

## **WOKING SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD) – THE INSPECTOR’S FINAL REPORT**

### **Executive Summary**

The report requests the Executive to:

- consider the Inspector’s Final Report and accompanying Main Modifications into the Site Allocations Development Plan Document (DPD) with Officers’ analysis and recommendations;
- consider the proposed modifications to the Proposals Map to reflect the recommendations of the Inspector’s Final Report, the accompanying Main Modifications and the Council’s Additional Modifications; and
- recommend to Council to accept the Inspector’s Main Modifications and the Council’s Additional Modifications and adopt the Site Allocations Development Plan Document and the Proposals Map for the purposes of managing sustainable development across the borough and all other planning decisions.

The preparations of the Site Allocations Development Plan Document (DPD) has evolved over time. It was submitted to the Secretary of State for Independent Examination on 31 July 2019. The Examination Hearings took place between 2 December and 11 December 2020. The Hearings provided an opportunity for everyone who wished to be heard to make their case for it to be considered by the Inspector of the Secretary of State. The Inspector published his Post Hearings letter setting out the possible areas that he wished to make recommendations and why. This formed part of the basis of his schedule of Main Modifications which was published for consultation between 18 September and 14 December 2020. The Inspector has taken into account all representations received before submitting his Final Report to the Council. Overall, the Inspector has concluded that subject to his Main Modifications, the Site Allocations DPD is sound and legally compliant. Its preparation has met the requirements of the Duty to Cooperate. The Examination completed when the Inspector submitted his Final Report to the Council.

The Report was considered by the LDF Working Group at its meeting on 22 September 2021. The Working Group suggested an amendment to the report, which is already incorporated into recommend (i) of the report. Members of the Working Group are supportive of the recommendations of the report. The Draft Minute of the Working Group meeting is in Appendix 5.

### **Recommendations**

The Executive is requested to:

#### **RECOMMEND TO COUNCIL That**

- (i) **the Local Development Framework (LDF) Working Group accepts that the Inspector’s Final Report is binding and that the Council has a binary choice to adopt the Inspector’s recommendations in full or not to adopt the DPD. Although in the main the DPD presents a sustainable way forward for the development of the borough taking into account housing requirements, elements of the Inspector’s Final**

## Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

Report are not what some Councillors and local residents would want. Notwithstanding this, it is clear that the failure to timely adopt the recommendations would result in a worse outcome for the borough as a whole. Taking into account the above and national planning policy, the Working Group recommends that the Inspector’s Final Report and the Main Modifications document be accepted by the Council in full;

- (ii) subject to the Main Modifications recommended by the Inspector and the Council’s Additional Modifications, the Woking Site Allocations Development Plan Document and the Proposals Map be adopted in full for the purposes of development management and all other planning decisions;
- (iii) the entire provisions of the Woking Site Allocations DPD (draft is in Appendix 4 to the report) and the Proposals Map (Appendix 3 to the report) should be given full weight for the purposes of development management and all other planning decisions;
- (iv) delegated authority be given to the Director of Planning, in consultation with the Portfolio Holder for Planning, to make sure that the Inspector’s Main Modifications and the Council’s Additional Modifications are fully incorporated into the Site Allocations DPD. A draft of the DPD is in Appendix 4 to the report;
- (v) delegated authority be given to the Director of Planning, in consultation with the Portfolio Holder for Planning, to oversee the preparation and publication of the post adoption Sustainability Appraisal Statement; and
- (vi) delegated authority be given to the Director of Planning and Director of Legal and Democratic Services, in consultation with the Portfolio Holder for Planning, to ensure that the adoption process as set out in Section 8 (next stages) of the report is strictly followed.

### Reasons for Decision

Reason: To ensure the adoption of the Site Allocations DPD to provide the necessary framework for the sustainable distribution of development across the borough.

