



The Planning Inspectorate

Report to Woking Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)
Section 20

Report on the Examination of the Site Allocations Development Plan Document

The Plan was submitted for examination on 31 July 2019

The examination hearings were held between 3 and 11 December 2019

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Abbreviations used in this report

AA	Appropriate Assessment
DtC	Duty to Co-operate
DPD	Development Plan Document
GBR	Green Belt Review
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LHN	Local Housing Need
LSS	Local Strategic Statement
MDS	Major Developed Site
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MoU	Memorandum of Understanding
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADPD	Woking Site Allocations Development Plan Document
SCI	Statement of Community Involvement
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Accessible Natural Greenspace
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site/s of Special Scientific Interest
TAA	Traveller Accommodation Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Woking Site Allocations Development Plan Document (the SADPD) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications (MMs) are made to it. Woking Borough Council has specifically requested that I recommend any MMs necessary to enable the SADPD to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a 12-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the SADPD after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Amendments to ensure that the SADPD is clearly written and unambiguous and avoids unnecessary duplication in the interests of effectiveness;
- Deletion or alteration of allocations where necessary to ensure that the SADPD is justified and effective;
- A number of other changes to ensure that the SADPD is positively prepared, justified, effective, consistent with national policy, and accords with the adopted Core Strategy.

Introduction

1. This report contains my assessment of the Woking Site Allocations Development Plan Document (SADPD) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the SADPD's preparation has complied with the duty to co-operate. It then considers whether the SADPD is compliant with legal requirements and whether it is sound. The National Planning Policy Framework (the Framework)¹ makes it clear that in order to be sound, a development plan document should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The SADPD, submitted in July 2019 is the basis for my examination. It is the same document as was published for consultation in November 2018. The reference numbers of the policies as they appear in the Regulation 19 version of the SADPD are the ones used throughout this Report.
3. A revised version of the Framework (the revised Framework) was published on 20 July 2021 and sets out² that plans may need to be revised to reflect policy changes which it has made. However, the examination of the SADPD has reached an advanced stage. Moreover, the Council would be able to conduct an early review and, if necessary, progress revisions to the SADPD's policies once they have been adopted. It is also of note that a further review of the Core Strategy is due in 2023, which would consider the implications of any changes to national policy at that point. Taking these matters together leads me to the conclusion that the advantages of extending the examination further to consider the implications of the revised Framework more fully at this point would be outweighed by the clear benefits of completing the examination and enabling adoption of the SADPD as soon as possible. In arriving at this conclusion, I am also mindful that the revised Framework would be a material consideration in the determination of any planning applications pursuant to the SADPD's allocations. Consequently, all subsequent references in this Report are to the 2019 edition of the Framework.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in **bold** in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for 12 weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have

¹ At paragraph 35

² At paragraph 218

made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that have been undertaken. Where necessary, I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a development plan document (DPD) for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted DPD. In this case, the submission policies map comprises the set of plans identified as Proposals Map Reg 19 and Proposals Map Insets Reg 19 as set out in WBC/SA/001A and WBC/SA/001B.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the SADPD require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes are needed to ensure that the application of the SADPD would be effective.
8. These further changes to the policies map were published for consultation alongside the MMs³. In this report, I identify any further amendments that may be needed to the policies map following on from the consultation on the MMs.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Proposals Map Reg 19 and Proposals Map Insets Reg 19, amended by the further changes published alongside the MMs, and incorporating any necessary further alterations identified in this report.

Context of the Plan

10. The Woking Core Strategy (adopted October 2012) (the Core Strategy) sets out the strategic policies for the Borough including its housing requirement and the broad distribution of growth, and covers a plan period of 2010 to 2027. Although the Core strategy is more than 5 years old, the Council conducted a review⁴ of the Core Strategy (the Core Strategy Review) in October 2018, which concluded that no updates were required. Accordingly, the Core Strategy continues to provide the strategic policy context for the SADPD. Other parts of the development plan of relevance include the Surrey

³ *Schedule of Proposed Proposal Map Modifications to the Regulation 19 consultation document* (September 2020)

⁴ WBC/SA/E017B

Minerals Plan Core Strategy Development Plan Document (DPD) 2011 (the Minerals Plan); Woking's Development Management Policies DPD (adopted October 2016) (the DM Policies); and the adopted West Byfleet Neighbourhood Development Plan (the Neighbourhood Plan).

11. The Council's Local Development Scheme⁵ (LDS) sets out that the SADPD's role is to identify and allocate sites for development. This involves the identification of sufficient employment and housing land, and infrastructure to cover the plan period to 2027 in accordance with the requirements, vision and spatial strategy set out in the Core Strategy. The identification of safeguarded land to meet development needs beyond the plan period is also part of the SADPD's role. It is clear from the LDS that the SADPD should be in conformity with both the Core Strategy and saved Policy NRM6 Of the South East Regional Strategy⁶.
12. The plan area is located in north-west Surrey around 40km from London. Its urban area comprises the settlement of Woking with other smaller centres, known as the villages, including Byfleet, West Byfleet, Knaphill, Sheerwater, Horsell, Goldsworth Park and St Johns. Smaller settlements (including Brookwood and Mayford) lie just outside of the Borough's main built-up area. Outside of the urban area the Borough is principally covered by Green Belt designation. According to the Core Strategy⁷ some 60% of the Borough is within the Green Belt. The importance of some areas of the Borough in biodiversity terms is recognised by their inclusion within firstly, the Thames Basin Heaths Special Protection Area (SPA) (which includes, for example, Horsell Common); and secondly, the Thursley, Ash , Pirbright and Chobham Special Area of Conservation (SAC) (Sheets Heath). Moreover, the Borough includes six sites of Special Scientific Interest (SSSI). Some 25 Conservation Areas are located in the Borough as well as a large number of other designated heritage assets including Woking Palace - a scheduled monument.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in the Equality Act 2010⁸, and the Public Sector Equality Duty (PSED), in the conduct of this examination. This has included my consideration of several matters during the examination, including the provision of traveller sites to meet identified and culturally appropriate needs; requirements to meet the optional technical standards to provide accessible housing; and the provision of housing to meet the needs of older people. Where necessary, these and other issues relevant to the PSED are covered further below.

⁵ WBC/SA/011

⁶ The Regional Strategy for the South East (Partial Revocation) Order 2013, revokes all policies except for Policy NRM6, and is included as WBC/SA/056

⁷ At paragraph 2.3

⁸ In particular s149(1)

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the SADPD's preparation. Section 33A imposes the Duty to Co-operate (DtC), which requires local planning authorities to engage constructively, actively and on an ongoing basis in the preparation of development plan documents so far as they relate to strategic matters.
15. Whilst the SADPD is subsidiary to the strategic context set out in the Core Strategy, aspects of its allocations have clear cross-boundary implications in terms of their effects on infrastructure, highways, education and health service provision. Consideration of flood risk aspects of the SADPD's allocations, and its provision of Suitable Accessible Natural Greenspace (SANG) also have cross-boundary dimensions. Consequently, as these aspects relate to sustainable development or use of land that would have a significant impact on at least two planning areas, they constitute strategic matters for the purposes of the 2004 Act and are therefore within the scope of the DtC.
16. Correspondence on the Council's Core Strategy Review from some neighbouring Councils expressed concerns on the level of consultation that had been undertaken with them on that piece of work. The PPG is clear⁹ that Councils need to comply with the DtC when carrying out such reviews. I am mindful too of s33A (3)(d) of the 2004 Act, which provides that plan-making bodies are subject to the DtC when undertaking activities that can reasonably be considered to prepare the way for the preparation of development plan documents. Nevertheless, I consider the Council's Core Strategy Review to be an activity preparatory to the preparation of an update to the Core Strategy and not therefore preparatory to the preparation of the SADPD. For this reason, an assessment of the council's engagement with its DtC partners in the Core Strategy Review is outside the scope of this examination. I return to the other aspects of the Core Strategy Review drawn to my attention below in relation to Issue 1.
17. The Council is a member of the Surrey Strategic Planning and Infrastructure Partnership (the Group), a body comprising local planning authorities, the County Council and the Department for Transport, and subject to an agreed memorandum of Understanding (MoU). This Group was formed to deal with infrastructure issues of a strategic nature including transport matters and education provision.
18. A Local Strategic Statement (LSS) has been produced by the Group, a non-statutory document, which outlines the County's objectives and priorities, and which are reflected in development plans and major projects. Amongst other things, the LSS includes objectives to meet housing needs, support economic prosperity and support environmental sustainability. The MoU sets out areas where joint pieces of work should be commissioned – including identifying housing market areas and consideration of their housing needs; economic and employment needs and opportunities; strategic infrastructure priorities; and work on the County's SPAs. Ongoing work on the objectives and work areas

⁹ *Plan making Paragraph: 075* Reference ID: 61-075-20190723 Revision date: 23 07 2019

set out in the LSS and MoU is coordinated by the Surrey Planning Officers' Association, of which Woking Borough Council is a member. The Council is also part of the Enterprise M3 Local Economic Partnership, and works with that body to facilitate economic growth across the parts of Surrey and Hampshire on which it is focused.

19. In its response to these strategic matters, the Council has worked with Waverley and Guildford Councils to address cross-boundary strategic planning issues across the three boroughs which, taken together, have been identified as the West Surrey Housing Market Area. A MoU¹⁰ between the authorities underpins their collaborative working on strategic issues across the HMA – the fruits of which include the West Surrey Strategic Housing Market Assessment¹¹ (the SHMA) covering the period 2013 to 2033. A Statement of Common Ground¹² between the three authorities acknowledges the “shared responsibility to meet the full objectively assessed need for housing within the West Surrey HMA, as far as is consistent with” the Framework. Although I will cover the implications of the SHMA in further detail below, I consider that the above-mentioned bodies, documents, and related activity provide compelling evidence of constructive, active and ongoing engagement with other Surrey Councils in the preparation of the SADPD.
20. Furthermore, a comprehensive Statement of Common Ground between the Council and Runnymede Borough Council highlights work on cross-boundary matters including, amongst other things, flood risk issues, transport, and meeting the needs of Gypsies and Travellers. Joint work on these initiatives is subject to officer-level meetings occurring on at least a 6-monthly basis, with provision for the involvement of elected members should that prove necessary.
21. I am content that correspondence from the Environment Agency, Natural England and Historic England, amongst others, indicates that those bodies have been actively and constructively engaged in the plan-making process.
22. For these reasons, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the SADPD and that the DtC has therefore been met.

Assessment of Other Aspects of Legal Compliance

23. The Plan has been prepared in accordance with the Council's Local Development Scheme.
24. Consultation on the Plan was carried out in compliance with the Council's Statement of Community Involvement (SCI). Consultation on the Schedule of MMs and related documents took place during the Autumn and Winter of 2020 when social distancing measures pursuant to the COVID-19 pandemic were in

¹⁰ Dated March 2014, and included as Appendix 3b of WBC/SA/009 Duty to Co-operate Statement (July 2019)

¹¹ WBC/SA/E022 West Surrey Strategic Housing Market Assessment: Guildford, Waverley and Woking Borough Councils- Final report (September 2015)

¹² Dated October 2016 and included as Appendix 3a to WBC/SA/009 Duty to Cooperate Statement

place, and public buildings were on the whole not open to access. However, amendments made to the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) temporarily lift the requirement for Councils to provide hard copies of documents – although documents still need to be made available on websites. Moreover, national policy expressed in the Written Ministerial Statement (WMS)¹³ of May 2020 makes clear the Government's position that during the exceptional circumstances caused by the pandemic, online inspection of documents should be the default position across all planning regimes. Nevertheless, the WMS requires Councils to take reasonable steps to ensure that those with limited or no internet access would be involved in the planning process.

25. Amongst other measures taken by the Council in respect of the consultation on the MMs, of note in these regards is its commitment to send out copies of the consultation material on CD, USB stick, or paper; the production of publicity material via press releases, posters, banners, local notice boards, the Council's website and social media, alongside other communications; targeted action to maximise engagement in the process through the involvement of representative groups; and telephone conferences and Zoom meetings with various stakeholder groups, residents and agents.
26. Although the period for consultation on MMs is not statutorily defined, the Inspectorate's Procedure Guide for Local Plan Examinations¹⁴ (the Procedure Guide) indicates¹⁵ that the "duration of the consultation should reflect that of the consultation held at Regulation 19 stage, where appropriate. This means it should last at least six weeks." Given the social distancing restrictions in place at the time, the consultation period on the MMs lasted for 12 weeks¹⁶, double the amount of time which the Procedure Guide advocates.
27. Taking these matters together with the volume of representations received on the MM material, I consider that consultation on the MMs was carried out on a fair and open basis in line with the relevant Regulations, policy and guidance.
28. The Council carried out a sustainability appraisal (SA) of the SADPD, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under Regulation 19. The SA was updated to assess the MMs and found no significant effects would occur as a result of these in terms of the SADPD's ability to meet sustainability objectives¹⁷. The cumulative effects of the SADPD's allocations were fully considered as part of the process¹⁸. I am therefore satisfied that the SA work

¹³ *Virtual working and planning -Responding to Covid-19 Restrictions* Published on 13 May 2020

¹⁴ 7th Edition March 2021

¹⁵ at paragraph 6.8, bullet 4

¹⁶ An initial 8 week consultation period was extended by a further 4 weeks

¹⁷ *Woking Site Allocations Development Plan Document (DPD) Sustainability Appraisal for the Schedule of Proposed Main Modifications* (August 2020)

¹⁸ Particularly at Table 9 of the *Sustainability Appraisal Report (incorporating Strategic Environmental Assessment) to accompany the Regulation 19 Version of the Site Allocations Development Plan Document* (October 2018) WBC/SA/005

carried out on the SADPD and the MMs is adequate and accords with the relevant legislative requirements.

29. I acknowledge that the SA¹⁹ found that the cumulative effects of the SADPD's proposals could have a negative effect in terms of climate change. Several parties have also referred to the target for the reduction of greenhouse gas emissions set out in the Climate Change Act 2008 (as amended). In these respects too, I am mindful of the 2004 Act, which sets out²⁰ that a development plan, taken as a whole, must include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
30. Against this background, the Core Strategy includes Policies CS22 and CS23 which taken together and amongst other things, seek to promote sustainable construction methods and renewable and low carbon energy generation. Requirements for connection to low carbon energy networks, and the use of sustainable construction techniques are also included as key requirements, where relevant, in respect of a number of site allocations in the SADPD. Furthermore, the development plan's spatial strategy²¹ seeks to focus most new development in the main centres, and through the use of previously developed land, considerations which are relevant to resource efficiency and sustainable transport considerations.
31. The production of the SADPD is underpinned by Strategic Flood Risk Assessment²², and supported by a sequential test²³, which found that the majority of allocated sites are entirely located within Flood Zone 1. Elements of a limited number of allocated sites are located in Flood Zones 2 and 3. However, where this is the case, specific criteria are included in related SADPD policies (as required by the MMs referred to in relation to Issue 5 below) requiring a sequential approach to site layout, and flood risk assessment taking into account the Environment Agency's latest guidance on climate change. I return to aspects relating to flooding and water management, in relation to the main issues below. Where allocations involve the release of sites from the Green Belt, the preference for the use of previously developed land and consideration of the adjacency of sites to facilities and public transport networks are factors that have been taken into account in assessing their suitability for development. Consequently, in these terms, it is clear that the Development Plan, taken as a whole, meets with the statutory requirement set out in the 2004 Act, insofar as its policies relating to climate change are concerned.
32. The Habitats Regulations Assessment Report²⁴ (the HRA) sets out that the SADPD may have some negative impacts which require mitigation but that this mitigation has been secured through the plan. A further Habitats Regulation

¹⁹ WBC/SA/005 at Table 9

²⁰ At s19(1A)

²¹ Set out in Policy CS1 of the Core Strategy

²² Dated November 2015 WBC/SA/E035

²³ *Sequential Testing of Sites in Site Allocations DPD* (November 2018) WBC/SA/E039

²⁴ *Woking Borough Council Site Allocations DPD – Habitats Regulations Assessment* (June 2018) WBC/SA/006

Assessment²⁵ Report accompanied the Schedule of MMs, and considers the effects of these. This found that whilst the changes to housing yields arising from some modifications (as a result of updated planning permissions, deletion of individual sites, or amendment of the indicative capacities of sites) could have effects on the integrity of European sites, the existing mitigation framework and evidence base allowed for a conclusion that no adverse effects would arise. It follows that the SADPD complies with the Habitats Regulations.

33. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area²⁶, as set out in the Core Strategy.
34. The Plan complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations. My reasoning in respect of Regulation 8 (4) and (5), which requires that the policies in a local plan must be consistent with the development plan, is set out below as part the assessment of soundness.

Assessment of Soundness

Main Issues

35. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 6 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the SADPD.

Issue 1 – Whether the SADPD is justified and effective in meeting the requirements set out in the Core Strategy in relation to housing provision and whether at adoption the SADPD will ensure a supply of land capable of delivering five years' worth of housing against the adopted housing requirement?

36. The Framework makes clear²⁷ that its tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area. The policies of the Core Strategy are clearly those necessary to address the strategic priorities of the area in terms of housing, employment, retail and other forms of development; infrastructure; community facilities; and conservation and enhancement of the natural and historic environment. Moreover, they cover a plan period, from adoption of 15 years. For these reasons, they are clearly strategic policies for the purposes of the Framework²⁸. I will consider the SADPD's conformity with the Core Strategy on this basis. Moreover, s19(2) of the 2004 Act requires Regional Strategies

²⁵ *Habitats Regulations Assessment Woking Site Allocations Development Plan Document: Main Modifications* (7 August 2020)

²⁶ Per s19,(1B) and (1C)

to be taken into account in the preparation of development plan documents. This is relevant in this instance as saved Policy NRM6: Thames Basin Heaths Special Protection Areas of the South East Regional Plan provides a strategic policy related to that matter.

