



REPORT OF:	Head of Policy, Development and Property
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TO:	Executive
DATE:	5 th December 2013
EXECUTIVE MEMBER:	Cllr De Save, Cllr Mrs N. Bramhall, Cllr Kay

KEY DECISION REQUIRED:	NO
WARD (S) AFFECTED:	Horley East

SUBJECT:	TANYARD MEADOWS DEVELOPMENT PLAN
<p>RECOMMENDATIONS:</p> <p>(i) To approve the Tanyard Meadows Development Framework (2013- 2019)</p> <p>(ii) To authorise the Head of Policy Development and Property and the Head of Neighbourhood Services in consultation with the Portfolio Holders for Property & Regeneration and Leisure, to make any additional amendments to the Development Framework, following approval.</p> <p>(iii) Authorise the Head of Policy Development and Property in consultation with the Portfolio Holder for Property & Regeneration, to accept the transfer of the freehold ownership of Tanyard Meadows to Reigate and Banstead Borough Council, once the site has been laid out to the satisfaction of the Council, in accordance with approved details and the terms of two Section 106 legal agreements for the North East Sector.</p> <p>(iv) To note the issues that were raised in two petitions submitted to the Council in 2012 in relation to Tanyard Meadows and which were discussed at full Council on 11th October 2012.</p> <p>(v) That Executive respond to the petitions submitted as follows. That the Executive:</p> <ul style="list-style-type: none"> a) Supports in part the request by the petition to hay cut fields. The fields east of Lake Lane will therefore be managed by hay cut and the fields west of Lake Lane will be managed by a combination of conservation grazing and/or hay cut. b) Supports in part the request not to fence off fields and/or the proposed spine path, unless it is deemed necessary for management purposes, for instance to control livestock, protect habitats from damage and/or for health and safety reasons. c) Advises that the management principles for Tanyard Meadows will be reviewed at the end of the Development Framework period, to assist in 	

the efficient and effective management of the site and to make service improvements.

REASONS FOR RECOMMENDATIONS:

The Borough's Adopted Local Plan sets the policy framework for the Riverside Green Chain (RGC). The policy supports a range of land uses that might be accommodated and states that the Council will prepare a more detailed appraisal and land use plan taking into account the proposals for the respective development sites, land ownership and other relevant considerations. The Development Framework provides this plan.

The Development Framework attempts to provide a balance of uses, activities and facilities. One of the key aims is to enhance nature and biodiversity.

Under the Natural Environmental and Rural Communities Act 2006 the Council, like all public **authorities**, must have regard to biodiversity conservation when carrying out its functions. The aim is to raise the profile of biodiversity, so that conservation becomes properly embedded in all relevant policies and decisions made by public authorities. The Council's adopted Local Plan allocates the majority of Tanyard Meadows as a potential Local Nature Reserve, which will help in meeting this duty.

A key way in which biodiversity can be enhanced is through conservation grazing. Grazing is a gradual process, maintaining species richness and has more benefits for nature conservation than cutting or mowing. This is because cutting and mowing are a sudden and unselective form of vegetation removal, resulting in the instant removal of wildlife habitats.

As such the Development Framework proposes that selective fields will be grazed for conservation purposes. However in recognition of some local people's concerns about grazing, it is proposed that other areas, particularly those that are used by local dog walkers, will be managed by hay cut.

Effective and efficient management of any public space is an on-going process that needs to be reviewed over time to ensure that it responds to specific site conditions, policy or budgetary changes, and service improvements. As such it is proposed that all methods of management will be reviewed at the end of the Development Framework period.

Under the terms of two section 106 agreements for the North East Sector (NES) land around the new neighbourhoods that is allocated for the RGC will be transferred to the ownership of the Council when complete, together with a commuted sum for maintenance. The Council has an obligation to accept the transfer of the land when it has been completed and to maintain it as public open space in the future.