The items above will need to be dealt with by way of a recommendation to Council.
---

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

**Background Papers:** None.

**Reporting Person:** Giorgio Framalitto, Director of Planning  
Email: giorgio.framalitto@woking.gov.uk, Extn: 3440

**Contact Person:** Ernest Amoako, Planning Policy Manager  
Email: ernest.amoako@woking.gov.uk, Extn: 3427

**Portfolio Holder:** Councillor Gary Elson  
Email: cllrgary.elson@woking.gov.uk

**Shadow Portfolio Holder:** Councillor Deborah Hughes  
Email: cllrdeborah.hughes@woking.gov.uk

**Date Published:** 29 September 2021

**Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

## Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

### 1.0 Introduction

- 1.1 The Council had made a commitment in the Core Strategy to prepare the Site Allocations DPD to identify specific sites to enable the delivery of the Core Strategy. This includes a commitment to release Green Belt land between 2022 and 2027 to provide at least 550 new homes of the nature and type of housing that is needed, in particular, family homes. References to this commitment can be found in policies CS1, CS6 and CS10 of the Core Strategy. Given that planning applications are determined in accordance with the development plan for the area, it is important that the commitment is adhered to. The Core Strategy is on the website and can be accessed by visiting this link: <https://www.woking2027.info/developmentplan/corestrategy>.
- 1.2 The preparation of the Site Allocations DPD had evolved over time with community engagement and consultation always seen and valued by the Council as an integral and iterative part of each stage of the process. The Table below demonstrates the extent of public engagement that had been undertaken to inform the preparation of the DPD. This is in line with the Council’s Corporate Plan.

Stage of preparation	Date	Number of representations
Regulation 18 consultation	18 June 2015 – 31 July 2015	32,712 representations from 1,692 individuals
Consultation of land east of Martyrs Lane	6 January 2017 – 27 February 2017	32,164 representations from 3,018 individuals
Regulation 19 consultation	5 November 2018 – 17 December 2018	3,583 representations from 2,797 individuals
Date of Hearings	2 December 2019 – 11 December 2019	Everyone who made representations had the right to participate at the Hearings
Consultation on main modifications	14 September 2020 – 14 December 2020	445 individual and organisations made representations. In addition a petition signed by 2,739 individuals was received mainly from residents of Byfleet and West Byfleet.
Informal consultation with statutory consultees and neighbouring authorities	Throughout the process	Statement of common ground with statutory consultees, neighbouring authorities and the county council.

Table 1: Public and stakeholder consultation on the Site Allocations DPD

- 1.3 The Site Allocations DPD was submitted to the Secretary of State for Examination on 31 July 2019. The Examination Hearings took place between 2 December and 11 December 2020. The Hearings provided an opportunity for everyone who wished to be heard to make their case for it to be considered by the Inspector of the Secretary of State. The Inspector published his Post Hearings letter setting out the possible areas that he wished to make recommendations and why. This formed part of the basis of his schedule of Main Modifications which was published for consultation between 18 September and 14 December 2020. The Inspector has taken into account all representations received before submitting his Final Report to the Council. The Examination completed when the Inspector submitted his Final Report to the Council.

# Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

## 2.0 The Inspector’s Final Report

2.1 The Inspector’s Final Report was received by the Council on 6 August 2021. All Members have received a copy. The Portfolio Holder, the Shadow Portfolio Holder and the Chair of the LDF Working Group have been briefed. In accordance with Section 20 (8) of the Planning and Compulsory Act 2004 (as amended) the Council published the Inspector’s Report on 25 August 2021 to give everyone the opportunity to access the document. It has been published on the Council’s website at the Examination webpage and can be accessed by: <https://www.woking2027.info/allocations/sadpdexam>. Hard copies of the Report have been deposited at Woking, Byfleet, Knaphill libraries and the Civic Offices. A Public Notice and a Press Release have been published in the local newspapers. About 6,000 individuals and organisations who have expressed an interest to be notified of the receipt of the Inspector’s Report have been sent direct letters/emails to notify them of the receipt of the Report and where it can be accessed.

2.2 The Inspector’s Final Report addresses in detail the following key questions regarding the assessment of soundness of the DPD:

- Whether the Site Allocations DPD is justified and effective in meeting the requirements set out in the Core Strategy in relation to housing provision and whether at adoption the DPD will ensure a supply of land capable of delivering five years’ worth of housing against the adopted housing requirement?
- Whether the DPD’s approach to employment, infrastructure and European protected sites is robustly based and consistent with the Core Strategy and national policy?
- Whether exceptional circumstances exist to justify the DPD’s proposed revisions to Green Belt boundaries; and is the DPD’s approach to allocations and safeguarded land in the Green Belt justified, effective and consistent with national policy?
- Are the allocated sites in the urban area justified, consistent with national policy and deliverable/developable?
- Are the DPD’s policies to manage the development of site allocations justified, consistent with national policy and clearly written?
- Does the DPD set out effective mechanism for monitoring and implementation?