Housing Requirement

37. The 2009 SHMA, which informed the production of the Core Strategy found an objectively assessed need (OAN) for the Borough of 594 dwellings per annum. However, the examining Inspector found that, in particular, environmental constraints and the proportion of the Borough covered by the Green Belt justified the lower housing requirement established by Policy CS10 of the Core Strategy, of 4,964 dwellings, which equates to an average of 292 houses per annum. In the Background section above, I have outlined the scope of the plan, which seeks to identify sites and make allocations to meet the needs identified in the Core Strategy.
38. As set out above, the Core Strategy has been reviewed in line with the relevant legal requirements and the Framework, and no update to the requirement has been found to be necessary. On this basis, the requirement set out in the Core Strategy is the relevant background to a consideration of housing supply matters, rather than the Local Housing Need (LHN) for the area – a point made clear in the Framework²⁹. Moreover, the established legal position³⁰ is that a site allocation plan, such as the one subject to this examination, does not need to reconsider the housing requirements on which it is based.
39. I am mindful that the housing requirements contained in the latest published Housing Delivery Tests (HDT) are in excess of the Core Strategy requirement, based as they are on the standard method for calculating LHN as set out in the Framework and related PPG. Some have suggested that this indicates that the Ministry of Housing Communities and Local Government (MHCLG) considers the Core Strategy Review to be defective - and have also cited other aspects of the Core Strategy which they consider to be at odds with national policy. Nevertheless, the effectiveness of the Core Strategy Review is outside of the scope of my assessment of the soundness of the SADPD insofar as it seeks to deliver the strategic policies set out in the adopted plan.
40. The latest iteration of the West Surrey SHMA identifies³¹ an OAN for Woking of 517 dwellings per annum between 2013 and 2033. The West Surrey authorities are jointly committed to meeting needs identified in the SHMA within the housing market area³². I am cognisant that the recently adopted Waverley and Guildford Local Plans include housing requirement figures which respond to Woking's unmet need, points explicitly addressed in the Inspectors'

²⁹ At footnote 37

³⁰ *Oxted Residential Ltd v Tandridge DC* [2016] EWCA Civ 414; *Gladman Development Ltd v Wokingham BC* [2014] EWHC 2320 (Admin).

³¹ WBC/SA/E022 at paragraph 10.37

³² According to the Statement of Common Ground included as Appendix 3a to WBC/SA/009 *Duty to Cooperate Statement*

Reports³³ on those plans. In any event, as that SHMA covers a timeframe that extends well beyond the plan period for the Core Strategy and the SADPD, the commitment to meeting the needs it identifies within the West Surrey area is also relevant to future reviews and updates of the strategic policies relevant to Woking.

41. Following the closure of the hearings, the Office of National Statistics published its 2018-Based Household Projections and the High Court issued its judgement on *Aireborough Neighbourhood Development Forum v Leeds City Council* (2020) EWHC 1461. The Council produced a topic paper on these considerations, which was consulted on alongside the MM Schedule and related documents.
42. The *Aireborough* judgement relates to a site allocations plan, which sought to allocate housing sites in the Green Belt. In this respect, the circumstances of the SADPD are similar to that of the plan subject to the judgement. However, the examination of the plan subject to the *Aireborough* judgement was carried out on the basis of the transitional arrangements set out in the Framework³⁴. In short, this means that the 2012 version of the Framework, and related PPG, were the national policy and guidance relevant to the assessment of housing needs in the *Aireborough* case. The 2012 national policy and guidance required local planning authorities to meet the full objectively assessed needs for market and affordable housing in the area, based on, wherever possible, the latest available household projection information. Moreover, the local planning authority in the *Aireborough* case had commenced a review of its Core Strategy, which led it to the conclusion that there would be a housing need some 25% lower than previously anticipated.
43. These latter two aspects of the *Aireborough* case demonstrate clear material differences to the current examination. Firstly, the SADPD is being examined in the context of the 2019 Framework, and related PPG. The Framework³⁵ sets out that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. Furthermore, in setting out the standard method, the PPG is clear that the 2014-based household projections are to be used as the baseline for the standard method³⁶, rather than any subsequent updates "to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government's objective of significantly boosting the supply of homes."
44. Secondly, unlike the *Aireborough* case, the Woking Core Strategy has been reviewed by the Council and found not to need updating based on an analysis of needs relevant at the time of its preparation and more recent evidence on needs (including the output of the standard method). Moreover, the Core

³³ Particularly paragraphs 24,38,42 and 79 of Report on the Examination of the Guildford Local Plan: strategy and sites; and particularly paragraph 31 of the *Report on the Examination of the Waverley Borough Local Plan Part 1*

³⁴ At paragraph 214

³⁵ At paragraph 60

³⁶ *Housing and Economic Needs Assessment* at Paragraph: 004 Reference ID: 2a-004-20201216 Revision date: 16 12 2020

and Paragraph: 005 Reference ID: 2a-005-20190220 Revision date: 20 02 2019

Strategy requirement is substantially lower than all of the assessments of need carried out in respect of the Borough. Accordingly, in these terms the development plan approach is justified and consistent with national policy, and the *Aireborough* judgement does not indicate that a different approach would need to be taken to ensure the soundness of the SADPD.

45. In terms of the COVID-19 pandemic it is too early to say with any level of certainty that flexible working arrangements that have taken place during the recent past, such as working from home, would be an enduring feature of the economy; and longer-term demographic trends³⁷ in the South East, and West Surrey show sustained population and household growth. Moreover, the pandemic, whilst an unprecedented event, has clearly had an effect on the country as a whole. Against this background, it is relevant that the national standard method for calculating housing needs set out in the PPG was updated in December 2020, which retains the 2014-based household projections as a basis for calculations, and does not suggest any adjustments to the method as a result of the pandemic. The effects of the pandemic do not therefore indicate that the SADPD is unsound in seeking to meet the housing requirement set out in the adopted Core Strategy.
46. The above matters, taken together, lead me to the view that in seeking to meet the housing requirement set out in the Core Strategy the SADPD is justified, positively prepared, and consistent with national policy.

Housing Supply

47. For the reasons set out in relation to Issues 3 and 4, modifications to the SADPD, necessary to achieve its effectiveness, positive preparation and to ensure that its requirements are justified mean that its allocated sites could deliver over 3,000 additional dwellings against a residual requirement of 2,296 dwellings over the remaining plan period.
48. Sites allocated in the SADPD are based, in part, on the latest update to the Strategic Housing Land Availability Assessment³⁸ (the SHLAA), which was published in October 2018. However, the SADPD does not contain all sites that the SHLAA found to be deliverable or developable due to either progress with development on those sites, or the SHLAA sites falling beneath the 10 unit threshold, which the SADPD sets for its allocations. Moreover, the last 5 years of the SHLAA's timeframe extend beyond the current plan period. Although the SHLAA does not assess the deliverability of sites of fewer than five dwellings, a reasonable estimate of the potential delivery arising as a result of development on these is included in its figures. Overall, and taken together with completions in the 2010/11 to 2016/17 period and the allocated Green Belt sites, the SHLAA finds³⁹ capacity for 7,207 dwellings in the period 2010/11 to 2032/33, a surplus of some 783 dwellings against the annual average requirement of 292. Over the plan period, the SHLAA identifies

³⁷Such as those included in the *West Surrey Strategic Housing Market Assessment* WBC/SA/E022

³⁸ WBC/SA/E020

³⁹ In Table 1

capacity for some 582 homes in excess of the Core Strategy requirement of 4,964 dwellings.

49. I return in more detail to aspects of the SHLAA below in respect of Issue 3, but overall I consider that it gives a clear understanding of the land available in the area, and thus accords with the Framework⁴⁰ in this respect. It is also relevant that, in examining the Core Strategy, the Inspector found that the SHLAA, of which the latest iteration is an update, "adopts a comprehensive methodology to assessing potential housing sites within the Borough" and "represents an adequate, proportionate and robust evidence source"⁴¹.
50. Some consider that the capacity of the urban area to accommodate housing should have been considered in a methodology similar to the overall approach in the Green Belt Review⁴² (the GBR), and not constrained to sites identified through the call for sites. However, it has not been demonstrated that such an alternative approach would yield materially different results, given the requirement for sites to be available in order for them to be identified in the development pipeline – something which is evidenced, in part, by the land being put forward in response to a call for sites.
51. Since the completion of the SHLAA, Woking Town Centre has become the subject of a successful bid⁴³ for the Housing Infrastructure Fund Forward Funding (HIF), which will deliver infrastructure improvements to enable the development of homes "that otherwise would not have been built"⁴⁴. In short, the HIF programme will enable changes and improvements to transport infrastructure in Woking Town Centre through remodelling the Victoria Arch Railway Bridge and reconfiguration of the A320. The programme aims both to release sites for residential development and to increase development capacities over and above those anticipated in the SADPD on allocated sites. The HIF programme aspires to deliver an additional 4,555 homes within the Town Centre by 2030. Moreover, to comply with HIF requirements, the infrastructure improvements that it would facilitate need to be completed at the latest by March 2024. Indeed, the relevant works are anticipated to have been completed by August 2023⁴⁵, well in advance of that deadline. It is clear then that due to the contractual necessity to complete the works by 2024 the HIF programme has a strong potential to boost delivery of housing in the latter years of the plan period.
52. Moreover, a considerable proportion of the residential sites included in the SADPD benefit from some form of planning permission, and the Framework Glossary sets out that sites with full planning permission should be considered deliverable until permission expires. The Framework also makes clear that sites without full planning permission, such as allocations and sites with outline permission, should only be considered deliverable where there is clear evidence that housing completions will begin onsite within five years. In terms

⁴⁰ At paragraph 67

⁴¹ WBC/SA/E017A at paragraph 85

⁴² *Woking Green Belt Review* WBC/SA/E018

⁴³ WBC/SA/042A *Housing Infrastructure Fund – Funding Allocation Information – Annex 1 MHCLG Letter of 11 June 2019*

⁴⁴ WBC/SA/042A – *HIF Woking Town Centre v2 05 07 2079 at page 292*

⁴⁵ *Ibid* page 294

of the relevant allocations within the Town Centre without planning permission, the HIF programme amounts to clear relevant information about large-scale infrastructure funding, which weighs in favour of their deliverability⁴⁶.

53. In terms of Green Belt allocations not benefiting from planning permission, the promotion of these through the development plan process, including this examination, and the relevant information submitted as part of this, such as to address known potential constraints⁴⁷, again add weight to their developability over the plan period. Where relevant, I consider these matters further, in respect of Issues 2 and 3 below.
54. I note that the 2020 HDT results indicate that the Council would need to identify a 20% buffer to demonstrate a five-year supply of deliverable housing sites. However, as outlined above, neither the 2019 nor the 2020 HDTs use the housing requirement set out in the Core Strategy as a basis for their assessments⁴⁸. Against this background, I gather that the Council is in discussion with MHCLG about the figures used as the requirements in the HDT. Moreover, I am mindful of MHCLG's Housing Delivery Test Rule Book⁴⁹ which states⁵⁰ that the number of homes required figure used in the test should be the lower of either the latest adopted housing requirement figure, where this has been reviewed and does not need updating, or the minimum annual local housing need figure.
55. In any event, the SADPD identifies sufficient land with the capacity to deliver over 3,000 net additional dwellings over the residual plan period. Moreover, when taken together, the indicative capacities of sites with extant planning permission⁵¹ and the allocated Town Centre sites which would benefit from delivery of HIF programmed infrastructure, could yield some 1745 dwellings. This would equate to around 6 years' worth of deliverable supply based on the adopted housing requirement - and this would be roughly equivalent to the 20% buffer required by the HDT.
56. Taking these matters together with the pipeline⁵² of sites which are not allocated by the SADPD, but nevertheless have extant planning permissions (c.1,166 dwellings), and the potential for the HIF programme further to increase supply in the Town Centre on both allocated and unallocated sites towards the end of the plan period, I consider that there is therefore no

⁴⁶ Per PPG *Housing Supply and Delivery* Paragraph: 007 Reference ID: 68-007-20190722
Revision date: 22 July 2019

⁴⁷ Including for example, the material submitted by West Hall Estate in respect of minerals matters, included as an appendix to their Hearing Statement

⁴⁸ For example, the 2020 HDT uses 300, 431 and 394 as the requirement figures for 2017-18, 2018-19 and 2019-20

⁴⁹ Which the PPG on *Housing Supply and Delivery* Paragraph: 036 Reference ID: 68-036-20190722 Revision date: 22 July 2019 indicates should be read in conjunction with the PPG's guidance on the HDT

⁵⁰ At paragraph 12

⁵¹ Including permitted C2 uses at GB11(GB10 site) and the latest parameters of permitted C2 supply at the UA42(UA40) site

⁵² As set out in WBC/SA/035

necessity at this juncture for the SADPD to identify any further sites for residential development.

57. As the policies set out in the SADPD only relate to the latter part of the plan period, they do not cover a 15-year time horizon. Moreover, the strategic policies relevant to the Borough are contained in the Core Strategy. For these reasons, it is unnecessary for the SADPD to include a trajectory showing the anticipated rate of delivery over the plan period. Nevertheless, due to the scope of the SADPD and relatively short time left in the plan period, it is appropriate to include the anticipated rate of development of the allocated sites – consequently **MM6, MM10, MM14, MM18, MM22, MM26, MM34, MM38, MM46, MM54, MM58, MM62, MM78, MM82, MM86, MM90, MM98, MM103, MM108, MM122, MM127, MM132, MM137, MM142, MM147, MM161, MM166, MM171, MM181, MM186, MM191, MM196, MM203, MM207, MM226, MM238, MM244** are necessary to ensure compliance with national policy in these regards⁵³. To ensure internal consistency and the effectiveness of the SADPD's policies in these regards, similar tables are also required for sites which involve the delivery of non-residential development **MM30, MM42, MM50, MM66, MM70, MM74, MM113, MM117, MM152, MM176, MM211, MM221**.
58. Consequently, on the basis of the above considerations, and taken together with my conclusions on Matters 3 and 4 below, I consider that in quantitative terms, the SADPD would meet the housing requirements set out in the Core Strategy and would be positively prepared in this regard. I return to questions of the qualitative aspects of the SADPD's housing provision, including its overall mix, in respect of Issue 3 below.

Affordable Housing

59. The SADPD sets out site-specific affordable housing targets for each allocation. However, in some cases the proportions of affordable housing required on a site are not consistent with those set out in Policy CS12 of the Core Strategy, without any site-specific justification setting out the reasons for this. Moreover, the disparity between the requirements of the Core Strategy and the SADPD in these terms results in unclear and ambiguous policies. As such, it would not be evident how a decision-maker should react to development proposals coming forward on the relevant sites. Consequently, MMs (**MM7, MM11, MM15, MM19, MM23, MM27, MM35, MM39, MM47, MM55, MM59, MM63, MM79, MM83, MM87, MM91, MM99, MM109, MM123, MM128, MM133, MM138, MM143, MM148, MM162, MM167, MM172, MM187, MM192, MM197, MM204, MM227, MM239, MM245**) are required to ensure that the SADPD's policies are justified and would provide an effective basis for the determination of related applications. Subject to these MMs the SADPD would be consistent with the Core Strategy in this regard and its legal compliance would be ensured as a result.
60. National policy on affordable housing has evolved since the adoption of the Core Strategy. Of particular relevance is the definition of affordable housing contained in the Glossary of the Framework, which includes a wider range of

⁵³ specifically, paragraph 73 of the Framework

products than previously encompassed. Consequently, to ensure consistency with national policy, **MM2** is necessary which will ensure the up-to-date planning definition of 'affordable housing' is explicitly referred to.

61. The AMR shows the delivery of affordable housing has not progressed in line with the aspirations of the Core Strategy - and I am mindful of material submitted in hearing statements and other consultation responses showing that a number of completed and permitted sites have not yielded affordable housing in line with the percentage requirements of Policy CS12. Some consider that this is as a direct result of viability issues associated with high-density schemes. However, it is clear that several factors have affected the pace of delivery, including the number of dwellings delivered as a result of changes of use pursuant to the General Permitted Development Order, which are not required to make affordable housing contributions; and the effect of the national policy contained in the WMS of November 2014⁵⁴ and latterly the Framework⁵⁵, which took effect after the adoption of the Core Strategy, and taken together ensure that sites of fewer than 10 dwellings would not be liable to provide affordable homes.
62. Policy CS12 sets out a requirement of 1737 affordable dwellings over the plan period equating to 35% of the overall housing requirement. The majority of allocations in the SADPD would be on urban sites and subject to an affordable housing requirement of 30% to 40% of their overall yield (or 50% if the land subject to the allocation is in public ownership). Furthermore, evidence was submitted by the Council regarding the recently completed Victoria Square development in the Town Centre, indicating that around 400 dwellings within it would be eligible for the "earn your own deposit scheme" a rent-to-buy model of housing which would accord with the Framework definition of affordable housing⁵⁶. Moreover, the HIF Programme would see some 1920⁵⁷ affordable dwellings delivered as part of its overall supply, albeit that delivery of a considerable proportion of these may fall outside of the plan period. I am mindful also that the Core Strategy anticipates release of Green Belt for housing delivery at the end of the plan period – and Policy CS12 requires 50% of the housing yield of such sites to be affordable. These considerations indicate that the Council is taking significant steps to improve the supply of affordable housing through the Core Strategy, SADPD and other measures. Accordingly, this more positive emerging position on the supply of affordable homes toward the end of the plan period means that there is no justification to release additional sites, over and above those included in the SADPD, to enable further development of dwellings of this type.
63. Whilst I return to other detailed aspects of affordable housing, where relevant, in relation to Issues 3 and 4 below, taking the above matters together, I consider that the SADPD is consistent with the Core Strategy in these regards; and with the MMs recommended it would provide justified and effective

⁵⁴ *Support for small scale developers, custom and self-builders*

⁵⁵ Per paragraph 63

⁵⁶ In particular the Glossary definition of "other affordable routes to home ownership"

⁵⁷ Per figures set out in the *Housing Infrastructure Fund – Bid submitted to Government* WBC/SA/042 at page 26

affordable housing policies, which would be consistent with national policy.

