

**MATTER 3: IS THE SADPD'S APPROACH TO
ALLOCATIONS AND SAFEGUARDED LAND IN THE
GREEN BELT JUSTIFIED AND CONSISTENT WITH
NATIONAL POLICY?**

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

Woking Borough Council – Site Allocations DPD Examination in Public

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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 is opposed to GB19.
- 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.

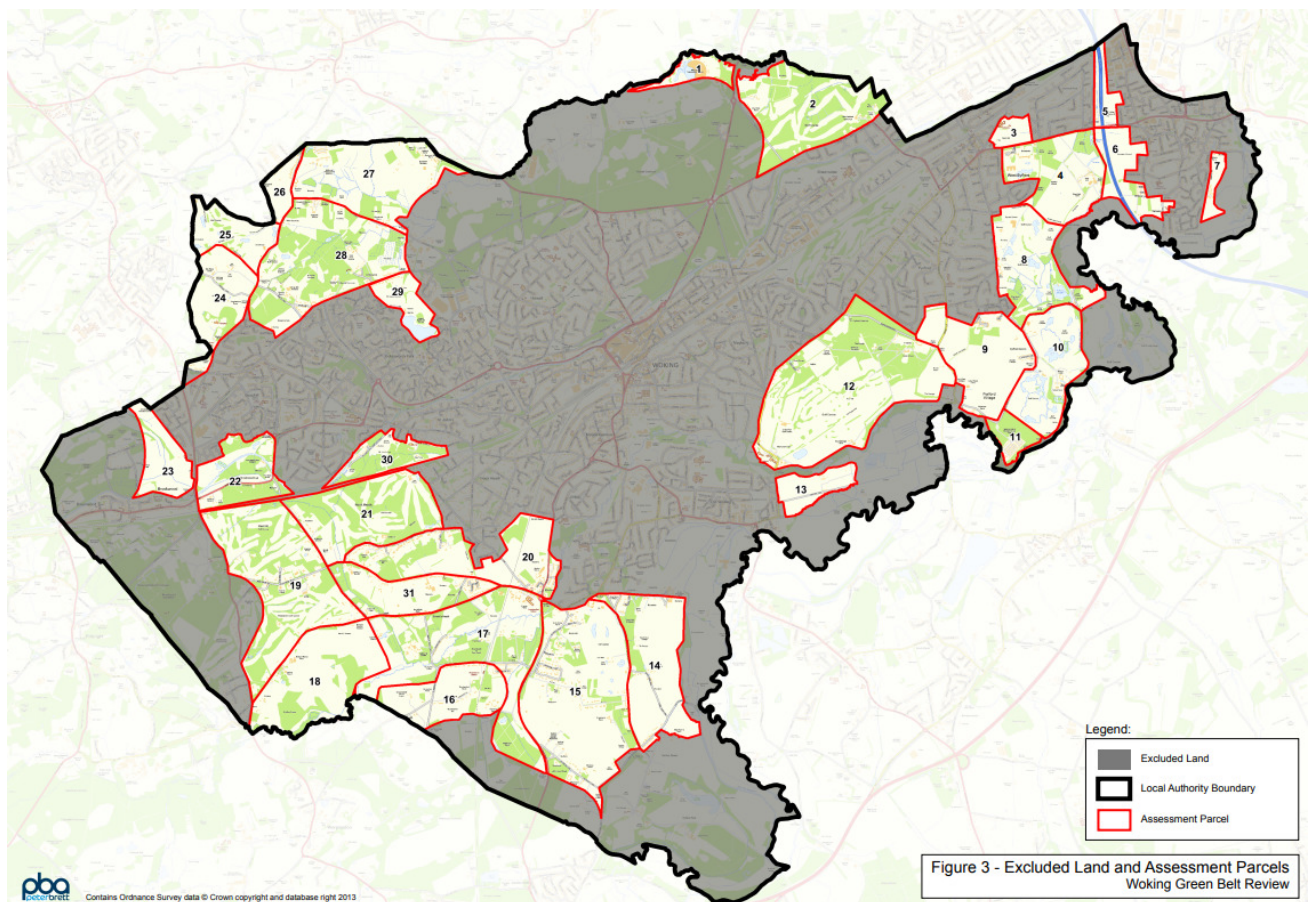
2 ISSUE (I) DOES THE WOKING GREEN BELT REVIEW PROVIDE A ROBUST EVIDENCE BASE TO SUPPORT THE POLICIES AND ALLOCATIONS OF THE SADPD?