## 3.0 Overall conclusion

3.1 The Inspector has concluded that subject to his main modifications, the Site Allocations DPD is sound, legally compliant and its preparation has met the requirements of the Duty to Cooperate. The DPD therefore provides an appropriate basis for the planning of the borough, provided that the recommended number of main modifications are made to it. The Inspector’s Final Report and the accompanying Main Modifications can be accessed by visiting: <https://www.woking2027.info/allocations/sadpdexam/sadpdreport>. A copy of the Final Report and the accompanying Main Modifications are also in Appendix 1.

## 4.0 The Main Modifications

### Basis for the Main Modifications

4.1 Members should note that the Inspector’s main modifications comprise predominantly the schedule of proposed modifications that the Council submitted to him for consideration after the Regulation 19 consultation. For the avoidance of doubt, the proposed modifications that Council approved and submitted for the Inspector to consider can be accessed by this link: <https://www.woking2027.info/allocations/sadpdsub/modsched>. Other modifications recommended by the Inspector are those modifications that were approved under the delegated authority of the former Deputy Chief Executive in consultation with the Portfolio

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

Holder for Planning during the Hearings part of the Examination and/or considered by the LDF Working Group. In summary, the main sources of the Inspector’s Main Modifications are:

- Modifications proposed by the Inspector during the Hearings part of the Examination, which were approved under delegated authority of the former Deputy Chief Executive in consultation with the Portfolio Holder for Planning;
- Modifications set out in the Inspector’s Post Hearing Letter, of which every Member received a copy; and
- Any further modifications that the Inspector wished to make in response to consideration of all the representations received during the preparation of the DPD to ensure the soundness and/or legal compliance of the DPD, which was consulted on and considered by the LDF Working Group.

4.2 The main modifications should therefore come as no surprise to the Council. The Council also submitted a schedule of proposed additional modifications of editorial nature to the Inspector to be incorporated in the DPD before adoption. The Inspector has agreed that they are considered as additional modifications. A copy of the Additional Modifications is in Appendix 2.

### **Summary of the Main Modifications**

4.3 Below is a summary of the key recommendations in the Inspector’s Report/Main Modifications. They are highlighted because Members have previously expressed an interest on behalf of residents and not because they are any more important than the other findings/conclusions/recommendations of the Report. Members are advised to read the Inspector’s Report in full and treat all of them with equal importance to appreciate the depth of his analysis of the issues and the logic and rationale behind his recommendations. The Inspector’s recommendations are underpinned by detailed conclusions and it is necessary that they are considered carefully as they provide justification for the modifications.

- Woking Football Club, Woking Gymnastic Club, Woking Snooker Club, Westfield Avenue – for consistency, the Inspector has recommended that the indicative quantum of the number of homes on the site should be 93 dwellings. The Council had originally allocated the site without any indicative number of homes.
- Nursery land adjacent to Egley Road, Mayford – the site is allocated for residential development and a secondary school. The school has been built and is operational. The part of the land north of the school had been designated as an area of visual gap between Woking and Mayford where no built development should occur. The Inspector has acknowledged the importance of a visual gap between Woking and Mayford, but has recommended that the policy as drafted is unnecessarily restrictive and the need to maintain the visual gap cannot justify the proposed approach taken by the Council. He has therefore recommended that the designation should be deleted. Instead, any proposal to develop the site should incorporate a new and an improved open space and appropriate landscaping, taking into account the topography of the site to achieve the visual gap.
- The Inspector has supported the Council’s proposal to release land surrounding West Hall to deliver about 550 new homes and 15 Travellers pitches between 2022 and 2027. He has recommended a specific location within the site to deliver the Travellers pitches (see Appendix D of the Schedule of Main Modifications).

