

Representations to Reigate & Banstead Development Management Plan 2018-2027 Proposed Submission. January 2018 on behalf of Amtrose Ltd

1. Para 4.4.3 What Does the DMP Do?

1.1. Paragraph 182 of the National Planning Policy Framework sets out the tests for a 'sound' local plan. A plan is considered sound if it is:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

1.2. The Core Strategy has a housing requirement of **at least** 6,900 dwellings in the period 2012-2027 (460 dpa). This is some 2,000 dwellings less than the full objectively assessed need (FOAN) for the Borough, which equates to an average of 600-640dpa. The Core Strategy Inspector’s conclusions on the question of housing need and capacity were that while the figure of 460dpa was found sound and is the figure in the adopted Core Strategy, it will fall significantly short of meeting the FOAN and the Council should work to address this shortfall. Hence, where an opportunity of providing additional housing presents itself, and there would be no material harm arising from it, it should be grasped.

1.3. It may be possible for the Council to demonstrate a 5-year supply of housing land to meet the adopted Core Strategy requirement, but this will leave a shortfall of housing at the end of the Plan period compared with the FOAN; therefore, the Council should look at sustainable development proposals that would help reduce that shortfall. That way the Council could be considered to have positively prepared the DMP and fulfilled the first Core Strategy Objective SO1, “To ensure that future development addresses the economic and social needs of the borough, without compromising its environmental resources.” As it stands the Council has failed to provide for the economic and social needs of the borough

because it is not attempting to meet its full OAN, despite there being sustainable development options, and is **unsound because it has not been positively prepared**.

- 1.4. The Council's guidance notes on how to make representations, detail the 4 tests of soundness. Under 'Justified', it states in the last sentence that the DMP policies, "should take into account new circumstances which have arisen since the Core strategy was adopted".
- 1.5. The Core Strategy was adopted in July 2014. The Department for Communities and Local Government published its Housing White Paper, Planning for the Right Homes in the Right Places, for consultation in September 2017. It is accepted that this is just a consultation paper, but it does show a direction of travel and the priority now being given to housing need and delivery by the Government. Within the consultation, the Government set out a standard methodology for calculating housing need, and alongside the paper published a table showing the indicative assessment of housing need based on the proposed formula for each local planning authority area. For Reigate and Banstead the indicative housing need for 2016-2026 is 644 dpa. This compares to the FOAN of 600-640dpa and the Core Strategy figure of 460dpa.
- 1.6. It is accepted that the methodology is not set in Government policy - yet. But amendments to the National Planning Policy Framework to cover this are expected in spring 2018. Many local planning authorities are being pragmatic and taking the Government's indicative figures as a working minimum as they prepare planning policy documents to ensure the plans will be compliant with national policy. By the time the DMP reaches examination/adoption, new national policy may be in place, with a new housing need methodology - which identifies a figure at the upper end of the known FOAN – which will further call into question the approach, and validity, of the DMP.
- 1.7. It's an interesting strategy to carry on with the DMP when it only satisfies the minimum housing requirement of the Core Strategy – and not the known FOAN or the Government's indicative figure, when amendments to the National Planning Policy Framework are imminent. **As it stands, therefore, the plan is considered unsound as it does not take into account new circumstances regarding housing need which have arisen since the Core Strategy was adopted.**

- 1.8. **Further, as a result the DMP cannot be considered to be effective, because it is not flexible enough to deal with the changing circumstances that can be anticipated now, nor will it be consistent with national policy.**
- 1.9. This further emphasises the need for the DMP to grasp opportunities of providing additional sustainable housing when they present themselves to provide flexibility and to acknowledge the likely magnitude of the FOAN, when the new methodology is written into national planning policy.

Suggested Modifications

- 1.10. In order to positively plan for its known FOAN and be effective, the DMP should grasp sustainable development options and allocate sites where opportunities for providing additional housing present themselves, such as at land at 17 The Close.

2. Section 3d: Area 3 – The Low Weald

Inconsistency of Approach to Allocating Land for Employment and Housing

- 2.1. As the first paragraph states, The DMP “includes policies to guide decision making on planning applications and identifies sites for certain types of development”. It reflects the strategic direction provided by the Core Strategy and along with the policy maps (and SPDs) will form the Reigate and Banstead LDF.
- 2.2. However, the Council has been inconsistent in its approach in bringing forward land for employment and land for housing in the Low Weald, and hence **has failed to positively plan for all its community’s needs.**
- 2.3. Paragraph 4.9.4 of the DMP recognises that national changes to PD rights may influence provision/maintenance of employments sites. Earlier paragraphs also recognise changes since the Core Strategy was adopted through the identification of the need for strategic employment developments in the work undertaken by the Coast to Capital LEP.
- 2.4. Paragraph 4.9.5 of the DMP states,

*“Whilst the Core Strategy **does not explicitly plan** for green field employment provision, it recognises that unanticipated strategic proposals may come forward.*

Core Strategy Policy CS5 includes a criterion to ensure that “new employment development outside [existing employment areas] reflects wider policy priorities and is located in accordance with sustainability principles”.

