Dear Chris

These representations are raised on behalf of Chartwell Land and New Homes Ltd in respect of Document TED28 prepared by Tandridge District Council entitled “Playing Pitches Re-Provisions In Warlingham -November 2019”.

Important Preliminary Considerations

It is important to state at the outset that the Shelton Sports Ground site the subject of Policy HSG18 comprises a long disused private facility. It is fenced off and has not been available for any form of public open space or recreational use for a continuous period approaching ten years. No site analysis relating to the former Shelton Sport Ground site has been undertaken as part of the Tandridge District Council Playing Pitch Strategy and Action Plan. This is in spite of the fact that the definitions of “disused” and “lapsed” in the same document are apparent, with the contents of page 28 of the Action Plan including an examination of “disused” and “lapsed” playing fields in the District.

As indicated in this company’s original representations to Matter 6: Housing Allocation Policy HSG18, it is simply irrational to conclude that the release of the Shelton Sports Ground site for residential purposes will result in a “loss of playing pitch provision” or “loss of space”. The reality is that the release of the former Shelton Sports Ground for housing will secure public access to open space provision as part of the residential redevelopment of the same land, where no such access to any form of open space or recreational provision currently exists. Moreover, the alternative of releasing the land the subject of Policy HSG18 for residential purposes will lead to both quantitative and qualitative improvements in recreational provision beyond anything which can be secured through retaining the former Shelton Sports Ground in its existing disused state. Similar arguments were advanced and found to be acceptable in the recent High Court decision Renew Land Developments Ltd v Welsh Ministers; Conway BC and Cartrefi Conway CRF (2019) EWHC 742 (Admin); (2019) JPL 1002 [see link below] forming an attachment to these representations. To the extent that this judgment represents up-to-date case law, means that its provisions should not be underestimated.

https://www.bailii.org/ew/cases/EWHC/Admin/2019/742.html
The Principal Issue

The principal issue given the above considerations, is whether the current proposals advanced on behalf of Chartwell Land and New Homes Ltd, as part of Policy HSG18, would result in a more preferable outcome in terms of public access to open space and recreational provision in Warlingham, than that which exists at present, seen in the context of the former Shelton Sports Ground site.

The Approach to Re-Provision and Need for Replacement Pitches in Warlingham

Document TED28 considers the approach towards playing pitch loss and need for replacement from the viewpoint of three aspects, namely:-

- Existing and future District-wide need for 3g pitches
- Need for replacement pitches resulting from proposed losses at Warlingham; and
- Need resulting from new development at Warlingham.

In considering existing and future 3g pitch provision, the Council’s consultants in preparing their Playing Pitch Strategy and Action Plan found that the existing position for all sports is either that demand is broadly being met, or there is a shortfall. The same study found that there was a current shortfall for 2 full-sized 3g pitches which would increase to a shortfall of 3 x 3g pitches by 2033. This shortfall has subsequently been reflected in Draft Policy TLP39 entitled “Providing Playing Pitches and Built Leisure Facilities” which supports the delivery of 3 new 3g pitches across the District, including one which was to be World Rugby Compliant.

The District-wide shortfall does not mean that additional 3g pitch provision is to be provided as a consequence of the redevelopment of the former Shelton Sports Ground site, a matter evident from the contents of paragraph 2.12 of Document TED28:-

“2.12 The current Local Plan policies HSG15 and HSG18 deliberately provide for some flexibility regarding type of replacement. They do not specify that replacement provision must be exclusively 3g, just provision of ‘equivalent or better standard’. Therefore, it is implicit that a re-provision/compensation package can, in addition to 3g, also include grass pitches or even qualitative improvements that enable more match play on other sites. The finally agreed re-provision – compensation package would need to be determined in liaison with users, Sports England and National Governing Bodies (NGBs).” (my emphasis)

The second category relating to the approach towards playing pitch loss and the need for replacement, is directly concerned with the resultant loss of provision in Warlingham, which given what has been stated earlier, arises as a consequence of Policy HSG15.