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

- Land adjacent to Hook Hill Lane, Hook Heath – the Inspector has recommended that the site should continue to remain in the Green Belt, and the Council’s proposal to release it from the Green Belt and allocate it for Green Infrastructure should be deleted.
- McLaren Campus – the Inspector has recommended that the site should continue to remain in the Green Belt. The Council had proposed to allocate the site as a Major development Site in the Green Belt. The Inspector concluded that given national policy on Green Belt, the Council’s proposal was unnecessary.
- Woking Palace – the Inspector has expressed doubt about the deliverability of the Council’s proposal, in particular, the proposal for the 64.4 hectare heritage parkland. The area proposed for the parkland is not owned by the Council. The owner of the land has made it clear that the land will not be available for the proposed use. The Inspector has recommended that the Council should prepare a development brief for the site, which will provide an opportunity to address the deliverability issues highlighted in his report.
- Land at Bradfield Close and 7 York Road – the site had been allocated by the Council for residential development. The Inspector has recommended that the allocation should be deleted from the DPD because of the owner’s intention to retain the site for commercial purposes, and there is no realistic prospect of it coming forward for development during the plan period.
- To provide further clarity, the Council had agreed at the Hearing to re-format the proposals of the DPD.

### **Overall conclusions on the Main Modifications**

4.4 It is worth noting that most of the Inspector’s key conclusions support the Council’s case and evidence presented at the Examination Hearings. Based on the detailed consideration of the issues by the Inspector, and the case presented by the Council, Officers would request that the Executive recommends to Council to accept the Inspector’s Main Modifications and adopt the Site Allocations DPD and the Proposals Map accordingly for the following reasons:

- a significant majority of the Inspector’s Main Modifications are those approved by Council and/or under delegated authority of the former Deputy Chief Executive in consultation with the Portfolio Holder for Planning and submitted to the Inspector for consideration. It would be unreasonable and to a great extent indefensible not to accept them;
- the Inspector’s Main Modifications and the underpinning analysis and conclusions are reasonable, logical and based on sound planning merits and will be difficult to articulate any planning reasons for rejecting them. Members are reminded that in accordance with the Planning and Compulsory Act, the Council had already agreed for the Inspector to recommend modifications to the Site Allocations DPD that are necessary to make the plan sound and legally compliant.
- the Inspector had hoped that the DPD would be adopted. Officers share that hope because the adoption of the DPD will help avoid a policy vacuum on the use of Green Belt land between 2022 and 2027, which could be exploited by applicants and developers. The Core Strategy anticipates the release of Green Belt land to meet housing need and the nature and type of housing that is needed between 2022 and 2027. The adoption of the Site Allocations DPD would specify the specific sites to ensure that their release from the Green Belt would not undermine its overall purpose and integrity.

## Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

### 5.0 Implications for not adopting the Site Allocations DPD (this applies to a decision to withdraw the DPD or a decision not to adopt the DPD)

5.1 While the Council is not legally required to adopt the DPD following an Examination, it is expected that the Council will proceed quickly to adopt the DPD if the Inspector has found it sound and legally compliant. The implications for not adopting the DPD are significant and can include the following:

- The Council has made a policy commitment in the Core Strategy to prepare the Site Allocations DPD. There would be a clear failure of duty if the Site Allocations DPD is not adopted. The policies of the Core Strategy, in particular, policies CS1, CS6 and CS10 requires the Council to prepare a Site Allocations DPD to identify specific sites to enable the delivery of the Core Strategy. This includes the release of Green Belt land to meet housing need between 2022 and 2027. The release of Green Belt land is to be informed by a Green Belt boundary review. The Council has carried out a Green Belt boundary review, which identifies the sites that could be released from the Green Belt without undermining its overall purpose and integrity. The Green Belt boundary review has informed the DPD. If the Site Allocations DPD is not adopted by 2022, there is the likely prospect of speculative development in the Green Belt being approved on appeal on the basis that the proposals comply with the policies of the Core Strategy and supported by the Council’s own evidence in the form of the Green belt boundary review. This will lead to an uncertain planning environment without a clear framework for the spatial distribution of development. Development could be led by appeal rather than by the Council.
- There is a high risk for the Secretary of State to intervene. The Secretary of State has the power to intervene by calling in the DPD for his determination or directing the Council to adopt it. Recent cases where the Secretary of State had intervened in local plan preparation include Thanet, Wirral and Castle Point Councils. If the Secretary of State were to intervene, the Council might be requested to reimburse the Secretary of State for the cost for doing so.
- There is a risk of a judicial review of the decision not to adopt by aggrieved persons. Given the policy background, the Council’s own evidence and the number of interested parties, the risk of a successful challenge is high, in particular, if the Council’s decision is deemed irrational.
- The time it will take to prepare a new DPD could be very significant - at least three years. The preparation of the new DPD would at least require Regulations 18 and 19 consultations and an Independent Examination. There is no guarantee of a different outcome that the Council would support.
- There will be a period of uncertainty between now and when the new DPD would be adopted. The vacuum that will be left will create an uncertain environment for business investment and for applicants to exploit. This could undermine the delivery of the emerging Town Centre Masterplan. Speculative development and development led by appeal could lead to unsustainable development in the Green Belt. The Council would find it difficult to shape the spatial distribution of development across the borough and defend appeals. The Council could lose the ability to control and manage the direction of growth in the borough.
- Given the timing of when a new Site Allocations DPD could be prepared and adopted, it is possible that the new Site Allocations DPD might have to meet a higher housing requirement than the 292 dwellings per year and over a longer plan period (15 years). Failing to adopt the Site Allocations DPD could trigger the review and modification of the

