

# Statement for the Woking Site Allocations Development Plan Document Examination

## Matter 5

*Prepared For*  
**Byfleet, West Byfleet and  
Pyrford Residents Association**

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## 1 INTRODUCTION

- 1.1 We enclose representations to Matter 5 of the Woking Borough Site Allocations DPD Examination on behalf of our client the Byfleet, West Byfleet and Pyrford Residents Association. In this matter we are aware that the Byfleet, West Byfleet and Pyrford Residents' Association are liaising with West Byfleet Neighbourhood Forum (in particular GB10) and Byfleet Residents Neighbourhood Forum ( in particular GB4 and GB5).
- 1.2 We have limited our response to the key issues of relevance to our client.
- 1.3 The Byfleet, West Byfleet and Pyrford Residents Association is a very active group of local residents who care for the Byfleet, West Byfleet and Pyrford area of Woking Borough. Their membership is around 2,600 households, and they have been in existence for over 90 years. Any local resident is welcome to join and the Association is independent of any political party. They seek, and listen to, the views and concerns of local residents and take action in support. The Association has its own website (<https://the-residents.org>) and publishes three newsletters a year.
- 1.4 The particular concern of our client is the proposed allocation of the land around West Hall in West Byfleet, which is given the reference GB10. Our assessment of this allocation is that it is unsound and should be removed from the Plan.
- 1.5 The additional concerns of our client relate to the 'safeguarded land' at GB4 and GB5. We consider that it is unnecessary and inappropriate for the DPD to 'safeguard' Green Belt land in this way as this does not conform with the Core Strategy. These proposals should therefore be deleted.



## 2 RESPONSE TO ISSUES AND QUESTIONS FOR MATTER 5 – ARE THE SADPD’S POLICIES JUSTIFIED, CONSISTENT WITH NATIONAL POLICIES, AND CLEARLY WRITTEN AND UNAMBIGUOUS SO IT IS EVIDENT HOW A DECISION MAKER SHOULD REACT TO DEVELOPMENT PROPOSALS?

### *Issue (j): General Points*

- 2.1 We agree with the recommendations made in Points 1-4 and provide the following response on the more general question of Matter 5 as to whether the SADPD’s policies are justified, consistent with national policies, and clearly written and unambiguous.

#### **Justification for the release of Green Belt sites in the Borough**

- 2.2 Firstly, we turn to Policy SA1, which sets out that the Council will release sites from the Green Belt in order to meet the housing requirement set out in the Core Strategy. This policy needs to be considered within the framework of Policies CS1, CS6 and CS10 of the adopted Core Strategy 2012, which are the ‘parent’ policies from which any ‘child’ policies contained within the SADPD must conform with.
- 2.3 **Policy CS1** sets out the spatial strategy for the Borough across the plan period (2010-2027). It states that *‘The impact of development will be fully assessed to ensure it does not adversely impact on sensitive environmental designations such as... the Green Belt...’* and that *‘It is a clear objective of the Core Strategy to protect and/or enhance these assets’* (our emphasis). The policy goes on to state that *‘A Site Allocations [DPD] will be prepared to allocate specific deliverable sites for the proposed development’* (our emphasis).
- 2.4 **Policy CS6** sets out that *‘The Green Belt has been identified as a potential future direction of growth to meet housing need, in particular, the need for family homes between 2022 and 2027’* (our emphasis). Therefore, it is clear that the release of Green Belt is only an option and not a definitive commitment by the Council.
- 2.5 **Policy CS10** includes an indicative number of 550 homes on Green Belt sites to be released after 2021/22. The policy does not preclude sites not within the Green Belt from meeting the indicative number of homes that could potentially be developed in the Green Belt.
- 2.6 **Paragraph 136** of the NPPF sets out that *‘Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through*



*the preparation or updating of plans'* (our emphasis). Therefore, the Council needs to demonstrate that these exceptional circumstances exist.

- 2.7 The Council's reasoned justification for Policy SA1 sets out that *'The Council is committed through the Core Strategy to release land in the Green Belt to meet future housing and infrastructure needs of the Borough but to do so in a managed and timely manner'*. However, Policy CS1 is explicit in stating that protecting the Green Belt is a Core Strategy objective. Furthermore, Policy CS6 is explicit in stating that the Green Belt is only a potential future direction of growth to meet housing need. Therefore, existing Core Strategy policies do not provide sufficient justification for releasing Green Belt for housing.
- 2.8 The Council published a Strategic Housing Land Availability Assessment (SHLAA) in 2017, with an update in October 2018, that demonstrates that the combination of housing completions, sites with planning permission and sites with potential for residential development (excluding any Green Belt sites) will deliver 4,996 net additional homes between the start of 2010/11 and the end of 2027/28 (see Appendix A). This is a surplus of 32 against the total housing requirement (4,964 homes) across the same period.
- 2.9 Furthermore, the Council has recently published a Housing Land Supply Position Statement (2019) that demonstrates that there are sufficient deliverable sites for 2,913 net additional dwellings during the five-year period from 2019/20 to 2023/24. This represents 9.0 years' worth of deliverable housing sites and factors in historic undersupply (82 homes) and a 5% buffer (see Appendix B). The Council has therefore identified sufficient deliverable sites to meet the Council's housing requirement until the end of the plan period, i.e. 2,539 homes net additional homes between 2019/20 and 2026/27.
- 2.10 Therefore, the exceptional circumstances for altering the Green Belt boundaries required by paragraph 133 of the NPPF do not currently exist.

