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**MATTER 2: IS THE SADPD IN GENERAL
CONFORMITY WITH THE WOKING CORE
STRATEGY?**

**HEARING POSITION STATEMENT SUBMITTED ON BEHALF OF
BURHILL DEVELOPMENTS LTD**

Woking Borough Council – Site Allocations DPD Examination in Public

November 2019

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1 INTRODUCTION

- 1.1 This Statement has been prepared on behalf of Burhill Developments Limited (BDL) who own land to the rear of 79 – 95 Lovelace Drive, Teggs Lane, Pyrford which was identified as GB11 in the draft Site Allocations Development Plan Document ('SADPD') that was considered by the Local Development Framework Working Group at its meeting on 5th September 2018. For the avoidance of any confusion, we hereafter refer to the land as 'the Site'. Comments throughout this Hearing Statement will also refer to GB19 (Woking Palace, Carters Lane, Old Woking) which is owned by BDL and has been proposed by the Council to deliver a Heritage Parkland / Country Park. BDL opposes GB17.
- 1.2 BDL has submitted duly made representations to each stage of the SADPD and this includes submissions to the Council's Regulation 19 consultation (in December 2018) where comment was made on the soundness of the SADPD, the Sustainability Appraisal ('SA') and matters of legal compliance. This submission must be read in the context of, and in conjunction with these earlier representations.

2 ISSUE (I) – ARE THE REQUIREMENTS SET OUT IN THE WOKING CORE STRATEGY (2012) JUSTIFIED, UP-TO-DATE AND CONSISTENT WITH NATIONAL POLICY?

- 2.1 We respond to the specific questions arising in relation to Matter 2 below.

Question 1. The Council has undertaken a review of the adopted Core Strategy. How have the Borough's Housing Delivery Test results and any evidenced changes to housing need since the adoption of the Core Strategy informed that review?

- 2.2 The Core Strategy Review ('the Review') (WBC/SA/E017B) was undertaken in October 2018 by which time the Housing Delivery Test ('HDT') had been introduced by the Ministry of Housing, Communities and Local Government ('MHCLG') to ensure that local authorities and other stakeholders are held accountable for their role in ensuring new homes are delivered. The draft PPG was published in March 2018 outlining this and in July 2018 the HDT measurement rule book was published. By October 2018 it was clear that the HDT assesses the number of homes built in local authority areas over the previous three years and compares these against local housing requirements.
- 2.3 However, the October 2018 Review makes clear it was not based on any update so as to include the HDT or any 2018 assessment. Moreover the last Housing Land Supply Position which the Review was based on was published in April 2107 and had used the 2015 Strategic Housing Market Assessment ('SHMA'). Such a strategy cannot be considered up-to-date and is therefore not consistent with the NPPF. The lack of up-to-date evidence being used is also highlighted by Waverley Borough Council ('Waverley'), Runnymede Borough Council ('Runnymede') and Guildford Borough Council ('Guildford') who submitted representations in respect of the Council's decision not to review the Core Strategy ('CS'). We are in full support of their criticisms.

- 2.4 Having considered carefully the CS Review Report (October 2018) (WBC/SA/E017B), there is only one reference to the HDT yet there is certainly no evidence that this was taken into account let alone informed that review of the CS in the Council reaching its decision. Given there is no reference to the HDT being considered, the decision not to review would appear to us to be itself unsound because it did not take into account this relevant change in national policy as the NPPF exhorts at paragraph 33.

Question 2. Did the Council's review of the Core Strategy pay due regard to the DtC?

