussion:

- Your site at Godstone benefits from an active connection to our network, subject to a longstanding and active connection agreement; you could effectively run trains tomorrow.
- The Tonbridge / Redhill line your site connects into is one of the three core routes through Kent linking the Channel Tunnel and London; as such it benefits from advantageous operational characteristics; namely superior loading gauge, 700+m running length and some 35 freight paths per day enshrined in the working timetable.
- Your refurbishment and reconfiguration of your internal sidings to accommodate the proposed containerised RDF trains is therefore entirely in line with the operational parameters of our network.
- Moreover, the proposed twice daily service frequency envisaged sits readily within the capacity available in this area.
- Operationally, inbound trains would route via Redhill, setting back into your site from the Down line. Outbound trains would depart via the Down line toward Tonbridge (where they may either run-round in Tonbridge West Yard to head toward London or run forward toward Kent / North Kent via Paddock Wood).

Your rail fed development aligns both with Government policy around modal shift and Network Rail's forecasts for further rail freight traffic; we therefore welcome the resumption of rail freight traffic from Godstone.

Regards,

Yours sincerely

[REDACTED]
Head of Freight Development

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Appendix 7

(Submission extracts)

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South Godstone

Supporting Document

A submission to join the Garden Communities Programme



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1.0 Government Support

The Council wishes to maximise certainty, speed of delivery, community engagement and quality of outcome at the South Godstone Garden Community. We have an aspiration to transform the settlement at South Godstone to promote good growth and we are progressing our Local Plan in order to bring this exciting project closer to reality. The Council is also committed to preparing an Area Action Plan in order to release the land necessary for the proposed scale of growth but this is a very large proposal for the Council and therefore, separate to these statutory responsibilities, we will be seeking government support to enable us to prepare for delivery.

Resource Funding

We will be seeking capacity funding for the following:

Additional staff/ external support with the appropriate delivery skills and experience to provide a clear, dedicated and focused lead for the Council on preparing for delivery. As is indicated in the prospectus, the government's experience on other large scale projects is that this single minded focus on building relationships with the land owners and

developers and preparing for delivery has shown value in helping to support the delivery of garden communities.

We will want to engage the local community and other stakeholders in the preparation of the key processes for designing the Garden Community and therefore we will be seeking support for commissioning key pieces of work such as the masterplanning, the preparation of design codes, and a street and highways manual, to ensure that we get meaningful engagement with the existing residents and can genuinely push the design to demonstrate what good growth looks like.

The Council would also like specific support from Government for its ambitions around combined heat and power from the nearby proposals at Lambs Business Park, including how to model a sustainable means of power and heat against costs and how residents of the community could benefit from reduced power costs and maintain a sustainable reliable supply. We will be keen to commission a technical report to establish the costs and feasibility of this potential approach.

In order to prepare for delivery, we propose commissioning a delivery strategy which we are keen to develop in partnership with the land owners and developers. This will go beyond the planning processes and set out details of the processes such as how non residential and mixed use areas will be delivered, how land will be disposed of to house builders and what the future stewardship and onward management arrangements are going to be.

Delivery Advice and Support

The Council will welcome an opportunity to discuss with Homes England the potential for capital investments or loans to help to drive the delivery of our garden community. We are aware that the lack of up-front infrastructure can often lead to delays in the delivery of new homes and therefore we will want to explore the potential for forward funding infrastructure to enable a good rate of new home building to be established from the outset.

We see the delivery of new homes working hand in hand with delivery of opportunities for jobs. We see the labour market underpinning the housing market

and particularly being closely related to sustainable development and sustainable travel patterns. We would wish to work with Government and the Local Enterprise Partnership in developing innovative mechanisms to ensure not just the delivery of employment space within the Garden Community but also the delivery of the businesses that will provide the jobs. We wish there to be a joint and joined up strategy for delivery of employment space but also the delivery of jobs.

The Council would also like specific support to assisting house builders in setting up a supply chain that would allow modular construction of housing on site from components built off-site. We are keen to explore the framework that can be put in place to deliver sustainable construction and a more sustainable workforce. We would wish to have assistance from Government in pushing significantly social value outputs.

Delivery Vehicles

The Council would like support from the Garden Communities Programme to work through the detail of the most appropriate delivery arrangements to ensure that South Godstone delivers the exemplar of good growth to which we aspire. Given the scale of development and this Council's desire to be involved as land-owner and landlord we would

benefit from advice in setting up the best delivery vehicle to ensure the objectives and principles are made a reality. The Council would wish to tap into Government's knowledge and expertise in delivering a range of housing products that suit current conditions yet are flexible enough to prosper through changes to the housing market over time.

Cross-government brokerage

We are particularly keen to have support for cross-government brokerage, particularly around Network Rail, Highways England and the Department for Transport, all of which are crucial for successful delivery. We would wish to use the expertise of Government to understand the future of car ownership and use, changes to the use of sustainable means of transport and the impact of onsite job provision. This is to ensure that the Garden Community is forward looking; that its development approach looks at and responds to changes in use and attitudes to personal transport in the future. We wish to understand the potential change to current baseline transport modelling taking account of the Government's current policies towards car related transport.

Peer learning and networking opportunities

This Council would benefit substantially from the peer learning and networking opportunities that would be derived from being on the programme. Being part of the Garden Villages forum would provide an opportunity for us to benefit from best practice and the sharing of support.

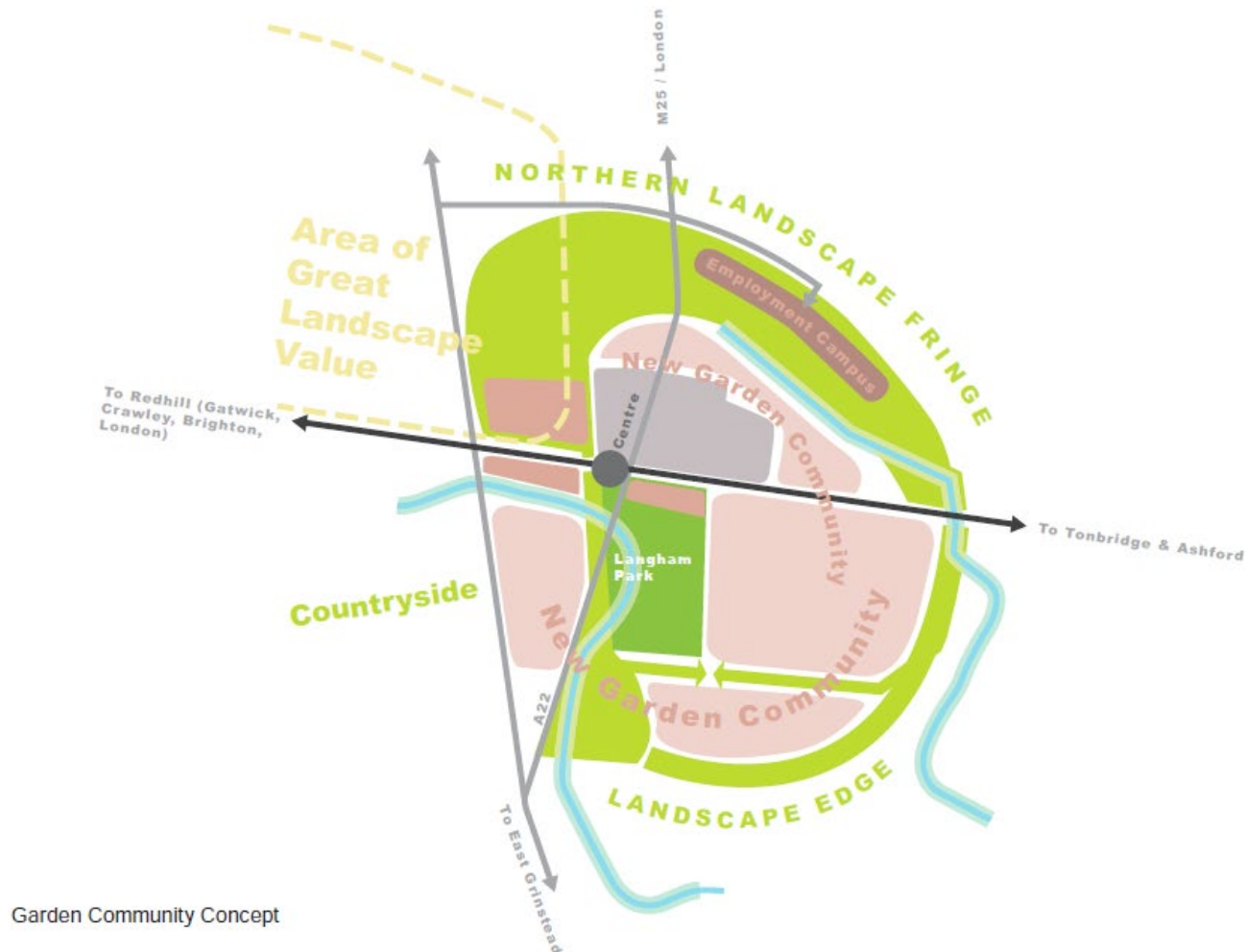
An Ongoing Dialogue

We are available to discuss any aspect of our plans and to provide additional information or clarifications as required. We have a clear ambition to put our plans in place and ensure that high quality delivery is achieved and we will welcome an ongoing conversation with Homes England and MHCLG about how we can together support the delivery of this important and exciting opportunity.

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GARDEN COMMUNITIES SUBMISSION



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4.0 The South Godstone Garden Community

A transformational proposition to secure good growth

South Godstone: Past

South Godstone lies south of the Surrey Hills Area of Outstanding Natural Beauty, in low lying Weald countryside. The settlement of South Godstone, which can trace its origins to the mid-19th century with the arrival of the railway and A22, is an outlying community of Godstone which lies some 2 miles to the north.

South Godstone straddles the A22 Eastbourne Road linking London and the M25 to Sussex (Eastbourne). The existing settlement is also well connected by rail, being located on the 'Tonbridge Line' - London Charing Cross via Redhill.

The landscape surrounding South Godstone has been the subject of a wider Landscape Capacity and Sensitivity Study which has identified the capacity of the landscape to accommodate a new community.

South Godstone: Present

South Godstone is washed over by the Metropolitan Green Belt. It does not have a 'traditional village' character and has a relatively recent history stemming from the establishment of the rail line which defines its southern boundary. The settlement is characterised by a mix of housing types on looped roads straddling the A22 with relatively few community facilities and shops.

The settlement is home to around 1,500 people and is characterised by approximately 570 homes with some limited community infrastructure including:

- St Stephen's C of E School, a single form entry school with nursery class
- St Stephen's Church
- Community Hall with associated playing pitches
- Children's' play area
- Local convenience Shopping is provided by the petrol stations
- Restaurant, converted from the community pub

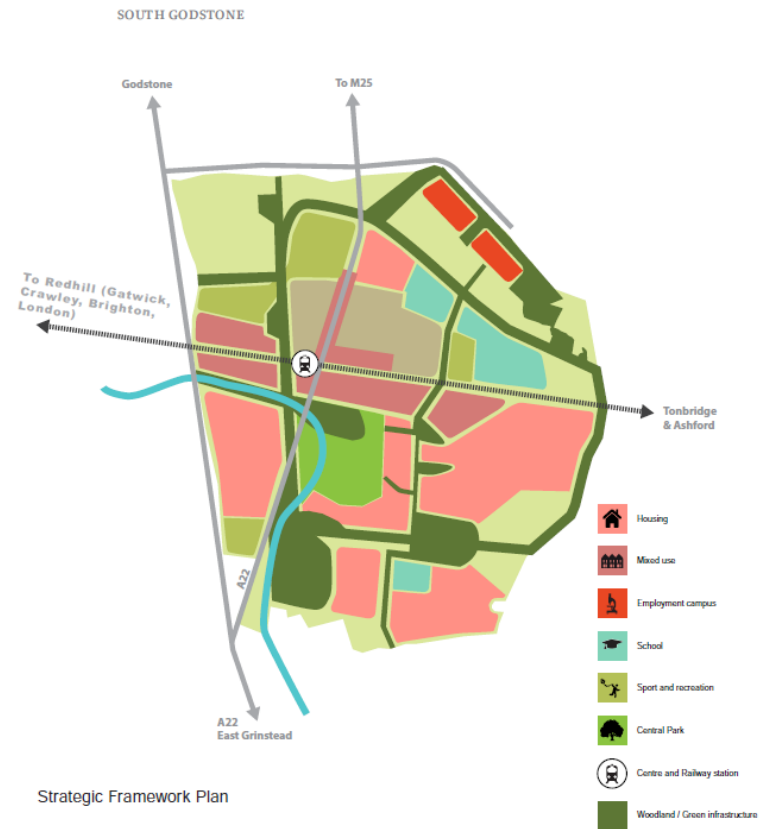
The site seeks to provide 2700 jobs with an amount of employment space commensurate with needs and settlement size. South Godstone is also located near Lambs Business Park, which is proposed to be upgraded to a strategic employment site and expanded in the Local Plan. Further, on the same A22 corridor the Local Plan will allocate Hobbs Barracks as a strategic employment site to allow its expansion to meet greater jobs need within the district.