#### **Justification for Safeguarding Sites**

- 2.11 In relation to safeguarded sites (specifically GB4 and GB5, the supporting text for Policy SA1 sets out (on p.240) that *'Whilst not a requirement of the Core Strategy, the Council has taken a long term strategic view about the future development needs of the area and is safeguarding a number of sites as identified above to meet future development needs between 2027 and 2040.'* (our emphasis).



- 2.12 **Paragraph 23** of the NPPF sets out that *‘Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.’* (our emphasis).
- 2.13 **Paragraph 139** of the NPPF sets out that, when defining Green Belt boundaries, plans should (amongst other points) *‘a) ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development’* and *‘d) make clear that the safeguarded land is not allocated for development at the present time’* (our emphasis).
- 2.14 Policy SA1 is not a strategic policy and the Council has not identified what the housing requirement beyond the plan period is. Therefore, no justification has been given as to why the sites identified for safeguarding are necessary. Therefore, the policy does not meet the requirements of paragraph 139 of the NPPF.
- 2.15 Policy SA1 is not justified and not in conformity with strategic policies of the Core Strategy. Therefore, it fails the tests of soundness and should be either deleted or amended to only include sites allocated for SANG.

#### **Clarity of Policy Text**

- 2.16 There is a lack of clarity with the wording of Policy SA1, which sets out that specific sites are released from the Green Belt upon adoption for the SADPD. However, the policy sets out that sites will only ‘released’ for their proposed uses if *‘there is significant under provision against the housing requirement and there is no indication that the shortfall could be met by development on previously developed land within the urban area.’*
- 2.17 We have three main concerns about the lack of clarity with the policy text:
- 1) The explanation as to what mechanism the Council will use to confirm that a site is ‘released’ for its proposed use – Will this be via the publication of specific document or the approval of a report taken to a relevant Council committee?
  - 2) No definition has been provided for what constitutes ‘significant under provision’ against the housing requirement – Will this be based on footnote 39 of the NPPF where a performance of below 85% in the Housing Delivery Test indicates under delivery?



3) There is no explanation as to which of the sites that are dependent upon there being significant under provision of housing will be released for the proposed uses – Will it be all of them or just enough to address the under provision?

2.18 The lack of clarity in the text and ambiguity with the policy means that it does not provide certainty over whether the development of a site will be acceptable for the rest of the plan period. The Borough's residents rightfully expect a clear and precise position from the Council in relation to the future of the sites within the Borough over the rest of the plan period. Policy SA1 will only lead to concern and frustration for the local community.

### **Review of Policy GB10**

2.19 Policy GB10 relates to a site that was assessed as part of a larger parcel of land (GBBR reference WGB004a, Parcel 4) as part of the Green Belt Boundary Review (GBBR), published in 2013. In terms of meeting the five purposes of the Green Belt, Parcel 4 was assessed as having critical importance in terms of meeting purposes 1 and 3 and major importance in terms of meeting purpose 2. Parcel 4 is described in the GBBR as having '*strong containing landscape features provide clear definition between urban edge and attractive countryside*'. The site provides '*separation between edge of town and M25/ Byfleet*'. Development beyond existing edge is likely to be perceived as encroachment into countryside with a strong, attractive character with boundaries beyond the parcel unlikely to provide the same containment as existing.

2.20 The site's landscape and character sensitivity was assessed in the GBBR (Table 3.12) as having little or no capacity for change. Key features include:

- Largely unspoilt level rural character of Lower Wey valley with rectilinear pasture fields and strong vegetation structure, with a strong sense of place.
- M25 forms strong boundary to east but is surprisingly well integrated preventing any perception or visual association with Byfleet beyond; associated noise levels are high.
- Large blocks of mature woodland on northern and western sides contain, integrate and define built up edge such that area has no visual association with the urban area.



