



The Planning Inspectorate

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## **Report to Reigate and Banstead Borough Council**

by Helen Hockenhill BA(Hons) B. PI MRTPI  
an Inspector appointed by the Secretary of State  
Date: 9 July 2019

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**Planning and Compulsory Purchase Act 2004  
(as amended)  
Section 20**

## **Report on the Examination of the Reigate and Banstead Development Management Plan**

The Plan was submitted for examination on 18 May 2018

The examination hearings were held between 30 October and 9 November 2018

File Ref: PINS/L3625/429/9

## Abbreviations used in this report

AGLV	Area of Great Landscape Value
AONB	Area of Outstanding Natural Beauty
CS	Reigate and Banstead Local Plan: Core Strategy
DMP	Development Management Plan
GBR	Green Belt Review
GTAA	Gypsy and Traveller Accommodation Assessment
HELAA	Housing and Employment Land Availability Assessment
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RSH	Rural Surrounds of Horley
SA	Sustainability Appraisal
SHAR	Strategic Highways Assessment Report
SHLAA	Strategic Housing Land Availability Assessment
SUE	Sustainable Urban Extension

## Non-Technical Summary

This report concludes that the Reigate and Banstead Development Management Plan (DMP) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Reigate and Banstead Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendment to Policy MLS1 Phasing of urban extension sites to remove the detailed phasing and allow sites to come forward when available and deliverable to maintain a 5-year housing land supply thus ensuring the plan is justified and effective;
- Increased capacity on allocated sites to meet the needs of gypsies, travellers and traveling showpeople and identification of further sites including provision within the Sustainable Urban Extensions (SUEs);
- Amendments to the requirements for development on some of the allocated sites in order that the plan is justified and effective;
- A range of other alterations to development management policies necessary to ensure they are justified, effective and consistent with national policy;
- Deletion of safeguarded land policy MLS2 to ensure the plan is justified.

## Introduction

1. This report contains my assessment of the Reigate and Banstead DMP in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Reigate and Banstead DMP 2018-2027 submitted in May 2018 is the basis for my examination. It is the same document as was published for consultation during January to May 2018.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulation Assessment of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some minor amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Policies Maps as set out in CD2 (a-g).
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further

corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs.

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed.

## **Assessment of Duty to Co-operate**

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. Document CD6, the Duty to Cooperate Compliance Statement, outlines how the Council has engaged constructively with relevant prescribed bodies. The Council has a long history of engagement and partnership working with other authorities, stakeholders and public bodies on key issues. These include Tandridge District Council, Crawley Borough Council, Mole Valley District Council, the Gatwick Diamond Partnership, the Coast to Capital Local Enterprise Partnership and the Surrey Strategic Planning and Infrastructure Partnership.
10. The strategic issues facing the borough include flood risk, the Green Belt, housing and employment provision, traveller accommodation, highway matters and infrastructure. Annexes 3, 4 and 5 of CD6 set out in detail all the bodies the Council has cooperated with in addressing the strategic issues facing the borough and the arrangements in place for joint working. The document outlines the outcomes including the preparation of jointly prepared evidence e.g. the Gypsy and Traveller Accommodation Assessment (GTAA), agreement on shared approaches to key matters and the formulation of development and policy requirements.
11. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Scope of the DMP and relationship with the adopted Core Strategy**

12. Reigate and Banstead Local Plan: Core Strategy (CS) was adopted in July 2014. This document sets down the broad scale and distribution of development within the borough. It sets out the spatial strategy and context for growth and describes how growth will be planned, managed and delivered. The role of the DMP, as set out in the Local Development Scheme (LDS) is to identify non-strategic sites for housing, employment and other development.
13. The housing target in the CS does not meet the borough's objectively assessed need for market and affordable housing. This was recognised in the CS Inspector's report. Neighbouring authorities are unable to accommodate this unmet need.

14. There is substantial case law on this matter, for example *Oxsted Residential Ltd v Tandridge DC* [2016] EWCA Civ 414, which confirms that a Site Allocations Plan does not need to reconsider the overall housing provision figure established in an earlier CS or rectify any shortcomings in housing supply and provision. The Local Planning Regulations [8(4) & (5)] also require local plan policies to be consistent with the adopted development plan, unless they specify that an existing policy is to be superseded. The key test in respect to the scale of development proposed, is whether the DMP is consistent with the CS and whether it would realistically deliver the scale and distribution of development envisaged. I address this later in my Report.
15. It is argued that the DMP should maximise the opportunities for housing delivery including through the Sustainable Urban Extensions (SUEs), seeking to minimise the unmet housing need in the plan period. The Council has commenced a review of the CS, which would take the form of a new Local Plan, reviewing the site allocations and development management policies. It is through this review that the housing requirements of the borough should be reassessed.
16. I have considered the concerns raised by Highways England about the Strategic Highways Assessment Report (SHAR). The view is put forward that this document does not satisfactorily demonstrate that the level of development put forward in the DMP, even with mitigation, would not have a severe impact on the strategic road network.
17. The Core Strategy 2014 sets out the quantum and broad distribution of development for the borough over the plan period. The level of future growth has therefore already been established in this document.
18. As detailed above, the Council has commenced work on a review of the CS. This work would necessitate further consideration of the implications of planned development on the strategic road network in liaison with Highways England under the Duty to Cooperate.
19. In conclusion therefore I have no evidence before me to lead me to the conclusion that DMP is unsound in this regard or would conflict with national policy.

## **Main Issues**

20. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified several main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1- Whether the approach taken to review the Green Belt is justified, effective and consistent with national policy.**

21. The CS recognises that in order to meet the housing target set down in Policy CS13, SUEs would be required. It is acknowledged that in exceptional circumstances limited areas of land may be removed from the Green Belt for this purpose and allocated through the DMP. Policy CS3 sets out that a

detailed Green Belt Review (GBR) would be undertaken to inform the DMP and establishes the scope of such a review.

22. In order to identify potential SUEs, Policy CS6 outlines broad areas of search. The broad areas of search were subdivided into identified parcels of land using constraints and defensible boundaries. The Sustainable Urban Extension (Stage 2) Site Specific Technical Report assessed a long list of 33 land parcels. The process of site selection was further informed by an analysis of constraints and opportunities, the Green Belt Review and the assessment of the sustainability of each site (SA). This resulted in the identification of 12 sites.
23. The broad approach and methodology of the GBR is largely unchallenged, but there are some more detailed areas of the review that may seem to entail inconsistencies. In particular some larger SUEs comprise more than one parcel of land assessed separately in the review e.g. Site ERM2/3 Copyhold Works. Different scores were given to each parcel in terms of their impact on the five Green Belt purposes. Conversely Site ERM4 comprises 3 parcels of land yet these sites were assessed as one. Nevertheless, the assessment of these sites has followed a systematic and objective approach which inevitably involves an element of professional judgement about how to sub divide the land. There is no clear evidence before me to indicate that the overall conclusions in terms of priority for protection would have been any different if the scoring had been based on alternative areas.
24. The Council has provided evidence of how reasonable and realistic alternative sites have been considered and given adequate reasons for selection / rejection.

### **Rural Surrounds of Horley**

25. The CS established that the Rural Surrounds of Horley (RSH) designation would be reviewed through the DMP in order to assess whether it should in whole or in part be designated as Green Belt. The GBR assessed individual parcels of land in the RSH rather than assessing the area as a whole. I do not consider this to be a failing of the methodology as sections of the RSH would perform differently and potentially not all of the RSH may have a strong Green Belt function.
26. This area has formed countryside beyond the Green Belt since the Green Belt boundaries around Horley were originally defined in the 1994 Borough Local Plan. Having regard to the tests set down in paragraph 82 of the Framework, there has been no major change in circumstances which would warrant the inclusion of the RSH into the Green Belt. Whilst its inclusion would be consistent with Local Plans for adjoining areas and there may be positive consequences for sustainable development, other policies of the Plan, in particular Policies NHE6 and NHE7, would adequately control development within the area and protect its rural character.
27. I therefore conclude that exceptional circumstances do not exist and there is insufficient justification for the Rural Surrounds of Horley to be designated as Green Belt.

## **Other Green Belt boundary changes**

### **Anomalies**

28. The GBR took the opportunity to assess minor anomalies in the Green Belt boundary. These include digitising errors, for example where the boundary has been drawn through a building; encroachment, where built development has encroached into the Green Belt over time; and weak boundary features. In terms of the last-named category, the minor amendments proposed provide strong border features in line with the Framework guidance that sites should have a strong defined boundary. I am satisfied that the minor changes proposed are justified and that exceptional circumstances exist. The changes are detailed on the Policies map.

### **Washed over and inset villages**

29. The GBR also reassessed inset and washed over settlements in the Green Belt. Babylon Lane forms a very low-density settlement with dispersed buildings and open outer boundaries. It is currently inset into the Green Belt. The settlement makes a contribution to openness, and in line with paragraph 86 of the Framework, it is necessary to prevent development in the village in order to protect and maintain its character and its contribution to openness. I am satisfied that exceptional circumstances exist for it to be washed over by Green Belt.
30. In the case of Netherne-on-the-Hill, this forms a village washed over by the Green Belt. It is a dense settlement, reasonably compact and includes a conservation area, several listed buildings and a historic park. It has seen significant growth since the Green Belt boundaries were originally established in the 1994 Borough Local Plan. The village no longer makes a contribution to openness of the Green Belt and little contribution to the five Green Belt purposes. I consider that exceptional circumstances exist for it to be inset in the Green Belt.

