
Reigate and Banstead Development Management Plan Examination

Further Written Statement
submitted on behalf of Gallagher Estates
(ID: 0139)

**Matter 1:
Legal compliance and Duty to Cooperate**

October 2018

Reigate and Banstead Development Management Plan Examination

Response to Inspector's Matters, Issues and Questions

**Matter 1:
Legal compliance and Duty to Cooperate**

**Barton Willmore LLP on behalf of
Gallagher Estates (ID: 0139)**

Project Ref:	22723/P3/A5	22723/P3a/A5	22723/P3b/A5
Status:	Draft		Final
Issue/Rev:	-	a	b
Date:	9 th October 2018		12 th October 2018
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Ref: 22723/P3b/A5/EF/MK/dw

Date: 12th October 2018

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INTRODUCTION

- 1.1 Barton Willmore LLP is instructed by Gallagher Estates to submit this further written statement in response to the Inspector's Matters, Issues and Questions. These representations expand upon the representations submitted on behalf of Gallagher Estates at the earlier stages of the preparation of Reigate and Banstead Borough Council's Development Management Plan (DMP).
- 1.2 Gallagher Estates owns the Former Copyhold Works site located to the east of Redhill which is proposed to be allocated through Policy ERM2/3 of the DMP as a Sustainable Urban Extension (SUE).
- 1.3 Our representations submitted in response to the Regulation 19 DMP consultation included a Vision Document which presents our client's development proposals for the site.

RESPONSE TO MATTER 1 – LEGAL COMPLIANCE AND DUTY TO COOPERATE

Issue: Has the DMP been prepared in accordance with the legal and procedural requirements and has the duty to cooperate been met?

1a) Duty to cooperate

1.1 In preparing the Development Management Plan (DMP), has the Council satisfactorily complied with the requirements of the Duty to Cooperate, in maximising the effectiveness of the DMP?

1.1.1 As addressed in our written statements on Matters 5 and 9, neither the Core Strategy or the DMP meet the full identified housing needs. This was recognised in the Core Strategy Inspector's Report. The issue of unmet housing need is unresolved and none of Reigate and Banstead Borough Council's neighbouring authorities have agreed to accommodate this unmet need.

1.1.2 As we have explained, in the absence of an effective cross-boundary solution, the DMP should, but fails to, maximise the opportunities for housing delivery in the Borough including the Sustainable Urban Extensions (SUEs). This should seek to minimise, and avoid if possible, any unmet housing need within the plan period.

1.2 How have cross boundary issues in respect of the allocated sites been addressed through cooperation? Are there any outstanding concerns and if so, how is it intended to resolve them?

1.2.1 Whilst this is primarily a matter for the Council to address, we note that Tandridge District Council has raised concerns relating to the potential traffic impacts associated with the proposed allocation of sites ERM1/2/3 located on the eastern edge of Redhill, including the Former Copyhold Works site (ERM2/3) on grounds of traffic impact.

1.2.2 The Council's Publication Statement (CD7; page 209) addresses this concern with reference to the Strategic Highways Assessment Report (SD39). As part of more detailed assessment of traffic impacts and any mitigation measures undertaken at planning application stage, we would anticipate that Tandridge District Council would be consulted, alongside Surrey County Council as local highway authority.

1.2.3 Tandridge District Council raised other concerns relating to landscape and visual impact and flood risk. These are site-specific concerns and are matters which are addressed in the Regulation 19 representations submitted on behalf of Gallagher Estates. They are issues which we comment upon, as necessary, in our written statement for Matter 9.

1.2.4 We therefore conclude that any genuine cross boundary issues which genuinely need to be addressed through cooperation as part of preparing the DMP have been satisfied.

1b) Other legal and procedural requirements

1.1 In preparing the DMP has consultation been undertaken in accordance with the Council's adopted Statement of Community Involvement and the consultation requirements in the Regulations?

1.1.1 No comments.

1.2 Do the scope, content and timescale for the preparation of the DMP accord with the Council's latest Local Development Scheme?

1.2.1 No comments.

1.3 Has the formulation of the DMP been based on a sound process of sustainability appraisal (SA)? In particular:

a) How has the SA informed the preparation of the DMP at each stage and how were options considered?

b) In light of concerns raised, have the likely environmental, social and economic effects of the policies and allocations in the DMP been adequately and accurately assessed?

1.3.1 In response to part b), no, we have set outline our Regulation 19 representations that we do not consider the likely environmental effects of the allocation of the site (ERM2/3 Former Copyhold Works) have been adequately and appropriately assessed.

1.3.2 We welcome the willingness of the Council to make some proposed amendments to the SA scoring of the site set out in CD7 (see pages 550 to 556). However, in our view, the changes made are inadequate. As set out in our representations, the assessment of the site is not properly informed by proportionate evidence to justify some of the Council's scoring. The more detailed evidence prepared on behalf of Gallagher Estates has been shared with the Council and should have resulted in additional amendments to the SA scoring of the site, specifically in relation to:

- Objective 12 (Water quality);
- Objective 14 (Air quality and noise and light pollution);
- Objective 15 (Landscape character); and
- Objective 16 (Biodiversity).

1.3.3 Notwithstanding the above, we broadly support the Council's conclusion that the site (ERM2/3) is assessed as one of the most sustainable SUEs. For the reasons we have set out, when taking account of the amendments already offered by the Council and the additional amendments required to provide a robust SA, we conclude that the site should be identified as the most sustainable SUE.

1.4 *Is the plan legally compliant with respect to Habitats Regulations and any requirement for appropriate assessment? How have the findings of the HRA Screening Report influenced the DMP? In particular:*

a) Are there any outstanding issues arising from the evidence and approach of the HRA, in particular from Natural England and if so what is the Council's response to how they can be resolved?

1.4.1 No comments.

1.5 *Has the preparation of the DMP complied with Part2 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?*

1.5.1 No comments.