EXECUTIVE SUMMARY:

As part of the Horley Master Plan the Council has made a key commitment to facilitate a RGC in the town. It is intended that the RGC will help to meet existing deficiencies in public open space and help to cater for the increased need generated by the new development. Importantly it will help to protect and enhance the riverine environment, its

landscape features and historic assets and provide opportunities for both formal and informal recreation.

The delivery of the RGC is also a commitment of the Council's 2011-2015 Corporate Plan and will specifically support a key priority to "encourage sustainable growth, enabling necessary infrastructure and housing development."

The Local Plan allocates land for the RGC, incorporating both existing and proposed new open space. Existing open space will form part of the chain, whilst other parts will be assembled on a phased basis over time.

Two of the largest areas will be created adjacent to the two new neighbourhoods in the northwest and northeast. The first of these to come forward is land known as Tanyard Meadows which is located adjacent to the new neighbourhood in the NES.

The Local Plan says that the Borough Council will prepare a more detailed appraisal and land use plan taking into account the proposals for the respective development sites, land ownership and other relevant considerations. The Development Framework attempts to provide this guidance for all stakeholders. It will particularly assist the developers in their laying out of the site and the Council in its future management.

The framework has been prepared following consideration of the policy framework, best practice, planning permissions for the site, the terms of two Section 106 agreements for the site, the existing landscape features and assets of the site, legislative requirements and consultation with local people and with statutory and non statutory bodies.

The framework has four overriding themes, which are underpinned by key objectives and actions. The themes are:

- Landscape & Heritage
- Nature & Biodiversity
- Getting There and Getting Around
- Recreation & Learning

A key objective of the Framework is to enhance nature and biodiversity. A key way in which biodiversity can be enhanced is through conservation grazing of grassland. This is because grazing is a gradual process, maintaining species richness and has more benefits for nature conservation than cutting or mowing. Cutting and mowing in contrast are a sudden and unselective form of vegetation removal, resulting in the instant removal of wildlife habitats.

The proposals have taken into consideration a petition that was received and debated at full Council which opposed the concept of grazing and the installation of fencing on the site. The framework proposes that selective fields west of Lake Lane will be both grazed for conservation purposes and hay cut and that fields east of Lake Lane, which are primarily used by dog walkers will be hay cut.

All management principles will be reviewed at the end of the Development Framework period to ensure improved service delivery; to respond to specific site conditions; and to any potential changes in policy and/or funding.

Under the terms of the two section 106 legal agreements the developers are responsible for

laying out the site. Once completed the developers will transfer the freehold ownership of the site to the Council, with a commuted sum for maintenance.

Executive has authority to approve the above recommendations

STATUTORY POWERS

1. The Council has no statutory obligation to undertake work to prepare the Development Framework but has the ability to do so through the “general power of competence” provided under the Localism Act 2011.
2. The Council approved a Petition Scheme on 24th June 2010, in accordance with the Local Democracy, Economic Development and Construction Act 2009. The scheme sets out how the Council will respond to petitions.
3. The Localism Act 2011 amended certain requirements placed on Councils in relation to petitions but does not materially affect how the petition now received should be dealt with. Council Procedure Rule 11 requires that the Council adhere to its petition scheme.

BACKGROUND

4. The Horley Master Plan (HMP) is a comprehensive strategy to deliver 2,600 new homes in the town supported by a range of infrastructure and services.
5. The HMP sets down six overarching objectives in order to secure high quality new development and to bring wide-ranging benefits to the town. One of these is “to ensure that a diverse range of recreational and leisure needs are accommodated.”
6. Key to meeting these needs will be the provision of new open space. The Borough’s Adopted Local Plan (2005) and Open Space Assessment (2011) identifies that there is currently a deficiency of open space in Horley and new provision is needed to meet both existing and future need generated from the new development.
7. Two major proposals will help to significantly increase the amount of open space in the town – a Town Park and the Riverside Green Chain.
8. Policy HR38 of the Borough's adopted Local Plan (2005) sets the planning framework for the Riverside Green Chain (RGC).
9. The RGC is intended as a multi-functional chain of linked green spaces around the town. It seeks to integrate land that cannot be developed because of its flood risk, nature conservation or archaeological importance, into a creative multi-functional landscape, which will help meet deficiencies in open space and lead to wide ranging community, economic and environmental benefits.
10. The policy supports a range of uses and facilities that seek to:
 - enhance the riverine environment, including the establishment of buffer zones