### **Conclusion on Issue 1**

31. The approach to the GBR is justified, effective and consistent with national policy.

### **Issue 2 – Whether the proposed site allocations are justified, effective and consistent with national policy and the Core Strategy and where sites are located in the Green Belt whether the exceptional circumstances have been demonstrated for their removal.**

32. The DMP proposes 12 SUEs, the selection of which was based on a number of different assessments including constraints, Green Belt contribution, sustainability and viability. 9 SUEs are located in the Green Belt, the remaining 3 being in the Rural Surrounds of Horley. I shall assess each allocation in turn.

## **SUEs within the Green Belt**

### **Policy ERM1: Land at Hillsbrow, Redhill**

33. This forms a greenfield site located within the Green Belt to the east of Redhill Town Centre to the south of the A25. It consists of open grassland with large areas of ancient and other woodland within the site. The site is allocated for approximately 100 new homes, including 25 units of retirement accommodation.
34. Given the sites relationship to the built-up area, and the location of the former Copyhold Works and ribbon development to the north, the site can be described as partially contained. It makes a limited contribution to the Green Belt purposes. The site has a strong tree belt to the south and a road and further dense tree planting to the north providing clear and defensible boundaries.
35. Further evidence, including a Masterplan for the site and a review of site densities, suggests that approximately 145 dwellings could be provided, rather than the 100 set out in the policy. **MM29** increases the capacity of the site accordingly so that the allocation makes a greater contribution to housing need.
36. The site is in an area with a low risk of flooding and there are no fundamental constraints to development. I am satisfied that its allocation is realistic, viable and deliverable in the timeframe envisaged by the Council.
37. Concerns have been expressed about the highways impact of the development particularly the cumulative impact of this site and ERM2/3 which lies immediately to the north and is also accessed from the A25 Nutfield Road. I have no evidence that such impacts cannot be addressed through mitigation measures. **MM29** requires the submission of a Transport Assessment to address potential impacts and make the policy effective.
38. The modification also updates the policy to include reference to the provision of approximately one traveller pitch on the site in order to align with other policies of the plan.
39. For the above reasons, there are exceptional circumstances which justify the alteration of the Green Belt boundary.

### **Policy ERM2/3 Land west of Copyhold Works and former Copyhold Works, Redhill.**

40. This allocation brings together two land parcels, firstly an open paddock to the west of the site, and secondly to the east, the site of the Former Copyhold Works, an industrial site comprising derelict buildings and areas of hardstanding. The site is allocated for approximately 210 dwellings including 53 units of retirement accommodation. An area of 1.5 hectares is to be reserved for a primary school to serve the site and the local area.
41. The site lies contiguous with the urban area of Redhill. The western paddock is contained by the urban area to the west and the former works to the east.

Whilst it has an open character, it makes little contribution to the purposes of including land within the Green Belt. The former Copyhold Works to the east of the site comprises areas of hardstanding and structures resulting in an urbanised brownfield character.

42. There are strong defensible site boundaries with a tree belt and landfill bund to the north and east and the road and further trees to the south. The land drops down to the north and long-range views are achievable. I am satisfied that through sensitive design and landscaping and the retention, protection and management of the existing woodland areas on the site, the visual impact of development can be appropriately mitigated.
43. The site lies next to the Patteson Court Landfill site. This is a regionally important waste facility dealing with municipal, commercial and hazardous waste. The site has planning permission until 2030. The site operator indicated at the hearing that the infilling of waste was anticipated to end in 2028 with the site fully restored by the end of 2030. Concern has been expressed with regard to the potential environmental impacts of the landfill site on the living conditions of future residents of the SUE. I have had regard to the odour impact assessment and noise assessment submitted by the site promoter, the terms of the Environmental Permit and the views of the Waste Planning Authority. Whilst I acknowledge that the landfill site is well controlled and managed, I am not persuaded by the current evidence that the allocation is suitable for housing now.
44. I consider it justified that the operations of the landfill site are substantially complete before housing development takes place to safeguard the living conditions of future residential occupiers of the site. **MM30** amends the explanatory text accordingly and explains what is meant by 'substantially complete' in the interests of effectiveness. It is also justified for the modification to require the submission of a phasing plan for the residential scheme to minimise any potential conflicts with ongoing waste operations and restoration of the landfill site. The modification provides clarity on the expectations at the planning application stage, including environmental and technical assessments and mitigation measures to take account of the potential environmental conflicts. Consequential amendments to the explanatory text are also required in the interests of effectiveness.
45. Substantive evidence has been provided that the site could deliver more than 210 dwellings through a higher average density of development. **MM30** increases the site capacity to approximately 230 homes enabling the development to make a greater contribution to the delivery of housing. The modification also makes provision for approximately 3 traveller pitches on the site in order to align with other policies in the plan.
46. The policy is unclear and lacks justification for the provision of alternative community facilities should a primary school not be required on the site. In order to remedy this and allow flexibility, **MM30** provides that the land reserved for the school can be used to deliver additional homes if shown not to be required and modifies the Infrastructure requirements accordingly. I consider the delivery mechanism for the school in the Infrastructure section of my report.

47. The policy is also too restrictive in requiring the provision of public open space to the south of the site. This is a matter to be determined at planning application stage. The modification removes this locational requirement in the interests of flexibility and effectiveness.
48. In terms of potential highway impacts I have already considered the cumulative impact of this development and Site ERM1 above. For consistency, **MM30** requires the submission of a Transport Assessment to address potential impacts. I consider that with appropriate mitigation measures, the development would be acceptable in highway terms.
49. Concerns have been raised about the retention of existing woodland walks that run through the site and onsite contamination. The policy requires the retention, improvement and extension of pedestrian and cycle facilities and the addition of new paths through the site. This matter is therefore adequately addressed. I am satisfied that any potential contamination on the site from the previous industrial uses can be appropriately remediated.
50. Subject to the above mitigation and phasing, I am satisfied that there are no significant constraints to the development and the site is deliverable within the timeframe envisaged. The allocation makes a significant contribution to meeting housing need. I consider that there are exceptional circumstances as described above justifying the alteration of the Green Belt boundary in this case.

**Policy ERM4a: 164 Bletchingley Road, Merstham**

**Policy ERM4b: Land south of Bletchingley Road, Merstham**

51. The above two sites lie next to each other to the south of Bletchingley Road on the eastern edge of Merstham. ERM4a is allocated for approximately 30 dwellings with ERM4b for approximately 20 new homes. They form greenfield sites located in Flood Zone 1, an area at the least risk of flooding. The GBR assessed both sites together as ERM4. The eastern and western boundaries of the site are made up of trees and hedgerows of varying density. The respective policies require enhancement of tree and hedgerow planting, which I am satisfied will achieve acceptable defensible Green Belt boundaries and mitigate any significant impact on the character and appearance of the area.
52. **MM31** increases the number of homes on Site ERM4b to approximately 30 to take account of updated evidence and recent pre application discussions.
53. Sites ERM4a, 4b and ERM5 are accessed from Bletchingley Road. In order to address the potential cumulative impacts of these developments, all three allocations are required to provide a safe access, upgrade pedestrian and cycle routes to Merstham local centre and submit a Transport Assessment to address the potential impacts of the developments on the A23/School Hill junction. I consider that unacceptable harm in terms of traffic and highways issues are unlikely to arise.
54. There is concern about the removal of these sites and also Site ERM5, which I consider below, from the Green Belt and the subsequent loss of green space between the edge of the settlement and the motorway. Subject to the

design and mitigation requirements of the respective policies, I consider that acceptable developments can be achieved respecting landscape character and improving green infrastructure links. I am also satisfied from the Landscape and Visual Impact Assessment that the development of the sites would not adversely impact on the setting of the AONB to the north.

55. With the exception of a residential property and outbuildings to the north east corner of Site ERM4a, the two sites are largely open in character and contribute to the openness of the Green Belt. However their development would assist in meeting the housing needs of the borough and add to the range and choice of housing available. There are no substantial constraints to development, and I am satisfied that the sites are deliverable and viable. They are in an accessible location within walking distance of Merstham local centre and are served by public transport. For the reasons outlined above, I consider that there are exceptional circumstances to justify the alteration of the Green Belt boundary in this location.

#### **Policy ERM5: Oakley Farm, off Bletchingley Road, Merstham**

56. Oakley Farm comprises open farmland used for grazing with a cluster of listed agricultural buildings. The site is at low risk of flooding. It is contained to the west by the existing built up area of Merstham and has strong defensible boundaries with trees and hedgerows and the motorway berm to the north/north east. It makes a limited contribution to the purposes of the Green Belt.
57. Updated evidence suggests the site can accommodate approximately 130 dwellings rather the 95 homes stated in the policy. **MM32** increases the capacity of the site and includes the provision of approximately 25 units for older people and approximately 1 traveller pitch to align with other policies of the plan. The modification also adds a bullet point to the Infrastructure requirements of the site to explain how the traveller pitch would be expected to be provided for effectiveness.
58. There are no constraints to the development, and I am satisfied the site is deliverable and viable. In light of the above, there are exceptional circumstances which justify altering the Green Belt boundary in this location.

