



Site Allocations Development Plan Document (DPD), Sustainability Appraisal and Habitats Regulations Assessment

Regulation 19 Consultation Guidance Notes



Woking Borough Council has prepared its final draft of the **Site Allocations Development Plan Document (DPD) Publication Document** for Regulation 19 consultation, also known as the pre-submission or publication consultation. The purpose of the Site Allocations DPD is to allocate land for a range of uses to facilitate the delivery of the Woking 2027 Core Strategy, which was adopted in October 2012.

A **Sustainability Appraisal Report** has also been prepared to assess the social, economic and environmental implications of the DPD. Overall, the appraisal concluded that the DPD will contribute towards achieving sustainable development in the Borough.

Additionally, a **Habitats Regulations Assessment** has been carried out to assess the implications of the DPD on European designated sites in the Borough. The policies were appropriately assessed as having no likelihood of leading to significant adverse effects on European sites either alone or in combination with other plans or projects.

The **Proposals Map** (also known as a Policies Map) has been updated to show the locations of the Proposed Sites throughout the Borough, as well as other land designations. The updated map is expected to be adopted alongside the DPD.

We are now seeking your views on the DPD and supporting documents, and your comments can be made over a period of **6 weeks** between **9am on Monday 5th November 2018** and **5pm on Monday 17th December 2018**. The nature of this consultation has some differences from earlier consultations that were undertaken on previous drafts of the DPD. This guidance note has been prepared to explain these differences and assist you in submitting your comments.

What have we done already?

The preparation of the Site Allocations DPD has been informed by: national policy and legislation; extensive evidence gathering and technical assessment; ongoing liaison with neighbouring authorities, statutory bodies and infrastructure providers and feedback gained through formal consultation.

Two rounds of formal public consultation have already been undertaken: the first in June and July 2015 in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localsim Act 2011; and the second in January and February 2017 seeking focused comments on the possibility of substituting six proposed safeguarded sites in the draft DPD with a single site on land to the east of Martyrs Lane. The comments received during these consultation periods were reviewed, and have informed the subsequent stages of the preparation of the Site Allocations DPD. Full details are set out in the Site Allocations DPD Consultation Statement, which can be found on the consultation webpage.

The Council has engaged constructively and actively on strategic, cross-boundary matters in accordance with the Duty to Cooperate, as enforced by the Localism Act 2011. A separate Duty to Cooperate statement has been prepared and can be found on the consultation webpage.

What are we consulting on now?

This iteration of the Site Allocations DPD represents the final version of the document for consultation before submission to the Planning Inspectorate, who will examine the DPD on behalf of the Secretary of State. The consultation will be conducted in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and any representations made will be considered in accordance with Regulation 20, of the same legislation. Even if you have made comments on the DPD in

the past, you must make representations during this consultation stage if you wish to have the right to speak to the Inspector and make your case at the examination.

Previous consultation exercises actively sought feedback on the alternative sites being considered, the types of policy to be included and the site allocation strategy which could be pursued. This Regulation 19 consultation no longer seeks views on alternative options, but instead the remit for this consultation relates to the DPD's legal compliance and the 'Tests of Soundness'. Before commencing any formal examination, the Inspector will also make an assessment as to whether the requirements of the Duty to Cooperate have been met. The representation form will therefore ask you whether you consider the DPD to be legally compliant, 'sound' and whether the Duty to Cooperate has been satisfied.

What is legal compliance?

The Inspector will first check whether a local planning authority has complied with the Duty to Cooperate and other legal and procedural requirements with which plan-making should accord as set out in legislation including: The Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act (2011), the Neighbourhood Planning Act (2017) and European Directives and English Regulations where they are relevant to statutory environmental assessments such as Sustainability Appraisal and Habitats Regulations Assessment.