The proposals for South Godstone support the ambitions of the Local Enterprise Partnership, Coast to Capital. Their ambition for the region is to "build sustainable, prosperous communities, which support the development of the regional economy, [that] meet our future demographic challenge, and maintain the quality of life and attractiveness to investors which are fundamental to the region." The LEP shares our vision for delivering a place that attracts families and people of all ages to the region by creating the right environment within which permitted sites can be brought forward.

Further the LEP specifically supports the proposition of new development corridors and have particularly

The vision for the community is founded on the following objectives which have been agreed following initial consultation and set out in more detail in our formal application:

- * **Housing:** Great Homes
- **Employment:** Well-designed Places
- **Governance:** Strong Local Vision and Engagement - Legacy and Stewardship Arrangement
- **Land Capture and Investment:** Sustainable Scale
- **Sustainable Design, Efficiency and Quality:** Well-designed Places - Great Homes
- **Landscape, Green and Blue Infrastructure:** Clear Identity - Healthy Places - Green Space
- **A Healthy and Social Community:** Clear Identity - Well-designed Places - Strong Local Vision and Engagement - Legacy and Stewardship Arrangements
- **Sustainable Transport:** Minimising need to travel, maximising alternative sustainable transport modes
- **Community Infrastructure:** Clear Identity - Sustainable Scale - Future Proofed



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identified their desire to work with Government about the potential for investment to bring forward plans around the A22 corridor. The LEP recognises, as does the vision for this development, the need to address the relationship between cost of housing and out-commuting. They have stated:

“Meeting the cost of housing can be particularly difficult for the local workforce, who typically earn less than those who commute out of the region for work. This issue was at the heart of representations that we made earlier in the year to the Government’s consultation on the Industrial Strategy.” (J Sharrock C2C Chief Executive, 2018)

Our vision is to reimagine South Godstone and for the Garden Community project to deliver significant benefits and enhancements to existing residents and businesses.

South Godstone: Future

We have established a clear vision for the future growth of South Godstone that will be genuinely and intentionally transformational - Good Growth. The vision is to catalyse the community to flourish and on a truly sustainable foundation, building on its underutilised railway connectivity and fantastic landscape setting to establish a community characterised by an environment that supports health and wellbeing and has an exceptional sense of place.

This vision is still evolving. We wish to develop the vision through a structured process, a secure planning framework and excellent community engagement.

The Garden Community principles set out in the

Garden Communities prospectus provides a clear structure to ensure that the development of the plans create a Garden Community that we can be proud of.

Our vision is for a development with: a clear and distinct identity; a scale that enables it to be self-sufficient on a day to day basis; a well-designed layout and a vibrant place with a mix of uses; a diverse range of types and tenure of homes; strong engagement from the local community; respect for our natural and historic environment; an integrated and well connected network of transport and pedestrian routes; a focus on health and wellbeing; plenty of well-connected green spaces; a long term stewardship plan in place; and a place that can adapt and accommodate changes in the way we live.

We work in collaboration with our partners to structure our strategy to allow the settlement to become predominately self-sustaining – creating housing for jobs and drawing on the settlement’s rail and highway connectivity. The proposed masterplan will secure its integration into the local landscape and recognise the value of historic and natural environment assets.

Our proposal is to grow the new community bringing benefits and enhancements including well planned development and social infrastructure to the existing community. We intend to create a focus and heart to the collective whole which is presently lacking, be sensitive to the local community and produce a masterplan that is responsive to the local landscape character. We will work with landowners and developers to prepare this concept masterplan for the new community and we see our role as a

Planning Authority to explore future partnership and leadership models and behaviours founded on a development framework and principles embodied in the AAP. We want the best growth strategy to come forward as a single masterplan that has a strong cohesive sense of place.

Our Strategic Framework Plan (one of the several options) illustrates our early concept and general distribution of development within the Local Plan Area of Search and in response to our emerging landscape led vision for the community. This plan is not fixed but illustrative and will be the subject of ongoing work.

The defining characteristic of the Strategic Framework Plan is to ensure the community is connected to and defined by its landscape.

Our Plan will be structured around clearly defined qualities including:

- Strong Local Vision and Engagement
- Effective transport and good movement
- Healthy Places
- Green Space
- Legacy and Stewardship arrangements
- Future Proofed

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Ministry of Housing,
Communities &
Local Government

Minister of State for Housing
Ministry of Housing, Communities & Local
Government
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Sam Gyimah MP
House of Commons
London
SW1A 0AA

Email: [\[REDACTED\]](mailto:[REDACTED])
www.gov.uk/mhclg

27 June 2019

Dear Sam,

I am writing to inform you that, following a competitive bidding process, Government will be supporting the delivery of a new Garden Village in your constituency of East Surrey.

South Godstone Garden Community is one of 19 Garden Villages selected following the publication of our prospectus in summer 2018, inviting local partners to come forward with ambitious locally-supported plans for new Garden Communities. The response to the prospectus was very strong and we are pleased that South Godstone Garden Community has been successful.

The Garden Communities programme makes a crucial contribution both to the Government's ambition to increase the supply of new homes to 300,000 a year by the mid-2020s, and to the creation of a stable longer-term pipeline of homes. But this is not a numbers game – these places have the potential to become vibrant new communities and to create a legacy for future generations to cherish and enjoy. Our ambition is that these holistically-planned places, when delivered at scale, will support local areas' ambitions for housing and economic growth.

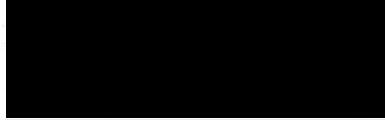
The Government's support will enable our local partners to plan for development that is sustainable, beautiful and benefits from the right infrastructure – provided at the right time. It is important that the Garden Villages stand out from the ordinary and bring infrastructure and facilities that benefit new and existing communities alike.

We will provide Tandridge District Council with £150,000 of capacity funding this financial year to help progress the design and delivery of South Godstone Garden Community. Delivering a Garden Village carries costs that go beyond those typically incurred by local authorities. The capacity funding Government provides ensures places have the resources they need to fulfil their growth ambitions. The funding will be used to procure dedicated project teams, holistic master-planning and the key studies needed to anticipate and offset the impact of housing growth. Other aspects of our support offer include expert delivery advice from Homes England and cross-government brokerage to help resolve policy barriers to delivery.

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Whilst solving the housing supply crisis is not straightforward, Garden Villages play an increasing role in helping us bridge the gap. I welcome the ambition shown by Tandridge District Council and I look forward to helping it progress from design to delivery.



KIT MALTHOUSE MP

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Appendix 8

See separate copy reports attached:

- *DRAFT Land Assembly Strategy Report - South Godstone Garden Community*
- *South Godstone Garden Community Tandridge District Council; Further Analysis of Tandridge District Council's Delivery Options June 2019*

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THE DISTRICT COUNCIL OF TANDRIDGE

PLANNING POLICY COMMITTEE

Minutes and Report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 19th December 2018.

PRESENT: Councillors Jecks (Chair), Duck (Vice Chair), Ainsworth, Black, Botten, Dennis, Dunbar, Farr, Fisher, Harwood, Jones, Lockwood and Sayer.

ALSO PRESENT: Councillors Bourne, Childs, Davies, Elias, Fitzgerald, Gray, Mills, Pursehouse, Steeds and Vickers.

IN ATTENDANCE: Virginia Blackman (Senior Director, National Head of Compulsory Purchase, GVA).

204. MINUTES

The minutes of the meeting held on the 15th November 2018 were confirmed and signed by the Chair.

COMMITTEE DECISION *(Under powers delegated to the Committee)*

205. OUR LOCAL PLAN: 2033 - SUBMISSION DOCUMENTS (REGULATION 22)

The Committee considered a proposed Local Plan for submission to the Secretary of State for independent examination in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The proposed Local Plan was accompanied by a raft of supporting documents, together with a covering report which informed Members about:

- the responses to the Regulation 19 consultation that took place between the 30th July and 10th September 2018;
- the schedule of main modifications arising from the above consultation and further work with statutory partners; there were no substantial changes in terms of site allocations or policies – however, the schedule did propose that the requirements for some individual allocated sites to generate specific infrastructure provision should be amended (such provision would still be retained within the infrastructure delivery plan);
- a reduction in the previously objectively assessed need (OAN) for housing in the district from 470 to 398 per annum (during the 20 year plan period) - the actual number of dwellings which the Local Plan intended to provide was 303 per annum;
- progress on obtaining agreement with neighbouring councils on statements of common ground in accordance with the duty to cooperate;

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- further work in respect of the South Godstone garden community proposal, e.g.:
 - an assessment by GVA Grimley Limited (property and planning advisers) concluding that the project is viable and that the required infrastructure can be funded from the captured land value of the site;
 - commitments from Engie (a multinational energy infrastructure provider) and Clarion Homes to work jointly and proactively to deliver the community;
 - discussions with Homes England, the Highways Agency and Surrey and West Sussex County Councils regarding the bid for central government infrastructure funding;
 - the intention to seek to increase the initial build out rate of 200 homes per annum to around 270, particularly if the Council built its own homes.

The following comments and opinions were expressed during the debate:

- the proposed Local Plan presents a deliverable strategy for the District and balances the conflicting needs of providing additional housing (especially affordable homes for younger people) and protecting the Green Belt;
- the absence of a Plan would present unacceptable risks and a submission needed to be made on or before the 24th January 2019 to avoid uncontrolled development and exposure to the higher OAN housing requirements of the Government's revised National Planning Policy Framework;
- the Council was achieving significant buy-in from key prospective infrastructure providers.

These views were countered by the following concerns and criticisms:

- certain aspects of the plan represented a poor outcome, especially for Tier 1 settlements, and the threat of 6000 new homes having to be built throughout the District was unjustified – the opportunity to strike a better balance between new housing provision and open space protection had been missed;
- Oxted was misrepresented in the settlement hierarchy (officers explained that regardless of the number of points allocated to Oxted and whether it ranked above Caterham or not, it would always still constitute a Tier 1 settlement);
- the Local Plan documents were weak, flawed, inconsistent and not compliant with national planning policy;
- the plan was not infrastructure led with no guarantee of the infrastructure required to support new developments; the Coast 2 Capital Local Enterprise Partnership had submitted representations about the soundness of the plan and Surrey County Council's significant budgetary deficit cast doubt on its capacity to support key projects;
- additional, recently published local plan documents should have been consulted upon;

- the alleged negative consequences of not submitting the intended plan at this stage were being exaggerated and the intended plan was now being rushed through;
- Tier 1 areas were vulnerable to excessive windfall development and developers should be held to account regarding the provision of affordable housing;
- the Council needed to demonstrate leadership and champion residents' needs and reasonable demands.