#### **Policy SSW2: Land at Sandcross Lane, Reigate**

59. This site forms agricultural land located to the south west of Reigate, a short distance from Woodhatch local centre. The site is allocated for approximately 260 new homes, including at least 65 retirement homes, as well as small scale commercial/retail facilities. Land is also set aside for new health provision.
60. The site lies adjacent to the built-up area of Reigate and is bordered by existing roads with dense hedgerows providing well defined boundaries. It comprises open farmland and its development would result in a loss of openness of the Green Belt and encroachment into the countryside. However, the development of the site would make a significant contribution to housing needs including affordable housing and older persons accommodation. The allocation is therefore necessary to ensure that the

housing requirement is met. It also provides for a new health centre to meet the needs generated by future occupiers of the site and the wider area. I consider these benefits outweigh the adverse impacts on the Green Belt.

61. **MM34** amends the site boundary on the Inset Plan to reflect updated land ownership information and ensure the policy is effective.
62. The site promoter confirms that the site is available and deliverable and that it is viable with a 35% affordable housing contribution, however an increased capacity would improve viability. Having regard to the typically higher densities for older persons accommodation, **MM34** increases the approximate number of homes to be delivered on the site to about 290. This increases the contribution of the site to the borough's housing needs. The modification also adds the requirement for the provision of approximately 3 traveller pitches to align with other policies of the plan.
63. The allocation sets aside land for a new health facility. The policy and explanatory text should be modified to clarify that if it is demonstrated that the facility is no longer needed at planning application stage, then the land can be used for further housing provision. This is necessary to achieve flexibility and ensure the policy is effective.
64. The Infrastructure requirements for the development are clarified in the modification to outline the expectations with regards to traffic management measures. The reference to public open space to the western part of the site is deleted to avoid duplication with the site allocation text. These amendments are necessary for effectiveness.
65. Concern has been raised about the cumulative impact of this site and Sites SSW6, 7 and 9 with regard to highway matters and school provision. I shall address this later in my report when I consider Site SSW9.
66. For the above reasons, there are exceptional circumstances which justify the alteration of the Green Belt boundary.

#### **Policy SSW6: Land west of Castle Drive**

67. This site forms a triangular shaped parcel of land adjacent to an existing residential development south of Castle Drive. It is allocated for 10 dwellings. **MM35** amends the site area in light of updated information.
68. The site forms part of a larger area of land, which if developed would result in a loss of openness and encroachment into the countryside. This small area, however, makes a limited contribution to the purposes of the Green Belt and provides the opportunity to deliver biodiversity and green infrastructure improvements linking to the wider countryside. The western boundary is weak but with further enhancement I am satisfied this can be improved, reducing the impact on the character and appearance of the area. There are no significant constraints which would impact on the delivery of the site. Exceptional circumstances therefore exist to justify the alteration of the Green belt boundary in this location.

69. The Policy requires that appropriate on site public open space and play facilities should be provided. However, this is not justified as it would not accord with Policy OSR2 due to the small scale of the development. **MM35** deletes this requirement.

**Policy SSW7: Hartswood Nursery, Reigate**

70. This site allocated for approximately 25 new dwellings, comprises an existing residential property, adjacent grazing land and a former nursery with a number of semi derelict agricultural structures. The site is bounded by existing residential properties to the west on Dover Green Road and intermittent trees along a private drive to the south. There are no defined features to the western boundary. I am satisfied that the weaker western boundary can be strengthened through additional landscaping and planting. In this context and bearing in mind the existing buildings on the site, the land makes a limited contribution to the Green Belt purposes. Exceptional circumstances are therefore demonstrated to alter the Green Belt boundaries.
71. There are no substantive obstacles to the delivery of the site. In order to address surface water flooding issues a flood risk assessment would be required. **MM36** sets out the required addition to the policy to ensure effectiveness.

**Policy SSW9: Land at Dovers Farm, Woodhatch, Reigate.**

72. This site forms an agricultural field with a belt of trees to the eastern boundary. It is allocated for approximately 100 dwellings, including up to 25 units of retirement accommodation. There is existing development to the western portion of the site including development along Dovers Green Road and also to the northern boundary. A private access road leads to a small industrial estate to the south of the site. There are strong defensible road boundaries in the west and south and tree and hedgerow planting on its other boundaries.
73. The site is open in character and its development would impact on the openness of the Green Belt. However, bearing in mind the lack of alternative sites in the urban area to meet the housing needs of the borough, and the significant contribution of the site to the delivery of housing, I consider the benefits outweigh the harm to Green Belt openness.
74. Further evidence, including an assessment of site densities and potential housing mix, suggests that the site could accommodate a greater number of dwellings. **MM37** increases the site capacity to approximately 120 homes in the interest of effectiveness. It also adds the requirement for the provision of approximately 1 traveller pitch to align with other policies of the plan.
75. A small part of the site is located in Flood Zones 2 and 3 and therefore at a higher risk of flooding. The Policy states that no development should take place in this area of the site. **MM37** requires a site-specific flood risk assessment for this policy to be effective.

76. Concern has been expressed with regard to the cumulative traffic impact of this site together with Sites SSW2, SSW6 and SSW7. The infrastructure requirements for all four sites includes the submission of a Transport Assessment and requires improvements to the local road network. The requirements for Policies SSW2 and SSW9 also include measures to manage rat running and re-routing. In order to make the policies effective and provide clarity on expectations in this regard, **MMs 34 and 37** refer to possible traffic calming or other appropriate measures. I am satisfied that through the development management process these matters can be adequately addressed and that residual cumulative impacts on the highway network would not be severe.
77. The Education Authority has undertaken modelling work and has concluded that there would be a shortfall in places in the Reigate primary school planning area and the three other central-borough primary planning areas of Mersham, Redhill and Earlswood/Salfords. At least one additional form entry primary school is envisaged to be needed between September 2022/2023. The DMP allocates land at Site ERM2/3 Land west of Copyhold Works to address this need. The Council has outlined further options should this site fail to come forward or is delayed. In terms of secondary school provision, expansions are planned as well as a new secondary school in Merstham. I am therefore satisfied that adequate provision can be made.
78. The site has active developer interest and is viable, available and deliverable. For the reasons outlined I consider that exceptional circumstances exist for the alteration of the Green Belt boundary in this location.

## **SUEs outside the Green Belt**

### **Policy NWH1: Land at Meath Green Lane, Horley**

79. This site, just less than 10 hectares in extent, is allocated for approximately 75 dwellings. It lies outside the Green Belt and is to be taken out of the Rural Surrounds of Horley. It has strong defensible boundaries made up of dense tree belts and the river to the north. The site also lies adjacent to the urban edge of the Horley North West Sector development. This relationship enables the allocation to benefit from the infrastructure to be provided as part of this larger development, in particular public transport, education, health provision and community facilities.
80. Part of the site lies in Flood Zone 2 and 3. Development is to be concentrated in Flood Zone 1. **MM39** is necessary to make the policy effective in ensuring that a flood risk assessment for the site is undertaken. The modification also updates the site boundary on the Inset Plan following further information from the site promoter.
81. The policy requires primary access to the site to be taken through the North West Sector. The Council has confirmed that the timing for the implementation of this route should not hinder the delivery of the site. The site promoter has suggested that access to Meath Green Lane should be provided for choice and flexibility. However, this is a narrow winding rural lane where an additional junction and increased traffic would alter its character. There is no access to Meath Green Lane from the North West

Sector development other than by buses. Furthermore, a new access may encourage 'rat running' issues. Therefore, based on the evidence before me I consider that an access strategy to the site with no connection to Meath Green Lane is justified.

82. Additionally, **MM39** makes provision for approximately one traveller pitch on the site to align with other plan policies. The reference to new public open space along the river corridor as a continuation of the Riverside Green Chain in the Infrastructure requirements is deleted by the modification as this is already included in the description of the allocation.
83. There are no significant constraints to development, and I am satisfied that the site is deliverable and developable and its allocation, subject to the above modification, is sound.

### **Policy NWH2: Land at Bonehurst Road, Horley**

84. This parcel of land lies within the Rural Surrounds of Horley. It is allocated for approximately 40 new homes. **MM40** rectifies an error in the stated site area.
85. A particular constraint is that part of the site lies within Flood Zone 2. Burstow Stream lies to the north of the site, a significant source of local flooding. The site promoter has been in discussion with the Environment Agency about the accuracy of the flood maps. It is asserted that more of the site should be in Flood Zone 1 and therefore available for development. I consider that until such time as the flood maps have been formally changed, it is appropriate and justified for the allocation to remain as proposed. Should the position change in the future, then the capacity of the site could increase.
86. In recognition of the flooding issues affecting this site, a flood risk assessment should be provided at planning application stage. **MM40** is necessary to require such an assessment to be carried out and to ensure that the policy is effective.
87. I consider that the site is available and deliverable and its allocation, subject to the above modification, is sound.