Viability

64. Some suggest that the delivery of affordable housing thus far over the plan period is indicative that the viability assessments which underpin the Core Strategy are inaccurate. However, this is far from the only factor bearing on the relatively slow pace of delivery, as set out above. Furthermore, the expanded definition of affordable housing now included in the Framework glossary, includes housing types which may be more economically viable in differing development scenarios.
65. Moreover, the Framework sets out⁵⁸ that “plans should be prepared positively, in a way that is aspirational but deliverable”, and that planning policies should identify a sufficient supply and mix of sites, taking into account their likely economic viability⁵⁹. In terms of the development plan, the Core Strategy is underpinned by the *Local Development Framework: Economic Viability Assessment* (July 2010)⁶⁰; and further viability evidence was produced to support the introduction of the Community Infrastructure Levy (CIL)⁶¹.
66. As the SADPD is a subsidiary plan to the Core Strategy and does not promote differing levels of policy requirements to that higher level plan, I am satisfied that these studies provide a reasonable basis for assessment of viability of the sites allocated in the SADPD. Indeed the Framework makes clear that it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage⁶²; and that the weight to be given to that evidence includes an assessment of whether the viability evidence underpinning the development plan is up to date. Moreover, it is up to an applicant undertaking such viability studies to provide evidence of what has changed since the date of the assessments which underpinned the plan⁶³.
67. A further plan-wide viability assessment is not therefore required at this stage, as this is a matter more relevant to any future update to the Core Strategy. Nevertheless, **MM276** is necessary to ensure effectiveness in these terms, which would make appropriate reference to the relevant development plan policies and supplementary guidance that would be taken into account in an assessment of viability at the application stage.

Housing Site Capacities

68. Policy CS10 of the Core Strategy sets out indicative density ranges for housing sites based on their location in the Borough for example, the Town Centre, the urban area, or Green Belt sites. The SADPD indicates that the estimated development yields associated with allocations have also been informed by the

⁵⁸ At paragraph 16 (b)

⁵⁹ At paragraph 67

⁶⁰ WBC/SA/E046

⁶¹ *Community Infrastructure Levy Final Report* (January 2013) (WBC/SA/E036D); and *Woking Borough Council Community Infrastructure Levy Viability Assessment- Follow-up* (March 2014) (WBC/SA/E036G)

⁶² At paragraph 57

⁶³ *Viability Planning Practice Guidance- paragraph 008 Reference ID: 10-008-20190509*

Strategic Housing Land Availability Assessment⁶⁴ (SHLAA) and the Green Belt Review⁶⁵ (GBR). Furthermore, site-specific evidence such as planning permissions relevant to all or parts of the allocations have informed, where relevant, their capacities, which have in some cases been included as part of recommended MMs. Importantly, the SADPD is clear that the estimated capacities of sites are indicative, and only serve as a guide to inform development proposals – with the development achievable on a site ultimately determined at the planning application stage.

69. Although I am mindful of views regarding the viability and delivery implications of some of the capacities, that they are an indicative estimate rather than a binding requirement is made abundantly clear in the SADPD's introductory text. It is also clear that the development management process provides the appropriate mechanism to test site capacity assumptions at a much finer-grained level of detail, taking into account more fully realised design work for individual sites. Although I return to site-specific aspects of these indicative capacities, where relevant, below, I am of the view that the SADPD's approach to this matter is clearly justified and effective, and therefore soundly based.

Housing Mix

70. Policy CS13 of the Core Strategy gives support for the development of specialist accommodation for older people and vulnerable groups in suitable locations. GB11(Broad Oaks) and UA25(Sheerwater) are allocations that seek to meet sheltered housing and care home bed space needs - and I note that other permissions and completions have come forward on sites not allocated by the development plan pursuant to Policy CS13. In its response to the MM consultation, the Council also highlighted that latest permissions relating to site UA42, which would provide more housing for older people than originally anticipated. In these ways, the SADPD would accord with Policy CS13 insofar as the Council to allocate specific sites through the SADPD to assist in bringing suitable sites forward to meet older persons' housing needs.
71. The SHMA⁶⁶ sets out the need for specialist older persons' housing and care facility bed spaces from 2013 to 2033 - so runs some 6 years beyond the plan period. Consequently, some of this need would have to be addressed in any updates to strategic policies. Nevertheless, the SADPD, and Core Strategy more generally, have gone a considerable way towards meeting these needs⁶⁷ with completions of care home bed spaces since 2012/13 equating to 135, combined with a supply of sites with planning permission of 186 spaces (as at 2018/19) against a need identified in the SHMA of 393 to 2033; and completions of 100 units of specialist older persons' accommodation, taken together with a supply of sites with planning permission of 205 (as at 2018/19) (against a need for 918⁶⁸ such dwellings in the period to 2033). I am also mindful that the supply figure in these latter respects may well

⁶⁴ WBC/SA/E020

⁶⁵ WBC/SA/E018

⁶⁶ WBC/SA/E022 at paragraph 9.47

⁶⁷ As set out in Tables 3 and 4 of *Additional information in response to Inspector's questions of 21.11.2019* (WBC/SA/035)

⁶⁸ Per paragraph 9.36 of the SHMA WBC/SA/E022

increase as a result of recent amendments to planning permissions relating to the UA42 site. In these terms, it is also relevant that the plan (as modified – for the reasons given in relation to Issue 5, below) would include criteria requiring the optional technical standards for accessible and adaptable dwellings in accordance with Policy CS22 of the Core Strategy and national policy⁶⁹.

72. The Core Strategy states that “The Council will also prepare a Site Allocations DPD that will specify the mix of dwellings that will be expected to be provided on *specific* sites.”⁷⁰ However, this does not amount to a requirement to specify a mix on *all* sites. In most cases the SADPD’s allocation policies are silent on the mix of types of dwellings that would be required on a site. However, where appropriate and subject to the MMs set out in this Report, the SADPD indicates a suggested mix of dwellings on residential sites (e.g GB10, GB11, UA25, and UA31) in relation to the provision of Traveller accommodation, homes to meet the needs of older people, and the mix of sizes of dwellings. At the development management stage, the relevant Core Strategy policies relating to housing mix (including Policies CS11 and CS13) would be relevant considerations. Taken together these considerations indicate that, subject to MMs, the SADPD is both soundly based and legally compliant in these terms, and therefore amendments to introduce more specific mixes on housing sites, or modifications which would allocate more sites specifically to meet the needs of older people, are not justified. I return to other relevant aspects of housing mix in relation to Issue 3 below.

Accommodation for Gypsies, Travellers and Travelling Showpeople

73. Policy CS14 of the Core Strategy sets out that sites to meet the needs of additional pitches or plots for Gypsies, Travellers and Travelling Showpeople between 2017 and 2027 would be identified in the SADPD. The extent of these needs are considered in a Traveller Accommodation Assessment⁷¹ (TAA), which finds a residual need for 19 pitches to meet the needs of Gypsies and Travellers in the relevant period – with a need for a further 11 pitches between 2027 and 2040. The assessment found no unmet need for Travelling Showpeople’s accommodation.
74. The TAA pre-dates the latest version of the Government’s Planning Policy for Traveller Sites (PPTS), which introduces a new definition, for planning purposes, of the term “gypsies and travellers”. In short, those who have ceased to travel permanently are excluded from the PPTS definition. I am mindful that the PPTS only requires⁷² local planning authorities to set pitch targets for those Gypsies and Travellers which meet its definition.
75. Nevertheless, there is a strong likelihood that Gypsies and Travellers who do not fall within the PPTS definition would require sites where they could station caravans, including where such households form part of extended family groups on sites. Accordingly, these needs would, in any event, have to be

⁶⁹ As expressed in the *Planning Update March 2015* Written Ministerial Statement.

⁷⁰ At paragraph 5.75

⁷¹ WBC/SA/024 (December 2013)

⁷² In paragraph 9

assessed in accordance with s8 of the Housing Act 1985 (as amended), which places a duty on local housing authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed. However, up-to-date national guidance on how such assessments should be carried out is yet to be finalised. Moreover, the Framework is clear that "the needs of groups with specific housing requirements" should be addressed in planning policies. As the TAA does not explicitly focus on Travellers meeting the PPTS definition, it is likely to take into account these wider needs, and it is inherently reasonable for it to do so. That the production of the TAA was supported by a reasonably high response rate of 78% of the Borough's Traveller population is a matter that adds further evidential weight to its overall findings in these regards.

76. Nevertheless, the TAA⁷³ is clear, in respect of household projections for years 11 to 15 of the plan period (which is relevant to the SADPD), that "it is difficult to predict with certainty from the survey data what the potential need for this period will be". However, the SADPD as submitted would make provision for 27 pitches against an identified need for 19 over the plan period. Whilst the figure could address needs arising in the next plan period (a point made clear in the SADPD) the headroom that it offers could equally accommodate any needs arising as a result of any temporary permissions that were not captured in the TAA, and gives some flexibility to meet any additional household growth that could arise by the end of the plan period, given the acknowledged uncertainty of the projections. Whilst I return to site-specific implications and other matters related to the allocated sites in respect of Issues 3 and 5 below, I consider that the SADPD makes reasonable provision against identified needs for the remaining portion of the plan period. Accordingly, I consider the SADPD to be positively prepared in this respect.
77. In arriving at this view, I am conscious that a site for 2 pitches received temporary permission⁷⁴ during the course of the examination; and I also note that the appeal Inspector cited the personal circumstances of the site's occupants in finding that other sites in the wider area would be unsuitable to meet their current needs. Nevertheless, the temporary permission on that site would likely run until close to the end of the plan period, and a further review of the Core Strategy is due in advance of that in 2023. Consequently any needs arising as a result of that temporary permission ceasing, which could not be accommodated in allocated sites, would fall to be considered as part of any updates to the development plan or in response to a further planning application. For these reasons, I consider there to be no justification for modifications to be made at this stage in order to include additional Traveller sites over and above those identified in the Regulation 19 version of the SADPD.

Conclusion

78. For the reasons set out above, and subject to the MMs mentioned above and throughout this Report, I conclude on this main issue that the SADPD is justified and effective in meeting the requirements set out in the Core

⁷³ At paragraph 8.3

⁷⁴ On 29 January 2020, as a result of the appeal referenced: APP/A3655//W/19/3227697

Strategy in relation to housing provision. The above considerations also lead me to the conclusion that, at adoption, the SADPD will ensure a supply of land capable of delivering five years' worth of housing against the adopted housing requirement.

Issue 2 - Whether the SADPD's approach to employment, infrastructure and European protected sites is robustly based and consistent with the Core Strategy and national policy

Employment

79. The Employment Land Review⁷⁵ (ELR) identified a residual requirement of approximately 28,000 SqM of office space and around 20,000 SqM of warehousing development, which is reflected in Policy CS1 of the Core Strategy. Analysis of completions data and changes in land use since the adoption of the Core Strategy included in the *Employment Floorspace Topic Paper*⁷⁶ (the Topic Paper), finds, due to unimplemented permissions and other factors, such as commercial to residential permissions pursuant to the General Permitted Development Order, that there remained (as at October 2018) 106,773 SqM of office floorspace, and 36,250 SqM warehousing space to be delivered in the plan period⁷⁷. Against this background and subject to the MMs set out under issue 4, the SADPD identifies sites to deliver around 73,000 SqM of office space, and circa 36,000 SqM of warehousing space. I am also mindful of the view, expressed in the Topic Paper, that transport infrastructure improvements pursuant to the HIF programme, Policy UA7 relating to Woking Railway Station, and related activities would enable greater densities of commercial uses at town centre sites.
80. Some consider that recent changes to the Use Classes Order, and the implications of the COVID-19 pandemic, could have long-term impacts on the overall demand for commercial uses. Nevertheless, a number of site promoters have continued to support commercial uses on allocated sites at the MM consultation stage. Moreover, the SADPD subject to the MMs set out in respect of Issue 6 includes robust monitoring procedures which, taken together with the timing of the next five-yearly review of the Core Strategy, would enable a flexible response on these matters in accordance with the Framework⁷⁸. It is also relevant in these regards that the SADPD does not specify use classes in its descriptions of the types of developments expected on sites.
81. Following the Regulation 19 stage, the Council proposed a modification to the plan⁷⁹ which would see the McLaren Campus designated as a Major Developed Site (MDS) in the Green Belt pursuant to Policy CS6 of the Core Strategy. The Framework does not refer to MDS as such, but in its list of types of development that could be considered⁸⁰ "not inappropriate" includes "limited

⁷⁵ WBC/SA/E026

⁷⁶ WBC/SA/E025

⁷⁷ Per Table 6 of the Topic Paper

⁷⁸ At paragraph 81 (d)

⁷⁹ Policy GB13 in the July 2019 "Regulation 19 with Minor Modifications" version of the SADPD

⁸⁰ At paragraph 145 (g)

infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: not have a greater impact on the openness of the Green Belt than the existing development”.

82. According to the proposed policy, as drafted, the McLaren Campus would remain in the Green Belt; and indeed the Green Belt Review⁸¹ (GBR) notes that removal of the parcel of land within which the site sits would fundamentally conflict with the Green Belt purpose of checking the unrestricted sprawl of large built up areas. Policy CS6 is permissive of infilling and redevelopment within MDS, although there is some distinction between its wording and that of the Framework which requires proposed developments of this type to avoid greater impacts on openness than existing development.
83. I am mindful of the Framework insofar as it sets out that significant weight should be placed on the need to support economic growth and productivity, and that areas should be allowed to build on their strengths – a matter of particular importance where Britain can be a global leader in driving innovation. Nevertheless, it is clear that the Framework would allow some infilling and redevelopment of the site without each application needing to demonstrate very special circumstances. Moreover, anything in the suggested McLaren Campus policy which seeks to allow developments that would have a greater impact on openness than the existing development would clearly conflict with the Framework in these regards, and thus would not be soundly based. Furthermore, developments at the site that did have a greater impact on openness than the existing use would be inappropriate for the purposes of the Framework and would therefore have to be justified by very special circumstances in any event.
84. Consequently, the proposed McLaren Campus policy would not achieve anything over and above what is provided for by the Framework and is therefore not necessary in order to make the plan sound. On this basis, I do not recommend incorporating into the SADPD the McLaren Campus Policy and the related suggested wording in Policy SA1. In arriving at this view, I am mindful that the Topic Paper finds no unmet need for research and development, or general and light industrial uses in the Borough over the plan period.

Thames Basin Heaths SPA

85. The HRA⁸² finds that residential development in the Borough could cause significant effects to the integrity of the Thames Basin Heaths SPA, as a result of recreational disturbance to the habitats of ground nesting birds. However, the HRA acknowledges that these adverse effects could be mitigated by new residential development making contributions toward strategic access management and monitoring (SAMM) measures, and the provision of suitable accessible/alternative natural greenspace (SANG).

⁸¹ WBC/SA/E018

⁸² WBC/SA/006

86. All relevant residential allocations included in the SADPD include criteria which require contributions towards the SAMP programme, which in short, would provide a programme of works, such as a wardening scheme to manage access to the European site, and encourage the use of SANG as recreational alternatives. This requirement is clearly justified on the basis of the HRA, and is soundly based in these terms.
87. **MM58** and **MM59** make provision for an element of residential use on the UA14 (Poole Road Industrial Estate) site (for the reasons set out in relation to 4). Consequently, in order for the policy to be justified in these terms **MM59** also introduces the requirement for any residential development to contribute towards SAMP.
88. Additionally, the SADPD allocates 5 SANG sites⁸³, over and above those already within the Borough, all within and washed over by the Green Belt, which would deliver around 70ha of land for this use. The Council produced a table which demonstrates that there would be sufficient capacity in existing and allocated SANGs⁸⁴ to absorb the requirement for additional recreational activity arising from the residential allocations. Furthermore, the SADPD's SANG allocations exceed the 21ha requirement for such land and therefore provides a sufficient cushion for further development during, or indeed beyond, the plan period.
89. It is unclear from the SADPD which SANG would relate to which allocated site. Consequently, to provide a clearly written and unambiguous policy basis, which would assist decision-takers in their task of assessing whether planning obligations would meet the relevant legal requirement (per Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and national policy tests (set out in paragraph 56 of the Framework), **MM4** and **MM248** are necessary. They would provide a contextual narrative and a link to the Council's SANG Assignment Schedule. This Schedule is a regularly updated 'living' document, which cross-references individual SANGs to permitted and allocated sites. In providing this context, **MM4** and **MM248** would ensure the SADPD's effectiveness in this regard. Following consultation, a further amendment has been made to **MM4** to ensure that the web address used is a permanent and stable one, which leads directly to the table. As this post-consultation change is minor in nature, and the point has been adequately covered in previous consultation, no prejudice would occur to the interests of any parties as a result of its inclusion at this stage.
90. In terms of the Brookwood Farm SANG (GB13), in the interests of effectiveness and to ensure that the geographical extent of the allocation is accurately depicted **MM252** is needed, which would replace the illustrative mapping included in the SADPD with material which captures the correct boundary. To ensure that the spatial implications of this policy are accurately captured the policies map would also need to be altered.

