



Reigate & Banstead
BOROUGH COUNCIL
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Signed off by	Head of Planning
Author	Tanya Mankoo-Flatt, Principal Planning Development Officer
Telephone	Tel: 01737 276402
Email	Tanya.Mankoo- Flatt@reigate- banstead.gov.uk
To	Executive
Date	Thursday, 18 November 2021
Executive Member	Portfolio Holder for Planning Policy and Place Delivery

Key Decision Required	N
Wards Affected	Horley Central and South

Subject	Draft Horley Business Park Supplementary Planning Document for Consultation
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Recommendations

- (i) The Executive approve the draft Horley Business Park Development Brief Supplementary Planning Document (SPD) for public consultation.
- (ii) The Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor factual or typographic amendments to the draft Horley Business Park Development Brief SPD draft prior to consultation.

Reasons for Recommendations

The draft Horley Business Park Development Brief SPD has been prepared in accordance with the requirement of Development Management Plan (DMP) 2019 Policy HOR9 that supplementary planning guidance will be prepared to assist with the planning and on-going functioning of this key site allocation.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), hereafter referred to as the "Local Planning Regulations", requires consultation on draft supplementary planning documents for at least 4 weeks prior to their adoption.

Before a local planning authority adopt a supplementary planning document it must prepare a statement ("the Consultation Statement") setting out (i) the persons the local planning

authority consulted when preparing the supplementary planning document, (ii) a summary of the main issues raised by those persons, and (iii) how those issues have been addressed in the supplementary planning document.

Following adoption, the SPD must be made available, specifying:

- a) the date on which the supplementary planning document was adopted,
- (b) if applicable, any modifications made pursuant to section 23(1) of the Act,
- (c) that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and
- (d) that any such application must be made promptly and in any event not later than 3 months after the date on which the supplementary planning document was adopted.

Executive Summary

This report sets out the steps taken to produce the draft Horley Strategic Business Park Development Brief Supplementary Planning Document (SPD) for consultation. This new SPD is being prepared in order to provide guidance for the masterplanning of this key allocation site under Development Management Plan (DMP) Policy HOR9.

Consultation on the draft SPD is planned for at least four weeks between November 2021 and January 2022, with adoption of the updated SPD scheduled for Spring 2022.

Executive has authority to approve the above recommendations.

Statutory Powers

1. The Council has no statutory obligation to produce supplementary planning documents (SPDs) but has powers under planning legislation to adopt SPDs as appropriate, following a specified formal consultation period, and also to revoke SPDs.
2. The preparation of supplementary guidance to assist with the planning and on-going functioning of the Horley site is a requirement of Development Management Plan (DMP) site allocation Policy HOR9 (“Delivery” requirements).
3. The Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements for the preparation of SPDs. These include a period of public consultation on the draft SPD, which must be accompanied by an initial consultation statement setting out who was consulted in preparing the draft SPD, the main issues they raised, and how their comments were addressed in the SPD. The initial consultation statement for the draft Horley Strategic Business Park SPD is annexed to this report.

4. As required under the “Environmental Assessment of Plans and Programmes 2004”, SI 2004 No.1633 and the “Conservation of Habitats and Species Regulations 2017 (as amended)”, the Horley Strategic Business Park SPD has been “screened” to determine whether the SPD should be subject to Strategic Environmental Assessment (SEA) and / or Appropriate Assessment (AA). The Council’s opinion on both is set out in the screening statement (annexed to this report), which found that the SPD does not require full SEA and AA assessments. This was confirmed by the three statutory consultation bodies.
5. The draft SPD is compliant with the Human Rights Act 1998.

Background

6. Supplementary planning documents provide guidance to assist in implementing development plan policies. They may be used to provide guidance for development of specific sites, or on particular issues such as design. They are material considerations in planning determinations where relevant.
7. The 2019 DMP allocated this key site to contribute to meeting the employment needs of the borough and wider area in a sustainable location between Horley and Gatwick airport. The Horley Strategic Business Park Development Brief SPD has been prepared to help to guide the masterplanning and on-going functioning of this key site.