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

Core Strategy. The pressure for the Council to plan to meet its housing need of 431 dwellings per year will be real and difficult to dismiss. If this were to happen, the Council might have to find more land to meet its development needs, including the release of more Green Belt land.

- By not adopting the DPD, there will be significant cost for preparing another Site Allocations DPD. The costs could include cost of defending potential judicial reviews, cost of evidence base studies to inform a new DPD, cost of Examination of the DPD and costs of potential appeals. It is difficult to speculate on an estimate of the total cost of preparing a new DPD. However, this is estimated to be substantial, and likely to be in hundreds of thousands of pounds.

### **6.0 Implications/benefits for adopting the DPD**

- The DPD will provide a sustainable framework for managing the spatial distribution of development across the borough. It will provide a clear basis for the allocated sites to come forward for development and to ensure that development meets acceptable standards.
- It will enable the delivery of necessary development at the right and sustainable locations with the appropriate level of supporting infrastructure in line with the wider strategic objectives of the Core strategy.
- The adoption of the DPD will provide the necessary certainty for the Council and its key stakeholders to manage the future development of the borough and attract business investment.
- It will help protect designated land such as the Green Belt, because the Council would be able to demonstrate that it has identified sufficient land to meet the quantum, nature and type of its development needs;
- It will provide a sound basis for the preparation of the emerging Town Centre Masterplan.
- It will help provide an up to date development plan for the area, which is important for determining day to day planning applications.

### **7.0 Proposals Map**

7.1 The Planning Act requires the Council to have a Proposals Map (Policies Map) to illustrate geographically the application of the policies in an adopted development plan. As a consequence of the policies of the Site Allocations DPD including the Inspector’s Main Modifications and the Council’s Additional Modifications, the Council has proposed a number of modifications to the Proposals Map. The proposed modifications were the subject of consultation at each key stage of preparing the Site Allocations DPD. The proposed changes were submitted to the Inspector as an accompanying document to the Site Allocations DPD for consideration. The Inspector has identified amendments that may be needed to the Proposals Map following consultation on the Main Modifications. All the recommended amendments have been reflected on the revised Proposals Map. A copy of the revised Proposals Map and its supporting Insets Map are attached as Appendix 3. The Executive is requested to recommend to Council to approve the Proposals Map to give effect to the policies of the DPD.