### **Policy SEH4: Land off The Close and Haroldslea Drive, Horley**

88. This site is also outside the Green Belt in land designated as Rural Surrounds of Horley. It is allocated for approximately 40 dwellings.
89. At Regulation 18 stage the site put forward was larger and included the former Woodside works to the south and land to the rear of 2 existing dwellings. Due to availability concerns the smaller site was taken forward. However, I am advised that the position has changed, and these areas are now available. **MM41** amends the site boundary on the Inset Plan and increases the capacity of the site to approximately 75 dwellings. The requirement for the provision of a traveller pitch is now also necessary in order to align with other policies of the plan. I have added an additional bullet point to the Infrastructure requirements to provide detail on the

expectation for the delivery of approximately one traveller pitch. This has been omitted from this particular policy and is required to ensure consistency throughout the plan.

90. I am satisfied that there are no obstacles to the delivery of this site and consider its allocation is sound.

## Other Allocations

### Within the Green Belt

#### Policy RED9: East Surrey Hospital

91. East Surrey Hospital is a major acute hospital which forms a major developed site in the Green Belt. It has limited infilling opportunities. The Surrey and Sussex Healthcare Trust, in recognition of the increased health demands in the area, has plans to develop the site as a health campus, integrating health and social care and also providing key worker housing.
92. The site comprises the built area of the hospital and land adjacent to it to the east. It has a belt of woodland to the south and south east and is contained to the west by the existing road network. The undeveloped eastern section of the site makes a contribution to Green Belt purposes and the openness of the Green Belt. This contrasts with the urban character of the existing hospital complex. The allocation would narrow the gap between the hospital and Royal Earlswood to the north, but an adequate separation distance would remain to visually separate these areas.
93. There are very few alternative sites of the size required to enable the hospital to expand. The health facility could be provided on separate sites within the urban area, but this would necessitate the need to travel between sites and would be inefficient in operation. The expanded hospital could be relocated either in full or in part to a site in the Rural Surrounds of Horley. However, this would result in encroachment into the countryside and impact on the character and appearance of the area. It would also be less sustainable than the expansion of the existing site.
94. The land is in the ownership of the Trust and there are no flood risk issues. The site lies immediately next to the urban area and has good existing public transport connections. Future development would be the subject of a comprehensive masterplan and landscape framework. This approach would ensure that all site constraints, environmental and biodiversity considerations, as well as highway matters are appropriately addressed.
95. The Inset Plan is amended by **MM28** to address an error in the site boundary. The site area is revised accordingly to 26 hectares.
96. The modification also sets out a number of amendments to the policy and explanatory text which are necessary to make the policy justified, effective and positively prepared. These relate to the provision of car parking, protection and management of tree belts including Ancient Woodland and landscaping, the protection and enhancement of adjacent ecological sites, design and heritage issues and the capacity of existing infrastructure in particular wastewater treatment. Amendment to the description of the uses

to be permitted is also required to include ancillary related medical uses including exemplar facilities and residential accommodation for hospital 'key workers'.

97. For the reasons outlined above, I am satisfied that there are exceptional circumstances for this site to be removed from the Green Belt.

#### **Other non-Green Belt allocations.**

**Policy RED8: Reading Arch Road/Brighton Road North, Redhill**

**Policy RED4: Church of Epiphany, Mansfield Drive, Merstham**

**Policy RED5: Merstham Library, Weldon Way, Merstham**

**Policy REI 1: Library and Pool House, Bancroft Road, Reigate**

**Policy RTC4: Colebrook, Noke Drive, Redhill**

**Policy HOR1: High Street Car Park, Horley**

98. The above urban sites lie in full or in part in Flood Zones 2 and 3 or have surface water flooding issues. The submission of a flood risk assessment is required to address these issues. **MMs 24, 25,26,27, 33 and 38** respectively are necessary for these policies to be effective. **MM24**, Site RTC4, also deletes the words 'attenuates flood water' and replaces it with 'mitigate flood risk' in the interests of clarity.

#### **BAN2: The Horseshoe, Banstead**

99. This site comprises three areas of land situated around The Horseshoe in Banstead. **MM23** is necessary in the interests of effectiveness to ensure that wastewater treatment infrastructure to serve the development has capacity and that the need for any upgrade is assessed before any work commences. I am satisfied that through development management processes concerns regarding car parking, landscaping, the uses proposed, and their extent can be appropriately addressed. With the modification referred to above, the allocation is sound.

#### **Policy BAN 3: Banstead Community Centre, Park Road, Banstead**

100. This site is allocated for approximately 15 homes and a replacement community centre. I am advised that it is the subject of a lease requiring the site to be used for recreation purposes. The Council is however confident that this presents no legal impediment to the development of the site for housing. In all other respects the site is suitable and there are no other constraints. I therefore consider it reasonable to retain the allocation in the plan.

101. Local residents have raised concern that the replacement community centre may not be large enough to accommodate the activities that take place currently and that car parking should not be reduced. These matters can be addressed at the detailed planning application stage.

#### **Conclusion on Issue 2**

102. In summary, there has been a rigorous process of site selection balancing the importance of the Green Belt with site constraints, suitability, availability and

deliverability. The allocated sites form the best and most sustainable options. There is an acute need for housing in the borough. The Core Strategy recognised the need for some Green Belt release to meet the future needs. I consider that the proposed site allocations are justified, effective and consistent with national policy and the Core Strategy and where sites are located in the Green Belt that exceptional circumstances have been demonstrated to alter Green Belt boundaries.

**Issue 3: Whether the approach to employment provision is justified, effective and consistent with the national policy and the Core Strategy.**

**Overall provision**

103. Core Strategy Policy CS8 sets out a borough wide requirement of approximately 46,000 square metres of employment floorspace over the plan period. This is broken down to provide requirements for different areas of the borough. The required floorspace is to be provided predominantly through the reuse and intensification of existing employment land and through the redevelopment of key sites within Redhill to provide office-based jobs.
104. Whilst the overall requirement is achieved within the DMP, the borough wide distribution of employment floorspace as envisaged in the CS is not met. This is due to a shortfall particularly in Redhill, Merstham and Reigate (Areas 2a and 2b). This results from a number of town centre sites having already been developed and the lack of identified opportunities in this part of the borough.
105. The above shortfall is however made up in the Low Weald (Area 3), where the allocation of the Horley Business Park in Policy HOR9, provides approximately 200,000 square metres of employment floorspace. This results in a significant oversupply in the borough. The principle of a larger strategic site in the Gatwick Diamond area is supported by the South East Regional Economic Strategy 2006-2016, the Gatwick Diamond Local Strategic Statement 2012 and the Local Enterprise Partnership's Strategic Economic Plan 2014. The Council's more recent evidence confirms the lack of a high-quality Business Park. Whilst this site will contribute to the employment needs of Reigate and Banstead, that is not the site's prime function. It will provide jobs for the Gatwick Diamond economic sub region and also assist in providing around 75% of the office floorspace shortfall in the adjoining borough of Crawley.
106. Whilst this oversupply in the southern part of the borough does not accord with the geographical distribution envisaged in the CS, in light of the sites wider regional economic role, I consider this oversupply to be justified.
107. It is clear from the evidence how employment needs are to be met, however this is not clearly expressed in the text of the DMP. **MM1** is necessary to ensure that the plan is effective.
108. Concern was raised during the examination that the proposed reuse and intensification of existing employment land may not deliver the floorspace required. The Employment Area Review identifies up to 34,500 square metres of additional floorspace potential. Evidence of a high proportion of

vacant units being reoccupied, particularly in the last 3 years, gives some confidence that reuse would be achieved. The proposed allocations, together with planning permissions on unallocated sites granted since the beginning of the plan period will also assist in ensuring the supply is met. Employment floorspace will be monitored by the Council and should it be demonstrated that the reuse or intensification strategy is not delivering the floorspace needs of the borough, this matter could be reassessed through the proposed CS review.

### Horley Business Park

109. The Horley Strategic Business Park site comprises an area of approximately 31 hectares forming predominantly open fields located to the south of Horley and east of Gatwick Airport. The site is located within the Rural Surrounds of Horley. It is highly accessible to the north of the M23 and with Gatwick and Horley rail stations in close proximity.
110. A Strategic Business Park would clearly bring benefits to the borough and the wider sub region in terms of inward investment and job creation with an estimated 11,680 FTE business park jobs and 4,475 construction jobs. Additionally, it would bring growth in spending in Horley and the likely reduction in commuting outside the borough. The development would also however result in a number of impacts, most importantly on the strategic road network.
111. The Council's Strategic Highway Assessment Report (SHAR) prepared by Surrey County Council, the local highway authority, concluded that the impacts of the proposal have the potential to be severe unless suitable mitigation measures are identified. The methodology has been the subject of criticism by Highways England and Gatwick Airport Ltd. The model used takes an average peak hour approach rather than assessing the most severe hourly flows. Bearing in mind the traffic patterns to Gatwick Airport, with peaks at certain times of the year, an analysis on the latter basis, would have resulted in a more robust assessment. The methodology also fails to consider the potential future passenger growth at Gatwick Airport, though it did consider future employment growth. As it has not been adequately demonstrated that the strategic road network would not experience severe residual impacts, particularly junction 9a of the M23, the allocation is unsound.
112. The above adverse impacts could be overcome using a cap on the number of vehicles permitted to access the site. The level of the cap would be agreed at planning application stage and imposed through a section 106 agreement. It could operate through a gated system with automatic number plate recognition. Should the cap be reached before the business park was built out or on completion, a greater modal shift would be necessary to reduce the number of vehicles accessing the site. I am advised that a cap of this nature has been used successfully in other developments. The cap would manage the impacts on the strategic road network ensuring that any residual impacts of development are not severe. I consider that a cap, as described in **MM42**, would be justified and effective to allow the site to come forward.