Comments relating to legal compliance must be specific in terms of how and why the plan is, or is not, legally compliant and support this with evidence and justification in the context of the legislation. The following matters could be considered before making a representation on legal compliance:

- **Has the DPD been prepared in accordance with the Council's current Local Development Scheme (LDS) -**
The LDS sets out the Local Development Documents that the Council proposes to produce. It sets out the key stages for the production of the DPDs with timetables. The LDS is available to view at www.woking2027.info/llds.
- **Has the DPD been prepared in accordance with the Council's Statement of Community Involvement (SCI) -**
The Statement of Community Involvement (SCI) is a document which sets out how the Council foresees how the community is best involved in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications. The SCI is available to view at www.woking2027.info/community.
- **Does the DPD meet the Government's procedural requirements as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 -**
The DPD should comply with the Regulations. These state amongst other things that on publication, the Council must publish the documents prescribed in the Regulations and a Statement of Representation Procedure, and make them available for inspection at specified places and times at which they can be inspected. The documents will be made available for inspection at the Civic Offices of the Council and Woking, Byfleet, West Byfleet and Knaphill libraries. The documents will also be put on the Council's website (www.woking.gov.uk).
- **Has the DPD been subject to Sustainability Appraisal and Habitats Regulations Assessment -**
The Council is required to provide a Sustainability Appraisal Report when they publish the DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies (including site allocation policies) to ensure that they take account of social, environmental, and economic objectives. A Habitats Regulations Assessment has also been prepared in accordance with EU Directives.
- **Is the DPD in general conformity with the saved policy of the South East Plan, national planning policy and Local Development Documents including the Core Strategy -**
The DPD should have regard to national policy and conform generally to the Saved policy of the South East Plan and the Core Strategy. The National Planning Policy Framework can be accessed on the Ministry of Housing, Communities and Local Government publications website at:

What is the Duty to Cooperate?

When checking that the plan meets all of the legal requirements, the Inspector will consider the requirements of the Duty to Cooperate (DtC) that are set out in Section 110 of the Localism Act 2011, and Section 33A of the Planning and Compulsory Purchase Act 2004. In short, the legislation requires all Local Planning Authorities to demonstrate that they have had constructive, active and on-going cooperation with key bodies, such as neighbouring authorities and other statutory bodies on strategic matters, including infrastructure, housing and employment needs and flooding.

Comments relating to the DtC must be specific in terms of how and why they believe the authority has, or has not met its Duty, and support this with evidence and justification. As the DtC relates to the preparation of the plan, it cannot be rectified post-submission – therefore the Inspector has no power to recommend modifications in this regard. Where the Duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

What is soundness?

The Inspector has to be satisfied that the DPD is sound. The tests of soundness are explained fully in paragraph 35 of the National Planning Policy Framework (NPPF), and include whether the DPD is:

- **Positively prepared -**
The DPD should be prepared based on a strategy which, at a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- **Justified -**
This means that the DPD should be the most appropriate approach when considered against reasonable alternatives, and based on proportionate evidence.
- **Effective -**
This means the DPD should be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with, rather than deferred, as evidenced by the statement of common ground. The statement of common ground can be found in the appendix of the Duty to Cooperate Statement, on the consultation webpage.
- **Consistent with national policy -**
The DPD should enable the delivery of sustainable development in accordance with the policies of the NPPF.

Comments relating to soundness must be specific in terms of how and why the plan is, or is not sound, referencing the tests relevant to the comment. It is helpful if comments are supported by evidence and/or are justified.

If you think the content of the DPD is not sound because it does not include a proposal or policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or the saved policy of the South East Plan? If so, it does not need to be included.
- Is what you are concerned with covered by policies in the Core Strategy or Development Management Policies DPD. There is no need for repetition between documents in the LDDs.
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy or proposal?
- If the DPD is unsound without the policy, what should the policy say?

Please bear in mind that the Site Allocations DPD presents its policies as a series of 'Proposal Sites', with references beginning UA or GB. There is also an 'overall policy framework' referenced Policy SA1 for land proposed to be released from the Green Belt for development.