⁸³ GB12, GB13, GB14, GB15, GB16

⁸⁴ WBC/SA/023A

91. Due to the proximity of the GB6 site (Six Crossroads Roundabout) to the European site and the nature of the junction upgrades proposed, the HRA⁸⁵ recommends that project-specific habitats regulation assessment is carried out to inform proposals. This justifies the specific requirement included in Policy GB6 to secure this measure, and the SADPD is soundly based in this regard as a result.
92. In order for the SADPD to be effective in terms of mitigation of the air quality implications of development on European sites, following the recommendations of the HRA⁸⁶, and consultation from Natural England, relevant allocations need to be modified to ensure that a requirement for air quality assessments, taking into account in-combination effects, are included (**MM19, MM20, MM23, MM24, MM55, MM56, MM104, MM105, MM138, MM139, MM148, MM149, MM187, MM188, MM227, MM228, MM239, MM240, MM245, MM246**). These modifications will ensure that the findings of the HRA are implemented and that the SADPD accords with the relevant legal requirements and national policy⁸⁷ in these regards.
93. On this basis the SADPD would accord with saved Policy NRM6 of the South East Regional Strategy, and Policy CS8 of the Core Strategy insofar as they require new residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Infrastructure

94. Preparation of the SADPD was supported by engagement with infrastructure providers, as evidenced in consultation responses and the Council's membership of the Surrey Strategic Planning and Infrastructure Partnership. The SADPD makes a number of specific allocations (including UA7, UA28, GB3, GB6, GB7) which set out the planning policy basis for items of infrastructure, including transport improvements, secondary school provision and matters relating to Brookwood Cemetery. Several of these items are contained in the *Infrastructure Capacity Study and Delivery Plan*⁸⁸(the IDP) and would be funded through the Community Infrastructure Levy amongst other initiatives. It is of note that the IDP is a regularly reviewed "living document", with an update due imminently.
95. Moreover, the above-mentioned HIF programme, and the A320 North of Woking HIF funded scheme would provide transport improvements on the A320 to support growth in the Town Centre. In addition to these matters, individual allocations in the SADPD include specific requirements for relevant infrastructure related to proposed developments including relating to transport matters, drainage and water, and education provision.

⁸⁵ WBC/SA/006 at paragraph 6.3

⁸⁶ WBC/SA/006 at paragraph 6.2

⁸⁷ Particularly the Framework paragraphs 170ff

⁸⁸ April 2018 (WBC/SA/E036)

96. In addition to new secondary school provision on the GB7 site, additional primary capacity at Greenfield School arising as a result of its relocation would provide further educational infrastructure to support increased development in the town centre. The County Council, as the local education authority, has confirmed that any additional educational need within the Borough would be met through expansion of existing premises as required, and that established school forecasting processes and the review of the IDP would inform future activities in this regard.
97. There are a number of allocated sites which are close to the Basingstoke Canal. Whilst these may lead to increased use of the towpath by future occupants of related developments, there is no evidence to suggest this could not be accommodated, with mitigation measures secured at the planning application stage, as required by, site-specific transport assessments and travel plans. Policy CS18 of the Core Strategy makes it clear that developer contributions would be sought to implement transport mitigation schemes. Accordingly, I consider that the SADPD and wider development plan provide a sound basis for consideration of the effects of development on the Canal and its towpath, and that no further amendments are necessary to ensure soundness in these regards.
98. Whilst I return to more site and location specific infrastructure matters, where relevant, in relation to Issues 3, 4 and 5 below, the above considerations lead me to the view that the SADPD would ensure that infrastructure needed to support development would be provided in a timely manner, and thus would accord with Policy CS16 of the Core Strategy. For these reasons too, the SADPD is positively prepared in these terms.

Conclusion

99. For the reasons set out above, and subject to the MMs mentioned in this Report, I conclude that the SADPD's approach to employment, infrastructure and European protected sites is robustly based and consistent with the Core Strategy and national policy

Issue 3 - Whether exceptional circumstances exist to justify the SADPD's proposed revisions to Green Belt boundaries; and is the SADPD's approach to allocations and safeguarded land in the Green Belt justified, effective and consistent with national policy?

Policy Background

100. As the Framework makes clear, strategic policies should establish the need for any changes to Green Belt boundaries⁸⁹; and whether exceptional circumstances exist to justify changes to Green Belt⁹⁰ boundaries is a matter to be assessed through the examination of strategic policies. As set out above, the relevant strategic policies are contained in the Core Strategy. Policy CS10 of the Core Strategy sets out the spatial distribution of the Borough's housing requirement over the plan period. Although the majority of

the requirement would be met in the town centre and other parts of the urban area of the Borough, Policy CS10 includes an indicative requirement for 550 homes to be delivered in the Green Belt after 2021/2. Policies CS1 and CS6 require a Green Belt boundary review to be carried out with the specific objective of identifying land to meet the Borough's development requirements.

101. The Core Strategy emphasises⁹¹ that sites in the Green Belt would be needed to meet both "the national requirement for housing land supply and *the nature of housing* that is needed. The nature of the sites that are considered to be developable in the medium - long term are primarily in town centre locations that are likely only to be suitable for high density flatted developments. The implication of this is that the Council would not be able to achieve *an appropriate mix of housing types and tenures to meet all types of local need and demand*" (with my emphasis). Furthermore, Policy CS6 is clear that the Green Belt is identified as a potential future direction of growth to meet housing need, in particular, the need for family homes. It is relevant also that the Inspector's Report on the Core Strategy⁹² acknowledges the risk that the focus on higher density town centre development would not realise a suitably balanced housing mix. In these regards, it is clear that the release of Green Belt sites for residential development is justified by the Core Strategy not only in quantitative, but also in qualitative terms. This approach is clearly consistent with the Framework insofar as it requires planning policies to identify a sufficient supply *and mix* of sites⁹³; and that the *size, type and tenure* of housing needed for different groups should be assessed and reflected in planning policies⁹⁴ (with my emphases).
102. Critically, as set out above, the Council has reviewed the Core Strategy and found that it does not require updating, meaning that the SADPD is required to be consistent with its policies (including those relating to Green Belt boundary alterations) by virtue of Regulation 8 (4) and (5) of the 2012 Regulations
103. Through the above-referenced policies, the Core Strategy identifies the need to change Green Belt boundaries. However, as the Framework⁹⁵ sets out, detailed changes to Green Belt boundaries may be made through non-strategic policies – such as those contained in the SADPD. I turn to whether exceptional circumstances have been demonstrated in respect of these detailed changes below.

Housing requirements and supply

104. My conclusions on Issue 1 above set out the Council's healthy position in terms of meeting (and potentially exceeding) its broad quantitative requirements for housing over the plan period. In this context it is relevant that the Core Strategy's overall requirement for the plan period is expressed in Policy CS10 as "*at least 4,964 net additional dwellings*" (with my emphasis).

⁹¹ At paragraph 5.56

⁹² WBC/SA/E017A

⁹³ At paragraph 67

⁹⁴ At paragraph 61

⁹⁵ At paragraph 136

105. Moreover, as monitoring shows, whilst in purely quantitative terms this may well be the case, high density urban sites, which have been, and will continue to be, a focus for residential development in the Borough, provide on the whole smaller houses (predominantly with one or two bedrooms). In the past due to a number of factors (including for example the amount of commercial to residential conversions arising from permitted development, and site-specific viability issues on other schemes) urban and town centre sites in the Borough have not delivered either the quantity or range of affordable and general needs housing anticipated in the Core Strategy, or shown to be needed in terms of the SADPD's supporting evidence.
106. In these regards the Council's Annual Monitoring Report⁹⁶(AMR) is of particular note, which shows⁹⁷ that the 38% need for 3 bed market dwellings identified in the SHMA⁹⁸ was not met in any of the monitoring years between 2010/11 and 2018/19 – with proportions ranging between 6% and 30% in the monitoring years over that period. In a similar vein, there was under-delivery against the need identified for 4-bedroom market dwellings in the SHMA (22%) in all but 3 of those monitoring years. This provides clear evidence that delivery thus far over the plan period is skewed heavily towards the provision of smaller dwellings. Policy CS11 of the Core Strategy makes clear that the mix of housing types and sizes to be delivered on sites would need to address the nature of local needs as evidenced in the latest SHMA – which are the proportions set out above.
107. Elsewhere, the AMR⁹⁹ makes it clear that the 35% overall target for affordable housing has been met in only two of the monitoring years between 2008/09 and 2018/19 – in some cases falling to below 10% of overall completions. Whilst I have outlined above the Council's positive steps to accelerate the delivery of affordable housing in the Town Centre, due to the high densities anticipated on sites there, they would be unlikely to meet the full range of affordable housing requirements, as the SHMA estimates that some 25% of the affordable housing delivered should provide 3 or more bedrooms to meet identified needs.
108. The SADPD's allocations do not specify a mix of dwelling types and sizes, and their contributions in these regards cannot therefore be accurately quantified or assessed. However, taken together Policies CS10, CS11 and CS12 of the Core Strategy set out an indicative density range of 30 to 50 dwellings per hectare on Green Belt sites; require proposals to address the nature of needs as evidenced in the latest SHMA; and expect 50% of housing on greenfield land to be affordable. In these terms, the Core Strategy provides a strong policy basis to ensure any proposals coming forward on the allocated Green Belt sites would provide a mix of housing to meet the wider qualitative needs of the Borough.
109. Evidence presented in the SHLAA¹⁰⁰ shows a site-capacity surplus of around 582 units when completions, allocated Green Belt land, and other SHLAA sites

⁹⁶ WBC/SA/052

⁹⁷ At Figure 7

⁹⁸ WBC/SA/E022 At Table 60

⁹⁹ At Figure 9

¹⁰⁰ WBC/SA/E020 AT Table 1

are taken into account over the plan period. It also finds further developable capacity in the Borough, which could come forward in the five years following the plan period. Whilst it is of note that updates to the SHLAA over the plan period have shown greater potential for the urban area to absorb residential development than earlier assessments, any additional urban capacity that may be found in future updates to the SHLAA would in all probability fall to be delivered outside of the current plan period. Similarly, although the HIF programme may well yield further housing in the Town Centre in the plan period, a considerable proportion of this supply, on current estimates, would come forward after the plan period has concluded.

110. Whereas additional housing delivery over and above the SHLAA estimates may be delivered on sites with a capacity for fewer than five dwellings within the plan period, such sites would not be liable to provide affordable housing contributions¹⁰¹. Moreover, given inherent uncertainties about the location and context of such sites, the mix of dwellings that might be delivered in terms of size is a matter on which there is little or no substantive evidence or certainty. Similarly, any increases in the plan period occurring as a result of the HIF programme would be on high-density sites in the urban area – again likely to supply dwellings with two bedrooms or fewer based on past delivery trends.
111. There has been a recent trend of housing delivery in the urban area pursuant to changes of commercial uses as a result of permitted development rights. Whilst some working arrangements and shopping patterns which occurred as a result of the COVID-19 pandemic may become more entrenched over time and thus lead to a larger supply of such commercial sites, it is too early to predict the longer term effect on such trends. In any event, consultation responses received on the MM Schedule from those promoting uses in the urban area, remain focused on the delivery of office and other town centre uses. Moreover, such prior approval changes of existing commercial buildings would be unlikely to result in the mix of sizes and types of dwellings which Policy CS11 seeks – and they are exempt from the requirement to deliver affordable housing.
112. Taking the indicative housing capacities of the other Green Belt allocations together, subject to MMs set out under issue 5, gives a figure of 766 dwellings. I accept that the indicative capacities of the Green Belt housing allocations, taken together with the housing and other residential uses permitted/delivered on the Broadoaks site would exceed the 550 unit requirement set out in the Core Strategy.
113. However, the SADPD makes clear that “at least” 550 units should be delivered on Green Belt sites – which is consistent with the Core Strategy’s phrasing relating to the overall requirement. Moreover, as set out above in relation to Issue 1, indicative capacities are to be tested further at the planning application stage, at which point site constraints and policy requirements including for items such as appropriate landscaping, retention of protected trees and other biodiversity measures may well result in development quanta

¹⁰¹ In accordance with paragraph 63 of the Framework

lower than those indicative capacities.

114. Furthermore, evidence presented in respect of the GB10 site at the Regulation 19 stage¹⁰², based on RTPI research and experience of similar schemes, anticipates that prior to a start on-site it would take 2 to 3 years to gain detailed permission; 6 to 8 months dealing with pre-commencement conditions and planning obligation matters; 2 to 4 months for site start-up, and 6 to 8 months for delivery of infrastructure including drainage and accesses. Development of the site would then continue with delivery of around 60 dwellings per year.
115. It is clear from this that whilst some dwellings could come forward during the plan period on the GB10 site, that its full residential yield may only be built out after the plan period has ended. Whilst this may be the case, the findings of the GBR in respect of the site, taken together with the Framework which expects¹⁰³ planning policies to support development that makes effective and efficient use of land, weigh in favour of its allocation. In these respects, any residual development beyond the plan period on this site, in excess of the Core Strategy requirement, would assist in relieving pressure for further Green Belt release and assist, when taken together with identified safeguarded land, in demonstrating that Green Belt boundaries may not need to be altered at the end of the plan period. In arriving at this view, I am mindful that the GBR¹⁰⁴ does not consider "any other parcels to be suitable for removal from the Green Belt to accommodate new strategic development".
116. Moreover, should more than the 550 requirement come forward on the Green Belt allocations, the potential for these to help to address the general under-supply of affordable housing that has accrued thus far over the plan-period, and to meet qualitative needs for larger houses (both market and affordable) would be significant benefits of this type of site. These positive aspects of the proposed Green Belt allocations are particularly relevant as monitoring shows that such a mix of house types and tenures would be very unlikely to be delivered on the high-density sites identified in the Town Centre. Moreover, if the 550 requirement were to be exceeded on allocated Green Belt sites over the plan period, the increased margin would be relatively modest in the context of overall requirements, and dispersed across a range of sites.
117. Taken together, these factors justify planning for the release of sites with a higher indicative housing capacity than the Core Strategy requirement. As such, the SADPD is positively prepared in these terms, as there would be a reasonable prospect that the quantity and quality of development sought by the Core Strategy could be delivered across the range of sites allocated during the plan period. For these reasons, I find the SADPD's approach to be soundly based in these terms and in arriving at this view I have taken into account relevant Court judgements¹⁰⁵ referenced in consultation responses.

¹⁰² Regulation 19 consultation response of West Hall Ltd

¹⁰³ At paragraphs 117 and 122

¹⁰⁴ At paragraph 3.5.22

¹⁰⁵ Including *Cooper Estates Strategic Land Ltd v Royal Tunbridge Wells BC* [2017] EWHC 224 (Admin)

118. Taking the above points together with my findings on Issue 1, it is clear that, in prioritising and intensifying uses in the Town Centre and other urban areas, the Council's strategy makes as much use as possible of suitable brownfield sites and underutilised land and optimises the density of development. It is also clear that the Council's overall strategy has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development – and indeed needs have been accommodated as far as reasonable and practicable in Waverley and Guildford's local plans. In short, all other reasonable options for meeting the Borough's identified need for development have been examined, and as a consequence, exceptional circumstances which justify changes to Green Belt boundaries continue to pertain. In these strategic terms the SADPD is clearly in accord with the Core Strategy and the Framework¹⁰⁶.

Green Belt Review

119. Policies CS1 and CS6 of the Core Strategy include a requirement to carry out a Green Belt boundary review to identify the land requirements of the Core Strategy in a way consistent with the purpose and integrity of the Green Belt.

120. The GBR¹⁰⁷ conducted a multi-stage assessment of the Borough's Green Belt, which initially 'sieved out' locations subject to high level environmental constraints such as European designations and areas in Flood Zone 3. Stage 2 divided the Green Belt free from these environmental constraints into 31 parcels, which were each assessed for their performance against the Green Belt purposes. This phase concluded that the majority of parcels in the Borough were of a "low" or "very low" suitability of removal from the Green Belt. Taken together with the requirement for Green Belt release set out in the Core Strategy, I consider the GBR to be reasonable in finding that it would "inevitably have to consider parcels with low or even very low suitability for removal from the Green Belt"¹⁰⁸ in terms of their potential to accommodate development requirements.

121. Against this background, Stage 2 of the GBR's assessment further tests the parcels against a set of sustainability criteria. In this regard, I am particularly mindful of the Framework¹⁰⁹, which sets out that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. I am satisfied that the methodology of the GBR¹¹⁰ is fully consistent with this aspect of the Framework – and is also a justified basis of assessment. Although, I accept that the sustainability of the parcels is a measure that is relative to the performance of other Green Belt sites in the Borough, rather than an absolute measure, this is an inherently reasonable approach given the development plan's identification of the

¹⁰⁶ At paragraph 137

¹⁰⁷ WBC/SA/E018

¹⁰⁸ WBC/SA/E018 at paragraph 3.5.5

¹⁰⁹ At paragraph 138

¹¹⁰ Set out in paragraph 1.1.2 of the *Green Belt Method Statement* (WBC/SA/E018N)

Borough's Green Belt as an area of search. In these terms the overall GBR approach is justified.