113. The development requires the provision of a new direct access onto the strategic road network (M23 spur). At this stage it is not necessary to determine whether this should be achieved by an at grade access or whether a grade separated junction is required and both options appear technically feasible. **MM42** adds to the explanatory text in the interests of clarity and effectiveness to outline that further assessment of potential access solutions would be required.
114. In terms of Movement and Accessibility, a number of other modifications are necessary to make the policy effective. These include clarity on the use and operation of the secondary access from Balcombe Road, provision for a financial contribution to increase the capacity of Gatwick Airport Station if needed, the retention or re-routing of the public footpath across the site and air quality modelling alongside a Transport Assessment.
115. The Policy fails to require a flood risk assessment to be undertaken and is unclear that no built development, with the exception of car parks and specific supporting infrastructure, should take place on land within Flood Zone 2. Furthermore, on and off-site drainage requirements and wastewater capacity are not addressed. **MM42** includes these requirements to make the policy effective. The modification also adds the requirement for development to conserve the setting of nearby heritage assets again for effectiveness.
116. In order to add flexibility and clarify the potential uses on the site, **MM42** provides for B8 uses as well as airport related sui generis uses and complementary uses such as hotels and conferencing. The modification also makes it clear that an impact assessment must be produced in line with national policy. This is required for effectiveness.
117. Several technical reports and assessments have been submitted by the site promoter in support of the development. These indicate that the development is deliverable and viable.
118. The Gatwick Open Setting forms a green wedge that separates Horley from Crawley and has regard to the open setting of Gatwick Airport. It runs across part of the southern section of the allocation and encompasses the site access from the M23. It has been suggested that the site boundary should be amended to exclude this area. However, this would result in the site access being outside the allocation. Whilst I acknowledge the concern that the more restrictive landscape policies for the Gatwick Open Setting may have an impact on the development, this is a matter to be resolved through the masterplanning of the site. I consider that the inclusion of this area in the allocation is justified, so that the requirements of Policy HOR9 can be applied to this route.

### **Employment policies**

119. Policies EMP1, 2 and 3 aim to protect existing principal employment areas, local employment areas and provide guidance for employment development outside employment areas. I am satisfied that these policies are effective and will provide enough flexibility to enable existing companies to grow and function and for new employment floorspace to be provided for small start-up businesses outside designated employment areas.

120. Policy EMP4 seeks to prevent the loss of employment land and premises unless it can be shown that such sites are no longer required or are unviable. A marketing exercise (Annex 3) is required to demonstrate this lack of demand. Whilst a minimum of 6 months marketing may be suitable for some sites, longer periods may be more appropriate for others depending on their size, the nature of their use or market conditions. Accordingly, **MM45** is required to make the policy effective in this regard, recognising the difference between sites and also to encourage pre application discussions to agree an appropriate marketing period.
121. Policy EMP5 recognises the local skills shortages in the borough particularly for construction workers and requires developers of new residential development of 25 units or more to agree a Training and Employment Plan with the Council. The evidence shows that this forms a local issue and that there is justification for this policy. Concern has been expressed that this is too narrow an approach and only addresses the current shortage in the construction sector. However, the policy has some flexibility in that it also requires apprenticeships in other on-site training roles and also in end uses. I consider that, subject to **MM2**, which clarifies how the policy will be implemented, it is soundly based.

### **Conclusion on Issue 3**

122. I am satisfied that the approach to employment provision is justified, effective and consistent with national policy and that, so far as it is not consistent with the Core Strategy, the inconsistency is justified.

### **Issue 4: Whether the approach to town and local centres is justified, effective and consistent with the national policy and the Core Strategy.**

123. A Retail Needs Assessment was undertaken in 2016. This provides evidence that the need for retail floorspace is significantly less than originally envisaged in the CS. This updated assessment indicates a need for approximately 12,900 square metres of comparison floorspace, half that set in the CS with no requirement for convenience floorspace, compared to a previous target of 11,700 square metres.
124. The evidence base supporting the CS target was prepared in 2011. The assessment of shopping patterns was based on a household telephone survey conducted in 2006 produced for an earlier assessment. This data does not reflect recent economic and market changes such as the polarisation to larger town centres, the restructuring of the convenience goods sector and the impact of digital technology. Whilst the DMP is not consistent with the CS in terms of the retail floorspace to be provided over the plan period, I consider the updated evidence is robust and justifies the new target in the DMP.
125. The retail needs of the borough are to be met through minor extensions, reoccupation of vacant floorspace, existing development opportunities and through allocations. The proposed allocations are suitable and deliverable. Having regard to the number of extensions to retail premises approved since the beginning of the plan period, changes of use to A1 retail and redevelopment proposals together with re occupation rates, I am satisfied

that with the proposed allocations, the retail needs of the borough will be met. This approach is therefore sound.

126. Banstead village centre boundary as it excludes the community hall and associated car parking area. The community hall is not contiguous with the primary shopping area, with non-town centre uses lying in the intervening area. The car park, whilst being an important local facility, does not form a town centre use defined in the Framework. Furthermore, its loss or reuse would be subject to the consideration of other policies in the plan e.g. Policy TAP1. There is therefore no evidence to justify an amendment to the town centre boundary.
127. In order to support the change of use of retail premises to other town centre uses, Policies RET1, RET2 and RET4 require a marketing exercise to demonstrate that an A1 retail use is no longer viable. As discussed in relation to Policy EMP 4, amendments to Annex 3 are required to reflect the different marketing periods appropriate for different sites and uses (**MM45**).
128. The Local Centres Evidence Paper provides a rigorous and objective assessment of local centres, looking at amongst other things, the mix of retail and community uses, parking and environmental quality. Eighteen existing centres were assessed as well as ten potential new ones. I am satisfied that this forms a robust approach and that the local centres identified in Policy RET3 are justified.
129. The Framework in paragraph 26 sets the threshold for the requirement for retail impact assessment for retail developments outside of town centres of 2,500 square metres but also allows for locally set thresholds. Policy RET5 requires an impact assessment for comparison retail development of over 150 square metres and for convenience retail development exceeding 250 square metres. Evidence to justify this locally set threshold had assessed the factors important to be considered set out in Para 016 of the PPG Ensuring the vitality of town centres. Having regard to the average size of retail premises in the town centres; 250 square metres, the vulnerability of existing centres and the likely impacts on viability and vitality, I consider the thresholds set down in Policy RET5 are justified.

#### **Conclusion on Issue 4**

130. In summary, subject to the modification identified, the plan sets out an approach to town and local centres which is justified, effective and consistent with national policy and that, so far as it is not consistent with the CS, the inconsistency is justified.

#### **Issue 5 – Whether the approach to the supply and delivery of housing is justified, positively prepared, effective, deliverable and consistent with national policy and the Core Strategy.**

##### **Housing supply**

131. Core Strategy Policy CS13 sets out a requirement of at least 6,900 homes over the plan period to 2027. It also outlines that at least 5800 homes will be delivered within existing urban areas, with the remainder to be provided

in sustainable urban extensions in the broad locations as set out in Policy CS6.

132. Annex 7 of the DMP provides a Housing Trajectory over the plan period. **MM47** updates this to take account of revised capacities and delivery timescales on individual sites. The Trajectory illustrates that taking account of completions, commitments and allocations, the DMP makes provision for 8,030 homes. The housing target is therefore exceeded by 1130 dwellings, around 16%. This additional capacity recognises that delivery may be slower than predicted on some sites and provides flexibility thereby ensuring that the borough can meet its housing requirement.
133. In terms of the spatial distribution of housing, there are minor surpluses and deficiencies in delivery in individual Sub Areas. This is due to variations in the number of deliverable sites. Overall however the distribution of new housing accords with the Core Strategy.
134. The Council's Housing Monitor 2018 illustrates that since 2012 there have been two years of marginal under delivery (6%) and 4 years of over delivery against the CS housing requirement of 460 homes per annum. Overall this has resulted in a surplus of 167 homes. This information was updated in the Council's Housing Trajectory Position Statement of June 2018. This indicated that as a result of various errors in the data and further Building Control information, the completions were in fact higher over this period by 414 dwellings. This demonstrates that completions have exceeded the annual requirement in each year since 2012.
135. Included within the supply is a windfall allowance of 75 dwellings per annum. The historic windfall rates since 2012/13, with the inclusion of prior approvals for office to residential conversions, indicate that actual windfalls have been significantly above this figure. I therefore conclude that this allowance is robust and justified.
136. The calculation of housing supply does not include a non-implementation rate. The Council has taken a cautious approach, removing sites with a history of non-implementation and sites which are unlikely to come forward. These assumptions are supported by ongoing discussions with landowners and developers. There is no requirement in national policy to include a non-implementation rate and there is evidence in the Updated Housing Trajectory Position Statement to support the Council's position that the sites identified are deliverable and developable. I am satisfied that this approach is justified.
137. The Housing Trajectory Position Statement indicates that 3,169 dwellings are deliverable over the next 5 years. The Council's site by site assumptions behind this figure are supported by developers on a number of key sites. In the absence of convincing evidence to the contrary and in light of my conclusions on individual sites detailed later in this report, I conclude that this figure is realistic.
138. The Housing Trajectory indicates that a 5-year housing land supply would not be achievable towards the end of the plan period from 2024/25. In order to address this issue, Policy MLS1 provides for the release of the SUEs. I conclude this to be an appropriate and justified approach to ensure that the

delivery of housing is maintained throughout the plan period. (I consider the detail of this Policy in the next section of my report).