- 2.21 Development would therefore cause significant harm to the character and visual impact on the landscape of the area.
- 2.22 The GBBR concluded that *'due to its high potential sustainability and due to limited opportunities elsewhere, we consider that it should be included [for removal], although any development here will need to include significant elements of Green Infrastructure.'* (our emphasis. We dispute that there are limited opportunities for development elsewhere, as demonstrated through the SHLAA. Therefore, the recommendation for the site covered by Policy GB10 to be released from the Green Belt is not justified, especially given the predominantly critical role that Parcel 4 plays in meeting the three main Green Belt purposes.
- 2.23 The assessment of the site in the SA against **Objective 3** (to reduce vulnerability to flooding and harm from flooding on public well-being, the economy and the environment) concludes that due to the potential loss of green field land, development will lead to an increase in the likelihood of surface water flooding. Some parts of the site may be at risk of surface water flooding (the Environment Agency has identified a 10% risk). Therefore, there are considerable doubts as to whether the site is suitable for development on the basis of surface water flood risk alone. Without this evidence, there is no certainty as to the suitability of the site for development. Therefore, the allocation of the site for housing development is not justified.
- 2.24 The assessment of the site in the SA against **Objective 9** (to conserve and enhance biodiversity) identifies that the site is currently used for pasture fields with strong vegetation. In the wider area are large blocks of mature woodland (to the north and western sides). Mature trees and hedgerows border the fields and tracks. Some tree belts bordering Parvis Road to the north, the Broadoaks site to the north west, and the west boundary of Dodds Wood are protected by Tree Preservation Orders. The current features of the site may have some ecological merits and provide habitats for wildlife.
- 2.25 Notwithstanding the issues relating to heritage assets and highways referred to below, the conclusion on the site in the SHLAA that there is a possibility that the Environment Agency and Natural England would raise objections to the development of the site on flooding and biodiversity grounds demonstrates that further evidence is required to ensure that these issues can be addressed.





## Review of Policies GB4 and GB5

- 2.26 We reiterate our points above about there being not reasoned justification for the principle of safeguarding land under Policies GB4 and GB5.

***Issue (vi): Do the SADPD's policies related to heritage assets accord with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and the Framework?***

**Q1: Do the SADPD's policies pay appropriate regard to the significance of the Borough's designated and non-designated heritage assets?**

**Q2. Do the policies reflect both the statutory duties set out in the Act and national policy set out in the Framework?**

- 2.27 Policy GB10 allocates Land surrounding West Hall, Parvis Road for residential development. It goes on to state that, to achieve this, the development must address key requirements, including the setting of heritage designations and assets including statutory and locally listed buildings at West Hall and Broadoaks and Wey Navigation Conservation Area.

- 2.28 Paragraph 185 of the NPPF states: *'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.'* This is supported by an advice note published by Historic England on The Historic Environment and Site Allocations in Local Plans (October 2018). The advice note includes a site selection methodology for site allocations in local plans. Step 2 of the methodology requires the need to understand what contribution the site (in its current form) makes to the significance of the heritage asset(s) and step 3 require the need to identify what impact the allocation might have on that significance.

- 2.29 The Sustainability Appraisal for the Regulation 19 version of the SADPD has not provided any information about the significance of the heritage assets or the impact the allocation might have on that significance as part of the site selection process. Therefore, Policy GB10 does not meet the requirements set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and is not in conformity with national policy (paragraph 185).

***Issue (viii): Is the SADPD's approach to transport matters consistent with national policy?***



**Q1. Is the SADPD's approach to parking standards consistent with the Framework (at paragraph 106)?**

2.30 Policy GB10 does not expand upon the parking standards.

**Q2. Should the requirements for Travel Plans, where appropriate, be positively worded in terms of the promotion of opportunities to maximise the use of sustainable transport solutions, rather than in terms of minimising car use?**

2.31 The Travel Plan should include both the encouragement to maximise the use of sustainable transport as well as encouraging future residents to minimise car use.

**Q3. Should policies require the achievement of safe and suitable access for all people to ensure consistency with the Framework?**

2.32 **Paragraph 102** of the NPPF sets out that *'Transport issues should be considered from the earliest stages of plan-making'*. This is to ensure that (amongst other points) *'a) the potential impacts of development on transport networks can be addressed'* and *'d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'*.

2.33 Policy GB10 sets out that significant highway, access and transportation improvements would be needed and that these will be identified through a Transport Assessment at the planning application stage. However, these are matters that should have been assessed prior to the selection of the site for allocation.

2.34 The local highway network is already heavily congested. The Surrey County Council A245 Potential Mitigation Transport Study (2017) identifies that the A245 Parvis Road between Old Woking Road and Broadoaks and the Byfleet Road/Seven Hills Road and Parvis Road/Camphill junctions are at or close to capacity. The Study sets out (in paragraph 3.1.10) that the last full review by the consultants WSP in 2002 identified that there is no ideal solution as this route is constrained by urban development, but that the 2002 review is used as the basis of mitigation options. The reliance on a review that is over 17 years old without considering the completed and proposed development demonstrates that the WSP review is out of date.



