

planning
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Response to Inspector's Issues & Questions: Matter 1 Response
on behalf of Mr S Marshall

October 2018 JB/13269



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1 Introduction

1.1 Site Context

- 1.1.1 Land at Wilgers Farm ("the site") concerns land to the south of Smallfield Road, predominantly relating to land to the north and east of the farmhouse but also some land to its south. The site is located on the eastern edge of Horley and is currently accessed via Silverlea Gardens off Balcombe Road (B2036).
- 1.1.2 The wider site is approximately 19.7 ha in area and is split in two by Burstow Stream which runs through the site from north to south. The site falls within the Rural Surrounds of Horley but marks the edge of the urban core of the town to the west. There are also modern housing estates to the north of Smallfield Road opposite the site.
- 1.1.3 The site is privately-owned by our client, Scott Marshall, together with his brother and his mother who owns the land to the south of the farmhouse. It is currently accessed via Silverlea Gardens but there is an additional gated access onto Smallfield Road to the north from an existing track on the site. The site is therefore accessible, deliverable and viable as a site for housing.

Previous representations

- 1.1.4 My client has made representations to the DMP at both the Regulation 18 and Regulation 19 stages.

2 Matter 1: Legal compliance and duty to co-operate

2.1 1b(3): Has the formulation of the DMP been based on a sound process of sustainability appraisal (SA)? In particular: a) How has the SA informed the preparation of the DMP at each stage and how were options considered? b) In light of concerns raised, have the likely environmental, social and economic effects of the policies and allocations in the DMP been adequately and accurately assessed?

2.1.1 It is my client's view that there are deficiencies in the SA which have resulted in my client's land scoring more poorly than it should, when compared on an equal and fair basis to sites NWH1 and NWH2. Furthermore, it is not clear why these alternative sites, and site NHW1 in particular, have been proposed as allocations in preference to my client's site.

2.1.2 We will begin by summarising the SA position in relation to these three sites.

NWH1: Land at Meath Green Lane

2.1.3 The table on p.115 (Analysis for Sustainable Urban Extension Allocations) of the SA shows that this site scored as follows:

- Very positive impact (++) in 1 objective (1 – providing housing);
- Positive impact (+) in 3 objectives (2: health/wellbeing, 6: economic growth, 7: employment opportunities)
- Neutral impact (0) in 4 objectives (5: previously developed land; 9: natural resource use, 13: contamination; 16: biodiversity)
- Negative impact (-) in 5 objectives (3: conserving heritage; 10: climate change, 11: flood risk, 14: air quality, 15: landscape character)
- Very negative impact (--) in 2 objectives (4: sustainable travel; 8: greenhouse gas reduction)
- Unknown impact (?) in 1 objective (12: improving water quality)

2.1.4 The summary text refers to the site being a significant distance from the town centre, noting it "is likely to increase car use significantly". Much of the site is in a flood zone and there are negative effects on heritage assets, landscape character and archaeology.

NHW2: Land at Bonehurst Road

2.1.5 The table on p.115 (Analysis for Sustainable Urban Extension Allocations) of the SA shows that this site scored as follows:

- No very positive impacts were identified;

- Positive impact (+) in 3 objectives (1: housing, 6: economic growth, 7: employment opportunities)
- Neutral impact (0) in 10 objectives (2: health/wellbeing; 3: conserving heritage; 4: sustainable travel; 5: previously developed land; 8: greenhouse gas reduction; 9: natural resource use, 12: improving water quality; 13: contamination; 15: landscape character; 16: biodiversity)
- Negative impact (-) in 1 objective (14: air quality)
- Very negative impact (--) in 2 objectives (10: climate change, 11: flood risk)

2.1.6 The supporting text notes that the site is in a flood zone, is within an Air Quality Management Area and may suffer from noise being close to Gatwick Airport.

SEH7: Land at Wilgers Farm

2.1.7 Whilst my client's land includes both parcels SEH7 and SEH9, as is clear from the illustrative masterplan included as Appendix 1 to the Reg.19 reps, built development would be concentrated on the western parcel (SEH7), with the remainder being proposed.

2.1.8 The table on p.115 (Analysis for Sustainable Urban Extension Allocations) of the SA shows that this site scored as follows:

- No very positive impacts were identified;
- Positive impact (+) in 4 objectives (1: housing; 4: sustainable travel; 6: economic growth, 7: employment opportunities)
- Neutral impact (0) in 8 objectives (3: conserving heritage; 5: previously developed land; 8: greenhouse gas reduction; 9: natural resource use; 13: contamination; 14: air quality; 15: landscape character; 16: biodiversity)
- Negative impact (-) in 2 objectives (2: health/wellbeing; 12: improving water quality)
- Very negative impact (--) in 2 objectives (10: climate change, 11: flood risk)

2.1.9 The supporting text underestimates the site capacity, compared with that demonstrated in our representations. It notes that the site is close to the town centre and would be accessible. Like the sites above, it is also in a flood zone. Finally, the SA refers to the site being earmarked for a Town Park, something that is no longer proposed in this location by RBBC, to the extent that the Council has not carried forward the designation from the previous plan.

Analysis

- 2.1.10 It is clear from the above that site NWH1 scores significantly worse in the SA than the developable part of my client's site SEH7, with NWH1 having 7 negative or very negative effects (and a further unknown, potentially negative effect), compared with 4 negative or very negative effects at SEH7.
- 2.1.11 However, we are very concerned that the SA does not appear to have been carried out on a level playing field, with my client's site scoring surprisingly low on some measures, whilst site NWH1 in particular has scored higher when circumstances are similar. We draw attention to specific points below.
- 2.1.12 The very positive effect at NWH1 comes simply from the housing numbers proposed. My client is proposing a greater level of development at Wilgers Farm which, if assessed on the same methodology, should lead to a very positive effect on that category.
- 2.1.13 NWH1 benefits from a positive score for objective 2 (health and wellbeing) on the basis that part of the site could be used as Riverside Green Chain, with public access (including from existing rights of way on site), which would benefit health. No reference is made here to the long distances to the town centre. SEH7 has a negative score for the same objective, because it could prevent delivery of the Town Park that is no longer proposed here. Inexplicably, given that there is no existing Town Park here to be "taken away" and the Council is now considering alternative locations elsewhere, the lack of Town Park here is deemed to have a "negative effect on the health of Horley residents". No reference is given to the Riverside Green Chain, even though part of the Wilgers Farm site could be used for this. No reference is made to the fact that the short walking distance to the town centre, which is likely to encourage walking.
- 2.1.14 It is not at all clear why SEH7 has been scored as "negative" for the improving water quality objective (12). The table in Appendix J of the SA mysteriously refers to this being because "an employment site in this location may cause further damage through run-off". It is unclear why it has been assessed here as an employment site when it is not.
- 2.1.15 If SEH7 were to be assessed in a more consistent way, even leaving objective 12 is left unchanged, it is clear from Table 2.1 overleaf that SEH7 scores well. The only negative effect would be the water quality issue, which as demonstrated in the FRA appended to my client's Reg.19 representations, would in actual fact be likely to be improved (and thus become a positive effect). On the basis that the flood risk maps are not yet changed, very negative effects would persist in objectives 10 and 11 due to the Flood Zone 2 and 3 land, yet the same is true of NWH2, whilst NWH1 scores only marginally better in this respect.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
++	+	0	+	0	+	+	0	0	--	--	-	0	0	0	0

Table 2.1: DHA re-assessed scoring for SEH7

2.1.16 In summary, therefore, it is clear that the policies and allocations have not been adequately and accurately assessed in the SA.