139. In conclusion, and subject to the above-mentioned modification, the approach to the supply and delivery of housing is justified, positively prepared, effective, deliverable and consistent with national policy and the Core Strategy.

### **Delivery and phasing of SUEs**

140. Policy CS13 of the Core Strategy sought to release SUEs when necessary to maintain a 5-year housing land supply. It further stated that the phasing of such sites would be set out in the DMP and take account of site-specific factors including the need to provide mitigation measures and strategic infrastructure requirements.
141. There are no strategic infrastructure requirements e.g. a new road or education provision or any other constraints which would directly impact on the delivery of any of the SUEs being proposed in the DMP. Whilst there are clearly a range of mitigation measures required for each allocation to come forward, there is no evidence that such measures could not be delivered concurrently with the respective developments. I accept that the one exception to this is Site ERM2/3 Copyhold Works, due to its relationship to the neighbouring Pattinson Court Landfill site.
142. There are therefore no constraints or site-specific factors which would affect the lead in times and delivery of the identified SUEs. The detailed phasing proposed in Policy MSL1, stating an order in which sites would be released, does not reflect site constraints and lacks justification. For the plan to be positively prepared and in the interests of effectiveness, **MM43** is necessary to provide a forward-looking mechanism through the annual Housing Monitor to determine the need to release SUEs over the next and subsequent year. This approach should ensure the maintenance of a deliverable 5-year housing land supply over the plan period and allow sites to come forward when they are available and developable.
143. The modification changes the policy title to 'Managing Land Supply' reflecting the changed direction of the policy. In the interests of effectiveness, it also adds criteria to protect the SUEs from development which would prejudice or compromise their long-term development, promote on-going dialogue with site promoters and to encourage the preparation of Development Briefs and the use of Planning Performance agreements to bring sites forward.
144. Subject to the above modifications, I conclude that the policy is positively prepared and effective.

### **Affordable Housing**

145. The need for affordable housing in the borough is high. There has been criticism that the SHMA is out of date having been prepared in 2008 and updated in 2012. More recent evidence prepared by the Council, namely the Affordable Housing Policy Paper, shows a continued upward trend in house prices relative to incomes and increasing affordability issues. The DMP in

paragraph 3.2.29 recognises that the need in the borough is considerably higher than is possible to deliver.

146. Concern has been raised that the DMP should not reconsider the level of affordable housing that developments should provide as this has already been set in CS Policy 15. The CS Inspector recognised in his report in paragraph 95 that following additional viability work, there may be justification for setting targets that reflect the broad cost differential between brownfield and greenfield sites. It is therefore appropriate for the Council to review this matter through the DMP now that the specific sites have been identified.
147. The Council's viability evidence demonstrates that 12 out of the 13 greenfield SUEs can support 35% affordable housing, one site having marginal viability. There is therefore strong evidence that an affordable housing contribution higher than the 30% set down in CS Policy 15 in respect to development on the greenfield SUEs is justified. In order to make Policy DES6 effective, bearing in mind the marginal viability identified for one particular SUE, **MM5** adds reference to the consideration of financial viability. Where affordable housing is not appropriate to be delivered on site, the modification also provides for alternative off site provision or a payment in lieu in the interests of flexibility.
148. Part c) of the policy requires affordable housing contributions from small schemes of less than 11 units, in variance to the Written Ministerial Statement of November 2014 and national Planning Policy Guidance (PPG). The viability appraisal suggests that a 10% contribution would be broadly viable for most smaller schemes, except those in town centre regeneration areas.
149. I accept that affordability issues have increased in Reigate and in other neighbouring authorities over the last few years. The house price to workplace earnings ratio in Reigate and Banstead is significantly higher than the national average and higher than that of the South East. However, it is below that of the average for Surrey and below several nearby authorities including Tandridge and Waverley.
150. The purpose of national policy in this regard is to reduce the burden for small builders. The Council's Housing Monitor 2018 shows that there has been a decline in the number of homes completed on small sites under 10 units since 2016. In 2017/2018 around 150 dwellings were provided. This may indicate increasing financial difficulties for small builders. Bearing in mind the low proportion of affordable homes that would be likely to be delivered from small sites and the evidence of affordability, I consider that compelling local circumstances to justify a deviation from national policy have not been demonstrated.
151. **MM5** deletes part 2c) of the policy and amends the justification text accordingly to ensure consistency with the Framework. A consequential change is also required to part 1 of the policy to delete reference to 'single replacement dwellings'.

## Housing mix and standard of accommodation

152. Consistent with guidance in the Framework, Policy DES4 promotes a mix of house types, size and tenure to meet the needs of the local community. The approach in this policy is justified to promote the development of smaller properties for first time buyers which may help to address worsening affordability in the borough.
153. In order to ensure the policy is effective, **MM4** adds to the justification text to explain that with regard to affordable housing, the application of this policy will be supported by guidance and mix requirements set out in the Council's Affordable Housing Supplementary Planning Document.

## Specialist Accommodation

### Caravans

154. Policy DES7 1) concerns residential caravans not covered by Policy CS16, Gypsies, Travellers and Travelling Showpeople. **MM6** clarifies that the policy criteria apply to new sites to ensure the policy is effective.

### Older People and Support Needs

155. National guidance recognises the need to provide housing for older people, particularly in light of an aging population. ONS population projections indicate the borough's over 65 population will increase by 45 % over the period 2017-2035. The Council's analysis based on POPGROUP dwelling constrained population projections suggests a need of up to 463 nursing places and 380 residential places in the borough over the plan period and an extra care facility.
156. The Council has not set a specific target for specialist accommodation. There is no requirement in national policy to do so. It is also difficult to define such a target, as the needs of older persons can be complex and able to be met not just through specialist accommodation but also in other ways including enabling people to stay longer in their own homes with the necessary support.
157. The DMP seeks to address the needs of older persons in Policy DES7 through the requirement for a percentage of accessible and adaptable homes in new developments and also through the provision of new accommodation for older persons on SUEs. Overall, I consider that this approach is justified to meet the needs of an aging population.
158. Policy DES7 b) seeks to resist the loss of existing care homes. The policy does not have regard to viability. **MM6** adds this consideration to ensure effectiveness. **MM6** also includes modification to part d) i) of the policy, again in the interests of effectiveness, to make it clear that viability would be a consideration in negotiating affordable housing provision where accommodation falls into C3 use class.
159. The provision of affordable specialist housing units in residential institutions (C2 Class uses) is complex because of funding arrangements, viability and the management of such provision. Part d) ii) of Policy DES7 encourages

rather than requires such provision and I am satisfied that this is sufficiently flexible to recognise the difficulties of such provision. In order to provide further clarity on the application of Policy DES7 part d)ii), and ensure the policy is effective, **MM6** adds further guidance in the explanatory text.

## **Gypsies, Travellers and Traveling Showpeople**

### Need

160. The Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2017 was commissioned jointly with Elmbridge and Tandridge Councils. The methodology employed followed desk-based research supplemented by stakeholder engagement and household interviews.
161. The Council is seeking to meet the full identified need in the GTAA including those who did not meet the PPTS Traveller definition or those households where this was unknown or uncertain. In so doing, the DMP is planning for above the need which the PPTS would require in recognition of the Council's wider equalities obligations.
162. The 2017 GTAA suggests a lower level of need than the 2013 GTAA. This has been questioned by representors. In part this is due to the application of a lower rate for the formation of concealed and doubled up households and an updated baseline taking account of new developments and unmet need.
163. The GTAA identified a need for 32 Gypsy and Traveller pitches and 7 Travelling Showperson plots over the period 2016-2031. This equates to a need of 23 pitches in the first 5 years of the plan and 3 plots.
164. The methodology undertaken makes justified assumptions, forms a robust assessment of need and is soundly based.