122. The GBR's above analyses are combined with an assessment of the landscape sensitivity of sites, and their potential to accept change. Taken together, these aspects of the GBR provide a robust and reasonable basis to support its overall findings on the parcels recommended for removal from the Green Belt. The GBR goes on to assess the deliverability and availability of sites within the parcels. Again, these aspects of the GBR are soundly based and consistent with the Framework insofar as it expects planning policies to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability¹¹¹; and to recognise the intrinsic character and beauty of the countryside¹¹².

123. For these reasons the GBR provides a proportionate and reasonable evidence base. Consequently, it provides clear justification for the SADPD's approach to site allocations in the Green Belt.

124. Other methodologies for reviewing the Green Belt have been suggested during the course of plan preparation and examination, including suggestions of a more granular analysis that would focus on the release of smaller sites, particularly those with a potential yield of less than 5 dwellings, and thus excluded from assessment by the SHLAA, rather than the parcel assessment undertaken in the GBR. However, for the reasons set out above, I consider that the GBR is consistent with national policy and consequently provides a sound and reasonable basis for assessment. Moreover, I am mindful that Stage 3 of the GBR considers not only options for strategic development, but also the availability and deliverability of individual sites (which could include those outside of parcels considered suitable for release). It "does not therefore rule out the consideration of individual smaller sites around the urban area for removal from the Green Belt, provided that they are considered to be in sustainable locations and where their removal will have little conflict with Green Belt purposes"¹¹³.

125. Although I am mindful of comments that a considerable proportion of Green Belt identified either for development or safeguarding would be in Byfleet and West Byfleet, the above considerations, taken together, indicate that the selected sites are those that are preferable for release according to the GBR. I am also mindful that some consider the Martyrs Lane site to be preferable for release to meet general housing and Gypsy and Traveller accommodation needs as opposed to some of the sites that are allocated in the plan. Nevertheless, the owners of significant portions of the Martyrs Lane site are clear that their landholdings are not available for residential uses, and considerable site assembly would be required for its comprehensive development. Additionally, the GBR finds that it would be difficult to accommodate development on the site without significant adverse effects

¹¹¹ At paragraph 67

¹¹² At paragraph 170(b)

¹¹³ WBC/SA/E018 at paragraph 3.5.25

occurring to the landscape pattern and features¹¹⁴, and recommends that it is retained in the Green Belt.

Gypsy and Traveller Accommodation

126. Policy CS14 of the Core Strategy sets out a sequential approach to the allocation of sites to meet the needs of Gypsies and Travellers – with sites in the urban area considered before the release of any Green Belt locations. No urban sites have been put forward for this purpose as part of the SHLAA process, and I am mindful of the Council's view that high residential land values in the urban area would render the development of Traveller sites unviable. Moreover, it is of note that temporary and other permissions relating to Traveller accommodation over recent years in the Borough have been within the Green Belt. These considerations, taken together with a lack of any other substantive evidence which points to the availability of any specific deliverable or developable sites for Traveller accommodation in the urban area, indicate that sites in the Green Belt could be assessed in terms of their potential to accommodate identified needs, in accordance with Policy CS14. Taken together, the clear evidenced need for this type of accommodation over the plan period, and the benefits that would flow from meeting these requirements in a planned way, in conjunction with the lack of non-Green Belt sites, amount to exceptional circumstances which justify the alteration of Green Belt boundaries to meet these needs.

127. The SADPD includes a number of sites to meet the identified needs of Travellers set out above, including a mix of extensions to existing sites (GB2), the intention to make temporary permissions permanent (set out in relation to specific sites within Policy SA1), and the provision of a new site as part of the proposed development of West Hall (Policy GB10). Moreover, the GBR screened out sites susceptible to flooding and other environmental constraints from its assessment of the potential of Green Belt sites to meet the needs for Travellers, which ensures consistency with the PPTS in this respect. I return to site-specific aspects of these allocations and policies, where relevant, below.

Policy SA1: Overall policy framework for land released from the Green Belt for development

128. For the above reasons, it is clear that exceptional circumstances to justify the alteration of Green Belt boundaries exist and are set out in strategic policies in accordance with the Framework¹¹⁵. As submitted, Policy SA1 indicates that the release of the residential elements of allocations GB1, GB7 and GB10 would occur between 2022 and 2027 only "if there is evidence of significant under provision against the housing requirement and there is no indication that the shortfall could be met on previously developed land in the urban area". However, as set out above, both the Core Strategy and the SADPD are clear that Green Belt sites would need to be released not only to deliver the quantitative requirement, but also to meet demonstrated qualitative needs.

¹¹⁴ WBC/SA/E018 at paragraph 3.5.11

¹¹⁵ At paragraph 137

129. Moreover, it is unclear what the precise scope or timing of such a test would be and what level of shortfall would constitute "significant under-provision". This would leave the sites allocated for housing in an ambiguous and uncertain position, which would inhibit their delivery during the plan period should the test indicate that their release would be justified. In arriving at this view, I am mindful that elsewhere Policy SA1 states that *all land* allocated for release would be "removed from the Green Belt upon adoption" (with my emphasis) – a statement which does not align with the concept of Green Belt release based on a significant under-delivery of housing in the urban area. For these reasons, the policy is neither justified nor effective in these terms and **MM200** is therefore necessary, which would delete the requirement test, in order to provide clarity in terms of the status of the allocations, consistency with Policies CS1, CS6 and CS10 of the Core Strategy, and to ensure that the SADPD would be positively prepared in this respect.
130. Policy SA1 sets out the general approach to the release of sites to provide Traveller accommodation. However, as drafted it is unclear how the timing of delivery would be managed as the policy states this would be done in accordance with "any phasing that the Council will introduce". Consequently, **MM200** and **MM201** would introduce clarity in terms of these phasing arrangements to ensure the effectiveness of Policy SA1 in this respect.
131. Aside from allocated sites for Traveller provision Policy SA1 identifies sites with temporary permission where an application for permanent use would be supported in principle. However, as submitted, the policy refers to granting "permission in principle". Permission in principle is a specific form of development consent provided by s58A of the Town and Country Planning Act 1990 (as amended), and during the course of the examination the Council confirmed that it did not intend to use this term in respect of the Policy SA1 Traveller sites. Consequently, **MM200** and **MM201** clarify the SADPD's intent in respect of these sites, and ensure effectiveness in this regard.
132. As presented Policy SA1 states that the small temporary sites where permanent permission would be supported would remain washed over by the Green Belt – however, the PPTS is clear that Traveller sites in the Green Belt would constitute inappropriate development. Consequently, Policy SA1 as drafted would be ineffective, as any applications coming forward in relation to those small sites would still need to demonstrate very special circumstances at the planning application stage. Accordingly, to ensure effectiveness, and to ensure consistency with national policy, insofar as it expects any land removed from the Green Belt for this purpose to be specifically allocated in the development plan¹¹⁶ **MM200** and **MM201** are necessary.
133. The clear and evidenced need for Traveller accommodation over the plan period, taken together with the Council's approach to finding sites to meet these needs are exceptional circumstances which justify these very limited alterations to the Green Belt boundary required in these cases. The policy, as modified, and in combination with Policy CS14 of the Core Strategy which safeguards authorised Traveller sites from development that would preclude their continued occupation, would accord with the PPTS insofar as it relates to

¹¹⁶ At paragraph 17 of the PPTS

allocations in the Green Belt. The Policies Map would need to be amended to ensure that the spatial implications of the MMs are adequately captured. It is clear from Policy SA1 that the SADPD, subject to the MMs set out in relation to this issue, includes a mix of Traveller sites in terms of both their scale and their location in the Borough.

134. References to general Green Belt policies in the reasoned justification and supporting text have been amended by **MM201** to ensure consistency with national policy in these terms. I have made an alteration to the wording of **MM201** as published for consultation to correct a typographical error relating to consented care home provision on the Broadoaks site. As this minor correction is a factual update and the point has been adequately covered in consultation responses, no prejudice would occur to the interests of any parties as a result of its inclusion at this stage.

Housing, Traveller and Mixed Use Sites

Policy GB1: Land South of Brookwood Lye Road, Brookwood GU24 0EZ and Policy GB2: Land at Five Acres, Brookwood Lye Road, Brookwood, GU24 0HD

135. Criteria contained in Policies GB1 and GB2 require development proposals to be supported by comprehensive transport evidence, to inform the delivery of essential transport infrastructure and mitigations relating to the proposed uses of the sites. For these reasons, I consider that highways implications of these sites would be adequately considered at the development management stage.
136. The largely previously developed nature of these sites, taken together with their accessible location and the demonstrated needs for housing and Traveller accommodation amount to the exceptional circumstances necessary to justify amendment of the Green Belt boundaries as proposed.

GB7: Nursery Land adjacent to Egley Road, Mayford, GU22 0PL

137. The GBR recommends that a wider parcel of land within which the GB7 site sits should be removed from the Green Belt but recognises¹¹⁷ the risk that development of the GB7 site would compromise the integrity of the gap between Woking and Mayford. Since the completion of the GBR, a school has been developed on the southern part of the GB7 site, and the SADPD seeks to designate the northern part of the site as an "area of local separation", a part of the site which is "not for built development".
138. As drafted, the area of local separation element of Policy GB7 would be more restrictive than national policy relating to Green Belts, a designation which the plan, supported by the GBR, seeks to remove from the GB7 site. I recognise the importance of the gap between Woking and Mayford, as set out in the GBR, but this does not justify such a restrictive approach. Also the Council has not indicated that it considers that the northern part of the site should remain in the Green Belt, given the desirability of creating a clearly defined Green Belt boundary using physical features that are readily recognisable and likely to be

¹¹⁷ At paragraph 4.3.14

permanent and that would endure beyond the plan period¹¹⁸.

139. Consequently, to ensure that Policy GB7 would be justified in these terms **MM200**, **MM227** and **MM228** are necessary which would remove the area of local separation designation. However, to ensure that any proposals to develop the GB7 site take into account and maintain the importance of the visual separation between Woking and Mayford they would have to have particular regard to the topography of the site, incorporate new or improved open space and appropriate landscaping. Accordingly, **MM227** is necessary, which would ensure the policy's effectiveness in these regards through the introduction of criteria relating to these matters. A revised criterion contained in **MM227** would also require development of the site to contribute to the protection, enhancement and management of biodiversity and nature conservation to ensure consistency with the Framework¹¹⁹ in these terms.
140. Further protection to the landscape character of the site is set out in Policy GB7 with the requirement to retain and where possible strengthen any trees and groups of trees on the site. Elsewhere in the development plan the requirement for landscaping proposals to retain important trees and other important landscaping features is set out in Policy DM2 of the DM Policies; and Policy CS24 of the Core Strategy expects development proposals to conserve and where possible enhance the existing character of key landscapes such as escarpments – a local designation which is relevant to the GB7 site. Taken together, Policy GB7 and these other development plan policies provide strong protection for valued landscape features on the site and would ensure that the importance of the separation between Woking and Mayford would be taken into account in the determination of any planning applications.
141. In arriving at this view, I am mindful of the Council's proposed amendment to the anticipated development yield on the GB7 site, which I recommend as **MM226**, (for reasons set out in relation to Issue 5 below), would be lower than that suggested at the Regulation 19 stage, and this takes into account the importance of the landscaping and visual separation elements of Policy GB7 alongside the recent development of the school. As I have found that Policy GB7 would be sound on the basis of these MMs, it is not necessary for any further modifications to the plan to impose another planning designation such as Local Green Space, which in any event, would need to be designated when a plan is prepared or updated, as the Framework makes clear¹²⁰, rather than at the examination stage.
142. The provision of the school on the southern part of GB7 has imparted a developed character and appearance to that site. Moreover, national policy requires Green Belt boundaries to be clearly defined using physical features that are likely to be permanent – such as those relating to the GB7 site. These considerations, taken together with the Borough's quantitative and qualitative housing requirements, amount to the exceptional circumstances which justify alterations to the Green Belt boundaries as proposed by the

¹¹⁸ Per paragraph 139 (e) and (f) of the Framework

¹¹⁹ At paragraph 170

¹²⁰ At paragraph 99

Council.

143. I have amended the anticipated timescale in **MM226**, which is a slight alteration from the figure which was consulted on. This is to ensure consistency with Policy SA1 and the timescales set out in the reasoned justification and supporting text of Policy GB7. Whilst this change is necessary to ensure an unambiguous policy position in relation to the site, and thus consistency with national policy in these terms, the alteration is a minor one, and its imposition at this stage causes no prejudice to the interests of any parties.

GB10: Land surrounding West Hall, Parvis Road, West Byfleet, KT14 6EY

144. The GBR finds that although sensitive in landscape and Green Belt terms, the sustainable location of the GB10 site, when compared to others in the Borough, weighed in favour of its release for development. However, the GBR is clear that any development of the site would need to be brought forward in a way which would provide green infrastructure, retain tree coverage, and integrate landscaping so that its landscape impacts would be mitigated.

145. The GB10 site's potential to supply a mix of types and tenures of bricks and mortar housing and Traveller accommodation against a demonstrable need for this range of provision would be substantial benefits arising from the release of the site from the Green Belt to accommodate development. Moreover, the site has been assessed, alongside others in the Borough through the GBR, the approach of which clearly accords with national policy given the emphasis placed by the Framework on giving first consideration to land that is well-served by public transport¹²¹. The need to ensure that Traveller sites are sustainable economically, socially and environmentally¹²² expressed in the PPTS also weighs in favour of the GB10 site's use for this purpose. Consequently, exceptional circumstances, which justify the amendments of the Green Belt boundary as proposed, have been clearly demonstrated in relation to this site.

146. Against this background it is relevant that the GB10 allocation clearly sets out that only approximately 14.8ha of the wider 29.33ha site would be developed for residential uses, with the remaining part of the site integrating public open space, new green infrastructure and around 9.6ha of retained woodland and traditional orchard. **MM239**, which includes wording for this development mix, would ensure that the policy is justified in these terms given the clear recommendations of the GBR in respect of landscaping.

147. Moreover, the policy (subject to the MMs that I recommend) includes criteria which, taken together, would require the production of a green infrastructure statement, and landscape, ecological and tree surveys to inform the development and landscaping of the site, with the objective of retaining and strengthening where possible, large areas of woodland, traditional orchard, protected trees and any other trees of amenity value on the site and its boundary. Of note too is the criterion relating to the protection, enhancement

¹²¹ At paragraph 138

¹²² At paragraph 13

and management of local biodiversity and nature conservation. These aspects of the policy would clearly address the recommendation of the GBR in terms of the landscape sensitivity of the GB10 site and be consistent with the Framework insofar as it expects¹²³ planning policies to minimise impacts on and provide net gains for biodiversity. Accordingly, GB10 is justified, effective and consistent with national policy in these respects.

148. During the course of the examination, it emerged that the Council had identified a discrete portion of the wider site on which the Traveller accommodation would be located, and discussions with the landowner were proceeding on this basis. The PPTS sets out¹²⁴ that if land is to be removed from the Green Belt by way of an allocation in a development plan it should be *specifically allocated* as a traveller site *only* (my emphasis). Consequently, in order to accord with the national policy expressed in the PPTS, and to be soundly based in these regards, **MM237** clearly distinguishes the element of the site for Traveller provision as GB9A, and ensures that the spatial implications of this are appropriately reflected in the SADPD's illustrative material. The GB9A site is in Flood Zone 1 and as a result would meet the requirements of PPTS insofar as it expects¹²⁵ policies to avoid locating sites in areas at high risk of flooding.
149. The portion of the site that would be set aside for Traveller accommodation would be a limited part of the wider allocation and the design criteria set out in the policy taken together with the specific elements relevant to Traveller provision in Policy SA1 would ensure that its design would be of a complementary character to its surroundings. Moreover, the proposal would be for a limited number of pitches set in a wider context of existing and proposed bricks and mortar dwellings and similar uses.
150. Whilst the amount of pitches proposed in the allocation would result in a site that some consider to be a large one, I have been supplied with no extant planning policy or guidance which advises against sites of the size proposed in principle. In any event, for the above reasons, the scale of the GB9A site would not dominate the nearest settled community, and neither would the number of pitches be unrelated to the specific size and location of the site and the surrounding population's size and density. In these terms, the Traveller allocation would not conflict with the PPTS¹²⁶.
151. Although the GB10 site is within Flood Zone 1 it borders on areas at higher risk of flooding. However, criteria would require site specific flood risk assessments to be produced, and incorporate a design that mitigates impacts on surface water flooding including sustainable drainage systems. Moreover, in order to manage any residual flood risk in respect of the site, and to accord with national policy in these regards, **MM239** would introduce the requirement for a sequential approach to the layout of development on the site. **MM239** is also necessary to ensure that the development of the site is supported by a wastewater drainage strategy to inform any necessary upgrades, to ensure

¹²³ At paragraph 170(d)

¹²⁴ At paragraph 17

¹²⁵ At paragraph 13(g)

¹²⁶ Particularly paragraphs 10(d) and 14

that sufficient provision is made in these regards in the interests of the policy's effectiveness. **MM240** would require early engagement with the relevant utility providers on these matters and would also ensure the effectiveness of the policy in these terms. For these reasons, the policy as modified, would be soundly based in terms of flooding and wastewater matters.