Key Information

Draft Horley Business Park Supplementary Planning Document for Consultation

8. Horley Business Park Development Brief SPD has been produced by the Planning Policy Team to assist in the masterplanning of the site. As required by DMP site allocation Policy HOR9, once adopted, the SPD will inform the production of a masterplan by the site promoter in consultation with the Council. The masterplan is to be submitted at the outline planning application, to assist the consideration of planning applications for the site’s development. As was the case with the allocation of site HOR9 in the DPD, this draft SPD has been prepared by the Council’s Planning Policy Team, retaining an “ethical wall” (an information barrier) between the Council’s interest as landowner and as local planning authority.
9. The draft SPD has been informed by desktop analysis of the site, its surrounding context, and relevant issues, as well as by correspondence and a series of workshops with representatives of interested organisations, held in the second half of 2020. The main issues raised by those consulted when preparing the draft SPD and how these issues have been addressed in the draft SPD for consultation are summarised in the initial Consultation Statement, annexed to this report. The draft SPD has also been informed by recent evidence commission by the Council’s Planning Policy Team from experts in the fields of town planning / site development and urban design / masterplanning. These two studies are also annexed to this report.

As referenced in the DMP (paragraph 3.3.167) Chilmark Consulting was commissioned by the Council's Planning Policy Team some five years ago to provide evidence on the suitability of allocating the Horley site for a strategic business park. The published Chilmark 2017 evidence study informed the DMP site allocation Policy HOR9.

10. Given the time passed, the Planning Policy Team again commissioned Chilmark Consulting, this time to:

- consider the current market demand for the type and scale of accommodation envisaged in DMP paragraph 3.3.167 (the site allocation policy itself does not include floorspace quanta) including in light of Brexit and the pandemic.
- extend the employment forecast to 2045 considering the likely build-out period (Chilmark's 2017 Report considered the period to 2035), and
- assess the potential economic impact of the business park on Horley and Crawley town centres, existing employment areas and existing and committed business parks nearby.

The findings are presented in Chilmark Consulting's "Horley Strategic Business Park Economic and Market Assessment: Market Demand and Supply and Economic Effects" (Feb 2021), annexed to this report.

11. David Lock Associates were commissioned to provide design / masterplanning advice on how the site might be developed to achieve sustainable, well-planned growth that contributes to the local area and maximises the opportunity presented. Their "Horley Business Park: Design Principles and Options" (March 2021) sets out design principles for the development of the site, and design and massing options to support the SPD. The David Lock study is annexed to this report.

12. At least four weeks of statutory consultation on the draft SPD is planned for between November 2021 and January 2022, which, as well as meeting the Council's statutory requirements, will additionally include sending letters to local addresses around the site. Following public consultation on the SPD, a summary of the main issues raised and how they have been addressed in the SPD for adoption, will be provided in a final consultation statement. The finalised SPD is planned to come back to the Executive in Spring 2022 with a recommendation for adoption.

Options

13. Recommendation 1: The Executive approve the draft Horley Business Park Development Brief Supplementary Planning Document (SPD) for public consultation.
- a. Option 1: approve the draft SPD for public consultation. This option is recommended as it would assist in the planning and on-going functioning of the allocated development site.
 - b. Option 2: do not approve the draft SPD for public consultation. This option is not recommended as it may result in wasted time and

14. Recommendation 2: The Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor factual or typographic amendments to the draft SPD draft prior to consultation.
 - a. Option 1: Agree to the suggested authorisation for making any minor amendments prior to consultation. This option is recommended to ensure the best presentation and accurate draft SPD for consultation.
 - b. Option 2: Do not agree to the suggested authorisation for making any minor amendments prior to consultation. This option is not recommended, as it could result in inaccuracies being present in the draft SPD for consultation.

Legal Implications

15. The Local Planning Regulations require the draft Horley Business Park Development Brief SPD to be subject to at least four weeks consultation, and to be updated as required in response to the comments received, and other relevant matters, before adoption.
16. As required by relevant legislation, the draft Horley Strategic Business Park SPD has been “screened” to consider whether SPD needs to be subject to Strategic Environmental Assessment (SEA) and / or Appropriate Assessment (AA) under the Habitats Regulations.
17. The screening found that the SPD does not require full SEA and AA assessments, and opinion which was confirmed by the three statutory consultation bodies. The screening statement is annexed to this report.

Financial Implications

18. The costs of the public consultation and subsequent adoption of the SPD will be met from existing Planning and Facilities (printing) revenue budgets.