The circumstances behind housing allocation policy HSG13 (land west of Red Lane, Hurst Green) were clarified, i.e. it reflected the County Council's ambition for the Hurst Green infant and Holland junior schools to merge within a new building to be funded via the possible sale of the infant school site. Regarding other school sites, it was confirmed that SCC:

- (i) had not withdrawn its interest in relocating and expanding Warlingham Village Primary School as referred to in housing allocation policy HSG15 (land west of Limsfield Road, Warlingham); and
- (ii) had not committed funding for improvements to Burstow Primary School.

Discussion ensued about policy TLP 25 (retail frontages) and the requirement for 50% of frontages in 'local centres' remaining in A1 use. Warlingham Parish Council had advocated that, where a proposed change of use would result in the proportion of A1 frontages falling below that threshold, planning permission could still be granted if it was demonstrated that the proposed use would make a positive contribution to the vitality and viability of the area. It was agreed that officers would review the wording against the evidence which underpinned the policy for local centres in response to the Parish Council's representations.

Councillor Fisher moved that the recommendations within the report be put to the vote. Upon being seconded, this motion was carried and the Chair advised that he would be conducting four separate votes, i.e. on recommendations:

- A, B and D;
- C;
- E; and
- F

Recommendations A, B and D were duly carried.

Councillor Sayer moved that recommendation C be amended by the deletion of the following words:

~~"the schedule of main modifications attached as Appendix 'H' [to the agenda] be approved and authority be delegated to the Chief Executive, in consultation with the Chair of the Planning Policy Committee, to submit such further main modifications as she considers necessary, including such modifications as currently appear as minor modifications by way of tracked changes in the Local Plan which the Council is subsequently advised constitute main modifications"~~

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The Chair proposed the following counter amendment which was duly seconded:

“the schedule of main modifications attached as Appendix ‘H’ be approved and, subject to her notifying members of the Planning Policy Committee in advance, authority be delegated to the Chief Executive, in consultation with the Chair of the Planning Policy Committee, to submit such further main modifications as she considers necessary, including such modifications as currently appear as minor modifications by way of tracked changes in the Local Plan which the Council is subsequently advised constitute main modifications”

The Chair clarified that, at its meeting on 16th January 2019, the Committee would have the opportunity to consider the proposed main modifications for submission to the Planning inspectorate. Upon being put to the vote, the counter amendment to recommendation C was carried.

Recommendations E and F were then subjected to separate votes, both of which were carried.

RESOLVED – that:

- A. the Local Plan (Appendix ‘A’ to the agenda) be submitted to the Secretary of State for independent examination before 24th January 2019, together with the:
 - (i) Infrastructure Delivery Plan (Appendix ‘B’ to the agenda);
 - (ii) Sustainability Appraisal (Appendix ‘C’ to the agenda);
 - (iii) Habitat Regulations Assessment (Appendix ‘D’ to the agenda);
 - (iv) Equalities Impact (Assessment Appendix ‘E’ to the agenda);
 - (v) Policies Maps (Appendix ‘F’ to the agenda); and
 - (vi) Regulation 22(3) Statement of Consultation and responses received (Appendix ‘G’ to the agenda);
- B. power to make minor alterations to those documents prior to such submission be delegated to the Chief Executive;
- C. the schedule of main modifications attached as Appendix ‘H’ to the agenda be approved and, subject to her notifying members of the Planning Policy Committee in advance, authority be delegated to the Chief Executive, in consultation with the Chair of the Planning Policy Committee, to submit such further main modifications as she considers necessary, including such modifications as currently appear as minor modifications by way of tracked changes in the Local Plan which the Council is subsequently advised constitute main modifications;
- D. the Chief Executive be authorised to submit additional or amended documents to the examination library as the need arises, subject to her notifying members of the Planning Policy Committee in advance;
- E. the amended Local Development Scheme, attached at Appendix I to the agenda, be approved; and

- F. the ambition to increase the rate of delivery of homes in the South Godstone Garden Community be noted and, to that end, the acquisition of land by the Council within the area of search for the South Godstone Garden Community, including by use of its compulsory purchase powers if necessary, be agreed in principle.

Declarations of interest:

- (i) At the beginning of the meeting, Councillor Jecks declared that his brother lives in Blindley Heath. Whilst not a disclosable pecuniary interest under the Members' code of conduct, he wished this to be recorded in the minutes in view of the South Godstone garden community policy within the local plan.
- (ii) Arising from the debate about the Local Plan, Councillor Botten declared that he was the chair of governors at Burstow Primary School. This amounted to a non-pecuniary interest under the Members' code of conduct.

Rising: 9.35pm

THE DISTRICT COUNCIL OF TANDRIDGE

STRATEGY & RESOURCES COMMITTEE

Minutes and report to Council of a meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 5th February 2019 at 7.30pm.

PRESENT: Councillors Fisher (Chair), Elias (Vice-Chair), Ainsworth (sub), Botten, Bourne, Cannon, Childs, Jecks, Orrick (sub), Pursehouse and Wren (sub).

APOLOGIES FOR ABSENCE: Councillors Black, Davies, Harwood, Jones and Lee.

ALSO PRESENT: Councillors Duck, Lockwood, Farr, Mills, Morrow and White.

IN ATTENDANCE: Matt Hayes (GVA Grimley Limited) for minute 229.

228. MINUTES

The minutes of the meeting held on the 11th December 2018 were confirmed and signed by the Chair.

COMMITTEE DECISIONS (Under powers delegated to the Committee)

229. OPTIONS FOR THE COUNCIL'S PARTICIPATION IN THE DELIVERY OF THE SOUTH GODSTONE GARDEN COMMUNITY

The Garden Community was a key component of the draft local plan which had been submitted to the planning inspectorate on the 19th January 2019. The Planning Policy Committee had agreed, in principle, that the Council should seek to acquire land in the proposed area of the Garden Community, both to accelerate housing delivery and to optimise the proportion of affordable accommodation. In light of this, a report was presented with the following broad delivery options:

A - planning led approach

- The Council would rely solely on its development control powers. Funding could be secured through Section 106 and Community Infrastructure Levy (CIL) mechanisms with development undertaken by the private sector.

B – landowner led approach

- The Council would be proactive in taking ownership of land and driving engagement between different landowners and promoters. This would include negotiations aimed at sharing infrastructure costs between landowners to achieve comprehensive delivery. Funding could be secured through S106, CIL and, possibly, an uplift in the value of the Council's landholding. Private developers would be the likely delivery agents following purchase from landowners and promoters.

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C – partnership approach

- The most proactive approach, whereby the Council would select a delivery partner (according to certain terms and conditions) and control the process having acquired the necessary land, including via compulsory purchase powers where appropriate. Other landowners / promoters could still deliver a proportion of the community, assuming they contribute towards costs. The Council would also seek to ensure robust community engagement, possibly involving a board of stakeholder representatives. As per the above two options, it would be necessary to draw up an area action plan in the prescribed manner.

Approaches B and C would enable the Council to build Council homes through Gryllus Housing Limited and /or the Housing Revenue Account.

The report was accompanied by an appraisal of the three options from the Council's property and planning advisers, GVA Grimley Limited (GVA) as attached at **Appendix 'A'**. The report also advocated that GVA should be commissioned to:

- (i) provide further advice and analysis if the Council was minded to pursue approaches B or C; and
- (ii) support the Council with other aspects of the Garden Community, including the preparation of a bid to the Housing Infrastructure Fund (HIF) for £30 million towards improvement works to the A22 and junction 6 of the M25.

GVA's estimate for two initial sessions to define a preferred approach and to support the HIF bid was £15,000 and £7,500 respectively. A significant amount of extra support would be required in connection with approach C. The report advocated that the next phase of consultancy work should be undertaken by GVA without proceeding with a tendering process which would otherwise be required by the Council's contract standing orders. It was also explained that the costs would be met from the budget set aside for the local plan in the first instance.

During the debate, Members expressed the view that option A would be unacceptable and that the Council needed to have a controlling stake in the project to secure maximum benefit for the community. A hybrid of options B and C was favoured. The use of the term 'garden community' (as opposed to a garden village) was discussed, along with the need for residents to know what they were entitled to expect from the development. The Chief Executive and Mr. Hayes responded to questions about the Council's eligibility for funding under the HIF scheme and a recent funding bid to Homes England.

RESOLVED – that

- A. the committee agrees, in principle, that a combination of the following approaches to the delivery of the South Godstone Garden Community be investigated further by officers:
 - (i) an approach based on the acquisition of some land in the garden community area (Option B); and/or
 - (ii) an approach whereby the Council takes direct control of the delivery of the garden community (Option C)

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Ministry of Housing,
Communities &
Local Government

Joanna Killian
Chief Executive
Surrey County Council

Emran Mian

Director General, Decentralisation and Growth

10 March 2020

Dear Joanna,

Housing Infrastructure Fund Forward Funding bid: Unlocking Strategic Development Sites (HIF/FF/577)

Thank you for the work you and your colleagues have done so far to address housing need in your authority, including the submission of your Forward Funding bid to the Housing Infrastructure Fund (HIF).

HIF was a very competitive programme and we received many high-quality bids. As set out in the HIF prospectus, bids were assessed on their value for money, strategic approach, and deliverability. Unfortunately, your bid did not meet the criteria for funding through HIF.

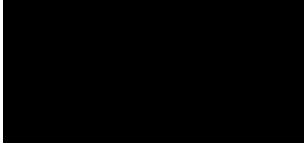
Surrey's bid was an ambitious proposal in an area of high housing demand. However, the bid will not receive HIF funding due to the delivery risks stemming from the complex land assembly needed for the scheme. The bid also does not demonstrate sufficient value for money for the taxpayer, as the extra housing had the potential to create increased congestion on local roads, without clear mitigations, which outweighed the other benefits of the bid.

I appreciate this is not the outcome you will have hoped for. However, we believe the case would benefit from further development, including whether there are other transport improvements that would help mitigate against the increased congestion.

As set out in its manifesto, the Government will introduce a Single Housing Infrastructure Fund (SHIF) to provide the infrastructure needed to support new homes. We will set out further details in due course and work with you to explore what's possible.

Should your team wish to discuss the HIF feedback in more detail and to discuss any opportunities to support the council's wider housing plans, please contact me on [REDACTED] and my team will make the necessary arrangements.

Yours sincerely,



Emran Mian
Director General, Decentralisation and Growth



Appeal Decision

Inquiry held on 4 February 2020

Site visit made on 5 February 2020

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/V2255/W/19/3238171

Land west of Barton Hill Drive, Minster-on-sea, Kent ME12 3LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by SW Attwood & Partners against the decision of Swale Borough Council.
 - The application Ref 18/503135/OUT, dated 11 June 2018, was refused by notice dated 8 August 2019.
 - The development proposed is the development of up to 700 dwellings and all necessary supporting infrastructure including land for the provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 700 dwellings and all necessary supporting infrastructure including land for the provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works on land west of Barton Hill Drive, Minster-on-sea, Kent ME12 3LZ in accordance with the terms of the application Ref 18/503135/OUT, dated 11 June 2018, subject to the conditions in the attached schedule.

Procedural and Preliminary Matters

2. I opened the Inquiry on 4 February, and it sat for 4 days, closing on 7 February. I conducted an unaccompanied visit of the area surrounding the site on 3 February between about 1500 hours and 1700 hours prior to opening the Inquiry and an accompanied site visit on 5 February between about 1445 hours and 1615 hours during an adjournment to the Inquiry.
3. The application was submitted in outline form with all matters of detail except access to Lower Road and to Barton Hill Drive reserved for subsequent determination. Prior to its determination by the Council, the description was changed from that of the application to the one given above. I have determined the appeal on this basis.
4. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

5. Prior to opening the Inquiry, the Council advised that it would not be defending its reasons for refusal 3, regarding affordable housing, or 4, regarding its impact on highways, and that its Planning Committee has resolved to withdraw these reasons for refusal. Consequently, the main issues are the effect of the proposal on the character and appearance of the surrounding area; and its effect on the setting of the Grade II listed Parsonage Farmhouse.