- create ponds, swales and storm water wetlands as part of the surface water drainage system serving major new housing development
 - provide safe access to appropriate sections of the riverine environment while protecting other areas as wildlife habitats
 - providing informal recreation
 - providing formal recreation, allotments, agriculture and woodland where feasible
 - establish Local Natures Reserves
 - help in the interpretation of archaeological sites
 - construct a combined orbital cycle and pedestrian with connection to new and existing housing areas
 - provide facilities for horse riders where possible
11. The Local Plan allocates land for the RGC, incorporating both existing and proposed new open space. Existing open space, such as the Riverside Walk and Emelyn Meadows, will form part of the RGC, whilst other parts will be assembled on a phased basis over time.
12. Two of the largest areas will be created adjacent to the two new neighbourhoods in the northwest and northeast.
13. As part of their planning obligations the developers will provide land for the RGC. They will be responsible for laying the land out as a developer cost, in accordance with details agreed by RBBC, up to a specified maximum value. Once the works are completed the developers will then transfer the land to the Council at a price of £1 and pay a commuted sum to cover 15 years maintenance of the new areas.

TANYARD MEADOWS

14. The area allocated for the RGC in the North East Sector (NES) extends to approximately 24 Ha and is bounded to the north by the Burstow Stream, to the south by the new neighbourhood (existing and planned), to the west by the London to Brighton rail line and to the east by Herons Wood House and Brook Wood. (annex 1)
15. The site, which is referred to locally as Tanyard Meadows, is former farmland and is typical of the Low Weald landscape. Currently the entire site is privately owned by Barratt Wates (Horley) Ltd and by Bovis who are the developers of the NES.
16. Tanyard Meadows includes a patchwork of small fields, bounded by historic and mature hedgerows and narrow tree belts. An area of woodland, known as Scotchmans Copse, to the north east of the site is designated as Ancient Woodland and a Scheduled Ancient Monument. The site also has numerous heritage assets which reflect multi-period occupation.

17. Tanyard Meadows also includes a variety of surface water features, including main rivers, ordinary watercourses, ponds and outfall ditches.
18. Two public footpaths cross the site and connect to a number of other Public Rights of Way in the wider area including footpaths, a byway and bridleway.
19. Although the site very much reflects its historic past as farmland, inevitably it has changed as a result of the new development and will change in the future, to reflect its role as part of the RGC.

BACKGROUND TO THE DEVELOPMENT FRAMEWORK

20. In Autumn 2011 officers commenced work to help develop a detailed appraisal and land use plan for Tanyard Meadows – referred to as the Development Framework.
21. The primary purposes of the Development Framework are to outline:
 - What we are aiming to achieve as part of the overall vision for the RGC
 - The activities and actions to be undertaken by the developers
 - The land uses and facilities that will be accommodated
 - Management principles for when it is transferred to RBBC
22. The proposals have been influenced by a range of issues including:
 - The policy framework at a national, regional and local level and best practice
 - The planning context for the site including outline/reserved matters consents
 - The terms of two completed S106 agreements
 - The existing landscape features and assets of the site and public rights of way
 - Legislative requirements
 - Consultation with local people and organisations and with statutory and non statutory bodies.
23. The framework has a number of overriding themes. Each theme considers: Where we are now? Where do we want to be? How do we get there? A copy of the Development Framework is available in the Members Room.
24. The key objectives and actions of the Development Framework are as follows (summarised in annex 2):
Landscape & Heritage Theme
25. **Obj 1: Landscape: A landscape that celebrates local distinctiveness and integrates with its surrounds**