Equalities Implications

19. The draft Horley Business Park SPD does not introduce new policies nor requirements, instead it provide guidance to the implementation of DMP policies, in particular to Policy HOR9.
20. In accordance with the Council’s Public Sector Equality Duty, an Equalities Impact Assessment (EqIA) screening was undertaken for the pre-submission DMP (at the Regulation 19 stage). This identified no negative equalities impacts, and identified positive equalities in relation to older people, younger people and children, disability, pregnancy and maternity, racial and specific ethnic groups. An updated EqIA was then prepared in respect of the DMP for adoption (including the Main Modifications proposed by the Inspector). This similarly identified no negative equalities, but further positive outcomes.

21. Given that no negative equalities impacts were identified for the DMP, a full EqIA is not required for this SPD, which provides guidance on implementation of the adopted Core Strategy and DMP Policies.

Communication Implications

22. A formal communication plans is not considered necessary for the Horley SPD, as its preparation is governed by clearly defined requirements set out in Local Planning Regulations and supplemented by the Council's adopted Statement of Community Involvement (SCI), both background papers to this report, subject to Covid legislation restrictions in place at the time.
23. Being a site-specific SPD, it is considered appropriate to also include more targeted consultation and publicity to the Horley town centre and south area in order to elicit views and comments on the draft Horley SPD. As relevant, this may include the involvement of Horley Town Council (whose members' informal comments have informed the draft SPD).

Environmental Sustainability Implications

24. The development of a primarily greenfield site for a strategic business park with related facilities and a new public open space will have implications for environmental sustainability. In producing the draft SPD for consultation, the Council involved specialist consultations, David Lock Associates, who amongst other issues, advised on general and site-specific principles for developing the site with regards to water, green infrastructure and biodiversity, open space, sustainable design and construction, and sustainable movement (including maximising opportunities for using active travel to the site). The Council's Sustainability Project Officer also provided suggestions for the draft SPD relating to biodiversity, water, energy efficiency / renewables, and transport, which have been incorporated wherever possible in the draft SPD for consultation.
25. The Initial Consultation Statement, provided at Annex 3 to this report, that will accompany the draft SPD for consultation includes summaries of the environmental sustainability issues raised, considered, and incorporated in the draft SPD for consultation. The draft SPD also includes the need for the site's master-planners to consider and comply with the relevant sections of the Council's Climate Change and Sustainable Construction SPD 2021.
26. The Council has "screened" the emerging draft SPD for both Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA), which both concluded that neither a full SEA nor Appropriate Assessment under the Habitats Regulations are required. The Screening Statement was shared with the relevant statutory organisations, who all confirmed the Council's view (see "Legal Implications" section above).

Risk Management Considerations

27. No risk management considerations have been identified in relation to this SPD.

Other Implications

28. No additional implications to be aware of.

Consultation

29. Details of the informal consultation in preparing the draft Horley Business Park SPD for its formal consultation are set out in the initial consultation statement annexed to this report.
30. As set out above, the formal consultation on the draft Horley SPD will additionally include a targeted approach to the area around the site, relevant to a site-specific SPD.
31. The informal consultation, and the formal consultation, have and will comply with the relevant legislative requirements, including the Council's "Community Involvement in Planning" 2019, published on the Council's website (see Background Documents), subject to Covid legislation limitations in place at the time.

Policy Framework

32. Supplementary planning documents are optional for the Council to produce and are not part of the Council's Policy Framework under the existing Constitution.

Background Powers

1. Corporate Plan 2015-20 - http://www.reigate-banstead.gov.uk/council_and_democracy/about_the_council/plans_and_policies/corporate_plan/index.asp
2. Planning and Compulsory Purchase Act 2004 (as amended)
3. Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
4. Environmental Assessment of Plans and Programmes Regulations 2004
5. Conservation of Habitats and Species Regulations 2017 (as amended)
6. National Planning Policy Framework (NPPF) 2019
7. Planning Practice Guidance (PPG)
8. Reigate and Banstead Development Management Plan (DPM) 2019
9. Reigate and Banstead Community Involvement in Planning 2019

Annexes

Annex 1: Draft Horley Business Park Development Brief Supplementary Planning Document (SPD)

Annex 2: Draft Horley Business Park SPD Initial Consultation Statement

Annex 3: Horley Business Park Development Brief SPD Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Statement

Annex 4: Chilmark Consulting (Feb 2021) “Horley Strategic Business Park Economic and Market Assessment: Market Demand and Supply and Economic Effects”

Annex 5: David Lock Associates (March 2021) “Horley Business Park: Design Principles and Options”