- 2.1 We respond to the specific questions arising in relation to Matter 3 below.

Question 1. Does the Green Belt Review's focus on land 'parcels' provide a sufficiently fine-grained assessment of the GB?

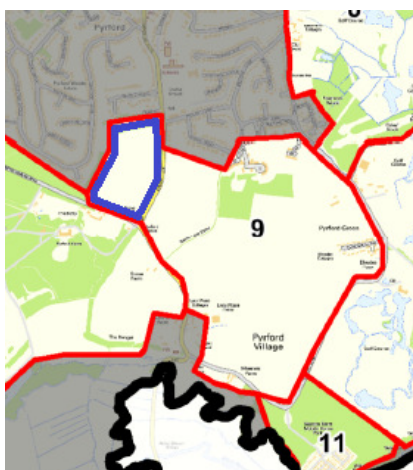
- 2.2 No. The brief for the review of the Green Belt required it to be "comprehensive". PBA undertook the review. It confirms on page v of the Executive Summary that *"the approach followed was to identify large areas (or parcels) of land which were potentially most suitable for removal from the Green Belt, based on their relative contribution to the five purposes of Green Belt, and their potential to deliver sustainable forms of development. Specific sites within these areas were then investigated to identify sites which were suitable and could be delivered for housing development."*
- 2.3 On page vi of the Executive Summary, it explains that *"following the sieve mapping exercise, a large area of land around the Borough was identified for further study. This area is shown in Figure 3. In order to carry out a meaningful assessment of the way that different areas perform in Green Belt terms, it was necessary to divide the land up into 31 parcels, and these are also shown in Figure 3."*

2.4 Figure 3 is provided below:

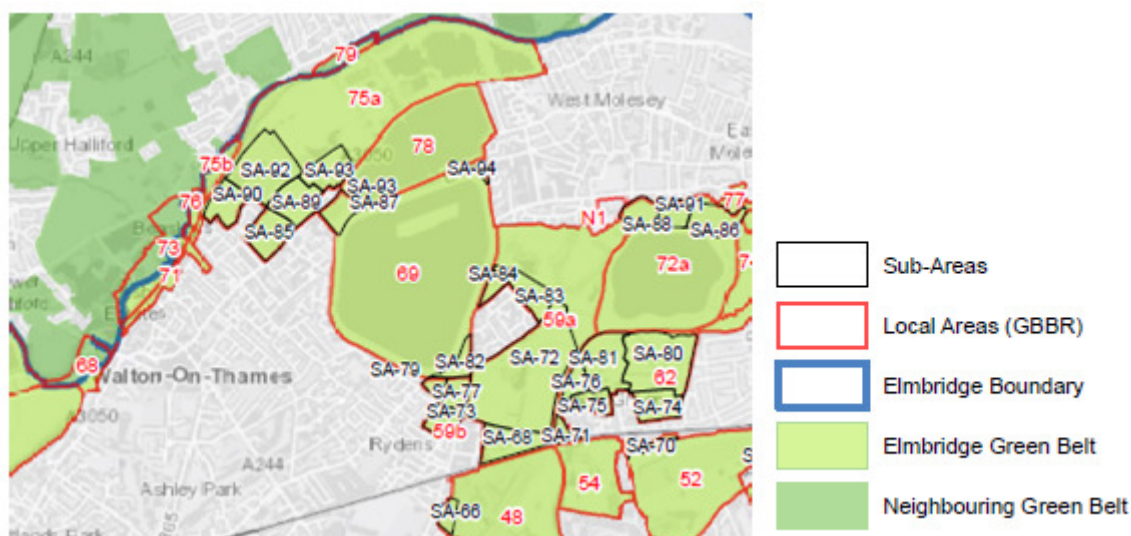


2.5 The approach that was taken was far too broad brush and there is no evidence that PBA applied a sufficiently fine grain to investigate specific sites.