Reasons

6. The appeal site includes a large part of the site that Swale Borough Local Plan-Bearing Fruits 2031 (SBLP) Policy A12 allocates for residential development for a minimum of 620 dwellings, landscape, open space and transport improvements. Three areas of the appeal site fall outside of the site allocation. These areas are located beyond the resulting settlement boundary and in the surrounding open countryside. Two of the areas are within an Important Local Countryside Gap (ILCG) between Minster, Halfway and Queenborough, which is identified in SBLP Policy DM25.

Character and appearance

7. The appeal site generally has a rural character and appearance, lying to the south west of the settlement of Minster. It is bounded to the north and east by built development. The A2500 Lower Road passes through the south part of the site, and includes a recently completed roundabout and associated works, together with a cycleway / footway. The part of the site on the south side of Lower Road has an agricultural use and lies to the north of open marshlands, separated from them by arable fields. The appeal site and surrounding area consist mainly of open rolling countryside, with some mature hedges and tree planting along the field boundaries, rising to a high point at the north west corner of the site. The site is not within a designated landscape, as defined under SBLP Policy DM24, but its character is identified in various studies.
8. The Landscape Assessment of Kent, 2004, locates the site within North Sheppey Local Character Area (LCA) and describes this LCA as having an exposed and open character as a result of the loss of hedgerows and orchards due to arable cultivation, Dutch elm disease and coastal exposure. The LCA is assessed as being in poor condition due to, amongst other things, lack of hedgerows and trees and its exposed open character. Its recommendations include encouraging urban planting within built development, creating urban edges which promote intermittent views of built development beyond, and delineating edges between marshes and higher land by enhancing inherent characteristics.
9. I have taken account of the three studies that have been referred to by the appellant as having been undertaken to assess the landscape impacts of residential development on the appeal site, including the Huskisson Brown Associates Landscape Statement, December 2016, which informed the decision to allocate much of the appeal site in the SBLP. SBLP Policy A12 requires development of the allocated site to provide a strong landscape framework, including substantial woodland planting on the southern and western boundaries to be provided as advance planting. The Policy is accompanied by a Concept plan which gives an indication of the location of development on the allocated site to enable compliance with the Policy.

10. I have considered the impact of including the additional land in the appeal site to that of the allocation site. In this respect, the 'Harris Trust land' occupies part of a small plateau within a generally sloping site, and the appellant has suggested that its inclusion enables a preferable location of public open space within the site from that of the Concept plan. The additional area of land to the west forms a natural depression located within a small plateau area and the appellant has indicated that using this for a Sustainable Urban Drainage System (SUDS) would ensure that the existing surface water regime is mimicked and would respond better to the existing landform than the drainage areas indicated on the Concept plan. The additional area of land to the south of Lower Road includes a drainage basin for the roundabout that has recently been completed. It would be used for SUDS and the appellant has indicated that this would provide a transitional landscape zone and landscape buffer to separate Lower Road and the roundabout from the wider open landscape to the south, including the marshland.
11. The Concept plan shows a wide band of land kept free from built development north of Lower Road. However, the new roundabout and cycleway / footway has extended the area taken by the highway and the associated works on to this land and has given the road a more urban character and appearance, particularly as it includes street lighting and planted beds. Therefore, the importance of keeping this area of land free from built development has been reduced by these highway improvements. The appeal proposal is defined by a Site Parameters Plan, which identifies a 20m wide woodland buffer adjacent to Lower Road. This area of woodland would reflect that along Lower Road to the east of the roundabout between the highway and the 'Thistle Hill' residential development. As such, I find that it would provide sufficient landscaping to ensure compliance with Policy A12 with respect to the provision of a substantial woodland buffer on the southern boundary. It would also be in line with the landscape recommendations for North Sheppey LCA.
12. The proposal for the use of the area of land within the appeal site to the south of Lower Road for SUDS would be consistent with the use of some of this land for the drainage associated with the new roundabout. It would safeguard the land from built development and would enable it to be suitably landscaped in accordance with approved details. I am satisfied that, once established, this landscaping would ensure that the proposed use of the land would not have a significant adverse effect on the surrounding rural landscape. It would also offer the opportunity to enhance inherent characteristics, in line with recommendations for North Sheppey LCA. In addition, it would provide a transitional area of land between the urbanised Lower Road roundabout and the rural landscape to the south, down to the marshland.
13. With regard to the western boundary of the site, a 20m wide woodland buffer is shown on the Site Parameters Plan. Whilst this would not follow the existing mature hedgerow along the east boundary of the Harris Trust land, this hedgerow could still be retained within the site, in accordance with Policy A12 1 c, and the new boundary would be straighter than that shown on the Concept plan, by 'squaring it off'. As such, I consider that this would form a more logical edge of settlement. Even though the Harris Trust land is located on a small plateau, views of the edge of development from the west would not be significantly different from that of a development within the allocation boundary due to the sloping nature of the site. Furthermore, I find that the western SUDS area would not have a noticeable effect in these views due to

the existing hedgerow to the south of it, the level nature of that land and proposed planting and landscaping on it, once established. Therefore, I consider that the proposed additional development to the west would have a limited effect on the landscape character and appearance.

14. The Site Parameters Plan shows built development near to the north western corner of the site, where gradients are at their steepest, whereas the Concept plan identifies this area as open space provision. However, the proposed housing densities in this area are identified as being at their lowest and there would be space to provide landscaping to soften the appearance of the built development.
15. It is inevitable that the development of the site would result in a loss of the existing landscape character, but the allocation of a large part of the site in the SBLP indicates that this loss would be acceptable in accordance with SBLP Policy A12. I accept that there would be aspects of the appeal proposal that would potentially result in greater harm to the landscape, particularly the use of additional areas of arable land and built development on higher ground. However, there would also be benefits due to the proposed layout enabling greater use of landscaping within the site by keeping the SUDS areas separate from the residential development and enabling a well-defined settlement boundary to the west and south of the site. Taking account of the effect of these differences between the appeal proposal and the allocation, I find that the appeal proposal would not have a significantly greater adverse effect on the character and appearance of the area than a scheme that would be Policy A12 compliant.
16. Turning to the effect on the ILCG, SBLP Policy DM25 seeks to ensure that new development does not undermine any of the purposes of the ILCGs, which are given in accompanying paragraph 7.7.34. In terms of these purposes, I am satisfied that the Harris Trust land that would be included in the appeal site would not result in built development extending significantly nearer to Queenborough and Halfway than in the case of the allocated site. Nor would it increase the perception of the gap being closed, due to the proposed woodland buffer providing a well-defined edge of settlement. Also, the area of land to the west that would be used for SUDS would be able to be suitably landscaped to ensure that it would have no worse an impact on the purposes of the ILCG than some of the development that accompanying paragraph 7.7.35 to Policy DM25 suggests as uses that could be conducted in the ILCG.
17. Even though the SUDs would initially require engineering operations, I am satisfied that it would be possible to safeguard the open and undeveloped character of the area. Therefore, I find that the appeal proposals would not have any significant adverse effect on the purposes of the ILCGs, including maintaining the separate identities and character of Minster and Queenborough and preventing them merging, taking account of the effect of the allocated development.
18. I conclude on this main issue that the appeal proposal would have an adverse effect on the character and appearance of the surrounding area, but this would not be materially greater than a development that would comply with SBLP Policy A12. It would fail to accord with SBLP Policy A12, in so far as the site would include land that would be outside that shown on the Proposals Map, and it would fail to accord with SBLP Policy ST3 in that some of the site would be

outside the existing allocation. It would accord with SBLP Policy DM25, as it would not undermine any of the purposes of the ILCGs.

Heritage

19. I have considered the statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which are to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (Framework) identifies in paragraph 190 that development within the setting of a heritage asset can harm its significance. In the case of this appeal, Parsonage Farmhouse is a Grade II listed building, of which its curtilage abuts the north east corner of the site.
20. The Site Parameters Plan shows dwellings within all three fields at the north east corner of the site, that records indicate previously formed one field, known as the 'Spring Field'. The 'overgrown orchard' to the west of the listed building is not included in the appeal site, whereas it is included as land to be retained and managed under the SBLP Policy A12 allocation.
21. Although Parsonage Farm has ceased to retain the function of a farm and its extensive curtilage to the south has a domestic character, with a tennis court, lawn and planted beds, part of its setting includes the fields to the south, as well as the orchard to the west. The fields are the remaining areas of land that connect it to its former agricultural use. However, their importance to the significance of the listed building is reduced as a result of the separation of the building from them by its curtilage and boundary planting, which limits views between the building and this land.
22. The orchard does not form part of the appeal site, but the Council would be able to control future development on that area of land. Although SBLP Policy A12 does not indicate that the safeguarding and maintenance of this land would be important in preserving the setting of the listed building, the Site Parameters Plan identifies an area of open green space to the south of it, which would act as a further buffer between the listed building and the proposed built development.
23. The Site Parameters Plan shows that the proposed built development would be set back from the southern boundary of Parsonage Farm curtilage, separated from it by an area of open space. Whilst this would not retain the agricultural use of the land, neither would it be retained under the development that is allocated on the fields under SBLP Policy A12. I am satisfied that the retention of an open green space and planting to act as a buffer between the built development and the curtilage of the listed building would ensure that the setting would be preserved.
24. SBLP Policy A12 1 e seeks to ensure that the allocated development conserves the setting of the listed building at Parsonage Farm. The accompanying Concept plan shows this by keeping an area of land to the south of the boundary with the building's curtilage as informal open space provision, which is shown to extend further south than that shown on the Site Parameters Plan. Paragraph 6.5.43 of the SBLP states: *'Adjoining the site is Parsonage Farm, a listed building, the setting of which should be conserved through use of landscaping and open space'*. In my opinion, this confirms that the proposed change of use of the land from agricultural to open space is not considered to

cause any significant harm to the setting of the listed building. I am satisfied that the appeal proposal would provide a sufficiently wide area of open space to the south to achieve a similar function to that shown on the Concept plan of conserving the setting of the listed building.

25. For the reasons given above, I conclude on this main issue that the appeal proposal would preserve the Grade II listed Parsonage Farmhouse and its setting. It would accord with SBLP Policy A12 1 e, as it would conserve the setting of the listed building at Parsonage Farm and a Heritage Assessment, assessing any potential impact on heritage assets, has been undertaken by the appellant; and SBLP Policy DM32, as it would preserve the building's special architectural or historic interest and its setting.

Other Matters

Affordable Housing

26. The Council has agreed the findings of the latest viability statement prepared by the appellant and has accepted that, taking account of the contributions that would be secured in the engrossed Section 106 Unilateral Undertaking (S106 UU) that the appellant has provided, the inclusion of affordable housing would make the proposed development not economically viable. The proposal would accord with SBLP Policy DM8, as the appellant has demonstrated that the impact of viability of the provision of affordable housing has not changed from the 0% sought under the Policy.

Climate Change

27. The Council's requirement to take account of the effect of the development on Climate Change is based on its Climate and Ecological Emergency declaration in June 2019. I am satisfied that this is a material consideration and is supported by development plan policies and national policies within the Framework. However, this matter would be addressed by appropriate planning conditions that meet the tests given in the Framework.

Traffic and Transport

28. A significant number of objections to the proposal have been based on its impact on traffic. However, the proposal would provide measures to encourage use of public transport, cycling or walking, including subsidies, new or improved bus stops and the provision of cycleways and footpaths. This would be a more sustainable solution than improving the highway network to accommodate the increased demand to travel by private car. I acknowledge the concerns expressed about the extent of the new cycleway / footway along Lower Road in that it would not be taken all the way to Neats Court. However, it would be an improvement, particularly when it would provide relatively safe access for bicycles to Queenborough railway station.
29. With regard to the impact of traffic generated by the proposed development on Junction 5 of the M2, Highways England has not objected subject to a planning condition limiting the number of houses to be occupied prior to the opening of a proposed Roads Investment Strategy scheme at that junction.
30. The impacts from the development on two main junctions: Barton Hill Drive / Minster Road mini roundabout and the Halfway Road / Minster Road / The Crescent signal junction, have been considered by the Council and Kent County

Council (KCC), as the local highway authority. They have agreed that, with appropriate mitigation that would be secured by planning obligations and conditions, the proposal would be consistent with all local and national transport policies. KCC did not object to the proposal on highway grounds and the Council has withdrawn its objection on these grounds.

