

REIGATE AND BANSTEAD DMP EXAMINATION

Hearing statement - Joanna Barnett- Keep Horley Green

Matter 10 Policy HOR9 - Horley Strategic Business Park

In addition to my regulation 19 representations, I would like to submit the following comments regarding the matters below.

1. Need

It is recognised nationally that “local authorities remain aggressive bidders, both within and outside of their jurisdictions and across multiple sectors; as they seek to make significant income producing investments to bolster their own spending budgets.” (UK Commercial Market in Minutes 31/7/18 https://www.savills.co.uk/research_articles/229130/249830-0) It is clear that the reason the Council is seeking to change their policies is for financial reasons. The Council are following a national trend “UK institutions, with significant amounts of capital to deploy, have seemingly begun to look at the regional office markets to make investments of significant value. In 2018 so far £2.5bn has been invested into the regional office market with UK institutions accounting for 35% of the total volume, the highest level since 2009”. (UK Commercial Market in Minutes 31/7/18)

The Council made no reference to the ‘need’ for an employment space of this nature or scale prior to 2015. The Core Strategy 2014 which formed “the principal spatial planning document for the Council covering a wide range of planning issues. It sets out the scale and broad location of new development over the next 15 years, up to 2027”. “The strategy focusses on retaining and making the best use of existing employment land” not using Public Open Space and Horley’s Rural Surrounds to create 200,000 sqm of new office space.

Our green open spaces have become vulnerable to Councils that have historically acted as custodians and protectors of these spaces. The Councils now seem to be cashing in their ‘assets’ to any interested commercial investors.

In a freedom of information request dated 9/3/18 (FOI Request F73D7F7C & DB9C9021) the Council say that “The JV Partners approached the Council to form a Joint Venture having secured the acquisition of Meadowcroft one of the three pieces of land needed to bring forward the proposed Business Park.”

John Reed Head of Property at the Council (soon to be former) and Jeremy Richardson of Millhill Properties Horley Ltd were both directors of Weald Estates Limited (until 2009). In a FOI request it was stated that “John Reed has remained in contact with Jeremy Richardson since 2001 as part of his professional network within the property sector” Considering that Millhill Properties approached the Council to form a joint venture we are concerned that this relationship could may have presented a conflict of interests.

Millhill Properties purchased Meadowcroft house on 8/7/2015, from this date forth the Council have been commissioning ‘evidence’ to prove the need for a business park and subsequently the proposed new addition of HOR9 to the DMP.

The needs assessment that the Council have produced merely reflects the desire to justify the need for a business park in this location. It was generated to prove the needs, not assess the needs; as such there is still not sufficient evidence to prove the need for a business park of this scale in this location.

2. Sustainable, deliverable and viable, other sites

In an email from Phil Kennedy of FTI consulting dated 1/2/16 regarding the existing office stock “The older town centre offices do not tend to have the scale, energy efficiency or flexibility that large employers are looking for when they are considering a new national or regional headquarters. Even if they were refurbished, they would not meet that demand. As it is, we are seeing the conversion of old office buildings into homes, largely as a result of a change in national planning policy over which the local planning authority has no control.” On 8/3/16 at a meeting about the proposals at the Council offices, Phil Kennedy said that companies wanted modern eco-friendly offices. When asked what would happen to the Horley Business park site in 20 years’ time when it is old and outdated, neither John Reed nor Phil Kennedy could offer an answer. We continue to question why the Council has not protected existing employment spaces by using ‘Article 4 Directions’, as other local Councils have done.

The 43 acre Legal and General site in the Borough, which consists of 275,000 square feet of high quality office accommodation, has recently been sold to a residential property developer. Despite the sites excellent transport connections by road and rail and its location in Gatwick Diamond region it has been sold for potential residential development. We do not believe that the Council are interested in other sites for the reasons outlined in section 1.

3. Benefits

No economic case has yet been made. The Council have failed to offer evidence of any benefits to Horley or the wider Borough, statements made to date have been weak and vague.

In the Councils DMP GL Hearn representation (23/2/18) to the Council from the Joint Venture (50% Council) they state “the mutual benefits both to the future users of the business park by locating it close to Gatwick Airport and the benefits to the existing residents in Horley”, yet to date no benefits have been outlined.

The Council have suggested “tens of thousands of jobs” could be created. The Borough has a low unemployment rate. In ‘the Quality of Life in Reigate & Banstead Borough Profile, February 2014’ It states that “Reigate & Banstead’s overall Job Seekers Allowance claimant level of 1.4% is less than half that of the national level of 3.2%. It is also noticeably lower than the South East level of 2.0%” Demonstrating that employment needs are being met.