2.6 For example, Parcel 9 extends to approximately 90 hectares (ha) and includes between 12-15 different parcels of land on the southern boundary of the built up area of Pyrford, south of Woking. These include fields, farm buildings, woodland, houses, recreation areas and footpaths/trails. These very different and separate areas were not reviewed by PBA with any granularity.



- 2.7 Through our representations to the Regulation 18 and Regulation 19 stages of the SADPD, and notwithstanding the support of Council officers for the release of the site (as shown by the edged blue line above) from the Green Belt, we highlighted the flaws in the approach taken by PBA and the weakness in the GB analysis.
- 2.8 By way of comparison to the coarse Green Belt analysis undertaken by the Council, a number of other Councils in Surrey have undertaken appropriately fine grained Green Belt analysis, including Elmbridge and Spelthorne. In Elmbridge, the Council instructed Arup *“to further refine the conclusions identified as part of the Green Belt Boundary Review (‘GBBR’) undertaken by Arup in 2016, including an assessment of the Green Belt performance of smaller sub-areas in relation to the wider Local Areas considered through the 2016 GBBR”* (Green Belt Boundary Review, pg.1 - Supplementary Work Methodology and Assessment (December 2018)).¹ An example of the finer grain assessment and the smaller land parcels assessed is shown below:



- 2.9 These fine grain assessments were undertaken to ensure the Green Belt reviews were robust and provided an appropriately detailed evidence base to support the proposed changes to Green Belt boundaries and secure their intended permanence consistent with the guidance in paragraph 136 of the NPPF.
- 2.10 The approach the Council has taken to review Green Belt boundaries is not robust and in order for the SADPD to be found sound, a finer grain Green Belt review should be undertaken which will then ensure the SADPD and the decisions that have informed the spatial development strategy are fully evidenced and justified.

¹ <https://www.elmbridge.gov.uk/search/?q=Green+Belt+Review>

Question 2. Does the methodology of the Green Belt Review place appropriate emphasis on the permanence and purposes of the GB?

- 2.11 No. Given the criticism of the approach taken and that it was too coarse, it follows that there can be no confidence that the approach taken placed appropriate emphasis on the permanence and purposes of the Green Belt. The brief issued to PBA included a requirement that the assessment should “*provide advice about where a defensible Green Belt boundary should be drawn, taking into account the sites that will be recommended for release for development.*”
- 2.12 As set out in our response to Matter 2, Issue ii – Question 2, the amount of land that has been safeguarded is not enough to meet the level identified in the Green Belt Review (WBC/SA/E018, page v) and therefore, it follows logically that inappropriate emphasis has been placed on the permanence of the Green Belt.

Question 4. Does the Green Belt Review’s objective of identifying suitable, deliverable sites for 550 homes over the plan period provide an appropriate basis for assessment?

- 2.13 No. The Core Strategy (‘CS’) was found sound in a world where it had to be in general conformity with both the South East Plan (‘SEP’) as well as the NPPF 2012 published after its preparation, submission for examination whilst the examination was in progress. The figure of 550 (founded in the SEP) was expressed to be on the basis that at least 550 new dwellings would be delivered within the plan period. We have explained the extent to which the SADPD is not in conformity with the CS in response to Matter 2, Issue ii - Question 2. To emphasise, we have assessed those sites which are proposed to be allocated during the plan period and there is a degree of uncertainty as to whether 550 dwellings will be delivered between 2022 to 2027 (the plan period). This approach cannot therefore be considered sound and more land from the Green Belt needs to be released now for both additional allocations and adequate safeguarding between the Green Belt and urban areas.

3 ISSUE (II) – DO THE SADPD’S GB ALLOCATIONS AND POLICIES ACCORD WITH NATIONAL POLICIES AND GUIDANCE, AND DO EXCEPTIONAL CIRCUMSTANCES EXIST SUFFICIENT TO JUSTIFY THE ALTERATION OF THE GB’S BOUNDARIES?