31. Based on the above, I am satisfied that the impact as a result of traffic that would be generated by the proposed development would be made acceptable by the imposition of planning conditions and obligations to secure appropriate mitigation measures.

Habitat Regulations (HR) Assessment

32. The proposal would result in a net increase of dwellings within 6km of the Medway Estuary & Marshes Special Protection Area (SPA) and Ramsar Site, Thames Estuary & Marshes SPA and Ramsar Site and The Swale SPA and Ramsar Site. They are classified in accordance with the European Birds Directive as sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. All three sites are also listed as Wetlands of International Importance under the Ramsar Convention (Ramsar Sites).
33. A permanent likely significant effect on the SPA and Ramsar Sites due to an increase in recreational disturbance, as a result of the proposed development, would be likely to occur. The Council has carried out an Appropriate Assessment and put forward a package of measures in line with the agreed North Kent Strategic Access Management and Monitoring Strategy (SAMMS) and the Bird Wise North Kent Mitigation Strategy to avoid and mitigate any adverse effect on the integrity of the SPA and Ramsar Sites. Natural England (NE) has not objected subject to securing this mitigation to prevent harmful effects on coastal European Sites from increased recreational pressure. These measures would be secured by a planning obligation in the S106 UU.
34. Based on the above, I am satisfied that the measures, which have been agreed with NE and would be secured as a planning obligation, would be sufficient to ensure that there would be no adverse effect on the integrity of the SPA and Ramsar Sites in view of their conservation objectives. Therefore, in this regard, I agree to the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Omission of the 'Overgrown Orchard' from the appeal site

35. The Rule 6 Party at the Inquiry did not indicate that they objected to the proposed development, but they did query the omission of the 'overgrown orchard' land from the appeal site, particularly as it has been included in the Policy A12 allocation. However, I am satisfied that its function identified in paragraph 6.5.38 that accompanies Policy A12 of being a 'Biodiversity Action Plan habitat' would not be needed to make the proposed development acceptable. In this respect, the proposal would not be able to ensure that the land would be appropriately managed, but measures would be taken on the adjoining land within the appeal site to mitigate any adverse impact on biodiversity and the proposal has identified that there would be a net gain in this respect. Therefore, I find that the omission of the 'overgrown orchard' land from the appeal site would not result in any significant adverse impact.

Other objections raised

36. The concerns expressed by local residents about the impact of the proposed development on the local infrastructure, including Doctors, shops and schools, would be addressed by the measures that would be secured by planning conditions and obligations. These measures include making provisions for an on-site medical centre and shops, whereas the appellant indicated at the Inquiry that the 'Thistle Hill' development did not include such provisions. Concerns about the effect of the proposal on outlook from, and privacy at, adjoining residential properties, and in particular those at the end of Parsonage Chase, should be able to be addressed under the detailed design at the time of the submission of reserved matters. The Site Parameters Plan would allow sufficient flexibility in the design to enable any problems in this respect to be addressed.

Planning Obligations

37. After the close of the Inquiry, the appellant has submitted an engrossed S106 UU, dated 7 February 2020, based on that agreed with the Council and KCC at the Inquiry. I have considered the information given in the Community Infrastructure Levy Regulations 2010 (CIL) compliance statements provided by the Council and KCC in support of the planning obligations.
38. The obligations to secure contributions towards highway improvements at the Halfway Road junction and Darlington Drive / Parsonage Chase would be necessary to mitigate any adverse impacts on the local highway network of additional traffic that would be generated by the development. This money would be used to deliver traffic measures on local roads, including The Crescent and Lowfield Road, Darlington Drive and Parsonage Chase, to discourage rat running that could result from additional queuing due to increased traffic generated by the proposal at the Halfway / Minster Road signal junction and the Barton Hill Drive / Minster Road mini roundabout. The amount that would be provided has been calculated by KCC as being that which would deliver the appropriate traffic management measures.
39. The Queenborough Road contribution, the Wallend Cottages pedestrian and cycle link contribution and contributions towards Travel Plan incentives would be necessary to increase the attractiveness of using sustainable means of transport, including public transport, walking and cycling, and reduce the reliance on the private car by future residents of the development. The money would be targeted towards infrastructure that would be relatively close to the development and therefore likely to be used by its occupants.
40. The obligations to secure contributions towards education facilities would be necessary as KCC has provided details to demonstrate that the existing facilities are insufficient to cater for the additional demand from future occupants of the dwellings. The primary school contributions would go towards the construction of the proposed new Rushenden Primary School, which cumulatively with other contributions would enable its completion. KCC has indicated that the community learning contribution would go towards Sheerness Adult Education Centre, which is local to the appeal site. The secondary education contribution would be used towards expanding Highsted Grammar School for Girls and Borden Grammar School for Boys, which KCC has shown to be currently full. I am satisfied that the contributions sought would be necessary to make the development acceptable in planning terms;

directly relate to the development, as the future occupants would be likely to use the education facilities that would be provided through the contributions; and would be fairly related in scale and kind to the development.

41. The Youth Services contribution would go towards the local facility at Sheerness Youth Centre, which would need to cater for an increased demand as a result of future occupants of the proposed development. The Social Care contribution would be used towards the Changing Place Facility at Sheppey Healthy Living Centre in Swale to enable additional services to be provided to meet the requirements of future occupants of the proposed dwellings. These facilities are within easy reach of the appeal site and the contributions have been calculated based on the likely level of additional demand that would be generated by occupants of the proposed dwellings.
42. The contributions requested by KCC towards libraries would be used towards new stock and shelving at the local Minster-on-Sea Library. KCC has provided evidence to show that this library, which would be relatively near to the appeal site, is already under-provided. As such, there would be a need for additional library provision as a result of the proposed development. This provision would contribute towards the expansion of the facilities to enable the library to continue to provide a similar level of service for all users, including those generated by the development.
43. The obligations to secure on-site provisions towards open space, and a contribution towards new changing facilities at Sheppey Rugby Football Club, which has premises near to the site, would be necessary to mitigate increased demand for recreation and sports facilities that would be generated by the proposed development. The on-site open space provision and contributions towards its maintenance, including the land to be used for SUDS, would be necessary to ensure compliance with SBLP policy CP6, SBLP Policy A12 and SBLP Policy DM17, which all require the provision of open space in new development. It would also be needed to mitigate any ecological impact of the development. The off-site sports provision is necessary, as there would not be sufficient on-site sports pitch provision to meet the requirements of SBLP Policy A12 given in supporting paragraph 6.5.41. The amount is lower than the normal contribution that would be expected by the Council, to take account of the area of open space that would be provided on-site for informal use.
44. The Council has indicated that the NHS Healthcare contribution would be used to expand General Practice facilities at Minster Medical Centre, which is close to the appeal site and accessible by walking. Swale NHS Clinical Commissioning Group (CCG) has provided a formula approach to ensure that the contribution would be fairly and reasonably related to the scale of the development. The need for such facilities is set out in SBLP Policy A12 8, which identifies health provision as one of the infrastructure needs arising from the development of the allocation site.
45. The obligation to secure retail / community facilities is necessary to address the need identified by KCC local highway authority to help reduce the generation of journeys by private car from the development. Land for such facilities has been included in the appeal proposal and these facilities would be directly related to the development, being included in the description. Although they would potentially be used by more people than just future residents, which would help to maintain their financial viability, they would be of a scale

necessary to mitigate the impact of the proposal on the local highway network. A contribution to assist with their delivery would be necessary, given the need to attract suitable businesses to use the premises.

46. In terms of the requested contributions towards waste bins, I am satisfied that they would be necessary to make the development acceptable in planning terms to prevent non-compliance with SBLP Policy CP6. They are based on the standard charges given in the Council's Developer Contributions Supplementary Planning Document. As such, they would be directly and fairly related to the development.
47. The SPA mitigation contribution would go towards mitigation measures to avoid adverse effects on the SPA and Ramsar Sites that have been identified near to the appeal site. Without such measures, which include a contribution towards North Kent SAMMS and the implementation of the Bird Wise North Kent Mitigation Strategy, the proposed development would result in an adverse effect on the integrity of the SPA and Ramsar Sites and would therefore fail to accord with the Conservation of Habitats and Species Regulations 2017. Therefore, this contribution, which I am satisfied would be fairly and reasonably related in scale and kind to the development, would be necessary to secure the mitigation that would make the development acceptable.
48. The contribution towards Great Crested Newt (GCN) mitigation is necessary as the GCN survey submitted by the appellant indicates that receptor areas within the appeal site are likely to be required. The sum that has been calculated would be reasonable to cover a 10-year maintenance period for the areas as part of the wider landscape and ecological mitigation strategy.
49. An obligation to secure a local employment scheme would be necessary to reduce the high levels of out commuting that the Council has suggested is experienced in the Borough and improve the level of local skills. This would accord with SBLP Policy CP1 which seeks, amongst other things, to ensure that new development encourages younger people to retain their skills within Swale, given the relatively large scale of the proposed development.
50. I have examined the evidence provided by the Council, KCC and Swale NHS CCG regarding the need for these contributions and compliance with CIL Regulation 122. Based on this, and for the reasons given above, I am satisfied that all the planning obligations in the UU would be necessary to mitigate the effects of the development and they meet the tests in CIL Regulation 122 and paragraph 56 of the Framework. I have therefore taken them into account in my determination of this appeal.

Planning Balance

51. I have considered the following benefits of the proposed development. I agree with the Council and appellant that the provision of up to 700 dwellings carries substantial weight. The proposed development would also be likely to contribute towards the 5-year housing land supply, particularly as I have conditioned it to commence within 2 years of the reserved matters approval. I have given this moderate weight as the number of houses that would be likely to make such a contribution would be limited by the need for approvals, a developer to be engaged, and the need for advanced highway works to be completed.

52. Other benefits include the delivery of the Rushenden Primary School, which the Council has not disputed is needed to help facilitate urban regeneration in a deprived area. Without the funding that would be provided through the S106 obligation, the appellant has claimed that the school would not be able to be delivered, even though contributions have been made from other development. Also, the proposal would provide a local centre, which would offer a benefit to existing nearby residents as it would be accessible to them; and additional health service facilities through the medical centre, which would cater for more patients than would be generated by the proposal, according to the letter from Swale NHS CCG. I have given these benefits moderate weight, as the school is necessary to mitigate the impact of the development and there is no guarantee that the medical centre would be occupied or that the shops would be taken up.
53. Most of the benefits of improvements to the A2500 Lower Road have already been realised by the completion of the roundabout and cycleway / footway. However, the appellant has indicated that the Phase 2 works would be carried out should the development take place and that these would offer further benefits. There would also be benefits from a biodiversity net gain of at least 10%, secured by a planning condition. This biodiversity net gain carries substantial weight.
54. With regard to paragraph 11 d) i of the Framework, I have concluded that the appeal proposal would preserve the setting of the Grade II listed Parsonage Farmhouse. However, even if that were not the case, the harm to the significance of the heritage asset would be less than substantial. In weighing this less than substantial harm against the benefits of the appeal proposal, as required in paragraph 196 of the Framework, I have taken account of the economic and social benefits of providing up to 700 dwellings. Whilst I have attached considerable weight to the desirability of preserving the heritage asset's significance, any harm found would only be small for the reasons that I have previously given. As such, this less than substantial harm would clearly be outweighed by the significant public benefits of the proposal.
55. Although there is a slight difference in the agreed housing land supply figures between the appellant and Council, with the Council indicating 4.1 years and the appellant 4.0 years, the Council has accepted that it cannot demonstrate a 5-year supply of deliverable housing sites, even when it takes account of windfall sites, which it has suggested would take it to 4.6 years. Therefore, relevant policies for the supply of housing should not be considered up-to-date. In such circumstances, paragraph 11 d) ii of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have considered the proposal in the context of the presumption in favour of sustainable development.
56. I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area and would fail to accord with SBLP Policy A12 and SBLP Policy ST3. However, it would deliver up to 700 dwellings, most of which would be located on land that is included in the Policy A12 allocation. It would also comply with most of Policy A12, the main exception being that it would include land outside the allocation boundaries. In addition, I am satisfied that the proposal would be able to be designed to ensure that it

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would conserve the setting of Parsonage Farmhouse listed building and, as such, would comply with the relevant SBLP policies and the Statutory test. Based on this and taking account of the relatively recent date of adoption of the SBLP, I have given very little weight to the conflict with development plan policies.