### Supply

165. The Council considered a range of sites through the Traveller Strategic Housing Land Availability Assessment (SHLAA). Existing traveller sites, whether authorised or not as well as sites submitted to the Council through the Housing and Employment Land Availability Assessment (HELAA) and other suggestions through the local plan consultation process were considered. All reasonable options within the urban area and in the Green Belt were identified and assessed having regard to availability and achievability. The Traveller SHLAA demonstrates the lack of suitable affordable and deliverable sites in both urban and rural areas so that suitable sites within the Green Belt would need to be considered. This assessment is robust and justified.
166. Policy GTT1 makes provision for a total of 8 gypsy and traveller pitches on 3 sites and 5 travelling showperson plots on 2 sites. All sites are located within the Green Belt.
167. Site G3 Woodlea Stables, Horley is allocated for up to 4 pitches. It forms a brownfield site with mature woodland to the north and Woodlea Kennels and Cattery to the south. It is an existing unauthorised traveller site being occupied since around 2006. Much of the site is covered in buildings and

makes a limited contribution to the Green Belt. The site is available, being owned and occupied by travellers and is well established in the community.

168. Site G4 Treetops, Horley is allocated for up to 2 pitches. It is detached from the urban area and lies to the west of the M23. It has strong woodland belts to the north and west and an existing residential property to the south. The majority of the site is covered in built form and has been in use as an unauthorised traveller site since approximately 2012. It makes a limited contribution to the purposes of the Green Belt. I am satisfied that appropriate mitigation can be put in place to overcome noise from the nearby motorway and maintain a suitable living environment for occupiers.
169. Site G12 Land at Kents Field, Chipstead lies to the south of an existing authorised traveller site. It is allocated for up to 2 pitches. Whilst the site is open in character it is screened by trees along the road to the east and is bounded by an existing residential property to the south, limiting its encroachment into the countryside and the site's impact on the openness of the Green Belt. The site is deliverable and available. Existing residents on the site have put forward proposals for expansion and the reconfiguration of the existing plots.
170. Two sites south of Fairacres, Axes Lane, Salfords, Site G9a and G9b are allocated for up to 1 and up to 4 traveller plots respectively. The sites lie next to and would expand an existing travelling showperson site. Site G9a forms a small site comprising an area of hardstanding that is the result of past encroachment into the countryside. Existing trees to the north and east screen the site. Site 9b lies to the south of Site G9a. It has strong tree boundaries to the east, west and south. Both sites make a limited contribution to the Green Belt purposes. The existing site is owned by showpersons and the land for its expansion has been confirmed to be available.
171. There is a compelling need for gypsy and travelling showperson accommodation in the borough and a lack of alternatives outside the Green Belt. For the reasons outlined above and the limited contribution that the allocated sites make to the purposes of the Green Belt, exceptional circumstances exist to justify altering the Green Belt boundary.
172. The supply identified in the DMP falls significantly below the identified need for the first 5-years of the plan. In order to address this issue, the Council during the hearings offered to undertake further work to ensure that the identified need was met and to respond to qualitative issues raised. The potential capacity on the allocated sites was re assessed. **MM22** increases the capacity on Site G3 Woodlea stables to 5 pitches, on Site G4 Treetops to 5 pitches and on Site G12 Kents Field to 4 pitches. Having regard to the individual site areas, I consider that this increase in density is achievable and deliverable.
173. A further site, G11 Highlands, Lower Kingswood is allocated to provide approximately 4 pitches. This site is in the Green Belt and is also within the Area of Great Landscape Value. It comprises an existing residential property, garden area and traveller pitch with a large area of hardstanding to the southern end of the site. The site is well screened to the west by a tall hedge

along the A217, further hedgerows to the south and west and a residential property to the north. The site makes a limited contribution to the Green Belt purposes. Further landscape evidence has been provided which demonstrates that mitigation can be put in place to overcome potential impacts on the Area of Great Landscape Value (AGLV) and the Surrey Hills Area of Outstanding Natural Beauty (AONB). For the above reasons exceptional circumstances exist to amend the Green Belt boundary in this location.

174. This modification provides for approximately 18 pitches rather than the 23 required to meet the identified 5-year need. However, planning permission has recently been granted for 3 additional pitches leaving a shortfall of 2 pitches. Whilst a 5-year supply has not been demonstrated, I am satisfied that the Council has done all it reasonably can to make the necessary provision. The Council is committed to a review of the CS which provides an opportunity for a reassessment to address this matter.
175. **MM22** also replaces the phrase 'up to' with 'approximately' to indicate the capacity of each site and makes it clear that the sites are to be inset within the Green Belt. Other re-wording is required to allow for the intensification of the allocated sites and to prevent the loss of existing or allocated sites unless alternative provision is made. Consequential changes to the Inset Maps are necessary together with amendments to the accompanying text to reflect increased capacity and include reference to the need for flood risk and noise assessments and other site requirements. The above amendments ensure the policy is positively prepared, justified and effective.
176. In order to provide for future needs in years 6-11 of the plan period, Policy GTT1 plans for at least 11 pitches within SUEs of over 70 units. This exceeds the identified need of 4 pitches over this period. This provides flexibility recognising that the delivery of the SUEs is anticipated to be later in the plan period and that their release is dependent on them being required to maintain a 5-year housing land supply. I am satisfied that the SUEs would remain viable and that there are no identified constraints which would impact on the delivery of pitches as envisaged. The allocation of pitches on the SUEs forms an appropriate and justified strategy.
177. As part of **MM22**, and in the interest of effectiveness, it is necessary to amend part 6 of the policy to make the expectations on these sites clear in this regard and to allow for alternative provision on other sites if this would better meet the needs of the gypsy and traveling community. **MM22** also updates factual information regarding the capacity of the identified SUEs. Following the MMs consultation, in order to provide greater certainty of the provision to be made on each SUE, and in the interest of consistent policy wording, I have deleted 'at least' to describe the number of plots and pitches to be provided and replaced it with 'approximately'.

## Conclusion on Issue 5

178. Subject to the various MMs detailed above, I consider that the approach to the supply and delivery of housing is justified, positively prepared, effective, deliverable and consistent with national policy and the Core Strategy.

## **Issue 6 – Whether the development management policies of the plan are clear, justified, effective and consistent with national policy and the Core Strategy.**

179. Not every policy is discussed in this section. Where policies are not mentioned, I consider them to be sound and it is unnecessary to comment on them. I shall discuss the policies that require modification or where comment is required to address representations, according to the chapters of the DMP.

### **Design, character and amenity**

180. Policy DES2 provides guidance on residential garden land development. As drafted the criteria are too rigid. **MM3** replaces 'reflect with 'respect' in part a) of the policy and in part b) deletes 'does not appear prominent or conspicuous' with 'in keeping with' in the interests of effectiveness.

181. In addition, the policy lacks guidance where the rhythm and form of development within an existing street frontage is uniform. **MM3** remedies this by providing a new criteria g). This again ensures the policy is effective.

182. Aircraft noise is a particular issue in the borough due to the location of Gatwick Airport just outside the borough boundary near to Horley. Part 3 of Policy DES9 requires development located within the 57dB LAeq (07:00 to 23:00) or 48dB LAeq (23:00-07:00) noise contours to demonstrate that noise levels will not have a significant adverse effect. It has been argued that this should be a separate policy, or a more restrictive approach should be adopted. This is not supported by the evidence, particularly as only a small proportion of the borough lies within the 57dB contour.

183. Policy DES10 relates to Advertisements and shop front design. There is insufficient evidence to support part 5 of the policy which restricts brilliantly illuminated, neon or flashing advertisements or advertisements with moving parts. As this part of the policy is unjustified, it should be deleted (**MM7.**)

### **Open space and recreation**

184. Whilst there is general support for the protection of the borough's green fabric in Policy OSR1, concern has been expressed regarding the methodology and conclusions of the Urban Open Space Review. In particular the removal of Wellesford Close and the retention of Amberley, Bolters Lane in Banstead in the Urban Open Land designation has been questioned.

185. The Urban Open Space Review considered a total of 243 sites against a set of defined criteria. Both existing sites designated in the Borough Local Plan 2005 and possible new ones were considered. Clearly professional judgments must be made; however overall, I am satisfied that the methodology employed, and the designations made, are justified by a robust and proportionate evidence base.

186. Policy OSR2 provides open space in new developments based on a local standards-based approach. This is based on national recommended standards (Fields in Trust) adjusted to take account of the need to provide facilities in a useable size. In line with national policy, an open space assessment has been prepared to assess needs for different types of open

space, opportunities for new provision, qualitative or quantitative deficiencies and surpluses. I consider that this approach is justified, based on proportionate evidence and sound.

187. **MM8** is required to provide clarity and ensure the effectiveness of the policy with regard to the qualitative standards and the development thresholds which apply to their application. The modification also amends part 1 of the policy to make it clear that development would be 'required' to make open space provision rather than 'expected' to do so again in the interests of effectiveness. The modification also clarifies that 'large housing sites' in part 4 of the policy relates to housing sites over 100 units.

188. Part 3 of Policy OSR3 incorrectly refers to the openness of the countryside rather than that of the Green Belt. **MM9** remedies this to make the policy effective.

