Thank you for the opportunity to take part in this consultation. Document TED23 reinforces the position set out in our earlier submissions.

The Council’s comments at paragraph 3 on Hurst Green site HSG13 reiterate those made in its previous Local Plan documents. These comments are inconsistent with the Council’s position and with the discussion that took place on Examination hearing day 4 (5 November, afternoon). The Council stated at the hearing that its intention is to safeguard the land for a school to meet the education provision that is needed locally. However, paragraph 3 of TED23 indicates that the Council has not taken on board the Inspector’s comments and those of Paul Brown QC, that the existing Policy HSG13 does not achieve that aim and needs to be rewritten if it is to do so.

As set out in our Matter 6 hearing statement and explained at the hearing session, the “Strategic Opportunity” is not effective in safeguarding the land for education. In particular, as Policy HSG13 is currently worded, the primary allocation is for residential use, with only “recognition” of the opportunity to provide an all-through primary school on the site. Critically, the policy does not require Surrey County Council (SCC) to ensure that adequate provision is made elsewhere before the site can be brought forward for residential use; the default position is that, until the County Council agrees, the site should be considered for housing.

It is therefore highly relevant that the allocation of the site for educational use is not supported by the education commissioning authority, SCC, which is part landowner of the site.

In paragraph 3.10 of the Statement of Common Ground between TDC and SCC (SDTC6), the County Council makes clear its lack of support. In the Statement of Delivery for HSG13 (SADE32) Vail Williams, acting on behalf of SCC, makes clear that SCC is promoting the site for residential use. SCC does not want the land developed for a school but wants it developed for housing. It does not intend amalgamating the two existing primary schools in Hurst Green and relocating them on this site.

In the circumstances, Policy HSG13 is unsound in two respects. First, it is clear that TDC has regarded the community benefit (the possibility that the site may be used for school provision) as part of its exceptional circumstances case for release of the site from the Green Belt, despite the absence of anything in the policy which specifically requires this or the fact that there is no realistic prospect of this happening.

Second, it is unsound because, far from addressing an existing, identified deficiency in infrastructure in the area, Policy HSG13 will simply exacerbate it. Para 3.10 of the SOCG states that there is an outstanding infrastructure requirement of 1FE of infant provision. The existing schools in Hurst Green are already over capacity. The Council is proposing
further housing allocations in Hurst Green which will add to that education need. There is nothing in the policy to address the education need.

The Council stated at the hearing that it wants to safeguard site HSG13 for a school but the policy, as written, does not do so and does not prevent the site coming forward for housing. If the site is used for housing, the existing infrastructure requirement is not satisfied, the deficit is compounded by the additional housing proposed for Hurst Green, and the one site that has been identified on which the education need can be met has been lost.

We believe this site should not be allocated for housing as the exceptional circumstances test has not been met. However, if it is to be released, it is imperative that the infrastructure needs are met. The way to do that would be to allocate it for an amalgamated primary school with that primary allocation only to be released, only to be cascaded down to residential use, once it has been demonstrated that the education need will be met in another way on the site of one or other of the existing primary schools in the area or anywhere else that SCC can identify.

Unless Policy HSG13 is rewritten to effectively safeguard the land for a school, it is inevitable that it will be developed for housing, the opportunity for school expansion will be lost, and the education need will not be met. Allowing housing development on this site would not comply with paragraph 72 (NPPF 2012) or paragraph 94 (NPPF 2019). If this allocation is still to be included in the Plan, then we respectfully request that Policy HSG13 is rewritten as suggested above and as explained by Paul Brown QC during the Examination hearing.