Question 1. To what extent can it be demonstrated that exceptional circumstances exist sufficient to alter GB boundaries as proposed?

- 3.1 The CS itself committed to a Green Belt Review to accommodate housing required in the CS period. It did so on the basis of exceptional circumstances. They still exist notwithstanding Woking’s success in forcing adjoining boroughs to provide some of its housing needs (who have also had to roll back their Green Belts too). Whilst we are in agreement with the Council that in principle the exceptional circumstances continue to exist to warrant the review and alteration to the existing Green Belt boundaries, so as to meet their housing

need, we do not agree that the current approach to the allocating / not adequately safeguarding of land has been fully evidenced and justified in order to accord with the paragraph 136 of the NPPF.

- 3.2 As set out in our response to Question 4 of Issue (i) above, more land is required now for more allocations and adequate safeguarding to ensure the SADPD accords with the strategic policies of the CS and for the spatial strategy to be found sound.

Question 2. Have reasonable alternatives to the release of GB sites been adequately explored, and have all reasonable options for meeting the Core Strategy's requirements been fully examined?

- 3.3 Only in part. The Council has assessed some reasonable alternatives to Green Belt release, ie, the Urban Allocations (UAs) in Woking. However, this approach will not provide a mix of housing types and tenures to be provided and specifically, family dwellings and affordable housing. It is therefore considered that additional land needs to be released from the Green Belt in order for the SADPD to accord with the strategic policies in the CS and paragraph 5.75 which seeks to secure a mix of dwellings.
- 3.4 Also, no assessment has been made to compare Green Belt release in Woking with other land required beyond Woking that has been relied upon to meet Woking's needs.

Question 4. Does the SADPD demonstrate that GB boundaries will not need to be altered at the end of the plan period and define boundaries clearly using physical features that are readily recognisable and likely to be permanent?

- 3.5 No. As confirmed in our response to Question 4 of Issue (i) above, there has not been enough land allocated to deliver at least 550 dwellings within the plan period. It is therefore clear that the boundaries will need to be reviewed again at the end of the plan period. Subsequently, in order to progress an SADPD which has been positively prepared, justified, effective and is consistent with national policy (paragraph 35 of the NPPF), appropriate land should be allocated now. We therefore suggest the Council needs to identify land which has scored well though both a finer grained Green Belt Review and the Sustainability Appraisal and also have the benefit of physical features which create defensible boundaries, are readily recognisable and are permanent, such as Pyrford Common Road and Upshot Lane.

Question 8. Does the SADPD set out ways in which the impact of removing land from the GB can be offset through compensatory improvements to the environmental quality and accessibility of the remaining GB land, and how such improvements could be secured?

- 3.6 No. There is no reference to how the impact of removing land from the GB will be mitigated with regards to compensatory improvements at any stage in the GB Review. We therefore suggest this has not been a consideration and whilst the Council has identified certain areas of GB which are proposed to be allocated for the use as Suitable Alternative Natural Greenspace ('SANG') or as a Heritage Parkland / Country Park (GB19 – Woking Palace, Carters Lane, Old Woking), self-evidently these are not expressed to be Green Belt compensation. Had this issue been given more consideration, more Green Belt land to provide potentially

environmental compensatory improvements would have been addressed. Without such proper consideration, the spatial strategy within the SADPD is unsound.

Question 9. The key role that Woking's GB plays in providing recreational opportunity is identified in the Sustainability Appraisal Report. Consequently, to what extent do the SADPD's GB proposals accord with the Framework insofar as it states that planning policies should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure?

- 3.7 There is no evidence that arable farmland such as that at GB19 should be allocated as a Heritage Parkland / Country Park to address an identified local health or well-being need. No up to date open space assessment evidences this nor does any heritage based assessment justify GB19. GB19 is not justified nor is it likely to be effective.

4 ISSUE (III) – ARE THE GB HOUSING ALLOCATIONS DELIVERABLE OR DEVELOPABLE?

Question 1. Are the policy requirements related to the GB allocations informed by evidence of affordable housing need, infrastructure requirements, the inclusion of local and national standards and a proportionate assessment of viability?