152. It is generally accepted that elements of the A245 corridor through West Byfleet and Byfleet are operating at or above full capacity during peak periods. Indeed the *Green Belt Boundary Review Sensitivity Test Strategic Transport Assessment*¹²⁷ finds that use of the GB10 site for housing would result in transport movements over and above those estimated in the *Transport Evaluation for Woking Borough Council's Core Strategy 2026 Transport Assessment Report*¹²⁸. Nevertheless, none of the other sites investigated by the Green Belt sensitivity test and addendum were without transport impacts, albeit not all on this particular transport corridor.
153. The *Potential Mitigation Study for the A245*¹²⁹ considers the mitigatory measures that could be deployed. One potential area of mitigation suggested in the Study is junction improvement at Seven Hills Road. I note that this forms part of a Development Consent Order (DCO) application currently under examination (M25 Junction 10/A3 Wisley Interchange), the purpose of which is, amongst other things, "to reduce congestion, improve safety, support *planned housing* and economic growth..."¹³⁰ (with my emphasis). The scheme would include the widening of the A245 to dual three lanes between the Painshill junction and the Seven Hills Road junction – alongside other improvements¹³¹. Whilst the Secretary of State is yet to make a decision on the DCO, it nevertheless demonstrates Highways England's clear intent to enhance the efficiency of the transport network in the vicinity of Byfleet and West Byfleet – and the scheme as proposed would clearly add additional capacity to the A245.
154. Other localised measures are included in the Regulation 123 List¹³² for Community Infrastructure Levy funding – which would see improvements to cycling and bus infrastructure including enhanced linkages to West Byfleet train station. Mitigation related to any transport impacts of development of the West Hall site in itself would be provided for via planning obligations linked to detailed transport assessments required by Policy GB10. Moreover, the adjacency of the site to bus stops, and to the West Byfleet District Centre, including the railway station ensures that sustainable travel modes could be promoted and future car use limited as a result. In these terms, the requirement for a travel plan to support development proposals is a relevant consideration and is included as a specific criterion in the policy. Furthermore, the anticipated development timescales for the site, as set out above, would allow any necessary transport mitigation to be phased appropriately in step

¹²⁷ WBC/SA/E031

¹²⁸ 6 September 2011 WBC/SA/E033

¹²⁹ WBC/SA/E034

¹³⁰ Highways England "Introduction to the Application and Scheme Description" at paragraph 2.1.3

¹³¹ Ibid at sections 17.7 and 17.8

¹³² WBC/SA/E036E

with the delivery of housing.

155. On this basis, the allocation of site GB10 is consistent with the Framework¹³³ insofar as it offers a genuine choice of sustainable transport modes and seeks to mitigate impacts on the highway network. Moreover, studies which support the transport elements of the SADPD indicate that acceptable mitigation of the allocation's impacts to the highway network could be achieved¹³⁴. It is also of note that neither Highways England nor the County Council as the local highway authority have objected to GB10 or other allocations in Byfleet or West Byfleet. In conjunction, these considerations indicate that the GB10 allocation, subject to the recommended MMs, would be unlikely to lead to unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network and thus would not conflict with the Framework¹³⁵ in these terms.
156. Criteria, subject to the MM recommended require a transport assessment to "consider" whether emergency access to the site could be provided through the road that accesses the adjacent care home and existing West Hall properties, and also potential pedestrian and cycling routes through Broadoaks. Although I note comments about the practicalities of either of these measures, particularly given the advanced stage of development at Broadoaks, these more detailed-site specific matters would be more properly dealt with in the transport assessment and considered at the development management stage.
157. In combination with other allocations, the development of GB10 (GB9/GB9A) would lead to an increase in the number of households in the area and, due to the anticipated type of dwellings, would give rise to demand for school places. Responses, including from a local primary school, indicate that an increase in demand would be likely to exceed available capacity. Nevertheless, the County Council has not objected to the allocation in these terms, and in its response to the MM Consultation, emphasises that school places would be met through expansion of existing premises as required. Nevertheless, due to these issues, it is necessary, in the interests of effectiveness, to strengthen Policy GB10 in terms of its criterion relating to education infrastructure, which as modified by **MM239**, would require contributions for the provision of essential education infrastructure, informed by an up-to-date assessment of education needs.
158. Whilst some have expressed views relating to the limited physical capacity for the extension of schools in the immediate vicinity of the site, it has not been demonstrated that similar capacity constraints are present in all schools within the site's wider catchment. In this context, it is also relevant that the Framework¹³⁶ expects local planning authorities to give great weight to the need to create, expand or alter schools through decisions on applications. The SADPD's safeguarded sites could also meet potential "development needs", if justified, in the next plan period, which could include additional school or

¹³³ At paragraph 108

¹³⁴ In accordance with paragraph 108(c) of the Framework

¹³⁵ At paragraph 109

¹³⁶ At paragraph 94

indeed other social infrastructure should future updates to the development plan find this to be necessary. In addition, the anticipated development timescales for the site would allow time for any additional capacity required to meet needs arising from the site to be appropriately phased. Taken together, these considerations indicate that the allocation is clearly justified in these terms.

159. Additional households in the area as a result of the development of the GB10 site would also give rise to additional demand for health services – including GP surgeries. The implications of this and other developments proposed for the area are clearly referenced in the IDP, and the Council is working with the Clinical Commissioning Group and others to address any needs that may arise as a result of development. The IDP makes it clear that further input from these bodies would be required when “development proposals become more certain”¹³⁷, and also identifies that both planning obligations and direct funding from the Government would support any necessary expansion required to facilities due to household growth. The development of the GB10 site is yet to commence, and the likely timescale for delivery of the full yield of housing on the site would be some years in the future. This would allow time for more detailed consideration of additional demands on local health services and how these could be met, as anticipated in the IDP, as part of a consideration of the wider implications of development as proposals become more certain. I view the emerging update to the IDP in this context, and consider that the SADPD is justified in these terms.
160. The site is part of a wider tract of land identified in the Minerals Plan as a concreting aggregate safeguarding site. Material presented with West Hall Estate Company Ltd’s hearing statement, based on borehole testing, highlights the uneconomic nature of the on-site aggregate resource, which is described as “small and awkwardly placed”¹³⁸. Consequently, the Minerals Plan designation would be unlikely to present an insuperable obstacle to the development of the allocation. In any event, the supporting text as modified by **MM240** emphasises the requirement to involve the minerals planning authority at an early stage to assist with the shaping of proposals and in the interests of the site’s deliverability, and thus is necessary to ensure that the policy is effective.
161. The wording of **MM239**, which I recommend in the schedule attached, is amended from that which was consulted on. This is to ensure that it refers to the correct quantity of land subject to the GB9A element of the allocation. As this alteration is factual in nature, and does not materially affect the operation of the policy, no prejudice would occur to the interests of any party as a result of this amendment. Other minor alterations have been made to typographical errors relating to Blackwood Close, and to reflect the status of Dodd’s Lane – both of which are limited alterations, the scope of which have been adequately addressed in consultation, and no prejudice would therefore result due to their inclusion at this stage.

¹³⁷ WBC/SA/E036 at paragraph 10.49

¹³⁸ Per the letter from Matthews & Son Chartered Surveyors dated 11 November 2019 included as appendix B of West Hall Estate Company Ltd’s Hearing Statement

162. Whilst the West Byfleet Neighbourhood Plan notes¹³⁹ that the Green Belt is fundamental to the locally distinct character of the area, and that the local community supports its retention, it contains no specific policy to this end. Furthermore, subject to the MMs specified, SADPD Policy GB10 would support the protection and enhancement of local biodiversity and nature conservation, contain criteria relating to the retention and protection of trees, and include requirements relating to the improvement of footpaths and cycle routes. In these ways Policy GB10 would accord with Policies OS2, OS3 and OS5 of the Neighbourhood Plan insofar as they set out, amongst other things, that development should firstly, maintain and, where possible, improve the connectivity provided by wildlife corridors; secondly, retain mature trees wherever possible; and thirdly, protect and improve new footpaths and cycle routes.

Policy GB11: Broadoaks, Parvis Road, West Byfleet, KT14 6LP

163. Development of the GB11 site is well advanced pursuant to applications permitted in relation to its status as an MDS, as designated by the Core Strategy. Due to the existing character of the site and proximity to the developed area of West Byfleet, the GBR finds the Broadoaks site to be an area less sensitive to development. Policy GB11 would remove the site from the Green Belt and allow development in accordance with the allocated uses, which would be relevant in respect of any further applications relating to the site. Taken together, the limited contribution this developed site makes to the openness or purposes of the Green Belt and the need for housing and specialist accommodation that it would supply, amount to exceptional circumstances, which justify the alteration of Green Belt boundaries as proposed. **MM200** and **MM201** would ensure that the up-to-date status of the site is reflected in Policy SA1 in the interests of effectiveness.

Compensatory Improvements

164. As set out above, the SADPD allocates a considerable amount of land for SANG, which will remain in the Green Belt. Site-specific criteria relating to residential and other allocations, including relating to green infrastructure enhancements and linkages to Green Belt land in respect of the GB10 site, have the potential to deliver accessibility improvements. In these respects, the SADPD would clearly set out ways in which the impact of removing land from the Green Belt could be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, and as a result, would be consistent with national policy¹⁴⁰ in this respect.

Safeguarded Land

165. Although a requirement for safeguarded sites is not included in the Core Strategy, it is clear from the Framework that, when defining Green Belt boundaries, plans should, where necessary, identify such areas to meet longer-term development needs stretching well beyond the plan period. In these regards, the limited amount of time remaining in the plan period is of particular relevance. Moreover, the LDS sets out that safeguarded sites are

¹³⁹ At 2.6.3

¹⁴⁰ Per paragraph 138 of the Framework

within the scope of the SADPD.

166. The amount of safeguarded land identified in the SADPD amounts to around 11.85ha¹⁴¹. The safeguarded land would only supply a limited amount of housing when considered against the annual requirements currently set out in the Core Strategy. Nevertheless, future housing requirements for the Borough are matters to be set out in an update to the Core Strategy and are not before me in my assessment of the SADPD. Neither is it possible to say with any certainty at this stage whether further suitable urban sites would be available following the end of the plan period, or to what extent neighbouring authorities would be able to accommodate additional need for development that could not be located in Woking's urban area. However, it is clear from their engagement in the preparation of the SADPD and this examination that neighbouring districts also have similar constraints in Green Belt and other respects.
167. A full assessment of future requirements, and the identification of the appropriate amount of land to meet these, are matters clearly outside the scope of the current examination. They will form key considerations in the preparation and production of plans to cover the period after 2027 and could involve consideration of additional Green Belt sites over and above those identified for safeguarding in the SADPD should this be justified. Although some suggest that these factors weigh in favour of an early review of the SADPD, a further review of the Core Strategy is due in 2023. There is no overriding justification at this stage to suggest that any similar work should take place before that.
168. Moreover, further releases of Green Belt sites, over and above those identified in the SADPD, would likely be more harmful in Green Belt or landscape terms, be less accessible and thus not as sustainably located, and have greater landscape and other effects than the sites currently included in the plan. It is not possible to say with any level of certainty at this time whether development requirements would be of such an extent as to justify the exceptional circumstances for further Green Belt release. Consequently, on the basis of the available evidence, including the GBR, and taken together with my reasoning on the Green Belt site allocations above, I consider that with the safeguarded land it proposes to designate, the SADPD ensures that development needs could be met well beyond the plan period, insofar as is reasonable and practicable. In this way, and subject to the MMs I refer to in respect of this issue, the SADPD is both positively prepared and consistent with national policy¹⁴² in these terms.
169. Nevertheless, MMs are required to the policies to ensure that land would not be released from the Green Belt unless updates to the development plan should find this to be necessary. **MM215, MM216, MM218, MM219, MM230, MM231** would achieve this aim and ensure effectiveness and consistency with the Framework in these regards. Following the closure of consultation on the MMs, I have made minor amendments to **MM215, MM218** and **MM230** to clarify the timescale over which future requirements may need

¹⁴¹ Although I note that the developable area could be smaller due to the presence of the expansion land for the graveyard at GB5

¹⁴² Particularly paragraphs 137 to 139

to be met by the sites, namely after the expiry of the current plan period. These slight amendments would be needed to ensure that the policies are justified, internally consistent and accord with national policy in these terms. I am content that no prejudice would occur to the interests of any parties as a result of these minor changes.

170. **MM216, MM218 and MM219** are also required to identify the constraints relevant to safeguarded land identified by the SADPD including the land in the ownership of the church at the GB5 site. The effectiveness of the policies would be ensured as a result. Moreover, as the safeguarded sites are not allocated for development at this stage, and would not be so unless and until future updates to the development plan found this to be necessary, the type and quantity of development entailed is unknown. Accordingly, **MM279** and **MM280** are required, which amend the Anticipated Capacity of Sites Table at Appendix 4 of the SADPD to reflect this position to ensure that the SADPD is effective in these regards. MMs are also required to Policy SA1 and its supporting text to ensure that the status of safeguarded sites is accurately reflected and **MM200** and **MM201** would do this in the interests of effectiveness.
171. The GBR finds that the current use and character of the GB8 site "present few constraints to residential development"¹⁴³. However, the site is occupied by an operational business which benefits from a lease which is not due to expire until 2040¹⁴⁴. Although the lease could be terminated earlier by negotiation between the parties it is clear that the site's availability for development has not been demonstrated at this stage, and it would not therefore be suitable for allocation to meet housing requirements in the remaining plan period. Taking these matters together, I consider the identification of this site as safeguarded land is justified and consistent with national policy.
172. Policy GB9 (Land adjacent to Hook Hill Lane, Hook Heath, Woking, GU22 0PS) is included in the SADPD as a safeguarded site to meet "long term green infrastructure needs of the Borough". However, the Framework¹⁴⁵ makes clear that safeguarded land should be identified, where necessary "to meet longer-term *development needs* stretching well beyond the plan period" (with my emphasis). As the land would be safeguarded to provide Green Infrastructure – which would be unlikely to involve 'development' – its safeguarding would not accord with the Framework in these terms. Moreover, as adjacent land that was previously considered for Green Belt release/safeguarding in earlier iterations of the SADPD is not so identified in the Regulation 19 version, the GB9 site would not constitute an isolated island of Green Belt. For these reasons **MM200, MM233, MM234, MM235** and **MM236** are necessary which would delete the policy and associated material, and ensure a justified and effective approach to this site, which would accord with the Framework.
173. Some sites have not been identified as safeguarded land despite having similar assessment outcomes in the SA to those that have been so identified in the

¹⁴³ At paragraph 3.5.18

¹⁴⁴ As set out in the Main Modifications consultation response of St James's Property Unit Trust

¹⁴⁵ at paragraph 139(c)

SADPD. However, the Council gave weight to the potential landscape and heritage impacts of the release of the sites which have not been identified in the SADPD. The Council's position on these sites is adequately documented in its Issues and Matters Topic Paper¹⁴⁶, which clearly amounts to a reasoned view on the matter. Further, as the Core Strategy sets out no quantitative targets in relation to safeguarded land, it has not been demonstrated that there would be an undersupply of such sites or that further sites need to be identified. It follows that the SADPD is clearly justified in these terms.

Other Allocations in the Green Belt

Policy GB3: Brookwood Cemetery, Cemetery Pales, Brookwood GU24 0BL

174. Policy GB3 would guide proposals for the use of Brookwood Cemetery, taking into account its heritage significance, environmental constraints and location within the Green Belt. **MM212** and **MM213** are necessary to set out the requirements for engagement with Historic England and Natural England in the supporting text in the interests of clarity and to ensure the effectiveness of the policy in this regard. **MM213** is also necessary to ensure that environmental and other constraints are appropriately referenced and so that Policy GB3 would provide an effective basis for shaping proposals.

Policy GB6: Six Crossroads roundabout and environs, Chertsey Road, Woking, GU21 5SH

175. The GB6 site is allocated to provide essential infrastructure in the form of a junction upgrade, but would remain in the Green Belt. In principle, this approach accords with the Framework which identifies local transport infrastructure that can demonstrate a requirement for a Green Belt location, as a form of development that is not inappropriate in the Green Belt¹⁴⁷. As drafted, however, it is not clear that the requirement to preserve openness and avoid conflict with Green Belt purposes is appropriately referenced. Accordingly, **MM222** is necessary to ensure consistency with national policy in these terms.

Policy GB17: Woking Palace, Carters Lane, Old Woking GU22 8JQ

176. The SADPD includes an allocation¹⁴⁸ relating to Woking Palace, a scheduled monument located in the Green Belt. As submitted, the policy would include the site of the Palace itself and a much wider expanse of land to provide heritage parkland and a country park, which taken together would amount to circa 64ha. However, much of the land subject to the policy is not within the Council's ownership and is not available for the purposes set out in the SADPD.

177. I acknowledge that the Woking Palace Conservation Management Plan (January 2016) (the CMP)¹⁴⁹, and the Woking Palace Masterplan Presentation¹⁵⁰ (January 2013) (the Masterplan) place an emphasis on

¹⁴⁶ WBC/SA/003

¹⁴⁷ At paragraph 146

¹⁴⁸ Policy GB17

¹⁴⁹ WBC/SA/E061

¹⁵⁰ WBC/SA/E061H

improving accessibility to the Scheduled Monument both in terms of vehicular movement and parking, and in terms of better linkages to the wider rights of way network. Nevertheless, none of the key evidence base documents mentioned in the justification for Policy GB17 establishes a requirement for the full 64ha site to be allocated in order to fulfil these aims. Moreover, whilst these documents reference the funding sources that could be used to facilitate some of the initiatives they recommend, I have been supplied with no substantive evidence to suggest that such funding has been secured. For these reasons, it has not been demonstrated that the policy as submitted is either effective or justified – and it is thus not soundly based in these regards.

