

Item 6a

LG Panayi's comments in BLUE to the Council's email

From: [Steven Heywood](#)

Date: 15/12/2017 11:56:45

To: ~~LG Panayi~~

Cc: [Catherine Rose](#); [Philip James](#)

Subject: RE: Urban Open Space Assessment and Review (October 2017)

Dear ~~LG Panayi~~

Thank you for your email. I think the key question here is principle 2, as the UOS review is based on the idea that if a site received a 'high' priority on any principle it would be recommended as UOS – thus, although you're free to take issue with the 'medium' priority rating on principle 3, a change to that rating won't make a lot of difference either way. For principle 2, we believe that the site provides a high level of contribution to the local character and townscape, even though it is only intermittently visible from the roadside – this is in line with the findings of more than one planning inspector over the years. I've gone through my own notes used when making this decision, where I noted: "The site is attractive and well-maintained, and provides a relief from the predominantly built up character of the surrounding area, despite only being glimpsed from the roadside. Banstead Wildlife Field (site 30) is located directly to the south, but provides a very different kind of experience and appearance. An officer judged the site to make a contribution to the visual appearance of the area. The appeal decisions also found the land to have significant amenity value as a visual connection with the nearby green belt. Priority: high."

The main key issue here is, as stated by the Council in 2.1 and 2.3 of the UOS review 2017, I quote:

"there is no clear guidance or criteria as to whether and which sites should be afforded special protection or designation through the Local Plan and no detailed records of the methodology used in the selection of sites for the Urban Open Land designation in the Borough Local Plan (BLP).

Based on the PPG17 **permitted level of access to the public** on any site will make that site a candidate to be included in the community's list of opportunities and to enjoy that space **visually** when accessed by the accessible vantage points.

However, in regards to principle 2, where the Council used the Local Appeal Decisions to define protection or designation for Open Space gave examples of 5 sites. The Amberley site overall is **wrongly and incorrectly overstated** more times than other sites, that is 2 out of 5 examples?

Despite the inspectors and the Council's re-assessment comments that **the Amberley site is restricted and limited visible from the roadside by the public**, the Council has shown no intentions of changing what was **predetermined** in Reg, 18 on principle 2 for Amberley when they continue to assess it as high?

The Council clearly made unfair assessments during the Reg 18 on sites in the area of Banstead. i.e. An UOL site namely "**Banstead Hall Playing Fields**", was wrongly included in the BAN 2 of the "Small areas around the Horseshoe" suggested and promoted by the Council as a site for **development**. In Reg 19 the Council is making changes/corrections, assuming to some objections and "**Banstead Hall Playing Fields** site is retained as UOS and **not developable**. In the case of the **Amberley site**, no changes are made, despite the many unjustified assessments and statements the Council have made on Amberley site in Reg 18. In fact many of those unfair and factually untrue assessments were copied and just carried forward into Reg 19? **It is questionable and unsound.**

In terms of your point about your representation to the Reg 18 consultation – I must apologise on this front, while I did read and take note of your consultation, I failed to copy over my notes on this into the relevant section of the assessment form. The following paragraph should have been added to that section: “The owner of the site objected to the proposed designation of the site as UOS. The arguments against designation included: that the site performs no public amenity function; that the site is not visible from public vantage points; that the site should be assessed as low priority for principles two and three; that the site has been unfairly assessed in combination with the adjacent site 31, Banstead Wildlife Field; and claims of various inaccuracies by council officers and government Inspectors across a range of documents and appeals. The landowner also noted that the extent of the site had been slightly misidentified, with the northern boundary shifted too far to the north – it should not go as far as the nursing home building.”

Although the Amberley site was re-assessed as per attached (Item 6) it was again found to be **unduly rushed, superficially done and incomplete**, as the apology above indicates in this email exchanged with the lately appointed Council’s Planning Policy Development Officer.

I didn’t actually receive the email below, where you refer to a ‘points of correction’ attachment (the message was forwarded to me by another recipient), so I can’t address that document as such, but I’ll assume for now that it was similar to your Reg 18 response. To address some of your issues from there:

- The extent of the site has been corrected in the updated UOS review.
- Paragraphs 2.14 and 2.15 – these paragraphs are not making any claim as to who owns the nursing home site. The issue is not who owns the nursing home or who put in the application, **the issue is what the decision was regarding the land in question**, and why that decision was taken. I believe paragraphs 2.14 and 2.15 describe these decisions and these reasons accurately. In both cases, an inspector found that the land contributes to the openness of the area, and these findings contributed to our decision to rate the site as ‘high’ priority for principle 2.

I object to the Council’s manufactured untrue statements in paragraphs 2.14 and 2.15 which, were carried forward unchanged from Regulation 18 into Regulation 19, despite the same comments in my representation in October 2016.

In paragraph 2.14, that the appeal decision (2009) refers to or **the land in question** is the 15 meter rectangular entirely separate property to the south and adjoining to Bolters Corner, hence the **“proposal for the expansion of a car park at the adjoining nursing home”**. That is the **appeal on the subject land and NOT on the Amberley site**. Why victimising Amberley in the said paragraph 2.14?

In paragraph 2.15, although the appeal (2008) refers to Amberley, the Council’s statement, **“an application to extend the adjoining nursing home”** is untrue and misleading and had nothing to do with an extension of the Nursing Home. What the Council was trying to say is **factually untrue**. As far as the Council’s **time disorientated** statement, that the Inspector **“agreed with the view of the Inspector at a previous appeal”** is totally manufactured. The Inspector couldn’t agree with the Inspector at a previous appeal as in paragraph 2.14 above; first there was no other appeal on Amberley and secondly **NO** Inspector could prophecies in 2008 on this appeal, what an Inspector could or could not agree a year later in 2009? The Council’s statement is **factually untrue** and is **UNSOUND**.

The updated UOS review makes a clear distinction between the Amberley site and the Banstead Wildlife Field site – we agree that these are two separate sites with very different functions and should be treated as such.

It is appreciated, that after my representations on Reg 18 in October 2016, the Council treated the Amberley site and the Banstead Wildlife Field site separately. Unfortunately they fail to carry forward important changes of their findings in Regulation 19?

- I'm unclear on what your problem is with paragraph 4.13 (as mentioned in the email below), so I can't address that right now.

Reg 18 in 4.13 now Reg 19 in 4.12. Again Amberley (site 20) was unduly in the highlights as a larger site under Principle 2. Why not mentioned or correctly refer to a **much larger and double the size** of Amberley, a site only 170 yards to the south of Amberley the **Banstead Hall Fields (site 21)? This is penalising Amberley yet again?**

Reg 19 4.13. Although the site at **Wellesford Close (site 4)** appeared to be found by the **Council** and the **Inspector** to meet the characteristics of Open Space, as to have **HIGH** values under **Principle 2** and **HIGH** values under **Principle 3** and the inspector noticed possible public access, the site is no longer considered by the Council now to meet the characteristics of Open Space. The site is **deleted** or shown "**do not retain**" in the U O S October 2017?

Concluding, in the Council's reply, I quote: "**so I can't address that right now**" the answer is, in comparing the above two sites characteristics and principle criteria, the Council did **NOT** make a **SOUND** decision.

At this point, I think your best option would be to put in a formal representation to the Regulation 19 consultation, **which will start at the beginning of January**. All representations sent into this consultation will be considered by an independent planning inspector as part of the examination of the DMP, and this would provide the opportunity for you to put your case to the inspector. Of course, if you have any further questions/queries/comments in the meantime, feel free to get in touch with me.

Best wishes,

Steven

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