- 2.5 In accordance with the Planning Practice Guidance ('PPG') (Paragraph: 075 Reference ID: 61-075-20190723), there is a requirement for local planning authorities "*to comply with the Duty to Co-operate when revising their development plan documents and reviewing whether they remain up to date*".
- 2.6 How can it be considered that the DtC has been met when neither Waverley, Guildford and Runnymede were notified let alone consulted prior to the publication of the Review. This is evident by the fact that all Councils questioned the decision of Woking Council not to notify them prior to making the decision to review the CS? Merely reporting their objection to the lack of consultation is not evidence of compliance with the DtC. On the contrary, it is clear that the Council considered the strategic policies of the CS in splendid isolation so that, the decisions reached have not been informed by discussions with neighbouring authorities. Thus, the Council fails the test set at paragraph 137(c) of the NPPF. This strategy cannot therefore be considered sound.
- 2.7 In consideration of our comments to Question 1, it is clear that this strategy is flawed and is not consistent with national policy as set out at paragraph 35 of NPPF as the decisions relating to the CS has subsequently resulted in the SADPD not been *positively prepared* (the lack of any evidenced discussions with neighbouring authorities), is not *justified* (Woking could absorb more of their own unmet need within their own administrative boundary and in so doing promote more sustainable patterns of development in accordance with NPPF, paragraph 138) and is not *effective* (there is a lack of evidence that cross-boundary strategic matters have been dealt with rather than deferred). The spatial strategy is therefore not *consistent with national policy*.

Question 3. Did the review of the Core Strategy take into account plan-making activity in neighbouring authorities, such as whether those LPAs are unable to meet all of their identified housing needs?

- 2.8 Self-evidently the answer to this question is no. Moreover, the 2017 Housing Land Supply Position Statement (April 2017) was not up to date did not consider the neighbouring authorities.

3 ISSUE (II) – TO WHAT EXTENT WOULD THE ALLOCATIONS, TAKEN TOGETHER, MEET THE REQUIREMENTS SET OUT IN THE CORE STRATEGY?

Question 1. Has the viability of the SADPD been tested and evidenced in accordance with the advice contained in the PPG, and does the viability evidence take into account any policy requirements arising from the SADPD, such as the requirement to make use of the Government's optional technical standards?

- 3.1 No. The SADPD is based on an Economic Viability Assessment dated 2010 which was last updated in January 2013 to support the Council's Community Infrastructure Levy ('CIL'). The PPG at paragraph: 002 (Reference ID: 10-002-20190509) is clear, *'it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies'*. Given the assessment was completed almost ten years ago, it is clear that the viability of the allocations which are proposed to come forward through the SADPD have not been considered by the Council and there is no evidence base which demonstrates that the proposed allocations can create realistic, deliverable and policy compliant developments.
- 3.2 The market residential elements of the UA allocations are predominantly brownfield which are expensive to remediate and deliver which typically results in schemes that do not deliver policy level compliant levels of affordable housing. The up to date evidence that supports this finding is set out in the Council's most recent Annual Monitoring Report ('AMR') (December 2018) (WBC/SA/E045) at p.22 where it states that the viability assessments submitted in support of a number of planning applications for residential development on brownfield sites has demonstrated that *"the required proportion of affordable housing would be unviable"*. In approving these schemes, the Council has consistently failed to achieve its own target for the delivery of affordable housing in the borough, thereby failing to meet the objectives of Policy CS12 to deliver 1,737 affordable homes in Woking.
- 3.3 We have assessed all of the draft UA allocations in the SADPD that include residential within the allocation and the attached schedule (Matter 4 – Appendix A, Affordable Housing Analysis 1 – Tab 1) reveals that the number of units proposed on these sites totals 3,284, of which 1,141 were proposed to be affordable. The affordable units represented 34.7% of the total.
- 3.4 The second schedule (Matter 4 – Appendix A, Affordable Housing Analysis 1 – Tab 2) reveals that on eleven of the allocations that have been the subject of planning approval, 1,006 residential units were assumed to be delivered on these sites, and 266 were assumed to be affordable. The affordable represented 26.4% of the total. However, the schemes actually only yielded 13 affordable units which is 1.3% of the total. This was achieved on just one of the eleven sites. So the consented UA allocations have resulted in an under supply of 253 affordable units.