57. For the above reasons, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole. This would still be the case even if the proposal resulted in less than substantial harm to the significance of Parsonage Farmhouse listed building, as that harm would not be great. Therefore, the presumption in favour of sustainable development weighs in favour of the proposal.

Planning Conditions

58. I have considered the suggested conditions should the appeal be allowed that formed the basis of discussions at the Inquiry. It is necessary to impose the conditions regarding the time scale for submission of reserved matters¹ to ensure that development would be carried out expediently. I consider that conditions requiring the standard 2 year period for commencement of development following approval of reserved matters² are justified rather than the appellant's proposed 4-year period, to enable the development to be more likely to contribute to the 5-year housing supply, given that the appellant has indicated that there is currently no identifiable barrier to the development commencing. Conditions referring to the Phasing Plan, Site Parameters Plan and Landscape and Open Space Framework Plan³ are necessary to provide certainty.
59. Conditions requiring the development to be designed to an approved Design Code and an approved site-wide strategy⁴ are necessary to ensure a good quality design and in the interests of the character and appearance of the area. A condition to ensure that appropriate measures would be used to address, amongst other things, carbon emissions⁵ is necessary to ensure that the development would be designed to ensure that it mitigates climate change impacts, taking account of the Council's Climate and Ecological Emergency Declaration, June 2019. I am satisfied that the condition would be flexible enough to take account of the relevant Building Regulations and planning policy requirements at the time of the construction of each phase of the development. The condition suggested by the Council is not supported by any national or local policies and is less flexible in its approach to the required standards to reduce carbon emissions.
60. A condition to ensure that the non-residential buildings would be constructed to at least BREEAM⁶ 'Good' standard⁷ is consistent with the current development plan SBLP Policy DM19 and there is no adopted policy support for the Council's requirement of an 'Excellent' standard. I am satisfied that this condition is necessary in the interests of promoting energy efficiency and sustainable

¹ Conditions 1 and 2

² Conditions 3 and 4

³ Conditions 5 and 6

⁴ Conditions 7 and 8

⁵ Condition 9

⁶ Building Research Establishment Environmental Assessment Method

⁷ Condition 10

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development and would allow design changes to be taken on board as a result of changes in national or local policies at the time of approval of details under reserved matters. A condition to control the water consumption rate of the development⁸ is necessary in the interests of water conservation and sustainability.

61. Conditions to control the level and height of the development⁹ and the materials to be used for the buildings¹⁰, to protect existing trees and hedges to be retained¹¹, to secure the implementation of appropriate soft landscaping¹² and to safeguard the landscaping¹³ are necessary to protect the character and appearance of the area. A condition regarding telecommunication infrastructure¹⁴ is necessary to ensure that the required infrastructure and utility connections would be carried out and to accord with SBLP Policy CP6. A condition to control the use of the convenience store / community facility¹⁵ is necessary to safeguard such a facility in the interests of sustainability and local amenity. A condition regarding noise and to secure the provision of any mitigation found to be necessary¹⁶ is in the interests of residential amenity. I have not included all the detail that the Council has suggested as that is too prescriptive.
62. Conditions to control the level of development occupied until highway measures have been implemented at the M2 Junction 5¹⁷, Lower Road¹⁸ and Halfway traffic signal junction¹⁹ are necessary to prevent severe cumulative impacts on the road network. A condition to secure the implementation of a Construction Management Plan²⁰ is in the interests of highway safety and convenience and to protect local amenities. A condition to control the hours of working²¹ is necessary to protect residential amenity. Conditions to secure the provision of a footway²², the provision of appropriate access to dwellings²³, the provision of a Puffin Crossing on Barton Hill Drive²⁴ and the protection of space for parking and loading and unloading vehicles²⁵ and to ensure that the adopted highways would be constructed to the required standards²⁶ are necessary in the interests of pedestrian and highway safety.
63. Conditions to secure bicycle parking²⁷, improved provision for buses²⁸ and a Travel Plan²⁹ are necessary to encourage the use of sustainable means of transport. Conditions to secure the completion of a pedestrian link to Lovell

⁸ Condition 11
⁹ Condition 12
¹⁰ Condition 14
¹¹ Condition 42
¹² Condition 43
¹³ Condition 44
¹⁴ Condition 13
¹⁵ Condition 15
¹⁶ Condition 16
¹⁷ Condition 17
¹⁸ Condition 18
¹⁹ Condition 19
²⁰ Condition 20
²¹ Condition 21
²² Condition 22
²³ Conditions 23 and 24
²⁴ Condition 25
²⁵ Condition 26
²⁶ Condition 28
²⁷ Condition 27
²⁸ Condition 31
²⁹ Condition 32

Road and the installation of tactile paving³⁰ and a pedestrian link to Parsonage Chase³¹ are in the interests of highway safety and to encourage walking and cycling to reduce the dependence on the use of the private car. A condition to ensure that electric vehicle charging points would be provided³² is in the interests of climate change and reducing pollution.

64. Conditions regarding the provision and management of a sustainable surface water drainage system³³ and a foul drainage system³⁴ are necessary to protect against flooding and water pollution and ensure that the development would be appropriately drained. I have combined some of the suggested conditions. A condition to ensure that contamination is dealt with appropriately³⁵ is in the interests of health and safety and to prevent water pollution.
65. Conditions regarding ecology, including a site-wide strategy and detailed phased strategies and measures, and setting the target of at least achieving an overall biodiversity net gain of 10%³⁶, are necessary to protect habitats and species and promote the government objectives given in the Framework paragraph 174 b) of achieving measurable net gains for biodiversity. I am satisfied that a separate condition to ensure that a biodiversity net gain of 10% is not necessary. However, I find that such a % gain is in line with national requirements and would be achievable for the development overall, given the findings of the appellant's ecological report.
66. A condition to secure the implementation of a Landscape and Ecological Management Plan³⁷ is necessary in the interests of biodiversity. A condition to ensure that sufficient open space and planting would be provided³⁸ is to protect the setting of Parsonage Farmhouse listed building. A condition suggested by the Council to provide an information board regarding the listed building is not necessary and is not supported by any policy. A condition to secure an archaeological assessment³⁹ is necessary to mitigate any adverse impact on archaeological remains. I am satisfied that all the conditions that I have included are reasonable and necessary, satisfy the tests given in the Framework and reflect the advice in the Planning Practice Guidance.

Overall Conclusions

67. Although I have found that the proposal would not accord with the development plan as a whole, the other material considerations that I have given above outweigh this conflict with development plan policy. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should succeed.

M J Whitehead

INSPECTOR

³⁰ Condition 29

³¹ Condition 30

³² Condition 33

³³ Conditions 34, 35 and 36

³⁴ Condition 37

³⁵ Condition 38

³⁶ Conditions 39 and 40

³⁷ Condition 41

³⁸ Condition 45

³⁹ Condition 46

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

William Upton	QC, instructed by Swale Borough Council
He called	
Greg Chant-Hall	Chief Operating Officer, Carbon Free Group CIC
BSc(Hons) CEnv MCIQB	
FIEMA FRSA MCIWM	
ACIBSE	
Richard Pestell BSc	Director, Stantec UK Ltd
MPhil MRTPI	
For Round Table Session on Character and Appearance-	
John-Paul Friend	Director, LVIA Ltd
HND(LGD) BA(Hons)	
DipLA CMLI	
For Round Table Session on Heritage-	
Emma Rouse MCIFA MA	Consultancy Principal, Wyvern Heritage and
BA(Hons)	Landscape
For Sessions on Planning Obligations and Planning Conditions-	
Andrew Byrne	Officer, Swale Borough Council

FOR THE APPELLANT:

Peter Village	QC, instructed by JB Planning Associates
He called	
Mike Axon BSc FCIHT	Director, Vectos traffic & transport consultants
John Boyd, BA (Hons)	Managing Director, JB Planning Associates
MRTPI	
For Round Table Session on Character and Appearance-	
Michelle Bolger CMLI	Michelle Bolger Expert Landscape Consultancy
DipLA BA PGCE BA	
For Round Table Session on Heritage-	
Dr Chris Miele RTPI	Senior Partner, Montagu Evans chartered
IHBC	surveyors
For Sessions on Planning Obligations and Planning Conditions-	
Paul Sharpe	Paul Sharpe Associates

FOR THE RULE 6 PARTY:

Janice Steadman	Representing H Steadman, J C Read, J H Read and J C Newman
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INTERESTED PERSONS:

Alan Bengall	Local Resident
Councillor Cameron Beart	Swale Borough Councillor
Councillor Mike Baldock	Swale Borough Councillor
Councillor Tim Valentine	Swale Borough Councillor
Alan Gilbert	Development Contributions, Kent County Council

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DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Updated Core Documents List, submitted by the appellant on 4 February
- 2 Signed Heritage Statement of Common Ground, submitted by the appellant on 4 February
- 3 Signed overarching Statement of Common Ground, submitted by the appellant on 4 February
- 4 Signed Transport Statement of Agreement and Disagreement between Swale Borough Council and the Appellant, submitted by the appellant on 4 February
- 5 Note and unsigned Statement of Common Ground on Viability, submitted by the appellant on 4 February
- 6 Draft S106 Unilateral Undertaking, submitted by the appellant on 4 February
- 7 Home Quality Mark One Technical Manual, submitted by the Council on 4 February
- 8 Statement of Councillor Cameron Beart, submitted by Councillor Cameron Beart on 4 February
- 9 Opening Submissions on behalf of the appellant, submitted by the appellant on 4 February
- 10 Statement of Alan Bengall, submitted by Alan Bengall on 4 February
- 11 Statement of Councillor Tim Valentine, submitted by Councillor Tim Valentine on 4 February
- 12 E-mail to the Council, dated 20 January, with a letter of objection from Christopher Clarke, submitted by the Council on 4 February
- 13 Statement of Councillor Mike Baldock, submitted by Councillor Mike Baldock on 4 February
- 14 Plan Ref MB Figure 26 showing alternative sites considered, submitted by the appellant on 4 February
- 15 Table of a comparison of sites areas between the allocated site and the appeal site, submitted by the appellant on 4 February
- 16 Appellant's position on draft conditions, submitted by the appellant on 4 February
- 17 Plans showing the location of the Council's area of open space and screening to preserve the setting of the listed Parsonage Farmhouse, submitted by the appellant on 4 February
- 18 Kent County Council CIL Compliance Statement, submitted by the Council on 5 February
- 19 Plans showing the location of open space and screening to preserve the setting of the listed Parsonage Farmhouse, submitted by the Council on 5 February
- 20 Ministerial letter to Swale Borough Council, dated October 2019, regarding climate change, submitted by the Council on 5 February
- 21 Revised draft S106 Unilateral Undertaking, submitted by the appellant on 5 February
- 22 Accompanied Site Visit itinerary, submitted by the Council on 5 February
- 23 Letters, dated 11 July 2018 and 21 June 2019, from Swale Clinical Commissioning Group, submitted by the Council on 6 February
- 24 Letter, dated 28 January 2020, from Swale Borough Council to the appellant regarding transport impacts and viability, submitted by the Council on 6 February
- 25 Signed Statement of Common Ground: Viability, submitted by the Council on 6 February