We fail to see how ‘employment’ is a justifiable reason for the business park considering “The latest data shows that only 0.8% of the borough’s working age population are in receipt of Job Seeker’s’ Allowance, significantly lower than the national average.” (EXECUTIVE Agenda Item: 4, 21 June 2018, 5 Year Plan Performance Report 2017-18)

It is also now clear that the promises that the Council have been making to the public for the last 3 years are not true. On the 9/11/15 John Reed replied to my email which outlines a variety of concerns by saying “We recognise there are policy challenges and constraints associated with the site We need and will be carrying out further work to understand these challenges in more detail Ultimately, any future planning application would need to demonstrate how these challenges could be overcome.” 3 years later the Council are attempting to bypass these policy constraints by implementing HOR9.

In the email dated 1/2/16 Phil Kennedy of FTI Consulting stated “As your question recognises, there is a potential conflict between our business park proposals and the 2005 Borough Local Plan policies about the Rural Surrounds of Horley and the Gatwick Open Setting. Both policies are presumptions against unacceptable development. In this instance the council will need to demonstrate that other material considerations would override this presumption. Again, the planning application will need to justify why – taking these policies into account – the development is acceptable.” Yet in the Horley Business Park LLP’s regulation 19 comments they disregard the existing policy constraints.

In a DMP representation by a firm representing the Council (Via GL Hearn), the Council have argued that HOR9 (Airport City policy) is not sound because it is too restrictive. They say that the Council (themselves) should be able to have traffic entry from the business park on to the Balcombe Road, that they should be allowed to scrap the 'Gatwick Open Setting' green buffer between Horley and Gatwick Airport, and that they should also have a mixed class of use including warehouses storage and distribution.

It would appear that the Council have been dishonest about their intentions for the Horley Business Park. For the last three years they have reassured the public that there would be no Balcombe Road access, that they wish maintain a green buffer between Horley residents and Gatwick Airport, and that the site wide be a high quality office development not industrial units and warehouses.

This is demonstrated an email from Phil Kennedy of FTI consulting dated 1/2/16 regarding the effect on the Rural Surrounds of Horley and the Gatwick Open Setting, it is stated that "One of the areas that will be looked at by the team of consultants is the landscape impact of proposals and how open space – and a visual break between Horley and Gatwick – can be incorporated as part of the proposals." Yet it is clear from the 'GL Hearn representation' that this is no longer their intention.

In terms of infrastructure and investment the Council has a poor track record of investment in Horley, in particular we make reference to the lack of reinvestment of 'New Homes Bonus' money earned from 'The Acres' estate.

The business park proposal includes a hotel, on-site catering, retail provision, a gym, a crèche, medical services and local pharmacy. This would mean that Horley would not get any direct business benefits from the development, it would instead be a self-contained site, directly servicing Gatwick Airport.

4. Road network

With reference to my DMP19 representation HOR9 is not sound as the Council is not able to demonstrate any solutions to the highways and traffic issues that a business park of this scale would bring. They have not addressed the concerns of neighbouring Boroughs, Highways England or Surrey County Council's Transport Development Planning Team.

5. Adverse effects from the development

Flooding remains a high level concern. Thames Water responded to the publication of the DMP 19 saying that the proposal "has not provided the detail required to fully assess the impact."

The "Strategic Flood Risk Assessment - Level 1 Appendix I - Areas with recorded incidents of sewer flooding" map identifies the site and surrounding areas to be red on the map having had the highest number of recorded sewer flooding incidents in the area.

The Council accept that "Some areas are at risk of flooding". Parts of the site are also identified as at risk of flooding as shown on the current online 'proposals map' and on the 'Environment Agency Flood Map for Planning'. Together these indicate that there is an indisputable likelihood that the area will flood again in the future. This policy does not address the known risk of flooding.

Phil Kennedy of FTI consulting acting on behalf of the Council states that he recognises the site is allocated for Public Open Space "Part of the area that the council is looking at for this proposed development was allocated in the 2005 Borough Local Plan, which includes the Horley Master Plan, as a site for amenity open space and/or outdoor playing space, to make a contribution towards providing 33 hectares (or around 82 acres) of public open space for the town. Whilst this scheme was never delivered, any planning application needs to take this allocation into account" (email dated 1/2/16). However in the 'Minor modifications and errata of the Submission' document the recognition that the site is allocated as Public Open Space has been removed and it states "Factual update, as the Borough Local Plan 2005 will be superseded by the

Development Management Plan". The Council fail to recognise that the current adopted policy states that this site is reserved as future public open space. It is not acceptable to simply remove this allocation, without re-allocating it in the same locality to Horley residents.

The proposal is in direct conflict with the existing policy Hr 37 which sets out the aim to protect the 'Gatwick Open Setting'. In the 'Tyler Grange - Evidence Note Regarding the Current Policy NHE1 -Gatwick Open Setting' Designation' it suggests that a mere 5 meter landscape buffer, would be a suitable substitute to the current area which covers the majority of the site, approximately 50 acres. This suggestion is completely unacceptable and totally unjustified.