General advice

If you wish to make a representation seeking a change to the DPD or part of the DPD you should make clear in what way the DPD or part of the DPD is not sound having regard to legal compliance, the Duty to Cooperate and the tests of soundness set out above. You should try to support your representation by evidence showing why the DPD should be changed. It will be helpful if you also say precisely how you think the DPD should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at Publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are **groups** who share a common view on how they wish to see the DPD changed, it would be very helpful for that group to send a single representation which represents their view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Attendance at the Examination in Public

One of the fundamental parts of the Examination in Public is the hearing sessions requested and led by the appointed Planning Inspector. Should respondents wish to appear at examination, they should make it clear in their submission, and why it is necessary.

The Inspector will determine which parties are to attend sessions and on what subject matters, using the comments submitted to guide that decision. Appearance at the examination is at the discretion of the Inspector and the Council do not determine this.

Where can I view the documents undergoing consultation?

The documents undergoing formal consultation are: the Site Allocations DPD (Regulation 19), the Sustainability Appraisal (2018), Habitats Regulation Assessment ((2018), and the Proposals Map (2018). Whilst a large amount of supporting evidence is published alongside the DPD, these do not form part of the statutory documents being consulted on. However, where relevant, evidence can be referenced in support of the comment(s) you are making.

The documents being consulted on can be viewed on the Woking2027 website at www.woking2027.info/allocations. The supporting documentation can be viewed at www.woking2027.info/ldfresearch.

In addition, hard copies of the documents can be viewed at the Council Offices (Gloucester Square, Woking GU21 6YL), and in each of the libraries in the Borough (Woking Town Centre, West Byfleet Library, Byfleet Library and Knaphill Library).

How can I submit my comments?

You can submit your comments in a number of ways including online, by email and by post. The Council has prepared a representation form for respondents to help guide you in setting out your response and ensure that your comments are made in alignment with the purpose of the consultation. The form is available online at www.woking2027.info/allocations, or you can contact the Planning Policy Team to request a copy using the details below.

Forms should be completed in full, using a separate form for each individual representation or comment. Forms should be returned by:

- **Email to** planning.policy@woking.gov.uk
- **Post to** Planning Policy, Woking Borough Council, Civic Offices, Gloucester Square, Woking GU21 6YL.

In addition, you can submit your comments using the online electronic form at www.woking2027.info/allocations. These are automatically submitted to the Planning Policy Team. Completing an electronic form would help to save paper and staff resource.

Please note that the Council is unable to accept anonymous comments and for a comment to be formally accepted, a name and contact address (preferably email) must be provided. If an agent or consultant has been engaged to act on your behalf please fill in only your name then the agent's details in full. All correspondence will then be sent directly to the agent, unless otherwise specified clearly on the form.

We are required, under the Town and Country Planning (Local Planning) (England) Regulations 2012, to notify any person who has made a representation of the date, time, and place of the independent examination, and the name of the person appointed to carry out the examination. We will use the contact details you have provided to do this.

Please note: at the end of the consultation period all comments will be made public and will be submitted to the Secretary of State along with the DPD and other relevant supporting documents. Your comments and name will be published, but other personal information will remain confidential.

In line with General Data Protection Regulation (2018), your details are stored on a secure system and are used only for the purposes of consultation for planning policy documents. If you do not wish to receive further updates from the Council in relation to the DPD or other planning policy documents, please specify this where indicated on the representation form (or within your bespoke response).

The Council reserves the right not to publish or take into account any representations which are openly offensive or contain comments that do not accord with the Equalities Act 2010.

What happens next?

Comments should be received by **5pm on 17th December 2018**. Representations received after this time will not be considered. Once the consultation has concluded, amendments to the document may be made and all responses received will be submitted directly to the Planning Inspectorate for their consideration along with those raised through previous consultation phases, in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

A date for the examination will be published in due course, and all respondents will be notified as per the Regulations.

Where can I get more information or assistance in completing the form?

- see the website: www.woking2027.info/allocations
- email planning.policy@woking.gov.uk
- or telephone 01483 743871.