Actions:

- Retain and make best use of existing landscape features to provide a gradual transition from more intensively managed amenity space to more natural and semi natural open space
- Introduce new sympathetic landscape elements to create a unified character and aid integration between the wider countryside and new neighbourhood using sympathetic materials

26. **Obj 2: Heritage: An open space that protects and celebrates its heritage**

Actions:

- Protect, raise awareness of and help interpret heritage assets through restoring historic field boundaries and adopting sympathetic land uses

Nature & Biodiversity Theme

27. **Obj 3: Fauna and flora: A diverse and connected ecological resource to enhance local biodiversity**

Actions:

Hedgerows, trees and woodland

- Retain/improve existing hedgerows by planting up gaps/ using native hedge species, respecting existing desire lines where possible
- Plant new hedges to restore historic field boundaries/provide screening to the urban form
- Adopt traditional management practices to thicken up hedgerows
- Implement all necessary restorative works to existing tree stock
- Plant small clusters of landmark native trees in fields
- Provide a graduated vegetation succession and natural regeneration of woodland

Grassland

- Introduce conservation grazing to manage the majority of fields west of Lake Lane
- Manage grasslands east of Lake Lane (primarily used by dog walkers) by hay cut

Wetland habitat

- Allow natural regeneration of the sides of outfall ditches to maximise biodiversity
- Enhance historic ponds and new wetland area through appropriate management
- Provide wetland habitat along a 10m buffer zone of the Burstow Stream and a 5-8m buffer zone of ordinary watercourses

- Work with partners to improve the water quality of the Burstow Stream
- Undertake a review of all management techniques in the future

28. **Obj 4: Access to nature: A range of opportunities for people to experience, interact and enjoy nature**

Actions:

- Work to designate all of Tanyard Meadows as a Local Nature Reserve
- Provide on site interpretative material to help people's learning
- Work with partners to provide opportunities for local people to learn about nature

Getting There & Getting Around

29. **Obj 5: Getting there: A place that is easy to access and experience**

Actions:

- Permit access only for private vehicles, walkers, cyclists, horse riders on Lake Lane
- Divert part of the National Cycle Route along Orchard Drive and onto Lake Lane
- Provide a footway on Langshott to connect the existing footpath to Lake Lane
- Install adequate bus stops and formalised parking as part of existing consents

30. **Obj 6: Routes: An extensive network of routes**

Actions:

- Provide a pedestrian/cycle route linking Orchard Drive and Lake Lane
- Provide a pedestrian, cycle and equestrian route linking Lake Lane and Langshott including regular passing and resting places
- Resurface Public Footpath 575
- Provide appropriate way marking of public rights of way on site and the wider area
- Facilitate circular routes in Tanyard Meadows

Recreation & Learning

31. **Obj 7: Recreation: A range of recreation and leisure opportunities for the use and enjoyment of all**

Actions:

- Provide amenity green space in areas directly abutting the new neighbourhood
- Develop and manage a route network for walkers, cyclists and horse riders

- Develop a number of equipped play areas
- Provide a new allotment site and examine feasibility of its possible expansion in the future depending on need

32. **Obj 8: Learning: Provide opportunities for learning for local people**

Actions:

- Provide interpretative signage focusing on its biodiversity and heritage assets
- Provide information about the features and facilities of Tanyard Meadows on line
- Work with partners to provide outdoor learning opportunities for local people
- Develop volunteering opportunities for local people

OPTIONS

33. **Option 1: Do nothing – Do not adopt the Development Framework.** This would mean that the developers would have little guidance from the Council on the proposed land uses, activities and facilities that should be provided in Tanyard Meadows. This could mean that the site may not have the facilities and uses to meet the needs of local people and to provide the wider benefits that are sought as part of the RGC. It could also mean that there could be higher capital costs and management costs for the Council in the future.
34. **Option 2: Adopt the Development Framework.** This would mean that the developers would be provided with clear guidance as to how the site should be laid out, to help meet local needs. It would also mean that the Borough has clear management principles for the site when it is transferred.