- 4.1 No. Whilst the general wording of the Green Belt allocations are in accordance with the affordable housing targets as set out at Policy CS12 of the CS, the Council has not taken into account the low levels delivered across Woking over the last ten years which is addressed below. For the Council to be able to reduce this deficit, it is clear their approach to the release of Green Belt land needs to acknowledge the higher proportion of affordable housing delivered on these sites.
- 4.2 As we explained in response to Matter 4, 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'), it is plain that none of the allocations have been informed by up to date assessments of the viability let alone mix. 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 date of the assessment, it is clear that the viability of the allocations have not been informed by evidence and will not create realistic and deliverable policies.
- 4.3 The allocations within the SADPD and especially those in the town centre will be expensive to remediate and therefore deliver which comes at the expense of affordable housing. This statement is supported in the 2017-2018 Annual Monitoring Report ('AMR') (December 2018 – WBC/SA/E045) at p.22 where it explains the viability assessments of a number of brownfield developments concluded *"the required proportion of affordable housing would be unviable"*.

- 4.4 In simple terms, the current spatial development strategy is over-reliant on brownfield sites and therefore systematically builds in failure to deliver appropriate levels of affordable housing (the 35% target has only been achieved twice out of the last 10 years (figure 9 – *Proportion of housing completions by tenure, since 2008*) in the 2017-2018 AMR. The requirement for affordable housing in Woking cannot be clearer given the affordability level of 11.0 against the national average of 7.88, thus the need for a spatial strategy that incorporates greater releases of GB land as part of the spatial strategy in order to deliver 35% (Policy CS12) is vital to reduce the deficit.
- 4.5 We therefore contend there is not enough emphasis on the release of land from the Green Belt and the current strategy is yielding low levels of affordable housing that are not responding to the deteriorating affordability position in Woking. It is not sound and is not delivering on objectives of the CS.

5 ISSUE (VI) ARE THE SADPD'S OTHER GB ALLOCATIONS AND POLICIES JUSTIFIED AND EFFECTIVE?

Question 6. Is the extent of land included in GB17 (GB19 in the July 2019 version of the SADPD) justified?

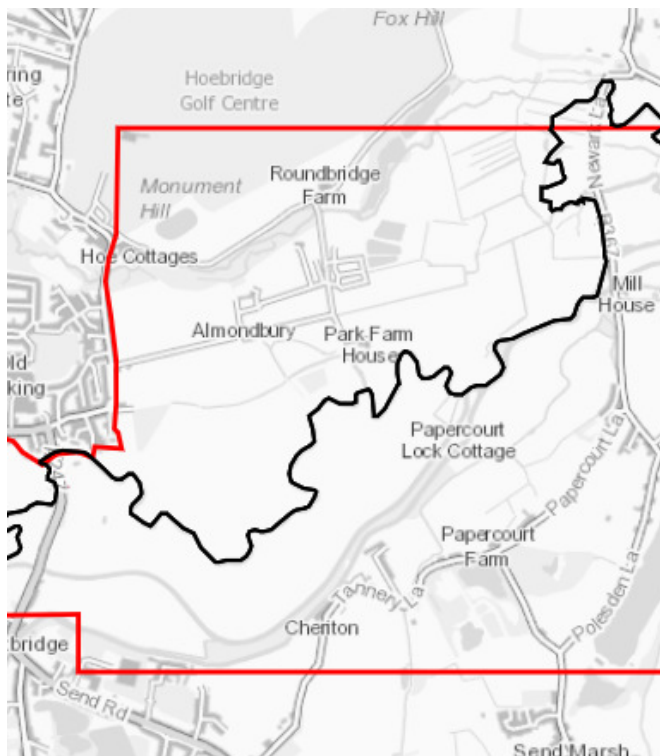
- 5.1 No. Whilst the Council has identified the benefits of the use of the site and how its provision would achieve Objective 10 in the Sustainability Appraisal, there is no reference to a need for Heritage Parkland or indeed a Country Park nor to how it will be funded and managed in the long term. As noted, if the Council wishes to rejuvenate Woking Palace, this does not need to form part of a larger proposal. As there is no compelling case for a Heritage Parkland / Country Park, a compulsory purchase order is unlikely to be confirmed; so the amount of land included is not justified nor is the policy effective.