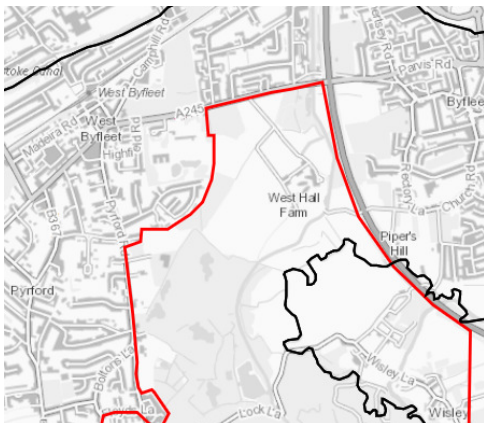
- 3.5 This analysis of recent residential approvals on brownfield UA sites shows that low levels of affordable housing are being consented in Woking. However it is possible to achieve the stated target of 50% affordable housing on greenfield sites because these schemes can viably support delivery of this level of affordable housing.
- 3.6 In simple terms therefore, the over reliance in the draft spatial development strategy on residential development on brownfield sites will continue to ensure that the Council fails to achieve its target for the delivery of affordable housing. The Council's own evidence confirms that the overall target to provide 35% of all units as affordable has only been achieved twice out of the last 10 years (figure 9 – *Proportion of housing completions by tenure, since 2008*) in the Council's 2017-2018 AMR (December 2018 – WBC/SA/E045). Analysis of delivery of affordable housing on eleven UA sites has shown that the affordable housing is just over 1% of the total.
- 3.7 We therefore contend that as the viability of the proposed spatial strategy has not been tested and evidenced in accordance with the PPG, it cannot be found sound as the need for affordable housing will continue to grow year on year as the cumulative shortfall is compounded.

Question 2. Is the spatial distribution of development allocations in the SADPD in general conformity with the Core Strategy?

- 3.8 No. Firstly, there is no reference to the 'safeguarding of land' within either Policy CS1 or Policy CS6 of the CS (despite the assertion in the flawed Review of the CS that there would be). However, the safeguarded areas of land are shown on the Proposals Map (WBC/SA/002B). Therefore, the spatial distribution cannot be considered in general conformity with the CS Core Strategy.
- 3.9 As contained within our representations (to Regulation 19 of the SADPD), the Inspector (within his report of the CS) recommended "*the principle of the Green Belt being used in such a manner is consistent with the thrust of the South East Plan (SEP) ...and... that, in the event of a more than minor GB review, focus should be had on the area to the south of the town*" (paragraph 30 of the Inspector's Report) but nowhere in either the CS or indeed the Review, is this principle mentioned.
- 3.10 To support the SADPD and in response to the Inspector's conclusions, the Council commissioned a Green Belt Review in 2014 and the brief clearly confirmed the need to find 550 dwellings in the current plan period and identify "*potential additional site(s) to be safeguarded for residential development between 2027 and 2040*".
- 3.11 The fact that the CS was found sound on the basis that at least 550 new dwellings would be delivered within the plan period cannot be underestimated. Only three sites are proposed to deliver this (GB1, GB7 and GB10).
- 3.12 However 550 dwellings was not the maximum, it was the minimum. Having assessed those sites which are proposed to be allocated within the plan period, there remains a degree of uncertainty as to the number of that will be delivered as inter alia and as set out in the both the Green Belt Review and the wording of GB10 that "*any development here will need to include significant elements of Green Infrastructure, having regard to the*

landscape’s particular sensitivity to change (GBBR, paragraph 3.5.12)”. Given the potential land take for Green Infrastructure, the number of dwellings that might be delivered on this site is far from certain.

3.13 Moreover, GB10 is also within the Minerals Safeguarding Area (‘MSA’) as shown below by the edged red line and whether discussions have taken place regarding extraction are unknown. Given the land is within the MSA, we suggest the timeframe for its delivery is unknown and the fact that this site is included within those expected to be delivered within the plan period is not certain.



3.14 In light of the uncertainty over the delivery of dwellings on GB10, it is evident that the strategy is not sound because the SADPD is not proposing to allocate adequate land to meet the identified housing need. The sites proposed to be allocated are summarised in the table below:

Sites to be allocated during 2022 - 2027 (i.e. the plan period)

Proposal Site Ref	Site Address	SHLAA Ref	Site Size	Unit Numbers
GB1	Land south of Brookwood Lye Road, Brookwood	SHLAAHEA006	2.65ha	93
GB7	Nursery land adjacent to Egley Road, Mayford	SHLAAHEA013	18.65ha	118
GB10	Land surrounding West Hall, Parvis Road, West Byfleet	SHLAABWB030	29.33ha	555
TOTAL				766

