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26th September 2017

Dear Sirs

Land South of Smallfield Road including Wilgers Farm, Horley I Suitable Candidate Site for Development

I am acting on the instructions of Mr Scott Marshall, landowner of the above site. I attach a site plan showing the site, which is located on the Eastern side of Horley. The site has previously been promoted by the landowners for development in various emerging DPDs from pre-2000 and 'Call for Sites' exercises. I understand that Horley Town Council previously accepted the site as a suitable location for new housing and that your Council placed part of the site in the Pre-Submission document in 2000. However, the Planning Inspector concluded that the site should be removed during examination in 2001 - mainly for reasons that the Council saw the housing to be necessary to secure the acquisition of adjoining land as a town parkland – but the Inspector considered that this should not be formalised in the way proposed by the Submitted Local Plan and therefore recommended that it should be deleted.

Since deletion of the proposed housing allocation the site has subsequently been allocated in the 2005 Local plan as public open space to form a new 'Town Park' but no further action has been taken by the Council to secure delivery. The 2005 Local Plan also designates part of the site as being part of the 'Riverside Green Chain' and forms part of the 'Rural Surrounds' of Horley. Successive SHLAA's in 2012, 2014 and 2016 have all assessed Wilgers Farm not to be suitable for housing development due to flood risk, as the site is shown on EA mapping to fall predominantly within Flood Zones 2 and 3.

Advoco-Planning submitted a full set of representations on behalf of Messrs S and A Marshall to the Regulations 18 Consultation on 10th October 2016. These representations set out a strong case of objection to the continued proposed allocation of the site, in the emerging Local plan as Town Park and the Riverside Green Chain designations to be rolled forward, plus other matters set out in the representations. I attach an extract from the representations prepared by Advoco-Planning which summarises the objections in Section 4 : Conclusions.

Since submission of the above representations, the landowners have instructed and received advice in relation to flood risk from RSK and legal advice from Bond Dickson. In summary, these conclude as follows:-

Flood Zone Map Review RSK – August 2017-09-26

This report prepared by RSK was submitted to the EA in August 2017 and its purpose is to form an assessment to review and challenge the existing Flood Zone mapping for the site and the surrounding area. The report was prepared in accordance with the NPPF and PPG and other good practice guidance.

Section 6 of the report sets out the conclusions and recommendations as follows:-



The report has reviewed the current Environment Agency Flood Zone map and the latest available flood modelling data for the Burstow Stream and wider catchment. It has concluded that the current Flood Zone 2 as shown on the Environment Agency Flood Zone map is based on historical flood information, principally the 1968 flood event. Since this event the catchment has undergone significant changes which has impacted on the hydraulics of the floodplain. The main contributor to this is the construction of the M23 motorway which acts as a restrictor to flows creating areas when water in extreme events will 'back up'. As a result of this, the 1000 year flood extent around the southern areas of Smallfield Road has been significantly reduced. It is not known what the return period of the 1968 event was, but the latest hydraulic modelling data is based on updated ground levels and structures which are in place today. As such the extent of the Flood Zone 2 should be redefined based on the results of the hydraulic modelling.

The 2012 (and re-run in 2017 to reflect the latest climate change allowances) has been accepted by the Environment Agency as a reflection of the flooding in the catchment. Verification and sensitively model runs have confirmed that confidence in the model is high and fit for purpose.

If the Flood Zone maps are not to be changed, we would like reassurance from the Environment Agency that the sequential test will be applied based on the modelled outputs rather than the current Flood Zone 2 outline as shown on the web based service".

A full copy of the report is attached. However, it is clear from RSK's assessment that the current actual extent of Flood Zones 2 and 3 cover a much smaller area than shown on the EA flood maps, ie. refer to the comparison between RSK Figures 5.1 and 5.2 on pages 13 and 14 of their report. A larger scale copy of Figure 5.1 is attached, which shows that a significant part of the Wilgers Farm site is in fact in Flood Zone 1.

Additionally, it is also understood from the EA that it is presently looking at progressing a Flood Alleviation Scheme for the Burstow Stream to reduce flooding across Horley. The EA recommend that any proposal within the land south of Smallfield Road looks to incorporate wider flood risk benefits to the existing communities. Clearly, our clients' ownership provides scope to deliver such mitigation measures.