2.35 The failure to consider the potential impact of the development on the highway network prior to the allocation of the site demonstrates that a site allocation without robust evidence is not justified. The Policy therefore fails to meet the tests of soundness.



### **3 CONCLUSION**

- 3.1 This Statement highlights that there is no specific requirement for the Council to release Green Belt land for development given the identification of sufficient sites outside of the Green Belt in the SHLAA and Housing Land Supply Position Statement. There is no justification for safeguarding prior to identifying the objectively assessed housing need for the Borough beyond the plan period. There is ambiguity as to how allocated sites will be 'released' for development.
- 3.2 This Statement also highlights that, in relation to Policy GB10, the release of Green Belt on this site is not justified given the predominantly critical role it plays in serving the three main Green Belt purposes. There are potential surface water flooding and biodiversity issues that could preclude the site from being delivered. No assessment has been made on the potential impact of development on the relevant heritage assets and no recent transport study on the potential impact of development on the highway network has been published. Therefore, there is no current justification for the release of the site for development.
- 3.3 Therefore, Policies SA1, GB4, GB5 and GB 10 of the SADPD do not meet the tests of soundness set out in paragraph 35 of the NPPF in relation to parts b) – justification and d) – consistency with national policy. The policies should therefore be deleted in order for the SADPD as a whole to be found sound. Failure to do this could result in delay to the adoption of the SADPD and compromise the delivery of the suits that are suitable for development and the achievement of sustainable development in the Borough.



## APPENDIX A

Table 7: Summary of the Woking Borough SHLAA 2017 (updated October 2018)

SHLAA period	Pre SHLAA 2010/11 – 2016/17	0 – 5 years 2017/18 – 2021/22	6 - 10 years 2022/23 – 2027/28	11 – 15 years 2028/29 – 2032/33 <sup>17</sup>	
<b>Source of supply/ potential</b>					<b>Total</b>
Dwelling completions 2010/11 – 2016/17 <sup>18</sup>	1,789	0	0	0	1,789
Units on sites under construction/ unimplemented planning permission <sup>19</sup>	0	1,473	240	32	1,745
Sites with potential for residential development	0	181	1,313	1,034	2,528
<b>Total</b>	<b>1,789</b>	<b>1,654</b>	<b>1,553</b>	<b>1,066</b>	<b>6,062</b>
Core Strategy housing requirement (292 pa)	2,044	1,460	1,460	1,460	6,424
<b>Surplus/ deficit against annual average requirement (excluding Green Belt)</b>	<b>-255</b>	<b>+194</b>	<b>+93</b>	<b>-394</b>	<b>-362</b>
Broad location in the Green Belt <sup>20</sup>	0	0	550	395	945
<b>Total including Green Belt<sup>21</sup></b>	<b>1,789</b>	<b>1,654</b>	<b>2,103</b>	<b>1,461</b>	<b>7,007</b>
<b>Surplus/ deficit against annual average requirement (including Green Belt)</b>	<b>-255</b>	<b>+194</b>	<b>+643</b>	<b>+1</b>	<b>+583</b>
Small sites delivery (estimate 40 pa) <sup>22</sup>	Counted in the figure above	0	0	200	200
<b>Total including Green Belt and small sites</b>	<b>1,789</b>	<b>1,654</b>	<b>2,103</b>	<b>1,661</b>	<b>7,207</b>
<b>Surplus/ deficit against annual average requirement (including Green Belt and small sites)</b>	<b>-255</b>	<b>+194</b>	<b>+643</b>	<b>+201</b>	<b>+783</b>



## APPENDIX B

Table 2: Summary of five year housing land supply position in Woking Borough, 2019/20 to 2023/24 at 1 April 2019 (Housing Land Supply Position Statement, 2019)

Including Local Plan allocations without full planning permission	Years supply
Housing requirement (292 pa)	<b>10.0</b>
Housing requirement (292 pa) + current under supply (82)	<b>9.4</b>
Housing requirement (292 pa) + current under supply (82) + 5% flexibility allowance/buffer (14.6 pa)	<b>9.0</b>
Housing requirement (292 pa) + current under supply (82) + illustrative 10% flexibility allowance/buffer (29.2 pa)	<b>8.6</b>
Excluding Local Plan allocations without full planning permission (illustrative purposes)	
Housing requirement (292 pa)	<b>7.0</b>
Housing requirement (292 pa) + current under supply (82)	<b>6.6</b>
Housing requirement (292 pa) + current under supply (82) + 5% flexibility allowance/buffer (14.6 pa)	<b>6.3</b>
Housing requirement (292 pa) + current under supply (82) + illustrative 10% flexibility allowance/buffer (29.2 pa)	<b>6.0</b>