LEGAL IMPLICATIONS

35. The Council is a signatory to two Section 106 agreements for the NES and has a range of legal obligations under this agreement in relation to the RGC. As part of the land transfer there will be a covenant that the site can only be used as an area of open space and that there shall be no land uses that are not consistent with its open land status, nor should any residential or commercial building be constructed within the area unless otherwise agreed by the Developer. Once the land is transferred the Council will also be fully responsible for its future management and maintenance.
36. On transfer the Council will have responsibility for Scotchmans Copse. As a Scheduled Ancient Monument and as an Ancient Woodland it is therefore afforded legal protection under the Ancient Monuments and Archaeological Areas Act 1979 and the National Planning Policy Framework.
37. The Council has duties under the Disability Discrimination Act 1995. Under the Act discrimination occurs when a service provider treats a disabled person less favourably than it treats other people and cannot show that the treatment is justified or fails to comply with the duty to make reasonable adjustments in relation

to the disabled person and cannot show that the failure is justified. Service providers must therefore consider making reasonable adjustments to the physical features of the premises if disabled people cannot access their service.

38. Section 40 of the Natural Environmental and Rural Communities Act 2006 requires all public bodies to have regard to biodiversity conservation when carrying out their functions, referred to as the 'Biodiversity duty'. The aim of the duty is to raise the profile of biodiversity, so that conservation becomes properly embedded in all relevant policies and decisions made by public authorities.

FINANCIAL IMPLICATIONS

39. Under the terms of two Section 106 agreements the respective developers are responsible for laying out Tanyard Meadows at no cost to the Council, as a development cost.
40. When complete the developers transfer the site to the Council which will be at a price of £1.
41. The developers will also pay a commuted sum towards the maintenance of the Riverside Green Chain for a period of 15 years.

EQUALITIES IMPLICATIONS

42. Tanyard Meadows is currently privately owned and as such people's legal rights of access are limited to two public footpaths that cross the site. When the site is transferred to the Council it will be designated as public open space, with access available to the general public at all times.
43. It is intended that Tanyard Meadows as a public open space will help to meet existing deficiencies in public open space and to meet the need generated from the new development.
44. To help understand these needs best practice guidance has been reviewed and there has been a process of consultation with specific interest groups. Consultation has been undertaken with a range of users, including local parents with children, older people, people with disabilities, dog walkers, historians, farmers/landowners and local horse-riding and cycling representatives. Consultation has also taken place with statutory and non statutory bodies.
45. Of particular importance is the objective to provide "access for all" and to adopt a principle of the least restrictive option. The principle of choosing the least restrictive option means that, wherever possible, a path should cross a boundary through an open gap. Only if this is inappropriate, for example because of the need to control livestock or restrict vehicular access, should consideration be given to the installation of a gate or other structure. Otherwise the installation of any structure will provide an inconvenience to one or more type of user.

46. Where structures are required such as gates, full consideration will be given to their design to enable ease of access for users.
47. Consideration has also been given to the type of routes that will be required. The proposed method of construction of the spine route had been chosen to provide an all weather surface that is suitable for the majority of users, including walkers, people with disabilities, cyclists and horse riders and parents and/or carers with pushchairs.
48. It is intended that there will be further consultation with users as the detailed design of the site is progressed.

