

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?

HEARING POSITION STATEMENT SUBMITTED ON BEHALF OF BURHILL DEVELOPMENTS LTD

Woking Borough Council – Site Allocations DPD Examination in Public

Contents

1 Introduction.....3

2 Issue (ii) Is it evident how a decision maker should react to viability issues related to development proposals?3

Question 10.3

Question 11.4

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 (II) IS IT EVIDENT HOW A DECISION MAKER SHOULD REACT TO VIABILITY ISSUES RELATED TO DEVELOPMENT PROPOSALS?

- 2.1 We respond to the specific questions arising in relation to Matter 5 below.

Question 10. The *Implementation* section of the SADPD outlines that “Very robust finance evidence will be required to justify any negotiation away from the requirements of the Core Strategy and the Site Allocations DPD... The Council will expect development negotiations on specific sites to be supported by an open book financial appraisal process.” Would these requirements be more fittingly expressed in a standalone overarching SADPD policy?

- 2.2 No. There should no requirement for a standalone overarching policy as the evidence to support the SADPD should have informed and justified the document from its inception. As set out at paragraph: 002 Reference ID: 10-002-20190509 of the Planning Practice Guidance ('PPG'), there should not be a “*need for further viability testing at the decision making stage*”, ie viability testing should inform the policies. How can the spatial strategy of the SADPD and the policies therein be justified and consistent with national policies if there is no basis as to how these have been informed?
- 2.3 We have commented on Matter 2 (Issue ii – Question 1), Matter 3 (Issue iii – Question 1) and Matter 4 (Issue i – Question 1) about the failure to consider an updated viability assessment to inform the current allocations. It is therefore clear that the approach the Council is proposing is unsound.

Question 11. Does the expressed approach to viability accord with the advice expressed in the PPG that “Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage”?

- 2.4 No. The SADPD is based on the 2010 Economic Viability Assessment and a document over 8 years old (at the time of the SADPD last being published for consultation) cannot be considered up to date. We have highlighted the low level of affordable housing that has been provided across Woking in response to Matter 2 (Issue ii – Question 1), Matter 3 (Issue iii – Question 1) and Matter 4 (Issue i – Question 1) but in summary, 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 Council’s 2017-2018 Annual Monitoring Report (‘AMR’) (December 2018 – WBC/SA/E045). It is therefore clear the SAPDD has not been based on up to date and robust evidence as the current strategy is over-reliant on brownfield sites and therefore systematically builds in failure to deliver appropriate levels of affordable housing moving forward.
- 2.5 As set out at paragraph: 002 reference ID: 10-002-20190509 of the PPG, the SADPD needs to be based on robust and up to date evidence that *“takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage.”* The proposed strategy has not taken into account the past delivery rates of affordable housing and the resultant shortfall, and with a focus on the town centre / brownfield sites, this will not re-address the balance as the applications that come forward will be unable (on viability grounds) to deliver the targets set by the Council through Policy CS12. The strategy therefore does not accord with the PPG and also paragraph 35 of the NPPF, as the SADPD has not been positively prepared, is not justified, effective or is consistent with national policy. The strategy is therefore unsound.