- 2.5. As a result, the Council has taken a positive approach and removed a very large (83 hectare) site to the south of Horley, west of Balcombe Road from the Rural Surrounds of Horley policy area and designated it as a Strategic Employment Site, under Policy HOR9.
- 2.6. This demonstrates that the Council has positively planned and taken into account new circumstances for employment uses, despite there being no explicit policy in the adopted Core Strategy. The Council should take the same positive approach for housing – where there is support in Core Strategy policy – and go some way to fulfil it’s known FOAN.
- 2.7. In this regard land at 17 The Close, Horley, which has been proven and accepted as being a sustainable site and should be allocated in Area 3.

Suggested Modifications

- 2.8. The DMP should be consistent and positively plan equally for employment and its known FOAN and grasp sustainable development options and allocate sites where opportunities for providing additional housing present themselves, such as at land at 17 The Close.

Inconsistency in Allocating Housing Sites

- 2.9. The DMP has identified Sustainable Urban Extensions in Horley. Of particular interest is land off The Close and Haroldsea Drive identified in Policy SEH4. This site abuts land at 17 The Close on its northern boundary. Development of this site will extend the built form of Horley further into the countryside to the east than land at 17 The Close. Additionally, the allocated site is not deliverable. It relies on access from The Close which the owners have no rights (save for their existing uses) and unlike the owners of 17 The Close, the owners of the allocated site do not have the rights to improve The Close. Despite these matters, this allocated site is clearly considered to be sustainable.
- 2.10. Land at 17 The Close, however, was also considered to be sustainable at the appeal in 2016 (ref APP/L3625/W/15/3141260) by both the Council and the Inspector, as demonstrated by paragraph 23 of the Inspector’s report states, “...the question to be asked before considering

this third main issue is whether the proposed development would be sustainable. And, since the Council accepted that it would be, and I have no reason to disagree...” Although the decision was judicially reviewed in the High Court, this was not the point of law in question.

- 2.11. The Policies cited in the reason for refusal equally applied, at the time, to the land now allocated for housing in Policy SEH4, and yet land off the Close and Haroldsea Drive has been allocated for housing development and land at 17 The Close has not.
- 2.12. As stated elsewhere in these representations, **the plan is considered unsound as it does not positively plan for its community’s needs when it is able to, nor does it take into account new circumstances which have arisen since the Core Strategy was adopted, i.e. the Inspector’s report on the appeal of land at 17 The Close, nor can it be considered to be effective, as it is not flexible enough to deal with the changing circumstances that can be anticipated now.**
- 2.13. Land at 17 The Close is a sustainable location, and therefore equal to the land allocated in Policy SEH4. The DMP should grasp opportunities of providing additional sustainable housing when they present themselves to provide flexibility and to acknowledge the known FOAN, and the likely OAN to come forward, when the Government’s new methodology for calculating housing need is written into national planning policy.

Sustainable Site

- 2.14. At the appeal of land at 17 The Close (ref APP/L3625/W/15/3141260), the Council accepted that the site would be sustainable, and the Inspector concluded the site’s development would not harm the adopted housing strategy of ‘urban first’ approach.
- 2.15. The Core Strategy Inspector found various factors militating against a yield higher than 200 dwellings on the land around the south side of Horley – flood risk, noise from Gatwick Airport, the strategic gap separating Horley from the Airport and the possible impact on progress in North-East and North-West Horley of another major release of land in the south. However, there was no objection in relation to flood risk or noise from the airport at the appeal, and the Inspector concluded that there would be no material harm to the Rural Surrounds of Horley, or the open setting of Gatwick Airport.

- 2.16. Land at 17 The Close has been accepted as being a sustainable location for development. It should be allocated, alongside the adjacent site identified under Policy SEH4, and **assist the Council in positively planning for its community's needs** by providing housing that helps fulfil its housing need, and the need indicated by the Government's new methodology, which may be national policy prior to the examination/adoption of the DMP.

Suggested Modifications

- 2.17. The DMP should positively plan, be justified and effective by planning for all of its community's needs when it is able to, take into account new circumstances which have arisen since the Core Strategy was adopted, i.e. the Inspector's report on the appeal of land at 17 The Close, and be flexible enough to deal with changing circumstances that can be anticipated now. As such, The DMP should grasp sustainable development options and allocate sites where opportunities for providing additional housing present themselves, such as at land at 17 The Close.