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- 26 Extract from Developer Contributions Supplementary Planning Document, November 2009, submitted by the Council on 6 February
- 27 E-mail from Kent County Council, dated 15 January 2020 agreeing to highway measures, submitted by the Council on 6 February
- 28 Swale Borough Council's allocation site areas, submitted by the Council on 6 February
- 29 Letter, dated 5 February 2020 from Barclays Bank with Form DS3 and plan, submitted by the appellant on 6 February
- 30 Extract from the superseded Planning Policy Statement 3 with a definition of 'Net dwelling density', submitted by the appellant on 6 February
- 31 Closing submissions for the local planning authority, submitted by the Council on 7 February
- 32 Closing Submissions on behalf of the appellant, submitted by the appellant on 7 February
- 33 Final unsigned copy of S106 Unilateral Undertaking, submitted by the appellant on 7 February

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY

- 34 Final engrossed S106 Unilateral Undertaking, received from the appellant on 11 February
- C1 Costs application on behalf of the appellant, received from the appellant on 11 February
- C2 Response by the local planning authority to the costs application by the appellant, received from the Council on 12 February
- C3 Appellant's response to Council's reply to the appellant's costs application, received from the appellant on 13 February

SCHEDULE OF CONDITIONS

- 1) Details of the layout, scale, appearance and landscaping (hereinafter called 'the reserved matters') within a phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development within that phase takes place and the development shall be carried out as approved.
- 2) The first application for approval of reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

The last application for approval of reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission.
- 3) The development approved under the first application for approval of reserved matters shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved under the first application.
- 4) Each subsequent application for approval of reserved matters for any phase of the development shall take place not later than 2 years from the date of the approval of the last of the reserved matters to be approved for that phase.
- 5) The development shall be carried out in accordance with the Phasing Plan drawing No 1456.21 Version 10.
- 6) The reserved matters details shall accord with the Site Parameters Plan drawing No 1456.18 Version 10 and the Landscape and Open Space Framework Plan drawing No 1456.26 Version 02.
- 7) Prior to the submission of a reserved matters application for any phase, a design code for that phase of development shall be submitted to and approved in writing by the local planning authority. The design code shall be based upon the Site Parameters Plan drawing No 1456.18 Version 10, the Landscape and Open Space Framework Plan drawing No 1456.26 Version 02, and the Development Brief and Design and Access Statement, and shall include the following –
 - A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials, boundary treatments, and provision of car parking.
 - In relation to phase 3 (as shown on drawing No 1456.21 Version 10), a design strategy for buildings to the south and west of Parsonage Farm and measures to respond to the setting of this listed building.
 - Principles for establishing character areas.
 - Principles for road hierarchy, pedestrian and cycle connections in each phase, including the alignment, width, lighting and surface materials to be used.
 - A strategy for street tree planting.
 - Principles for the layout to accommodate and respond to existing landscape features within the site.

- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage.
- A strategy to provide open space, footpath and cycle linkages through each phase.

Subsequent applications for the approval of reserved matters shall be designed to accord with the approved Design Code.

- 8) Prior to the submission of any reserved matters application, a site-wide landform parameter plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide a strategy for utilising the existing landform of the site, measures to minimise cut and fill operations, and measures to minimise or avoid over-engineered operations to deal with levels changes. The reserved matters applications shall accord with the approved site-wide strategy.
- 9) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.
- 10) The non-residential buildings hereby permitted shall be constructed to a minimum of BREEAM new construction 'Good' Standard and prior to the first use of the building the relevant certification shall be submitted to the local planning authority for each individual non-residential building confirming that the required standard has been achieved.
- 11) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the local planning authority.
- 12) No development shall take place in any phase until details of the existing site levels, proposed site levels, and proposed finished floor levels for buildings in that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.
- 13) Before development commences in any phase, details shall be submitted to and approved in writing by the local planning authority for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic connections to multi point destinations and all buildings including residential, commercial and community buildings within that phase. The ducting shall provide sufficient capacity, including duct sizing to cater for all future phases of the development. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.
- 14) No development beyond the construction of foundations shall take place in any phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) in that phase have been submitted to and approved in writing by the local planning authority.

The development shall then be implemented in accordance with the approved details.

- 15) The convenience store / community facility hereby permitted shall be used for purposes under classes A1, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, other than any residential units on the upper floors.
- 16) No development beyond the construction of foundations shall take place in phase 1 of the development as shown on drawing No 1456.21 Version 10 until an acoustic assessment has been submitted to and approved in writing by the local planning authority. The acoustic assessment shall set out predicted internal and external noise levels for dwellings in that phase, and if required shall provide a scheme of mitigation measures. The development shall be carried out in accordance with the approved details and mitigation prior to occupation of any dwelling.
- 17) No part of the development hereby permitted shall be occupied prior to the letting of a contract for the M2 Junction 5 Road Investment Strategy Scheme. Thereafter, no more than 100 dwellings shall be occupied until the M2 Junction 5 Road Investment Strategy Scheme has been certified as being practically complete.
- 18) No more than 160 dwellings shall be occupied until the Lower Road Widening Works as shown on drawing Nos 4068-PH2-SK-001 Rev A, 4068-PH2-SK-002 Rev A, 4068-PH2-SK-003 Rev A, 4068-PH2-SK-004 Rev A, 4068-PH2-SK-005 Rev A, and 4068-PH2-SK-006 Rev A have been completed.
- 19) No more than 570 dwellings shall be occupied until a scheme of highway improvements to the Halfway traffic signal junction, as shown on the Vectos drawing No 195003_GA_001, has been completed.
- 20) No development shall take place in any phase, including any engineering or levelling works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details of:
 - (a) the predicted numbers of construction and delivery vehicles and measures to manage routing of construction traffic to / from the site;
 - (b) means of access to the site during the construction process;
 - (c) parking and turning areas for construction and delivery vehicles and site personnel;
 - (d) timing of deliveries;
 - (e) provision of wheel washing facilities;
 - (f) temporary traffic management / signage;
 - (g) areas for the loading / unloading and storage of plant, materials and waste;
 - (h) measures to control the emission of dust and dirt during construction;
 - (i) a scheme for recycling / disposing of waste resulting from demolition and construction works; and

- (j) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate.
- 21) No construction work, including piling, in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the local planning authority.
- 22) The application for approval of reserved matters for phase 1, as shown on drawing No 1456.21 Version 10, shall include the provision of a footway on the development site frontage on the west side of Barton Hill Drive, and this shall be completed prior to the occupation of any dwellings in that phase.
- 23) No dwelling within phase 1, as shown on drawing No 1456.21 Version 10, shall be occupied until access from that dwelling to the roundabout at the junction of Barton Hill Drive and Lower Road has been completed.
- 24) No dwelling other than those within Phase 1, as shown on drawing No 1456.21 Version 10 shall be occupied until the highway works for the Barton Hill Drive access as shown on drawing No T-01 Rev P3 have been completed.
- 25) No more than 25 dwellings shall be occupied until a Puffin Crossing is open and available for public use on Barton Hill Drive at a location and specification that has first been submitted to and approved in writing by the local planning authority.
- 26) The details submitted for the approval of reserved matters shall show land reserved for the parking of cars in accordance with the currently adopted Kent County Council Vehicle Parking Standards where appropriate and for the loading and unloading of commercial vehicles where necessary. Such land shall be kept available for these purposes at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking or re-enacting that Order or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the buildings / land hereby permitted.
- 27) The details submitted for the approval of reserved matters shall include details of covered secure cycle parking facilities for each dwelling and for communal parking at the local centre hereby permitted. The approved cycle parking shall be provided prior to the occupation of that dwelling / non-residential building and retained for that purpose thereafter.
- 28) Prior to the occupation of any dwelling or other building hereby permitted the following works between the dwelling or building and the adopted highway shall be completed in accordance with details that shall have been submitted to and approved in writing by the local planning authority:
 - (a) Footways and / or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- 29) No more than 350 dwellings hereby permitted shall be occupied until the completion of the following off-site works, the detail of which shall have been submitted to and approved in writing by the local planning authority. –

- i) The provision of a pedestrian / cycle link between the development site and Lovell Road, as shown by the yellow dashed line on the Site Parameters Plan drawing No 1456.18 Version 10.
 - ii) The installation of tactile paving at the crossing of Lower Road at its junction with Barton Hill Drive.
- 30) No more than 350 dwellings hereby permitted shall be occupied until a pedestrian / cycle link from the site to Parsonage Chase has been completed and opened for public use in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The scheme shall include details of surfacing for all weather conditions, and details of lighting.
- 31) No dwelling shall be occupied within the development until either:
- a) Details for the provision of two bus flags and shelters within the layout of the development; or
 - b) A scheme for the provision and improvement of bus stops on Barton Hill Drive frontage to the site;
- have been submitted to and approved in writing by the local planning authority, together with a timetable for implementation. The development shall be carried out in accordance with the approved details and timetable.
- 32) Prior to the occupation of the development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be prepared in accordance with the sustainable travel measures proposed as part of the development and the requirements of policy DM6 of the Swale Borough Local Plan. The approved Travel Plan shall be implemented in accordance with the measures set out therein.
- 33) The reserved matters for each phase shall include measures to provide electric vehicle charging and shall include –
- a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage.
 - b) Electric vehicle charging points to be provided to a minimum of 10% of all other residential parking areas within any phase.
 - c) Electric vehicle charging points to be provided to a minimum of 10% of all non-residential parking spaces within any phase.
- No dwelling / building hereby permitted shall be occupied until the electric vehicle charging points for that dwelling / building have been installed.
- 34) No development shall commence until a detailed sustainable surface water drainage system and strategy, including a phasing plan, has been submitted to and approved in writing by the local planning authority. The phasing plan shall demonstrate the provision of a drainage network to serve each phase of development prior to occupation of that phase. The development shall be carried out in accordance with the approved drainage scheme.
- 35) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the sustainable surface water drainage system approved under Condition 34 has been submitted to and approved in writing by the local planning authority. The approved sustainable surface

water drainage system shall thereafter be operated and maintained in accordance with the approved manual.

- 36) No building on any phase of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system approved under Condition 34, carried out by a suitably qualified professional, has been submitted to and approved in writing by the local planning authority. The Verification Report shall demonstrate the operation of the drainage system such that flood risk is appropriately managed and shall contain information and evidence, including photographs, of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as-built drawings; and a topographical survey of 'as constructed' features.
- 37) No development shall commence until details of foul sewerage for a particular phase have been submitted to and approved in writing by the local planning authority. The approved details shall then be implemented for the relevant phase before any of the dwellings in that phase are occupied.
- 38) No development in any phase shall commence until the following components of a scheme to deal with the risks associated with contamination of the site for that phase have been submitted to and approved in writing by the local planning authority:
- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation, based on (i), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) A Remediation Method Statement (RMS) based on the site investigation results and the detailed risk assessment in (ii). The RMS shall give full details of the remediation measures required and how they are to be undertaken; a verification plan to detail the data to be collected in order to demonstrate that the works set out in the RMS are complete; and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - iv) A Closure Report to be submitted upon completion of the works. The Closure Report shall include full verification details as set out in (iii). This shall include details of any post remediation sampling and analysis, together with documentation certifying quantities and source / destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.
- 39) No development shall commence until a site-wide ecological mitigation strategy has been submitted to and approved in writing by the local planning authority. The strategy shall set out principles for ecological mitigation and measures to be adopted in each phase of development and shall demonstrate

an overall biodiversity net gain of at least 10% above the baseline value of the site. The net gain calculation shall be undertaken using the DEFRA 2.0 Metric or equivalent that has first been submitted to and approved in writing by the local planning authority.

- 40) No development shall take place in any phase, including any ground works, site or vegetation clearance, until a detailed ecological mitigation strategy for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall include measures that shall be based upon the site-wide mitigation strategy approved under Condition 39 and shall include:
- a) an updated Preliminary Ecological Appraisal;
 - b) updated specific species surveys as necessary;
 - c) the purpose and objectives for the proposed works;
 - d) detailed design(s) and / or working method(s) necessary to achieve stated objectives;
 - e) the extent and location of proposed works, including the identification of a suitable receptor site for reptiles and great crested newts, (if required for that phase and consistent with any licence issued by Natural England) shown on appropriate scale maps and plans;
 - f) a timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - g) details of persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
 - h) the use of protective fences, exclusion barriers and warning signs;
 - i) initial aftercare and long-term maintenance (where relevant);
 - j) disposal of any wastes for implementing work; and
 - k) details of temporary management measures to be put in place prior to implementation of the site-wide ecological mitigation strategy.