CONSULTATION

49. In the preparation of the framework there has been a variety of consultation.
50. A short postal survey was sent by post to households in Horley as part of the Newleaf newsletter and was available at local venues. The survey was also made available online and was publicised in articles in the local press including the Horley Mirror and Redhill and Reigate Life and on the Council's web site, twitter and facebook pages.
51. More in-depth focus group consultation was undertaken with a variety of local interests including: Horley Town Council, Local Ward Members, Horley Local History Society, Horley Access Group, the British Horse Society, adjacent landowners and former farmers of the site; Horley Health Walkers, dog walkers, Gatwick Greenspace, Horley Regeneration Forum.
52. Consultation was also undertaken with statutory and non statutory bodies including: Surrey County Council: Local Ward Members, Countryside Access, Archaeology, Transport Development Planning, School Travel, Downlands Trust; Reigate and Banstead: Local ward members, Executive Portfolio Holders, Parks and Countryside, Development Management, Policy; the Environment Agency; Sustrans; and Paths for All.
53. The results of this consultation area highlighted in the Framework Plan.
54. One of the issues consulted on was the introduction of grazing.
55. The consultation process showed that there was a mixture of opinions with regard to grazing. While some people supported grazing, others had reservations or were opposed to it.

PETITION

56. The Council has an approved Petition Scheme. The scheme sets out the type of response the Council will provide, based on the number of signatories to the petition. The table below summarises the Council's approach:

Number of signatories	Response
less than 20	Response from Officer (treated as standard correspondence).
20 - 199	Response from relevant Member of the Executive.
At least 200	Referred to the Executive.
At least 200	Officer(s) called to provide evidence at a meeting of the Overview and Scrutiny Committee, where such action is requested in the petition.
At least 400	Debated at a meeting of the full Council.

57. An e-petition regarding the future use of Tanyard Meadows, Horley was received on 21 May 2012. In addition the petition organiser canvassed signatures for a 'paper' version of the same petition. The combined petition contained 451 signatures and was therefore referred to Council for debate.
58. The terms of the petition were as follows:
- "We the undersigned, being frequent users of Tanyard Meadows, Horley, strongly object to the proposal of (A) fencing off the fields (B) the grazing of cattle thereon (C) fencing in the proposed all weather pathway. We would urge the Council to retain the fields as natural open land and to maintain them by simply mowing for hay or silage at the appropriate time as has been the case in previous years."
59. A second petition relating to Tanyard Meadows was also submitted setting out an alternative approach to the petition outlined above. The petition was initiated from a former farmer of Tanyard Meadows, and in summary suggests that the area be fenced, that there is full public access and that it should be managed by hay cut and grazing. This second petition only attracted 2 signatories.
60. The petition was received and debated by Council at its meeting on 11th October 2012. Because this was an Executive matter it could not be determined by full Council. As such full Council referred the petition to the Executive for consideration alongside a future report on Tanyard Meadows.

GRAZING

61. The Council has many years of grazing experience on a range of sites including Stagbury Downs, Holly Lane Field, Dene Farm and New Pond Farm. Parts of Tanyard Meadows have been grazed in the past and grazing is still used on adjacent farmland.
62. Some of the key principles that the Council would look to adopt as part of a grazing regime would be:

- The majority of cattle would be taken from other public sites, so would be very used to people and dogs.
- The cattle would not be on site when they are suckling calves
- There would be no bulls and all males would be castrated, making them very docile
- Grazing would likely take place between May - November, weather dependent
- The site would be grazed in rotation
- There would be only be a small herd spread over several fields
- There would be clear advance communication, of which fields would be grazed
- Dogs would be permitted in fields with cattle but would need to be under control
- Fields would need to be fenced, using stock netting and two strands of plain wire (not barbed wire).
- Fields have been mapped to understand the most popular routes and kissing gates installed accordingly
- There would be a 24hr emergency contact number and daily checks on the livestock