Legal Review of Planning Policy relating to Open Space and Justification for the Council to make a Compulsory Purchase Order to acquire part of Wilgers Farm for open space purposes

The landowners instructed Bond Dickinson, Solicitors, to advise on the above matter. Bond Dickinson advise that:-

"The land at Wilgers Farm is currently allocated as a combined park and outdoor playing space in saved policy Hr33 of the Borough Local Plan, titled "Land south side of Smallfield Road – Combined park and outdoor playing space". A recent Horley Open Space Needs Assessment was published in June 2016. This forms part of the evidence base for the emerging development management plan. The document indicates that other land can be more suitably allocated as park provision, namely by converting the Horley Recreation Ground into a formal park. This has not however been explicitly stated as part of the emerging policy and Hr33 is still currently extant".

In relation to the Horley Open Space Needs Assessment (June 2016) Bond Dickinson state:-

"The analysis suggests that, overall, no additional open space is required to meet the needs arising from the new development in Horley between 2005 and 2027 providing all open space secured through the North East and North West Sectors section 106s is delivered.

In terms of the likelihood of the Council making a Compulsory Purchase Order, then having it confirmed by the Secretary of State based on the current Local Plan background, Bond Dickinson take the view that the Council would stand little chance of being successful in the short term. This is because the Council cannot demonstrate a compelling case in the public interest because:-

1. no scheme exists;
2. there is not strong local planning policy support for the scheme, as the policy base is old and contradicted by later evidence;

3. that the Council has access to sufficient funding to take the scheme forward

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It is noted that the comments made at the Regulation 18 consultation are being analysed in order to prepare the draft Regulation 19 version in January – February 2018. It is noted that the Council will publish a consultation statement alongside the Regulation 19 version, but at present the Council's responses to the Reg 19 consultation representations are not known.

Therefore, the purpose of this letter is to assist officers by providing additional updated evidence to feed into the drafting of the Regulation 19 version and to demonstrate the overall merits of the Wilgers Farm site that has previously been ruled out for development due to historic and out of date information on flood risk.

Planning for the right homes in the right places | consultation proposals

The Government published the above consultation document on 14th September in the context of the Housing White Paper "Fixing our Broken Housing Market" and in order to set out the necessary actions to carry forward the commitment to deliver the homes that the country needs. The document sets out a number of actions to secure this objective, including: a new standard method for calculating local housing need; transitional arrangements; to plan for the needs of particular groups, and improving the use of s106 agreements. The Government also intends to publish a draft revised NPPF in early 2018.

Alongside the consultation document DCLG published a table of housing need for each local planning authority using the new method, on the basis of current data (average household growth for 2016 to 2026 and house price to earnings ratios for 2016). For the Reigate and Banstead the DCLG new method shows a need for 644 dwellings per annum. This is a significant increase in the growth currently provided for in the adopted Core Strategy 2014 that sets out an annual average of 460 homes per year, ie. an increase of 40% above the existing requirement.

Merits of Land south of Smallfield Road including Wilgers Farm

The consultation document proposes transitional arrangements for introduction of the new approach. In the case of a Plan adopted in the last five years – as in the case with the 2014 Core Strategy – it proposes that the new standardised method should be used when next reviewing the Plan. Reigate and Banstead Borough Council is currently producing the Development Management Plan, which is in effect a more detailed and up to date development plan. Therefore it should use the new method to calculate OAHN. The increase in need will inevitably necessitate the allocation of further greenfield sites in order to demonstrate a rolling 5 year supply of housing land.

Selection of suitable sites will involve sustainability appraisal to assess the relative merits of reasonable alternatives. There can be no doubt that the land owned by Messrs. Marshall south of Smallfield Road is located in a sustainable location. This is demonstrated by AM-P drawing no. 17006_01. This shows the site in the context of its surroundings, including the Horley Town Centre, employment areas, local schools, local shops, bus routes and stops, sport and recreation and public rights of way. The plan also shows the distance of local and main facilities from the western centre of the site and that the town centre and station are approximately 1km distant. The revised RSK modelled Flood Zones are also shown and demonstrate that a significant area to the west of Burstow Stream is within Flood Zone 1.

The totality of all these facilities and features in proximity to the site and revised area of Flood Zone 1 result in the land south of Smallfield Road being an extremely sustainable location and suitable to be allocated in the emerging Development Management Plan.

Conclusion

Officers are urged to consider the content of this letter and enclosures in preparing the next stage of the Development Management Plan and to propose its allocation for a mix of housing and open space on the areas subject to flood risk.

We would welcome a meeting with the Planning Policy Team to expand on the above considerations and to discuss the way forward.

Yours sincerely

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Enc. AM-P drawing no. 17016_01 Context Plan
AM-P drawing no. 17016_03 Site Plan
AM-P drawing no. 17016_02 RSK remodelled Flood Zones
RSK Flood Risk Assessment
Advoco-Planning Representations

cc. Scott Marshall
Keith Brelsford – Glenny
Colin Whittingham - RSK

