

## **Woking Borough Council – Site Allocations Development Plan Document (DPD)**

### **Closing Statement**

Sir, on behalf of the Council, I would like to thank you for conducting the Examination Hearing in such an efficient and fair manner. I would also like to thank everyone who has participated in the Hearings either by submitting representations or as an observer. I hope the Council on its part has assisted by making sure everyone is welcome.

The Council has embarked upon the preparation of its Development Plan Documents to make sure that it has an up to date development plan for the purposes of managing development across the Borough.

The Planning and Compulsory Purchase Act (2004) (as amended) requires the Council to prepare a Local Development Scheme to identify the Local Development Documents that it wishes to prepare, their intended purpose, and the timescales for their preparation.

The Site Allocations DPD is one such document, and the last but a very important DPD that the Council has committed to prepare. The Council has an adopted Core Strategy, a strategic policies plan that sets out the strategic policy context for the preparation of the Site Allocations DPD. The Core Strategy was adopted in 2012 and reviewed in 2018, and as such, there is no doubt it is up to date.

The Council has also got an up to date Development Management Policies DPD that sets out detailed policies for determining day to day planning applications.

The Local Development Scheme (LDS) is clear about the distinct purposes of the three Development Plan Documents. In particular, the Site Allocations has a clear purpose to identify specific sites to enable the delivery of the Core Strategy, and the development requirements of the Core Strategy are clearly set out in Policy CS1 of the Core Strategy. The SA DPD must therefore be judged solely on whether or not it is achieving its intended purpose. Its purpose cannot be conflated with the purpose of neither the Core Strategy nor the DM Policies DPD. In fact, as the Court of Appeal in the Oxted Residential Limited vs Tandridge District Council has highlighted, it would be a misconception to think that the Council is obliged to rectify any shortcomings of the Core Strategy through the preparation of the SA DPD (my interpretation).

It is too simplistic to assume that the review of the Core Strategy must just be about the review of the housing requirement to meet the objectively assessed housing need. Any significant increase of the housing requirement will also necessitate an assessment of the infrastructure to support the development, an economic strategy to correspond with the increased supply of housing and all the social and environmental policies to ensure sustainable development. This is an exercise that the SADPD cannot be relied upon to retrofit.

Sir, I invite everyone to read the Tandridge judgement, and in particular, but not exclusively, paragraphs 30-39, which provide a legal clarity about the relationship between different development plan documents.

The NPPF advises that the need and justification for the release of Green Belt land and the alteration of its boundaries must be set out in the Strategic Policies Plan. Policies CS1, CS6 and CS10 of the Core Strategy does precisely what the NPPF requires. Given that that the Core Strategy is up to date, it is important that its requirements for the need, justification and the quantum of development to be delivered through the release of Green Belt land is fully taken into account. In fact Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires an account to be taken of adopted local development documents when preparing a plan.

The Council has not seen any credible evidence to demonstrate why the policies of the adopted Development Plan must be set aside in so far as the release of Green Belt land is concerned.

The Council has made sure that the release of Green Belt is informed by a Green Belt Boundary Review as required by the Core Strategy. Sir, we have heard various critiques of some elements of the Green Belt Boundary Review. There is so far no comprehensive alternative Green Belt boundary review submitted to demonstrate why, if taken as a whole, the Green Belt boundary review is fundamentally flawed. It is reminded that a critique of an evidence base is not a substitute for evidence base.

A lot of commentary has been made regarding the need to release more Green Belt land to enable the delivery of family houses and Affordable Housing. Sir, information has been provided to demonstrate that about 76% of the housing provided since the adoption of the Core Strategy has been family homes of between 2 and 4 bedrooms. There is a clear adopted policy definition of family homes as set out in paragraph 5.73 of the Core Strategy.

The Council has also provided evidence of Affordable Housing delivery since 2012. This must solely be seen in the context of current national planning policy context.

The 35% average requirement for Affordable Housing was predicated on applying the full effect of Policy CS12 of the Core Strategy, which includes seeking Affordable Housing on the back of one dwelling and above. We also know that Government policy now does not allow Affordable Housing to be secured from development that is not a major development (9 or less dwellings). In the context of Woking, that is a significant element of the overall housing supply that is exempt from Affordable Housing provision. The extension of permitted development rights and Prior Approval has meant that a number of housing completions do not have to make contributions towards Affordable Housing. Despite this, the Council continue to commit to delivering its Affordable Housing requirements and every effort is being pursued to make sure that this is achieved. Certainly, the need for Affordable Housing is not an exceptional circumstances justification for the release of Green Belt land to deliver a policy compliant scheme.

The Council is satisfied that the sites that are allocated have the realistic prospect of coming forward during the plan period, and their development will achieve positive viability. A schedule of the planning status of the sites has been submitted.

Sir, on average, the Council has been meeting its housing requirement to date (an average of about 302 dwellings per year), a clear demonstration that developments are coming forward to achieve positive viability and the evidence of viability to support the Core Strategy and CIL charging schedule has been robust. It is important to note that the viability evidence

to support the Core Strategy and the CIL charging schedule have both been examined, scrutinised by the Inspector of the Secretary of State and found to be robust. Revisiting old discussions about the Core Strategy evidence base or the CIL viability evidence without considering them in their rightful context would be inappropriate. I draw specific attention to paragraph 22 of the Core Strategy Inspector's report on the viability evidence used to support the Core Strategy.

The Council has a duty to meet the accommodation needs of all sections of the community including Travellers. Policy CS14 of the Core Strategy requires the Council to identify sufficient sites to meet its identified need, and in selecting sites to meet the need, a sequential approach must apply. The Green Belt boundary review report sets out the sequential approach to follow. This has been applied to justify the Council's approach to meeting Travellers' accommodation needs. No evidence has been submitted to demonstrate that site GB10 could not come forward because of the provision of Travellers accommodation on the site. In fact, the owners of the site have confirmed that the site could come forward with the provision of the Travellers pitches as an integral part of the development. The Council believes that there can be a design solution as part of the development management process to make sure that the Traveller pitches are appropriately screened to be self-contained and to mitigate other concerns.

The Council is aware that the preparation of the SADPD must follow legal and procedural requirements. A self-assessment of the tests of soundness and self-assessment of the legal and procedural requirements have been submitted to clearly demonstrate how these requirements have been met.

Sir, the Council has submitted a Site Allocations DPD that it considers to be ready for submission – it has a clear purpose. When adopted, it will be critical for ensuring the comprehensive delivery of the Core Strategy. It has an in-built mechanism for monitoring and review and the Council hopes that it will be found sound because its preparation satisfies the tests set out in paragraphs 35 and 36 of the National Planning Policy Framework.