178. Nevertheless, the Framework expects development plans to set out a positive strategy for the conservation and enjoyment of the historic environment¹⁵¹; and that non-strategic policies should set out more detailed policies for specific areas including those related to conserving and enhancing the natural and historic environment¹⁵². Furthermore, site-specific policy¹⁵³ relating to Woking Palace included in the previous Local Plan¹⁵⁴ has not been replaced in any other adopted DPDs leaving a gap in terms of this important designated heritage asset. Moreover, bringing the Palace and its grounds into more active use could add vitality to the asset and would improve natural surveillance in the area. These objectives are consistent with the Framework insofar as it expects heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations¹⁵⁵.

179. Taking these above matters together, alteration is needed to the policy in order to identify the relevant site, excluding the wider expanse of surrounding land, and to set out the parameters for a development brief to guide its management and improvement. **MM265, MM266, MM267, MM268** and **MM269** would ensure that these changes would be made and that any future development proposals would be guided by robust and site-specific guidance, and supported by evidence of the availability of funding to facilitate any interventions. Critically, whether the amount of land within public ownership would be sufficient to secure the conservation of Woking Palace would be a matter taken into account in the production of the development brief and could influence future development plan policies or development proposals. For these reasons, **MM265, MM266, MM267, MM268, MM269** are clearly necessary to ensure that the SADPD would provide a justified and effective policy in relation to Woking Palace, that would be consistent with the Framework. **MM267** would also clarify the position in terms of scheduled monument consent, and thus achieve effectiveness in these regards. Modification is required to the policies map to ensure that the spatial extent of revised policy is identified, excluding the wider area of land.

180. In the versions of **MM266** and **MM267** included in the attached schedule, I have made minor amendments to their wording following consultation to reflect the ownership status of the access track, and to identify more explicitly

¹⁵¹ At paragraph 185

¹⁵² At paragraph 28

¹⁵³ Policy REC17

¹⁵⁴ Adopted August 1999

¹⁵⁵ At paragraph 184

which stakeholders should be involved in the preparation of the development brief. Whilst necessary for effectiveness, and thus soundness, these amendments are minor in scope, and the points have been adequately addressed in previous consultation. Accordingly, no prejudice would occur to the interests of any parties as a result of me proceeding on this basis.

181. Given the revised scope of the Woking Palace policy there is no necessity at this stage refer to a site-specific flood-risk assessment, a sequential approach to the layout of the site, or to detailed matters relating to design in relation to the River Wey. Accordingly, no further MMs are needed to ensure soundness in these regards.

Policy GB18: West Byfleet Junior and Infant School Playing Fields, Parvis Road, West Byfleet KT14 6EG

182. West Byfleet Junior and Infant School and its playing fields (the School site) are currently within the Green Belt boundary. The GBR found¹⁵⁶ that due to the site's containment by urban development to three sides and the MDS of Broadoaks to the south, that it makes no contribution to Green Belt purposes.

183. The SADPD amends the Green Belt boundary to the south of Parvis Road pursuant to the Broadoaks allocation. The effect of these amendments detaches the School site from the wider Green Belt.

184. The SADPD would allocate the playing fields as urban open space, a designation which would be adequate to ensure that this part of the site would, on the whole, remain free from development, and would be adequate to achieve this.

185. Consequently, these considerations amount to the exceptional circumstances necessary to justify the alteration of Green Belt as proposed in GB18. The SADPD would thus accord with national policy in these regards.

186. **MM271** and **MM 272**, are necessary, however, to ensure that the policy provides a clear and effective basis for decision-taking, by emphasising the elements of the space that would be subject to Policy CS17 of the Core Strategy for the protection of urban open space.

187. It is necessary to make a slight adjustment to **MM278**, reflecting consultation comments received on this site, to ensure that the map legend included in the SADPD accurately reflects the status of the urban open space subject to GB18. This post-consultation change is minor in scope and the point has been adequately addressed in consultation. Therefore no prejudice would occur to the interests of any parties as a result of it.

188. Alterations are also required to the policies map to ensure that the spatial extent of the urban open space is accurately depicted, and to clarify the status of the designation.

¹⁵⁶ at paragraph 7.3.3

Green Belt Boundary

189. As a consequence of the above-referenced main modifications, the illustrative mapping material included in Appendix 2 of the SADPD needs to be modified to capture the spatial extent of the Green Belt alterations. Accordingly, I recommend **MM277**, which would secure this change in the interests of the SADPD's effectiveness in these terms.

Conclusion

190. Taken together, the considerations set out above lead me to the conclusion on this main issue that exceptional circumstances exist to justify the SADPD's proposed revisions to Green Belt boundaries. Moreover, for the reasons set out, and subject to the above-referenced MMs, the SADPD's approach to allocations and safeguarded land in the Green Belt is clearly justified, effective and consistent with national policy.

Issue 4 – Are the allocated sites in the urban area justified, consistent with national policy and deliverable/developable?

Mixed use sites

191. The SADPD includes a number of allocations which seek a mix of uses. This approach is consistent with the Framework insofar as it states that policies should encourage multiple benefits from urban land including through mixed use schemes¹⁵⁷, and positively prepared in seeking to meet the area's objectively assessed needs. Some consider the indicative mixes set out to be insufficiently flexible and cite the recent changes to the Use Classes Order, which gather together a number of previously discrete uses, in support of this view. Nevertheless, the allocations do not specify individual use classes. Moreover, site yields are indicative, and the precise mix of uses could be determined as part of the assessment of applications. Consequently, the implications of recent Use Classes Order changes, and other considerations such as viability, would be relevant considerations at the development management stage. Furthermore, subject to the MMs set out below, monitoring arrangements would provide a basis for an assessment of the effectiveness of these policies over the remaining plan period. Accordingly, these matters taken together indicate that the SADPD is soundly based in these regards.

Policy UA1: Library, 71 High Road, Byfleet KT14 7QN

The UA1 allocation would involve the redevelopment of the existing library. Although the library would be re-provided as part of any redevelopment, **MM7** is nevertheless necessary which requires continued access to library services prior to the new facilities being completed. In these ways, **MM7** would ensure consistency with the Framework¹⁵⁸.

¹⁵⁷ Per paragraph 118

¹⁵⁸ At paragraph 92

Policy UA14: Poole Road Industrial Estate, Woking, GU21 6EE

192. As submitted, Policy UA14 allocates the site for a mix of employment uses and a new energy station. The policy needs to include clear reference to the acceptability of residential development in land use terms. Consequently, **MM58**, **MM59** and **MM60** are all necessary and to ensure consistency with the Core Strategy and national policy.

Policy UA15: The Big Apple American Amusements Ltd, H. G. Wells Conference Centre, the former Rat and Parrot PH, 48-58 Chertsey Road, Woking GU21 5AJ

193. The conferencing facilities which are currently within the UA15 site serve as a venue for community and other groups, and they are functionally different to more modern conferencing facilities that have recently been developed in the town. Nevertheless, to require a like-for-like replacement of conferencing facilities as part of any proposals coming forward on the UA15 site would not, on the basis of the evidence before me, including in terms of the supply of conferencing space, be justified. Nevertheless, due to the community function of some of the existing spaces at the site Policy CS19 of the Core Strategy is engaged, and would be a relevant consideration in the assessment of any proposals that come forward. However, such uses could also be accommodated in multi-functional spaces coming forward through redevelopment of the site, and a requirement for conferencing facilities alone could be too restrictive. Consequently, **MM63** and **MM64** are necessary which would delete this requirement and refer to Policy CS19 in the interests of the policy's effectiveness.

194. The wording of **MM63** insofar as it relates to community facilities is inconsistent with Policy CS19 of the Core Strategy. Consequently, I have made changes to the wording of **MM62** and **MM63** to ensure that the policy is justified in these terms, and to ensure that it would accord with the Core Strategy. Taken together with the supporting text which gives further detail on the relevant considerations to take into account, I consider that this post-consultation amendment would ensure an unambiguous basis for decision-taking in respect of the UA15 site, and its community function. I am content that this change would cause no prejudice to interested parties as a result of its inclusion at this stage, as the point has been adequately addressed in consultation and the change is minor in nature.

Policy UA20: Backland gardens of houses facing Ash Road, Hawthorn Road, Willow Way and Laburnum Road (Barnsbury Sites 1&2), Barnsbury Farm Estate, Woking GU22 0BN

195. In the interests of the effectiveness of Policy UA20 and to ensure that its requirements are consistent with the Core Strategy, and justified, **MM83** is necessary to ensure that any re-provision of community uses, or other facilities present within the existing shopping parade is managed in accordance with Policies CS4 and CS19.

Policy UA25: Land within Sheerwater Priority Place, Albert Drive, Woking GU21 5RE

196. **MM104** is necessary to ensure that the redevelopment of the UA25 site provides affordable housing in line with Policy CS12 and a proportion of family-

sized homes (e.g 2+ bedroom per the Core Strategy definition) in line with Policy CS5 insofar as it relates to the mix of housing to be provided in the Borough's Priority Places, such as Sheerwater. This would ensure that its policies relating to mix and affordable housing would be justified and effective.

UA22: Ian Allan Motors 63-65 High Street, Old Woking, GU22 9LN

197. Following the closure of the hearings the UA22 site received planning permission for residential development. Consequently, I have made amendments to **MM90**, **MM92** and **MM93** post-consultation to reflect the up-to-date development yields and timing for delivery. Whilst I cover the reasoning for these modifications in respect of Issue 5 below, I consider that no prejudice would occur to the interests of any parties as a result of these minor factual updates.

Policy UA32 Car Park (East), Oriental Road, Woking GU22 8DB

198. Policy CS18 of the Core Strategy emphasises the Council's commitment to developing a well-integrated community connected by a sustainable transport system, and is supportive of proposals that deliver improvements and increased accessibility to public transport networks. Moreover, Policy UA7 of the SADPD allocates the railway station and related land as a bus/rail interchange. The redevelopment of the UA32 site would result in a reduction of available car-parking for the train station. Consequently, a requirement for replacement parking to be provided for that lost as a result of any redevelopment is included as a specific criterion in Policy UA32 to ensure that it would accord with Policy CS18, and be consistent with the aspirations for the UA7 site. For these reasons, the requirement in terms of replacement car-parking is fully justified, and soundly based in these regards.

Policy UA34: Coal Yard/Aggregates Yard adjacent to the railway line, Guildford Road/Bradfield Close, Woking GU22 7QE

199. In order for accurate boundaries to be illustrated in the SADPD, **MM146** is necessary to ensure that the extent of the allocation related to the UA34 policy is accurately depicted. It follows that modifications would also be required to the Policies Map to ensure that the spatial extent of this policy is accurately reflected. **MM148** is necessary to ensure that the site area of the revised boundary is also correctly referenced. With these MMs Policy UA34 would be effective in these terms.

Policy UA36: Land at Bradfield Close and 7 York Road GU22 7XH

200. Site UA36 includes a building which is currently in commercial use. Whilst the Council was minded to grant planning permission for residential redevelopment of the site, this was subject to a planning obligation being entered into, which a site owner was not willing to do. Moreover, the owner's intention is to retain the site in its current commercial use. It is clear then that the commercial building, which makes up a substantial proportion of the UA36 site, is not available for development, and therefore the deliverability of this site for the proposed uses has not been demonstrated. Accordingly, **MM156**, **MM157**, **MM158** and **MM159**, which would delete the policy and its

supporting text are necessary to ensure that the SADPD is justified and effective.

Policy UA37: The Crescent, Heathside Crescent, Woking GU22 7AG

201. Recent planning permissions relating to of the UA37 site mean that it is necessary to amend the SADPD to ensure that the extent of the site is accurately reflected in the illustrative material, the site area as expressed in the policy and the descriptive title of the allocation. Consequently **MM160**, **MM162** and **MM163** are required which would achieve this to ensure that the SADPD is effective and justified in these terms.

Policy UA40 Camphill Tip, Camphill Road, West Byfleet KT14 6EW

202. The UA40 site is brownfield land – and its adjacency to other industrial properties, and the contaminative nature of its previous uses mean that it would be unlikely to be a suitable or viable location for housing needs, but could provide an acceptable location for employment development. Moreover, the SADPD's approach to this site would be in accordance with the Framework which expects¹⁵⁹ substantial weight to be given to the value of using suitable brownfield land within settlements for identified needs; and that policies should support appropriate opportunities to remediate contaminated land.

203. The necessity for any development proposals to be supported by transport assessments and travel plans, and to provide any necessary supporting highway infrastructure to mitigate any of its effects would ensure that highway safety and transport implications of more detailed schemes would be taken into account and appropriately considered at the planning application stage. These aspects of Policy UA40 are consistent with the Framework in these terms.

204. Due to the strong support provided by Policy CS23 of the Core Strategy in terms of renewable energy schemes, it is not necessary for Policy UA40 to make explicit reference to this type of development. As a consequence, no modifications are needed to this end to ensure soundness in this respect.

205. Nevertheless, **MM177** is necessary in order to amend the references to the environmental quality of the Rive Ditch and Basingstoke Canal to ensure that the policy accords with the Framework¹⁶⁰ in respect of environmental enhancement and biodiversity net gain. For the reasons set out, and subject to the above-referenced MM, Policy UA40 sets out a soundly based approach to this site.

Policy UA44: Woking Football Club, Westfield Avenue, Woking GU22 9AA

206. Unlike other allocations involving housing in the SADPD, this one includes no expected indicative quantum of development. In these terms the policy is inconsistent with others in the SADPD, which are based on the indicative densities set out in Policy CS10 of the Core Strategy. Moreover, the policy is

¹⁵⁹at paragraphs 117 and 118

¹⁶⁰ At paragraph 170

not clearly written or unambiguous and therefore would be at variance with the Framework (at paragraph 16(d)) in these terms.

207. Accordingly, **MM196, MM197** and **MM198** are necessary to ensure that the policy is justified and effective in these terms. Like any other policies of the SADPD, proposals that seek to deliver a differing development quantum would be assessed on their own terms against the development plan taken as a whole and other material considerations.
208. The appeal site is outside of the town centre. The mix of uses as set out in the plan includes retail, but to ensure consistency with the Core Strategy, and that the policy is justified **MM197** and **MM198** are necessary, to specify the type of retail provision that would be supported in this location.
209. Subject to the above-referenced MMs, this policy would meet the soundness tests set out in the Framework.

Conclusion

210. For the above given reasons, and subject to the MMs set out above, the allocated sites in the urban area are justified, consistent with national policy and deliverable or developable.

Issue 5 - Are the SADPD's policies to manage the development of site allocations justified, consistent with national policies, and clearly written?

General Considerations

211. As submitted, the SADPD's policies include a considerable number of sometimes repetitive and occasionally conflicting criteria. Furthermore, the SADPD has been drafted without paragraph numbers, with lists of policy criteria, sometimes taking up several pages of text, using bullet points. These aspects of the SADPD mean that it is neither clearly written nor unambiguous, and that its policies contain unnecessary duplication. In these terms, the SADPD conflicts with the Framework¹⁶¹, and would be ineffective.
212. For these reasons, **MM1** is necessary which reformats the SADPD using paragraph numbers and numbered lists for policy criteria, which would ensure clarity, and thus consistency with the Framework and effectiveness as a result.
213. To ensure that policies are clearly written and unambiguous and that unnecessary duplication is avoided in the interests of effectiveness, and to make appropriate reference to policy hooks from the Core Strategy, **MM7, MM8, MM11, MM12, MM15, MM16, MM19, MM20, MM23, MM24, MM27, MM28, MM31, MM32, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM114, MM118, MM123, MM128, MM133, MM138, MM143, MM148, MM153, MM162, MM167, MM172, MM177, MM182, MM187, MM192, MM197, MM204, MM208, MM212, MM222, MM227,**

¹⁶¹ At paragraph 16

MM239, MM245, MM249, MM250, MM253, MM254, MM256, MM257, MM259, MM260, MM262, MM263, MM272 are all necessary.

214. Similarly, modifications are required to the reasoned justifications of the SADPD's policies, firstly to highlight that they also include supporting text; secondly, to emphasise that the development plan taken as a whole is relevant to any applications that may come forward relating to the sites; and thirdly, to direct readers to appropriate supporting guidance and advice. For these reasons, **MM8, MM12, MM16, MM20, MM24, MM28, MM32, MM36, MM40, MM44, MM48, MM52, MM56, MM60, MM64, MM68, MM72, MM76, MM80, MM84, MM88, MM92, MM100, MM105, MM110, MM114, MM119, MM124, MM129, MM134, MM139, MM144, MM149, MM154, MM163, MM168, MM173, MM178, MM183, MM188, MM193, MM198, MM205, MM209, MM213, MM223, MM228, MM240, MM246, MM250, MM254, MM257, MM260, MM263, MM272** are required to ensure the SADPD's effectiveness in these regards. These MMs would also appropriately reference liability for Community Infrastructure Levy payment, in the interests of clarity, and thus conformity with the Framework¹⁶² in this regard.
215. Redevelopment of some of the sites included in the SADPD is substantially complete and the sites are unlikely to be comprehensively re-developed in the remaining part of the plan period. It is no longer therefore necessary for site allocation policies to be included for these sites, as any further development proposals could be appropriately considered against other policies of the development plan and the Framework. Accordingly, to ensure consistency with the Framework insofar as it requires plans to serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area, **MM94, MM95, MM96** are necessary, to delete Site Allocations Policies which are no longer necessary to guide development on sites.
216. The re-numbering of the remaining policies of the plan via **MM97, MM102, MM107, MM112, MM116, MM121, MM126, MM131, MM136, MM141, MM146, MM151, MM160, MM165, MM170, MM175, MM180, MM185, MM190, MM195, MM237, MM243, MM270** are consequential amendments needed as a result of these and other policy deletions and would ensure clarity and thus effectiveness in these regards.
217. As a result of the above modifications, which include the deletion of some allocations, and the amendment of some of their boundaries as a result of changes in planning status and other matters, **MM278** is necessary, to make changes to the illustrative map showing site allocations and safeguarded sites. This modification would ensure clarity and thus effectiveness of the SADPD in this regard. Following consultation on the MMs a minor typographical change has been made to MM278 to give the correct title of one of the Policy SA1 allocations – this is a factual update which does not materially alter the SADPD's policies and no prejudice would therefore occur as a result of it.