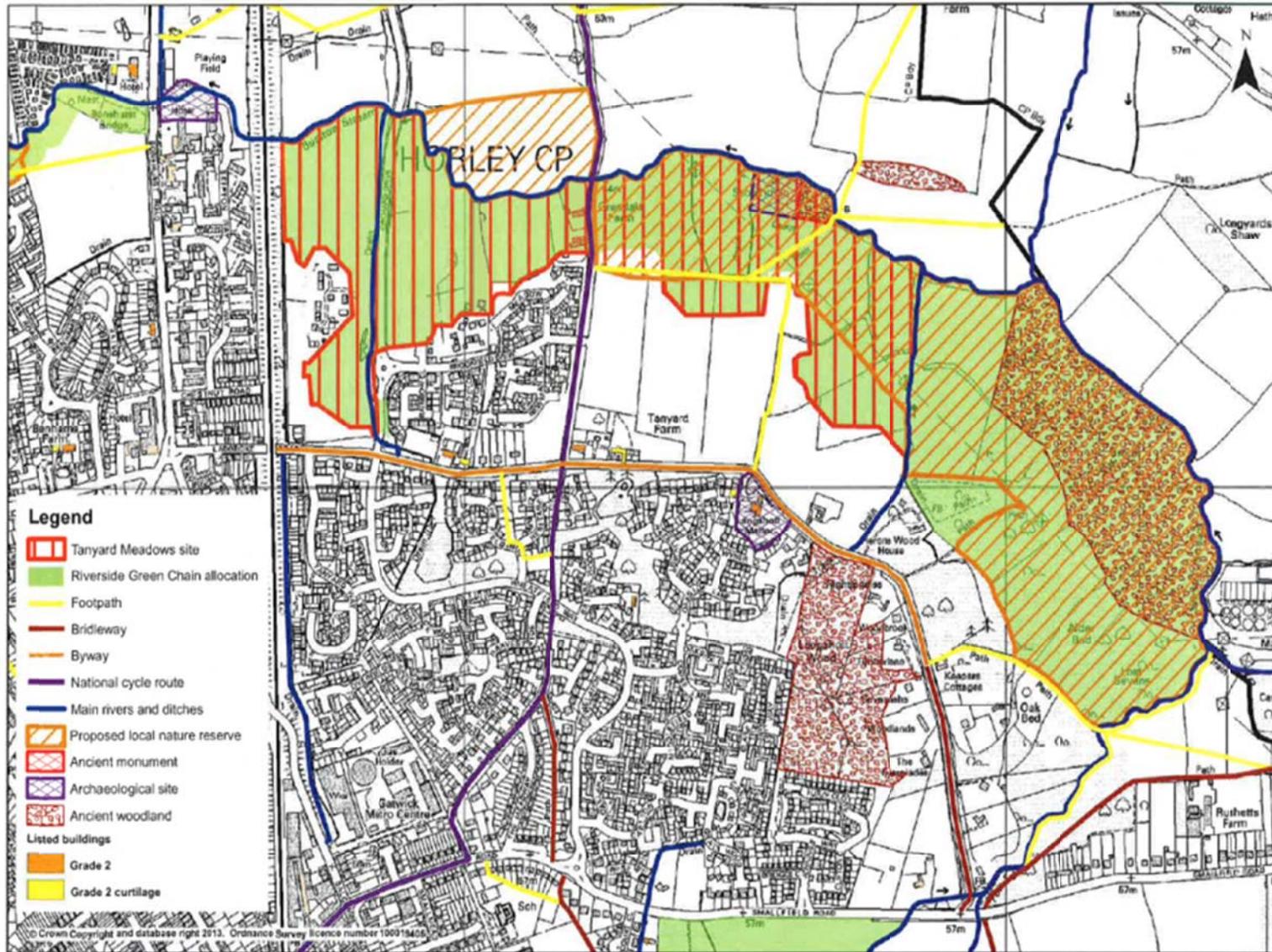
POLICY FRAMEWORK

The Riverside Green Chain is a key policy commitment of the Borough's Local Plan (2005), the Horley Infrastructure Planning Obligations SPD (2008) and the 2011-2015 Corporate Plan.

Background papers

1. Reigate and Banstead Petition Scheme
2. Petitions regarding Tanyard Meadows future use
3. Reigate and Banstead Adopted Local Plan (2005)
4. Horley Infrastructure Planning Obligations SPD (2008)

Annex 1:



Annex 2:

Indicative Land Use Plan