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

### **8.0 Next steps**

- 8.1 The Inspector’s report is binding. As a matter of law, the Council cannot adopt the Site Allocations DPD without the Inspector’s recommended Main Modifications. The Council cannot pick and choose which parts of the Inspector’s recommendations it wishes to adopt. The Council therefore has a binary choice to adopt the Inspector’s recommendations or not to adopt the DPD. The Inspector is also not inviting comments on his report. The Examination completed when the Inspector’s Final report was submitted to the Council.
- 8.2 The authority to adopt the DPD should be by resolution of Council. In this regard, it is intended that the report will be considered by Council for adoption at its meeting on 14 October 2021.
- 8.3 In accordance with Section 113 (3), following adoption of the DPD, any person aggrieved by the DPD may make an application to the High Court on the grounds that:
- The DPD is not within the appropriate power;
  - A procedural requirement has not been complied with.
- 8.4 The application must be made not later than the end of the period of six weeks starting with the date of adoption. If there is to be a legal challenge, the Council will robustly defend the DPD and its provisions.
- 8.5 After adoption, the DPD will have the status of a development plan with full statutory weight for the purposes of managing development until any legal challenge is successful.
- 8.6 The Council will publish a sustainability appraisal post adoption statement and work with its partners to deliver the requirements of the DPD. Delegated authority is sought for the Director of Planning in consultation with the Portfolio Holder to agree details of the Sustainability Appraisal post adoption statement after the adoption of the DPD.
- 8.7 Officers have incorporated the Inspector’s Main Modifications and the Council’s Additional Modifications into the Site Allocations DPD. This will be appropriately formatted in a style similar to the Core Strategy after the DPD is adopted and published. The DPD with the Inspector’s Main Modifications is in Appendix 4.

### **9.0 Corporate Strategy**

- 9.1 The Site Allocation DPD sets out a clear direction and a sustainable framework for the spatial distribution of development across the borough. This will help facilitate sustainable development, in particular, by focusing most new development on previously developed land in the urban centres with relatively easy access to key services and facilities to minimise the need to travel by car. It will help provide consistency in decision making because it would establish the principle of development for individual sites. It will help deliver a corporate objective and priority for the development of housing including Affordable Housing and Travellers accommodation.
- 9.2 It will promote strong economic growth by allocating sufficient land to meet the economic strategy of the Core Strategy.
- 9.3 It will help improve the borough’s biodiversity by allocating sufficient Suitable Alternative Natural Greenspace (SANG) land to support development and help protect the Thames Basin Heaths Special Protection Areas.
- 9.4 It identifies necessary infrastructure, including sustainable energy infrastructure to support development. This will contribute towards the sustainable development of the borough.

## Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

### 10.0 Implications

#### Finance and Risk

- 10.1 The cost of preparing the Site Allocations DPD has been met through Planning Policy Service Plan budget and approved LDF Investment Programme.
- 10.2 It is anticipated that Council will adopt the DPD at its meeting on 14 October 2021. If it is not adopted, a significant policy vacuum would be created that may be exploited. There would be no robust spatial framework against which the suitability of individual sites that come forward for development will be judged. The Council risks losing appeals on the principle of developing sites that comes forward, including Green Belt sites because there is no Site Allocations DPD that establishes the appropriate use of the sites at their respective locations. Whilst the Government is committed to the plan-led system, it has made it clear that planning decisions at the local level would be determined by national policy and/or by appeal if local authorities delay or fail to prepare their development plan document. This is a situation that the Council would like to avoid.

#### Equalities and Human Resources

- 10.3 The Council is required by the Equalities Act to have regard to the need to eliminate discrimination or advance equality of opportunities. This includes a duty to provide adequate housing for all sections of the community. The DPD allocates sufficient land to meet the accommodation needs of Travellers.
- 10.4 There are no human resources implications for preparing the DPD.

#### Legal

- 10.5 The Council has a policy obligation to prepare the Site Allocations DPD to identify specific sites to enable the delivery of the Core Strategy. Adopting the DPD will be meeting this duty.
- 10.6 There is no legal obligation for the Council to adopt the DPD, but there is the expectation that the DPD should be adopted because it has been found sound and legally compliant.
- 10.7 When the DPD is adopted, Section 113 of the Planning and Compulsory Act 2004 allows scope for an aggrieved person to make an application to the High Court to challenge the decision of the Council on a set of prescribed grounds as set out in paragraph 8.3 of the report. The adopted DPD will continue to be operational and giving full weight until the legal challenge is successful.
- 10.8 By not accepting the Inspector’s main modifications, the Council has only one option, which is not to adopt the DPD. The Council therefore has no power at this stage to make any further main modifications to the DPD.
- 10.9 If the Council decides not to adopt the DPD or withdraw the DPD, the Secretary of State may use his powers to intervene by requesting the Council to adopt the DPD or calling the DPD in for his determination.
- 10.10 If the Council decides not to adopt the DPD, the decision could be challenged by anyone if it is considered irrational or perverse.

## Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report

### 11.0 Engagement and Consultation

- 11.1 Community engagement and consultation has been central to the preparation of the DPD. The extent of community engagement is demonstrated in Table 1 above. The outcome of the community engagement has informed the preparation of the DPD. The Council has prepared and published a Consultation Statement on how it has engaged the community in preparing the DPD. The Consultation Statement can be accessed by this link: <https://www.woking2027.info/allocations/sadpds/sub/sadpdconsstatement>.
- 11.2 Under the Duty to Corporate, the Council has engaged all the prescribed bodies to address cross boundary issues. The Council has published a Duty to Corporate Statement to demonstrate how it has met the requirements of the Duty to Corporate. The Inspector has recommended that the Council has met the requirements of the Duty to Corporate in preparing the DPD. The Duty to Cooperate Statement can be accessed by: <https://www.woking2027.info/allocations/sadpds/sub/sadpddtcstatement>.
- 11.3 The report was considered by the LDF Working Group at its meeting on 22 September 2021.

### 12.0 Conclusion

- 12.1 The Government is committed to a plan-led system as basis for planning decisions. This puts Councils at the driving seat for deciding the spatial distribution of development and the standards that development has to achieve to be acceptable. The Site Allocations DPD has been found sound and legally compliant subject to the Inspector’s Main Modifications. It is therefore necessary that it is adopted so that its provision can be given full weight in justifying day to day planning decisions. The key and tough decisions that the Council had to make to inform the preparation of the DPD have mainly been supported by the Inspector. When the DPD is adopted, it will help shape the future growth of the borough in a sustainable manner by determining the quality of development that will come forward and where they will be located. Importantly, it will help protect the natural and historic environment of the borough.
- 12.2 Officers are satisfied that the Inspector’s Final Report and the accompanying Main Modifications are reasonable, logical and legally defensible. It will be very difficult for the Council to articulate credible planning and legal reasons why the Inspector’s Report and the Main Modifications should not be accepted. It is therefore requested that the Executive recommends to Council to accept the Inspector’s Final Report and the Main Modifications and adopt the Site Allocations DPD (Appendix 4) and the Proposal Map (Appendix 3) for the purposes of managing development across the borough and all other planning decisions.

### 13.0 Petition

- 13.1 Since the receipt of the Inspector’s Report, the Council has received this petition **‘We the undersigned petition the council to Want the council to over hall the SADPD as since the Pandemic it is not fit for purpose. We also want it known that we wholly object!! to the building of 555 houses and 15 travellers pitches until a thorough investigation has been done of the infrastructure’**
- 13.2 The petition will be dealt with appropriately in accordance with the Council’s procedure for responding to petitions. However, in advance of that, it is important for Members to note that the Inspector has carefully considered the views expressed in the petition and the allocation of the land surrounding West Hall to provide 550 new homes and 15 Travellers pitches and has concluded that subject to his Main Modifications, exceptional circumstances necessary to justify the release of the site from the Green Belt and its allocation in the DPD exist. Pages 39 – 44 of his report provides the rationale behind his recommendation on this matter. The allocation is justified by evidence, and is supported by the Inspector and should be adopted. The potential impacts of the pandemic were considered by the Inspector. There are no overriding trends significant enough to justify not adopting the DPD.

## **Woking Site Allocations Development Plan Document (DPD) – the Inspector’s Final Report**

13.3 Members will recall that a similar petition was considered by Council at its meeting on 3 December 2020. That petition called for the ‘withdrawal of the modified Site Allocations Development Plan Document and resubmission of a new plan based on current information and the proposed legislation to the benefit of current and future residents’. Whilst the concerns of the residents were noted, the Council was not in a position to withdraw the Site Allocations DPD, which had been drawn up over a number of years. Council considered it inappropriate to take the action sought by the petitioners. The petitioners were advised to send their petition to the Inspector as a representation to the consultation on the main modifications. The Council drew the Inspector’s attention to the petition, which he had taken into account before submitting his Final Report. There has not been any significant change in the underlying evidence or any established trends to cause the Council to change its position on the previous resolve not to withdraw the DPD. It would therefore be inappropriate to take the action sought by the petitioners.

REPORT ENDS