¹⁶² At paragraph 16

Supplementary Planning Documents

218. The Council has produced a number of Supplementary Planning Documents (SPDs). SPDs, whilst material considerations in planning applications are not part of the development plan, and therefore cannot introduce new planning policies into it as the PPG makes clear¹⁶³. Consequently, the SADPD's policies which require development to be "in accordance with" SPDs are not justified. Nevertheless it is appropriate for SPDs to provide more detailed guidance on the implementation of policies. For these reasons **MM7, MM11, MM15, MM19, MM23, MM27, MM31, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM114, MM118, MM123, MM128, MM133, MM138, MM143, MM148, MM153, MM162, MM167, MM172, MM177, MM182, MM187, MM192, MM197, MM204, MM208, MM222, MM227, MM239, MM245** all require the relevant SPDs to be taken into account in the formulation of proposals and in planning decisions, rather than for proposals 'to accord' with them.

Design, Landscaping, Heritage and Amenity

219. The Council has design review arrangements in place in accordance with the Framework¹⁶⁴. However, **MM5** is necessary to promote the use of the Council's Design Review Panel as early as possible in the evolution of schemes, and to emphasise the importance of this particularly to significant projects such as tall buildings as defined in Policy CS1 of the Core Strategy. In these ways **MM5** will ensure the effectiveness of the SADPD, and its consistency with the Framework¹⁶⁵. The Framework does not seek to compel would-be applicants to engage with the design review process, but instead anticipates that local planning authorities would promote the use of these tools. For these reasons wording which sought to compel design review as a necessary precursor to the submission of a planning application would clearly be at variance with national planning policy, and no locally-specific evidence has been provided sufficient to justify such an approach. Consequently, **MM5**, as drafted, would ensure soundness in these terms for the reasons stated.

220. The design criteria of the SADPD's allocations are repetitive and sometimes conflict with each other. Consequently **MM7, MM11, MM15, MM19, MM23, MM27, MM31, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM113, MM118, MM123, MM128, MM133, MM138, MM143, MM148, MM153, MM162, MM167, MM172, MM177, MM182, MM187, MM192, MM197, MM204, MM227, MM239, MM245** would rationalise these requirements and also achieve consistency with the Framework¹⁶⁶ insofar as it requires firstly, clarity about design expectations, and secondly, that planning policies ensure that developments function well and add to the overall quality of the area. The criteria as drafted would allow for site-specific assessment of how design would respond to its context at the planning application stage, which could involve an assessment of permitted and completed developments

¹⁶³ *Plan-making* at paragraph 008

¹⁶⁴ At paragraph 129

¹⁶⁵ Particularly paragraphs 128 and 129

¹⁶⁶ particularly paragraphs 124 and 127

in the surroundings of the site. Consequently, it is not necessary, in soundness terms, for the design criteria to include maximum heights or to reference specific contextual existing or permitted developments in all cases.

221. The SADPD would set out requirements for landscaping to be provided in schemes, and for trees with amenity value to be retained, where relevant. This would ensure that these factors were appropriately considered at the development management stage and that positive effects of trees and landscaping in amenity, biodiversity and green infrastructure terms would be effectively secured.
222. I have made a minor adjustment to the wording of **MM27** as consulted on to reflect the lack of trees currently on the site. As this alteration to the wording merely reflects a factual position about the current state of the site, I am content that no parties would be prejudiced as a result of this.
223. In order to ensure that the criteria in the SADPD's policies reflect the Core Strategy and accord with the Framework and relevant statutory duties in terms of assessing their effects to heritage assets **MM11, MM12, MM15, MM16, MM19, MM20, MM23, MM24, MM27, MM28, MM31, MM32, MM35, MM36, MM63, MM64, MM71, MM72, MM75, MM76, MM79, MM80, MM91, MM92, MM99, MM100, MM104, MM105, MM109, MM110, MM118, MM119, MM138, MM139, MM172, MM173, MM177, MM178, MM182, MM183, MM187, MM188, MM192, MM193, MM197, MM198, MM227, MM228, MM245, MM246, MM249, MM250, MM253, MM254, MM259, MM260, MM262, MM263, MM271, MM272** are necessary. These would appropriately reference the relevant Core Strategy policies in the allocations' criteria and set out a list of heritage assets that might be affected by proposals in the reasoned justification and supporting text. It is important to emphasise that lists of heritage assets included are not closed, and this is emphasised by the phrase "heritage assets include, but are not limited to...". Although some would like to see the relevant Framework balances reflected in the SADPD's policies, this would not be necessary to ensure the soundness of the SADPD as plans should avoid unnecessary duplication of policies that apply to a particular area including policies in the Framework, where relevant¹⁶⁷.
224. The criteria relating to archaeological issues require modification to link more clearly to Policy CS20 of the Core Strategy, which sets out the implications should assessment identify any archaeological importance on sites. Consequently, the **MM31, MM79, MM83, MM91, MM104, MM114, MM118, MM128, MM197, MM204, MM227, MM239, MM256** are necessary to provide an effective and justified basis for decision-taking in respect of the relevant sites. Further adjustment is not necessary to ensure the soundness or legal compliance of the SADPD in this regard as the Framework expects plans to avoid unnecessary duplication of policies that apply to a particular area¹⁶⁸.
225. Amendments are required to ensure that the design of new developments would provide a high standard of amenity for future occupants, and where relevant pay appropriate regard to the living conditions of the occupiers of

¹⁶⁷ Per paragraph 16 (f) of the Framework.

¹⁶⁸ At paragraph 16(f)

adjacent dwellings. Consequently **MM7, MM11, MM15, MM19, MM23, MM27, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM114, MM118, MM123, MM128, MM133, MM138, MM143, MM148, MM153, MM162, MM167, MM172, MM182, MM187, MM192, MM197, MM204** are necessary to achieve effectiveness in these regards and also to ensure that the wording is consistent with the Framework¹⁶⁹.

226. In relation to Traveller allocations, Policy SA1 sets out that sites coming forward would need to meet the "necessary standards". However, as drafted it is unclear what these standards would entail – and the policy is ineffective in these terms. Accordingly, **MM200** is necessary to set out effective design criteria which accord with the Framework and PPTS insofar as they require, amongst other things, planning policies and decisions to ensure that developments function well and add to the overall quality of the area, create places that are safe, inclusive and accessible, and promote health and well-being with a high standard of amenity for existing and future users¹⁷⁰. In the interests of effectiveness, **MM208** and **MM239** are necessary which would make appropriate references to the design criteria in respect of individual allocations to meet the accommodation needs of Travellers.

Flood risk and sustainable drainage

227. As drafted the site-specific criteria relating to flood risk and sustainable drainage (SuDs) are insufficiently precise in terms of their design and implementation. Neither do the relevant criteria emphasise the necessity to take into account the current and future impacts of climate change¹⁷¹. Moreover, the Framework emphasises that development in areas at risk of flooding should only be allowed where the most vulnerable development is located in areas of lowest flood risk within individual sites. For these reasons **MM7, MM11, MM15, MM19, MM23, MM27, MM31, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM114, MM118, MM123, MM128, MM133, MM138, MM143, MM148, MM153, MM162, MM167, MM172, MM177, MM187, MM197, MM204, MM208, MM227, MM239, MM245, MM249, MM253, MM259, MM262** are necessary which ensure consistency with national policy in these regards, and provide an effective basis to inform the layout of sites and a decision-maker's assessment of these aspects. Criteria are also included that promote the use of SuDs in accordance with Policy CS9 of the Core Strategy.

228. Where portions of sites would be located in Flood Zones 2 and 3 the modifications proposed would introduce wording referring to flood risk assessment and climate change projections; and require a sequential approach to the layout of sites ensuring that the most vulnerable development would be located in areas of lowest flood risk. These modifications would therefore also

¹⁶⁹ particularly paragraphs 127(f) and 182

¹⁷⁰ Per the Framework paragraph 127

¹⁷¹ Per paragraph 157 of the Framework

be necessary in order to achieve consistency with national policy¹⁷² in these regards.

Wastewater Network Capacity

229. In consultation responses, the relevant utility providers identified areas with potential network capacity constraints in terms of wastewater. Consequently, **MM59, MM60, MM109, MM110, MM127, MM138, MM139, MM143, MM148, MM177, MM178, MM197, MM198, MM227, MM228, MM239, MM240, MM245, MM246** are needed to policies and supporting text to ensure that the areas of potential constraint are appropriately identified and taken into account in the design and assessment of schemes. This would ensure that the SADPD would be effective in these terms.

Sustainable Construction and adaptability

230. The criteria related to the sustainable construction techniques to be deployed in non-residential buildings accord with Policy CS22 of the Core Strategy and are consistent with the Framework¹⁷³ insofar as it states that new development should be planned for in ways that can help reduce greenhouse gas emissions, such as through its location, orientation and design. The implications of the BREEAM 'very good' standard have been subject to an assessment of their viability¹⁷⁴. Although I am mindful that 'very good' is not the highest standard that could be achieved through BREEAM certification, it is not clear whether the viability or deliverability implications of any higher requirement have been tested as part of the preparation of the SADPD. Accordingly, the imposition of any higher BREEAM requirement is not justified and would be contrary to the PPG¹⁷⁵ insofar as it advocates that when considering policies on local requirements for the sustainability of buildings local planning authorities will wish to consider the impact on the viability of development. For these reasons there is no justification to include a higher BREEAM standard in this case.

231. Requirements relating to the district heating network are set out in Policy CS22 of the Core Strategy. Modifications **MM11, MM15, MM19, MM23, MM27, MM35, MM39, MM43, MM47, MM51, MM55, MM59, MM63, MM67, MM71, MM75, MM104, MM109, MM138, MM143, MM148, MM162, MM167** are however, required to ensure that the detailed wording accords with the Core Strategy policy, and is therefore justified in these regards.

232. The SADPD, as drafted, seeks to encourage the development of dwellings using the Lifetime Homes Standard. Planning Update March 2015 WMS sets out the national policy on the application of optional technical standards for housing, including those relating to accessibility and adaptability. The WMS makes clear that new homes need to be high quality, accessible and sustainable. It sets out that from 1 October 2015 existing local plan policies relating to access should be interpreted by reference to the equivalent new

¹⁷² particularly paragraphs 157ff and 163

¹⁷³ at paragraph 150(b)

¹⁷⁴ In the *Woking Borough Council Community Infrastructure Levy Viability Study* (January 2013) (WBC/SA/E036F) at 2.6.4

¹⁷⁵ *Climate Change Paragraph 009 Reference ID: 6-009-20150327* Revision date: 27 03 2015.

national technical standards. Consequently, modifications (**MM11, MM15, MM19, MM23, MM23, MM27, MM35, MM39, MM47, MM55, MM59, MM63, MM79, MM83, MM87, MM91, MM99, MM104, MM109, MM123, MM128, MM133, MM138, MM143, MM148, MM162, MM167, MM172, MM182, MM187, MM192, MM197, MM204, MM227, MM239, MM245**) are needed to achieve consistency with national policy, and to ensure that the nearest equivalent new national technical standards are referred to in the SADPD.

Custom and self-build housing

233. As drafted, the SADPD is ambiguous in terms of how custom or self-build housing could be accommodated on allocated sites, and it is not clear how a decision-taker should react to development proposals as a result. The SADPD does not explicitly identify sites where custom or self-build housing could be located. Nevertheless, site allocations contained within the SADPD could accommodate such housing and accordingly **MM3** is necessary to ensure internal consistency on this point and in the interests of effectiveness.

Contamination

234. Amendments are required to the criteria related to contaminated land issues to ensure that the requirements are clear and to place guidance regarding consultation with the appropriate agencies within the supporting text rather than the policies themselves. In these terms **MM11, MM12, MM15, MM16, MM19, MM20, MM23, MM24, MM27, MM28, MM31, MM32, MM35, MM36, MM39, MM40, MM43, MM44, MM55, MM56, MM59, MM60, MM63, MM64, MM67, MM68, MM79, MM80, MM83, MM84, MM91, MM92, MM99, MM100, MM104, MM105, MM109, MM110, MM114, MM118, MM119, MM123, MM124, MM128, MM129, MM133, MM134, MM138, MM144, MM148, MM153, MM162, MM167, MM172, MM173, MM177, MM178, MM182, MM187, MM188, MM187, MM204, MM205, MM208, MM209, MM227, MM228, MM239, MM240, MM245, MM246, MM256, MM257, MM259, MM260, MM262, MM263** are needed in the interests of effectiveness.

Minerals Safeguarding and the Agent of Change Principle

235. The Downside Goods Yard Rail Aggregates Depot is a safeguarded site for the purposes of the Minerals Plan. Policy MC6 requires the minerals planning authority to be consulted on any proposals for development that would, amongst other things, prejudice the effective operation of sites currently in minerals use. Several allocated sites in the Town Centre are in the consultation zone for the Depot. Consequently, in order for the SADPD's allocations to provide an effective basis for development management decisions, MMs are necessary (**MM27, MM28, MM31, MM32, MM47, MM48, MM55, MM56, MM59, MM60, MM148, MM149**) to emphasise the importance of the continued operation of the yard, and the desirability of early engagement with the County Council in terms of any proposed developments. In these ways, the SADPD would be consistent with the "agent of change" principle that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were

established, as set out in the Framework¹⁷⁶. The criteria and supporting text as modified are not more restrictive than the Minerals Plan or national policy in this regard, and are clearly justified in the context of these policies.

236. Consultation on the MMs highlighted that the UA10 site is not within the consultation zone for the Goods Yard. Accordingly, I have made amendments to the wording of **MM43** and **MM44** post-consultation to reflect this factual position. No prejudice would occur to the interests of any parties as a result of these amendments, as the point has been adequately addressed in the consultation process.

Social and community infrastructure

237. Where allocated sites include existing community uses which may be lost as a result of redevelopment, re-provision of such uses is advocated in the SADPD. To ensure that the policies provide an effective basis for decisions on the appropriateness of any re-provision proposals, main modifications **MM35, MM55, MM104, MM133, MM162, MM192, MM187** are needed to ensure that relevant policies refer to the specific Core Strategy Policy CS19, which guides development management decisions on these matters.

Conclusion

238. Taken together the above considerations lead me to the conclusion, on this main issue, that subject to the MMs referred to above, the SADPD's policies to manage the development of site allocations are justified, consistent with national policies, and clearly written.

Issue 6 - Does the SADPD set out effective mechanisms for monitoring and implementation?

239. Measures for the implementation of the plan are clearly set out in the relevant section of the SADPD, and add further weight in support of the deliverability of its policies. However, as submitted, whilst the SADPD contains a narrative on monitoring, it lacks detail on how this will be done for individual sites. Consequently, the SADPD is ineffective in these terms. Therefore, to ensure soundness and to ensure that the SADPD's policies remain effective over the plan-period, MMs are necessary (**MM9, MM13, MM17, MM21, MM25, MM29, MM33, MM37, MM41, MM45, MM49, MM53, MM57, MM61, MM65, MM69, MM73, MM77, MM81, MM85, MM89, MM93, MM101, MM106, MM111, MM115, MM120, MM125, MM130, MM135, MM140, MM145, MM150, MM155, MM164, MM169, MM174, MM179, MM184, MM189, MM194, , MM199, MM202, MM206, MM210, MM214, MM217, MM220, MM224, MM229, MM232, MM241, MM242, MM247, MM251, MM255, MM258, MM261, MM264, MM273, MM274, MM275**) to introduce monitoring tables for each allocation, make consequential amendments to the monitoring and implementation section of the SADPD, and clearly set out the parameters for monitoring safeguarded sites.

¹⁷⁶ At paragraph 182

240. Amongst other things, the monitoring tables will help the Council in determining whether the plan or policies within it should be updated¹⁷⁷. The monitoring tables also include a range of measures that could be deployed depending on the outcome of monitoring activity, which 'may include' compulsory purchase activity. However, the inclusion of this potential measure, amongst others, does not raise significant doubt about the deliverability or developability of sites, which I consider to be well-founded for the reasons set out above.

Conclusion

241. For the reasons given, and subject to the MMs listed, the SADPD includes effective mechanisms for its monitoring and implementation, and is sound in these regards.

Overall Conclusion and Recommendation

242. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

243. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix, the Woking Site Allocations Development Plan Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

G J Fort

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

¹⁷⁷ per paragraph :065 Reference ID: 61-065-20190723 of the *Plan-making PPG*