### **Transport, access, and parking**

189. The principles to be followed to achieve satisfactory access, parking, and servicing as well as facilities for safe walking, cycling and public transport are set down in Policy TAP1. In setting local parking standards in Annex 4 of the DMP, the Council has followed the advice in paragraph 39 of the Framework, and taken account of the accessibility of development, the type of development, mix and uses, public transport availability and the level of car ownership. The Standards, based on Surrey County Council guidance, adjusted to take account of local circumstances, set a minimum requirement for residential development and a maximum requirement for other development. Some flexibility is provided in the policy with the ability for variation on a site by site basis. I consider this approach is justified.

190. In order to make the policy effective, **MM10** clarifies that the parking standards can be varied subject to appropriate evidence to demonstrate that there would be no harm to highway safety. Furthermore, this modification amends criteria 2 of the policy to ensure consistency with paragraph 32 of the Framework with regard to severe cumulative impacts.

191. There is a common approach taken by all local authorities in the Gatwick Airport area to control off site airport car parking. I am advised that there are approximately 39,000 on-site parking spaces and 21,000 authorised off site spaces serving the airport. The Airport Car Park Strategy aims to meet anticipated demand over the next 5 years by providing a further 10,500 spaces. Policy TAP2 seeks to prevent additional and replacement airport related car parking in order to promote travel options other than the car. I consider that the policy is effective and justified.

### **Climate change, resilience and flooding**

192. Supported by paragraphs 94 and 97 of the Framework, Policy CCF1 seeks to maximise energy efficiency and promote renewable energy technologies. The Council has applied the new optional national technical standard regarding water efficiency. This can only be required through new Local Plan policies if there is evidence of need and where the impact on viability has been considered. Having regard to SD6 Housing Standards Justification

paper and in light of local evidence of serious water stress, I consider that the higher water efficiency standards set out in the DMP are justified.

193. The policy also includes an emissions target for new development beyond current Building Regulations. The Written Ministerial Statement Planning Update of March 2015, stated that for the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill [now Act] 2015. This part of Policy CCF1 accords with Core Strategy Policy CS10 which aims to achieve Level 4 of the former Code for Sustainable Homes, is justified and in line with national guidance.
194. Part 3 of the policy requires microgeneration to be considered for new development. In the absence of evidence to show the feasibility and viability of this provision, it is too onerous. **MM11** amends the policy to instead indicate the Council's support for such provision, and ensures the policy is effective.
195. Policy CCF2 Flood Risk lacks clarity in relation to the requirements for sequential testing for developments in areas known to be at risk of flooding. In the interests of effectiveness, **MM12** amends the wording of the policy. It also amends criteria 3 of the policy to ensure it is consistent with the Framework.

### Protecting the natural and historic environment

196. The Surrey Hills AONB is a landscape of national importance and in line with national policy is afforded the highest level of protection in Policy NHE1. The AGLV designation has been in place since the 1950s and provides an important buffer to the AONB protecting views from and into the area. Natural England is likely to review the AONB boundary in 2019 which may mean that areas of AGLV may thereafter be included within it. In line with CS Policy CS2, Policy NHE1 applies the same principles to the protection of the AGLV as that in the AONB until the proposed review has taken place. This would also be consistent with other development plans in the Surrey area. I consider this approach is justified.
197. In the interests of consistency with national policy, **MM13** is required to provide clarity that the AGLV is a local designation that does not benefit from the same level of protection as the AONB. **MM13** also adds a criterion to require proposals to have regard to the Surrey Hills AONB Management Plan for effectiveness.
198. In order to reflect the Habitats Regulation Assessment, **MM14** adds a further criterion to Policy NHE2 (Protecting and enhancing biodiversity and area of geological importance) to require major development within 3.5 km of the Mole Gap to Reigate Escarpment to have regard to the possibility that Bechstein's Bats will be utilising the Gap. It also includes additional explanatory text to ensure the policy is effective. **MM15** adds similar policy and explanatory text to Policy NHE3 (Protecting trees, woodland areas and natural habitats) in the interests of effectiveness.

199. Policy NHE4 (Green and Blue Infrastructure), in part 3 sets down guidance on the uses and facilities to be permitted along the Riverside Green Chain. The exclusion of horse keeping and equestrian development in this area is unjustified. **MM16** deletes this reference to make the policy effective.
200. Policy NHE5 concerns development in the Green Belt. The glossary to the Framework sets out a definition for 'original building', as that existing on 1 July 1948. In order to accord with this definition, **MM17** amends part 1 d) of the policy. The modification also amends criterion 4 of the policy to add reference to traveller sites and the SUE's in the list of areas to be removed from the Green Belt. This reflects other changes and additions to the plan and ensures the policy is effective.
201. Policy NHE6 (Reuse and adaptation of buildings in the Green Belt and the rural surrounds of Horley) supports the reuse and adaptation of buildings subject to 3 criteria. In order to align with other policies in the plan and to be effective, **MM18** adds two further criteria to require that proposals enhance the rural character and enhance or maintain the visual or physical distinction between urban areas and the rural surrounds. Part 2b) of the policy which requires a building to be vacant is too restrictive and without justification. **MM18** deletes this policy requirement.
202. **MM19** amends part 1 of Policy NHE7 (Rural surrounds of Horley) to make it clear that development 'should' protect the countryside rather than be 'expected' to do so. This ensures the policy is positively prepared and effective. Part 2 of the policy aims to permit residential development in the Rural Surrounds of Horley with an emphasis on economic well-being. As drafted the policy is inconsistent with paragraph 55 of the Framework and does not align with other landscape protection policies of the plan. **MM19** remedies these deficiencies.
203. Policy NHE8 (Horse keeping and equestrian development) lacks clarity, inadequately distinguishing between developments in the Green Belt and countryside areas. **MM20** amends part 1 of the policy to do this and so ensure it is effective.
204. The Framework in Section 12 aims to conserve and enhance the historic environment. Policy NHE9 (Heritage assets) provides for the protection, conservation and enhancement of the borough's heritage assets. However, the detailed wording of the policy is not fully consistent with the Framework. **MM21** is therefore necessary to remedy this. This modification also amends the wording of part 13 of the policy to ensure it is effective in requiring the submission and agreement of archaeological assessments.

### **Infrastructure to support growth**

205. Policy INF1 aims to ensure that the infrastructure needed to support new development is provided in a timely manner. The key infrastructure required to deliver the Plan is set out in the Infrastructure Schedule in Annex 6. Entry PE3 of the schedule refers to a new primary school to be provided as part of Site ERM2/3, Land west of Copyhold Works. **MM46** amends this entry in the interests of clarity and effectiveness to explain how the development would contribute to the funding of the school through its Community infrastructure Levy (CIL) Payment in kind.

## Conclusion on Issue 6

206. In summary, subject to the modifications referred to above, the development management policies of the plan are clear, justified, effective and consistent with national policy and the Core Strategy.

## Issue 7: Whether the proposal to safeguard land for development beyond the plan period is justified, effective and consistent with national planning policy.

207. Policy MLS2 safeguards land at Redhill Aerodrome for development beyond the plan period. The site extends across the borough boundary into Tandridge. The site has the potential to provide a stand-alone settlement based on garden village principles and provide the development needs of the borough for around 4 years post 2027.

208. However there remain many uncertainties with regard to delivery. The draft Tandridge Local Plan does not allocate the site for development or safeguard land at this location. Furthermore, detailed assessment of the feasibility of a new junction from the M23 has not been completed and there is currently no commitment by Highways England to provide such a link at this time. This also creates uncertainty and doubt with regard to site deliverability.

209. Policy MLS2 states that if the site proves to be unsustainable or undeliverable then exceptional circumstances may exist to re designate the land as Green Belt. This approach is not consistent with national policy which seeks to ensure that Green Belt boundaries are capable of enduring beyond the plan period.

210. In light of the above factors, I conclude that Policy MLS2 is not justified, effective or consistent with national policy. It has not been demonstrated that exceptional circumstances exist for the Redhill Aerodrome site to be removed from the Green Belt and safeguarded for development.

211. **MM44** deletes this policy. The Council would have the opportunity to reassess the position during the review of the Core Strategy, work on which has already commenced with a view to adoption in late 2020.

## Conclusion on Issue 7

212. For the reasons given above, the proposal to safeguard land for development beyond the plan period is not justified, effective and consistent with national planning policy.

## Public Sector Equality Duty

213. The policies of the plan, including the design and housing policies make provision for the disabled, take account of age and address the needs of other protected groups. The preparation of the plan and the examination has had due regard to its impacts on equality in accordance with the Public Sector Equality Duty.

## Assessment of Legal Compliance

214. My examination of Assessment of the Legal Compliance of the Plan is summarised below.
215. The Plan has been prepared in accordance with the Council's Local Development Scheme.
216. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
217. Sustainability Appraisal has been carried out and is adequate.
218. The Habitats Regulations/ Appropriate Assessment Report published in September 2018 updates two interim Habitat Regulation Assessments. This concludes that subject to mitigation measures in the plan, no significant adverse effects on the integrity of European sites are likely. Natural England agrees with this finding.
219. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change e.g. Policy CCF1: Climate change mitigation and Policy: CCF2 Flood risk.
220. The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Overall Conclusion and Recommendation

221. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
222. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix to the Reigate and Banstead DMP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Helen Hockenfull*

**Inspector**

This report is accompanied by an Appendix containing the Main Modifications.