My clients, as local housebuilders, recognise their responsibilities to the local community and are prepared to provide increased sports provision in Warlingham, where at present no public access to open space or recreational provision is available on land known as the former Shelton Sports Ground site.

This increased provision will be in the form of two junior grass rugby pitches on land which they have now acquired, immediately adjoining the existing Warlingham RFC facility, resulting in an improvement seen from both a qualitative and quantitative
perspective, when assessed against existing recreational provision in the same Tier 1 settlement. I have enclosed as an attachment to these representations a plan indicating the site for the two junior rugby pitches shaded in pink.

It is important to state that it is mini and youth rugby which results in the greatest participation. It is often the case that different mini and youth rugby age groups cannot be accommodated at the same venue, being restricted on Sundays to using local school playing fields, at a time when changing facilities and toilet provision are not available.

The addition of two junior grass rugby pitches will allow for different mini and youth age groups to be accommodated at one venue where changing rooms and toilet provision are available, being particularly practical and important for families.

The resultant addition in grassed pitches to meet the needs of junior rugby will occur despite the fact that the redevelopment of the former Shelton Sports Ground site will include public open space provision to meet the needs not only of the residential redevelopment taking place on the same land, but also the local community, where no such access is currently available.

In this way, this package of increased sports provision, coupled with access to public open space as part of the residential redevelopment of the former Shelton Sports Ground site, will result in qualitative improvements enabling more match-play within Warlingham. It is also in full compliance with the NPPG on “Green Belt”, paragraph 002 Ref. ID 64-002-20190722 of which requires, as part of any offsetting compensatory improvement resulting from the removal of land from the Green Belt, consideration being given to “improved access to new enhanced or existing recreational and playing pitch provision.” It is contended that the additional recreational provision to be provided by my clients accords with both national and emerging Local Plan Green Belt policy.

The third strand surrounding the need for replacement playing pitch provision in Warlingham derived from new development in the same Tier 1 settlement, considers potential locations for such re-provision, Option 2 of which is entitled “Chartwell’s Suggested Location”. At the time of the Examination in Public into Matter 8, my clients were in discussions with the landowner of the land shaded pink on the attached plan. They have now acquired this site, and are willing to ensure that the land is used for new junior rugby sports pitches in conjunction with the adjoining existing playing field provision forming part of Warlingham RFC.

Furthermore, reference is made by the Local Planning Authority in Document TED28 to page 72 of Document INF14, where Warlingham Rugby Club have expressed concerns that the changing facilities at their current site do not cater for female participants. My clients are prepared to offer a financial contribution towards the provision of enhanced changing facilities at Warlingham RFC as part of Policy HSG18, representing a further qualitative improvement to recreational facilities present in Warlingham.

**Conclusions**

It can be seen that in place of an absence of any sports provision taking place either now or into the future on the former Shelton Sports Ground site, what is now proposed by my clients as part of Policy HSG18 will involve both quantitative and qualitative improvements to both recreation and public open space provision in Warlingham. This
provision is commensurate with the flexible approach towards new or improved recreational facilities sought by the LPA in the same Tier 1 settlement.

The contents of these representations should be viewed as additional to other Options which may come forward as a consequence of separate negotiations between housebuilders and the Local Planning Authority, whether in regard to land west of site HSG15, or on the former Boys Club off Chelsham Road, Warlingham, owned by Surrey County Council.

The conclusion to the principal issue set out in these representations is that the current proposals advanced on behalf of Chartwell Land and New Homes Ltd as part of Policy HSG18, seen either individually or in combination with other identified options, will result in a more preferable outcome seen in terms of public access to open space and recreational provision in Warlingham, than that which exists at present.

Yours faithfully

T.F. North

T.F. North

Enc.

Cc: Chartwell Land & New Homes Ltd – by e-mail only