- 3.15 The second purpose of the Green Belt Review was to identify potential additional sites to be safeguarded for residential development between 2027 and 2040 and at page v of the Woking Green Belt Review (Main Report) it was concluded that approximately 40 hectares ('ha') of land would be required to be safeguarded equating to the delivery of 1,200 dwellings at 30 dwellings per hectare ('dph').
- 3.16 A total of 20.36 ha is proposed to be safeguarded. At a density ranging from 30dhp – 40dph, these sites would yield between 611 and 814 units. The shortfall is therefore between 386 and 589 dwellings.

Sites to be safeguarded between 2027 – 2040, assuming 30dph-40dph

Proposal Site Ref	Site Address	SHLAA Ref	Site Size	Unit Numbers
GB4	Land south of Parvis Road and High Road, Byfleet	SHLAABWB010	5.83ha	175-233
GB5	Land to the south of Rectory Lane, Byfleet	SHLAABWB011	4.40ha	132-176
GB8	Woking Garden Centre, Egley Road, Mayford, Woking	SHLAAHEA024	1.62ha	49-65
GB9	Land adjacent to Hook Hill Lane, Hook Heath, Woking	SHLAAHEA002	8.51ha	255-340
TOTAL				611-814

- 3.17 It is clear that inadequate land is proposed for safeguarding. There will be a shortfall in housing delivery.
- 3.18 Therefore the Council will need to release additional land now from the GB in order to ensure that appropriate land is brought forward to meet the housing need set out in the Core Strategy to which the SADPD is linked.
- 3.19 In deciding which sites to release from the GB, the Council undertook a Sustainability Appraisal ('SA'). The Council appraised a number of sites. The Council's analysis resulted in two sites having the same score, but it decided only to release one of them. No justification is provided for this arbitrary decision-making.

- 3.20 As the Council is required to safeguard adequate land, it would seem logical for those sites that were not proposed for release but which scored the same as sites that were proposed to be released, to be the preferred sites to make up the shortfall. One such site is GB11. Unless the Council allocates adequate land, the SADPD is not sound.

Question 6. Would the SADPD allocations deliver a sufficient mix of sites to meet assessed needs for the size, type and tenure of housing for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)

- 3.21 No. The strategy focuses on the town centre and as shown above, there is clear shortfall in the amount of affordable housing that has been delivered and is proposed to be delivered through the remaining UA allocations for which planning permission has not been granted. This approach does meet the objective of Policy CS12 of the Core Strategy which is that 35% of all new homes should be affordable. The Policy goes on to state that all new residential development on previously developed (brownfield) land (predominantly those in the town centre) will be expected to contribute 40% as affordable on sites providing 15 or more dwellings, or on sites of over 0.5ha (irrespective of the number of dwellings proposed). These targets are not being achieved now and no updated viability assessment suggest this trend is set to be reversed. Indeed our analysis demonstrates that the provision of affordable housing on brownfield sites is falling.
- 3.22 It would seem that the Council is positively planning to fail to deliver the strategic policy objective that 35% of all new homes should be affordable as set out in the CS. The revised NPPF resets the importance attached to meeting the assessed needs of the many different groups not simply a few.
- 3.23 We highlighted the lack of affordable housing being delivered due to a site's viability not being tested / evidenced as part of the preparation of the SADPD. We contend this spatial strategy will only perpetuate the current situation where the need for affordable housing will increasingly worsen. The only way in which a sufficient mix of sites that can deliver the assessed needs of Woking is through the release of additional land from the GB on which 50% of affordable housing will be delivered.

Question 7. Does the SADPD specify the mix of dwellings that specific sites will be expected to provide in line with paragraph 5.75 of the Core Strategy?

- 3.24 The SADPD does not specify the mix of dwellings that the specific sites are expected to deliver, although it is inferred that the UA allocations will mainly deliver apartments, and the GB allocations will deliver a mix of apartments and houses. The density of the safeguarded sites is stated to be a matter for further consideration.
- 3.25 It is clear the SADPD does not comply with paragraph 5.75 of the Core Strategy.