In the 'Development Management Plan (Regulation 19 Stage) Viability Report January 2018' It is suggested that the agricultural landowner e.g. farmer would benefit from the sale of the land for the Business Park "The appraisal suggests the equivalent of £17.2m could be paid for the land, equivalent to £556,000/ha, which is more than 15 times the existing use value, and is considered to represent a suitable uplift and the "life changing event" that an agricultural landowner might be expected to require to incentivise them to release their site." This is extremely misleading. Bayhorne Farm and Fishers Farm (72 acres), has 2 landowners Surrey County Council and Taylor Wimpey. The land has been leased and farmed by three generations of the same family. The current tenant runs a well-established, successful equestrian facility; they stand to lose their home and business without compensation.

In addition to this as stated previously there are many negative effects that the development would have which have not been addressed including; The proposal would be unacceptable in terms of its visual impact to the surrounding countryside (the Rural Surrounds of Horley Hr36) and would have a negative effect on the character of a neighbourhood that it would be situated in, Negative impact on the environment and atmosphere, Catastrophic impact on local wildlife (which has not been assessed), negative impact on the environment of local historic and listed buildings, a huge strain on local infrastructure, loss of a large equestrian centre.

6. Area & Use

Since 2015 the Council have been reluctant to provide specific site areas. The Council are still unclear on the size of the site. The change from 83ha to 31ha should not be considered to be a 'minor change'. This lack of clarity is indicative of the Councils handling and communication regarding the Business Park scheme to date.

There is also a confused approach to the class of use for the site. In the DMP19 the Council proposed "Predominantly focussing on B1(a), B1(b) and B1(c) including floorspace for new incubator" yet in the GL Hearn DMP19 representation it states the policy is not sound and that HOR9 is "unnecessarily restrictive" in terms of the role of other classes of business use e.g. warehouses and industrial units. If HOR9 is adopted it is not clear what the Council ultimately intend to do with this site.

7. Infrastructure requirements

No evidence to date has been presented to demonstrate that the town can support the extra footfall that "tens of thousands of jobs" would bring.

Horley is stretched to capacity an example being the shortfall of school places "Some areas of the borough where the birth rate has not increased so dramatically, such as Horley, are seeing pressure on places from additional housing developments and inward migration into these developments." (School Organisation Plan School places in Surrey 2015/16 - 2024/25). Other public services such as doctors and dentists are also at capacity.

8. Delivery and stakeholder involvement

On 23/12/15 John Reed the Council's Head of Property said that "It is too early a stage for firm timetables. The most we can say at present is that, subject to planning consent being obtained within the next 12 to 24 months and market conditions remaining favourable, the park is likely to be delivered in two phases over roughly a ten-year period". This suggested that by December 2017, a consultation would have taken place, planning applications would have been submitted and planning consent would have been achieved.

Further to this in an email John Reed sent to me on 14/6/2016 he said that "The design evolution is behind the schedule we hoped for when we last met, the timetables of these ambitious projects often do slip. We have taken the decision to put back public consultation until the autumn." (2016) Two years have passed and no consultation has taken place or further details released.

The Council have declined to clarify what work has been undertaken to date regarding the planning application for the Horley Business Park. Hundreds of thousands of pounds of public money have been spent in the region of £700,000, although exact figure has been concealed as it is deemed to be commercially sensitive. How much has been spent creating reports, to prove the 'need'? John Reed stated that he 'hopes' that the site will be allocated for employment uses. 'Hope' does not seem an appropriate ground for spending the sums of money that have been invested in this project prior to it being a part of the Council's legally adopted policy.

With regard to the engagement of interested parties, Horley residents including Horley Town Council have been excluded from involvement to date. An example of this is when the leader of the Council Cllr Broad set up the 'Horley Consultative Group' to seek residents views about all of the major developments in Horley, as a Borough Councillor said in an email sent on the 13/1/16 "A Consultative Group comprising Horley residents from across the three Horley Wards is being established to ensure that the whole of Horley is involved, and all issues openly and transparently addressed, on all the major development initiatives in Horley, of which the potential business park is one." However, the group was not open or transparent. It did not represent the whole of Horley as promised. Only 6 people were invited, only 3 could attend, and all others excluded. A Freedom of Information request about the agendas and minutes for these meetings was declined because the leader of the council held them as 'informal' meetings.

The responses given by members of the public regarding HOR9 at the Regulation 18 stage of the DMP consultation were not adequately responded to. 268 people wrote to the Council and objected to the business park, stating a wide variety of valid concerns and highlighting policy constraints. Yet none of the comments were actually responded to, or carried forward. Comments were broken down, paraphrased and archived in the 700-page consultation statement. Next to nearly every comment was the statement "Policy updated in line with evidence base" yet the policy was not changed.

Thousands of Horley residents have opposed these proposals based on policy constraints and hard evidence, including flooding, infrastructure environment etc. The public no longer have confidence in the Council's ability to listen and respond to their feedback or concerns regarding the proposal.