Development shall be carried out in accordance with the approved detailed ecological mitigation strategy for each phase and shall thereafter be retained. The approved measures for each phase shall be completed prior to the first occupation of any dwelling within that phase or within the next seasonally appropriate period for implementation, whichever is the sooner.

- 41) No development beyond the construction of foundations shall take place in any phase until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be updated at each phase and upon completion of the last phase shall provide a single LEMP for the entire development. The content of the LEMP shall include:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) management options for achieving aims and objectives;

- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures; and
- i) a timetable for the management plan review.

The LEMP shall be implemented and managed in accordance with the approved details and all features shall thereafter be retained.

- 42) No development in any phase shall take place until full details of all existing trees and / or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained, have been submitted to and approved in writing by the local planning authority. Such details shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed;
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge;
 - (c) details of any proposed arboricultural works required to any retained tree or hedge;
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree; and
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the local planning authority.

- 43) No development beyond the construction of foundations in phase 1 shall take place until a detailed scheme of advance soft landscaping has been submitted to and approved in writing by the local planning authority. This shall consist of a woodland buffer on the southern and western boundaries of the site as shown on the Site Parameters Plan drawing No 1456.18 Version 10 and shall be a minimum of 20 metres in depth. The scheme shall include proposed trees, shrubs and other features, planting schedules, noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. No more than 50

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dwellings shall be occupied prior to the completion of the advance soft landscaping in accordance with the approved details.

- 44) Upon completion of the advance landscaping works, any trees or shrubs that are removed, die, become severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as approved in writing by the local planning authority, and within the next planting season.
- 45) The layout and landscaping of the reserved matters for phase 3 of the development, as shown on drawing No 1456.21 Version 10, shall be designed to maintain an area of open space and landscaping to the south and south west of the site boundary with Parsonage Farmhouse, such area to be no less in size than that shown on the Site Parameters Plan drawing No 1456.18 Version 10.
- 46) No development shall take place until the following has been secured:
 - i. archaeological field evaluation works in accordance with a specification and written timetable that has been submitted to and approved in writing by the local planning authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and / or further archaeological investigation and recording in accordance with a specification and timetable that has been submitted to and approved in writing by the local planning authority.



Costs Decision

Inquiry held on 4 February 2020

Site visit made on 5 February 2020

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Costs application in relation to Appeal Ref: APP/V2255/W/19/3238171 Land west of Barton Hill Drive, Minster-on-sea, Kent ME12 3LZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by SW Attwood & Partners for a full award of costs against Swale Borough Council.
 - The Inquiry was in connection with an appeal against the refusal of outline planning permission for the development of up to 700 dwellings and all necessary supporting infrastructure including land for the provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works.
-

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Preamble

2. The application is made based on the guidance given in the national Planning Practice Guidance (PPG).

Summary of the written submissions for SW Attwood & Partners¹

3. In support of the claim for a full award of costs, the appellant cited both procedural and substantive unreasonable behaviour by the Council. The Council acted unreasonably in imposing the reason for refusal based on the development not providing any affordable housing on a number of the grounds identified in the PPG, including a *'failure to provide evidence to substantiate each reason for refusal'* and *'not reviewing their case promptly following the lodging of an appeal against refusal of planning permission'*. Furthermore, it had no answer to the fact that policy required 0% affordable housing in this location.
4. The highways reason for refusal was withdrawn following a meeting on 27 January 2020. The basis for the withdrawal was that the appellant agreed to condition 19 and agreed to make a further contribution of £20,000 by way of traffic calming on Darlington Drive / Parsonage Chase. This behaviour was unreasonable by refusing planning permission on a planning ground capable of being dealt with by conditions or planning obligation.

¹ Documents C1: Application for costs, and C3: Reply to the Council's response, listed in the appeal decision letter

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5. The issue of climate change was never raised as a reason for refusal, but it was raised through the Council's Statement of Case. Despite the Climate Change Emergency (CCE) declaration in June 2019, the Committee at the meeting on 23 July 2019 failed to identify climate change as a reason for refusal; nor was it added to the Decision Notice when that was issued in August 2019. It was unreasonable for the Council to seek to impose conditions which had no policy basis, either within the National Planning Policy Framework (Framework), PPG or, most importantly, the development plan.
6. The appellant incurred costs by reason of the unreasonable failure of the Council to adhere to timescales within the PINS guidance in relation to the provision of Statements of Common Ground (SoCGs) and to produce a full Statement of Case. The appellant was left substantially in the dark as to its case on each of the reasons for refusal, and incurred costs in seeking to second guess what lay behind the reasons for refusal. This conduct was unreasonable.
7. In terms of substantive unreasonable behaviour, two officers' reports recommended the grant of planning permission. The Council failed to take the balancing exercise in the Framework properly and its evidence of Ms Rouse and Mr Friend, on heritage and landscape, was based on vague and generalised assertions of harm. The Council failed to substantiate its case on the appeal. Mr Pestell failed to undertake the correct balancing exercise and his judgment on the planning balancing exercise was flawed. No expert witness could have professionally concluded that the harm significantly and demonstrably outweighed the benefits, even if he mistakenly believed the benefit was limited to an extra 80 additional market houses. The appeal scheme should never have been refused planning permission.
8. The unreasonable behaviour of the Council has caused the appellant to incur expense unnecessarily. The Council should therefore pay all the appellant's costs of the appeal.

Summary of the written response for Swale Borough Council²

9. The Council does not accept that it has behaved unreasonably and has submitted evidence to substantiate the reasons for refusal. Even if the Inspector should decide that permission should be granted on appeal, the Council considers that it has been reasonable for it to advance the case that it has and in the way that it has.
10. The reason for refusal on affordable housing was not pursued at the Inquiry. The appellant raised the issue of viability in its proof of evidence. At the Case Management Conference (CMC) the Council proposed to deal with affordable housing under the planning topic. The matter that the appeal scheme cannot make any contribution towards affordable housing was already agreed before the Council signed the topic specific SoCG on the third day of the Inquiry. No time was spent on this topic at the Inquiry and no time was wasted on it. It was not unreasonable behaviour, and considerable time was saved at the Inquiry in any event.
11. The Council provided expert evidence in support of the highways reason for refusal and justified why the Section 106 contribution and Grampian condition were required. Mitigation was identified, and the necessary contribution was

² Document C2: Response to the application for costs, listed in the appeal decision letter

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agreed by the appellant, the local highway authority (Kent County Council) and the local planning authority (the Council). The appellant has not argued that it is not required. There was a substantial highways issue to resolve, which was the subject of detailed and substantial evidence. There has been no unreasonable behaviour, and no costs have been wasted.

12. It was agreed that climate change was a material planning consideration. The CCE indicates that development plan policies should be applied differently. At the Inquiry there was a reasonable disagreement over what conditions would be necessary and reasonable to address this matter. There has been no unreasonable behaviour.
13. The SoCGs on the different topics have proved useful and have saved considerable time at the Inquiry. If they were 'late' they have not caused unnecessary costs and expense. The Council's Statement of Case was supplemented following the CMC both on the climate change issue and more generally so that the appellant did know the case it had to meet by 13 December at the latest. The reasons for refusal are fairly fulsome and identify the relevant points, and the relevant policies, on landscape, highways and listed building matters.
14. In terms of substantive unreasonable behaviour, the planning witnesses have identified the correct planning tests about the tilted balance, and the normal balance for the heritage issues. The area of disagreement has been consistently set out in the draft and final versions of the SoCG. The opinions of both the Council's landscape and heritage witnesses were reasonable and soundly based and explained. These are matters of professional opinion. The Council has provided evidence to substantiate the remaining reasons for refusal, and why the appeal scheme should be refused.

Reasons

15. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
16. The Council refused planning permission for 4 reasons. The third reason for refusal on grounds of affordable housing contribution was withdrawn, with the Council suggesting that it informed the appellant on 18 December. However, this does not appear to me to have been conclusive as the Council pursued this matter with regard to the Section 106 planning obligation contributions. In this respect the appellant's evidence on viability that it provided for the Inquiry could have been avoided, even though the Council has claimed that it was related to the level of secondary education contributions. Therefore, I find that the Council acted unreasonably in refusing planning permission for this reason, which clearly was not supported by the evidence or development plan policies, and failing to produce evidence to substantiate this reason for refusal. As a result, the appellant incurred unnecessary expense in its preparation of evidence on affordable housing and viability for the Inquiry.
17. In terms of the fourth reason for refusal on highway grounds, the Council only withdrew it following a meeting on 27 January 2020. This was based on agreement to a planning condition and a planning obligation to secure mitigation. Kent County Council as the local highway authority had not supported the reason for refusal and, although it agreed to the mitigation

measures, it did not object to the proposal on highway grounds. As such, the Council had gone against the expert advice of the local highway authority and its own planning officers, who recommended the grant of planning permission. Although it provided expert evidence to support this reason for refusal, this evidence was not examined at the Inquiry. In my opinion, this ground for refusal could have been resolved without the need for the appellant to provide evidence to contest it at the Inquiry and therefore the appellant has incurred unnecessary expense in providing this evidence.

18. With regard to climate change, although it was not given as a reason for refusal, the Council did raise it as a matter of concern in its Statement of Case and at the CMC. It did not pursue this matter as a reason for refusal but did call an expert witness at the Inquiry to support its proposed conditions to address this matter. Although the appellant has produced evidence for the Inquiry in this regard, it did not call an expert witness and I do not consider that the Council acted unreasonably in raising this matter, given the government's stance and development plan policies that deal with it. Whilst I have not agreed with the detailing of the suggested planning condition, I do not consider that the appellant has wasted any expense in dealing with this matter at the Inquiry, as it was necessary to address it by an appropriate condition.
19. The reasons for refusal on character and appearance and heritage are complete, precise, specific and relevant to the application. The Council's expert evidence on landscape, heritage and planning matters provided more than a vague and generalised assertion about the proposal's impact and were supported by objective analysis. I am satisfied that the Council has provided sufficient evidence at the Inquiry to demonstrate that it has applied the correct planning balance in determining the application.
20. Whilst I have not agreed with the weight that the Council has attached to the harm in the overall planning balance or the arguments to support the degree of harm that it has claimed that the development would cause to the landscape and listed building, I have found that the proposal would have an adverse effect on the character and appearance of the area and would fail to accord with development plan policy. As such, I do not consider it to be unreasonable to refuse outline planning permission on these grounds. Therefore, I find that the Council has not acted unreasonably in this respect.
21. The Council did not agree the SoCG or provide sufficient evidence in its Statement of Case in a timely manner. Whilst it did submit supplementary Statements of Case and agree topic based SoCGs, which were found to be useful at the Inquiry, these had not been agreed at the dates given in the timetable. However, the failure to agree the topic based SoCGs within the agreed timetable set at the CMC has not been shown to have been due entirely to the Council. Whilst I accept that the costs regime can be used to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case, I have insufficient evidence to demonstrate that the appellant incurred additional expense directly as a result of the Council failing to agree the overall SoCG or provide a sufficiently detailed Statement of Case on time.

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22. For the reasons given above, I find that the Council has not prevented or delayed development which should clearly be permitted. However, I consider that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated in respect of the reasons for refusal 3 and 4 on affordable housing and highways. I therefore conclude that a partial award of costs is justified in this respect.

Costs Order

23. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Swale Borough Council shall pay to SW Attwood & Partners, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in dealing with the appeal on the grounds of reasons for refusal 3, regarding affordable housing and viability, and 4, regarding highway and traffic impacts; such costs to be assessed in the Senior Courts Costs Office if not agreed.
24. The applicant is now invited to submit to Swale Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M J Whitehead

INSPECTOR