Question 7. Is GB17 (GB19) deliverable in the plan period?

- 5.2 No. As set out in the response to Question 6 above, BDL does not support the proposal and as there is no evidence that provides a compelling planning case for the proposal, any use of compulsory purchase powers will fail. As GB19 will not be delivered in the plan period, it is not justified nor is the policy effective. Within the supporting text of GB19, the Council also makes reference to funding coming forward through the Community Infrastructure Levy ('CIL') contributions. However, there is no reference to the delivery / the provision of such a scheme within the Council's Regulation 1-2-3 list attached to the CIL which came into force in April 2015.

Question 9. Has the effect of GB17 (GB19) on agricultural land and potential minerals resources been considered?

5.3 There is no evidence to suggest the effect on agricultural land and minerals resources have been considered. Whilst not allocated in the Waste & Minerals Plan, the area within GB19 is included as part of the Minerals Safeguarding Areas (MSA)² as shown below (land within the edged red line):



5.4 The Site is also rated as “Good to Moderate” on the London and South East region Land Classification Map and there is no evidence that the Council has looked at reasonably alternatives.

6 ISSUE (VII) DOES THE SADPD’S APPROACH TO SAFEGUARDED LAND ACCORD WITH THE FRAMEWORK?

Question 1. Is it necessary for the SADPD to identify areas of safeguarded land?

6.1 No. There is no express commitment to the safeguarding of Green Belt land in the strategic policies of the CS but there clearly was a commitment to a Green Belt Review. We should have thought it axiomatic that a NPPF compliant Green Belt Review would address safeguarding. The Green Belt Review did indeed address safeguarding and recommended that land should be safeguarded but the SADPD is not safeguarding enough

² SCC Minerals and Waste Map Viewer <https://surreycc.maps.arcgis.com/apps/View/index.html?appid=51ccc1c328654e668680dbc9d88da9a7>

land. Indeed the CS Review in a bid to avoid formally reviewing the CS suggested safeguarding would take place anyway and thus implied a review was not needed. In fact contrary to that indication not enough land has been safeguarded, so this approach is not justified nor does it accord with the NPPF. Not only should more Green Belt be released, but proper consideration should be given for the need for safeguarding adequate land so that the housing needs through to 2040 which have been approximated to be at least 1,750 dwellings can be met through a further local plan.

Question 2. To what extent is the amount of safeguarded land included in the SADPD justified?

- 6.2 It is not justified by reference to the evidence base. Whilst there was no explicit requirement for the safeguarding of land in the CS, the NPPF requires that it be considered. As we explain below in response to Question 4, the strategy for safeguarding land is not sound because insufficient land is proposed to be safeguarded.

Question 3. Does the SADPD make the status of the safeguarded land it identifies clear, in accordance with paragraph 139(d) of the Framework?

- 6.3 No – *Section B - development and infrastructure sites within the existing Green Belt to be taken out of the Green Belt or washed over by the Green Belt* is confusing. Some sites are taken out and others are washed over. The sites which are to be 'taken out' should be allocated now to avoid confusion.

Question 4. To what extent does the identification of safeguarded land demonstrate that GB boundaries would not have to be altered at the end of the plan period?

- 6.4 It does not. As set out in our response to Matter 2, (Issue ii – Question 2), at page v of the Woking Green Belt Review (Main Report), it confirmed approximately 40 hectares ('ha') of land would be required to be "safeguarded" equating to the delivery of 1,200 dwellings. However, only 20.36ha has been safeguarded and 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. It is therefore clear the Green Belt boundaries will need to be altered at the end of the plan period and this strategy is therefore not sound as it does not accord with national policy set out in the NPPF at paragraph 139(d). With the identified shortfall, this suggests between approximately 11ha to 17ha (at an average of 35dph) should be allocated for development.