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# Woking Site Allocations DPD: Examination Hearing Statement – Matter 5

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Response on behalf of Martin Grant Homes (Respondent Ref. 06543/2)

November 2019

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# Examination of Woking Site Allocations DPD

## Hearings Statement – Matter 5: SADPD Policies



**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 (i) General Points

**Question 1:** No comment.

**Question 2:** No comment.

**Question 3:** No comment.

**Question 4:** *In the interests of clarity a table including likely development yields and projected timing of delivery should be appended to each allocation.*

1.1 No comment at this stage. However, the right to comment is reserved subject to the Council's response, in light of the need to demonstrate the deliverability of allocated sites in accordance with the NPPF (see response to Matters 2, 3 and 4).

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

**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?*

2.1 Concerns are raised regarding the approach set out in the SADPD for viability to be negotiated on specific sites, as this approach is contrary to advice in the PPG – see response to Question 11 below.

**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”?*

### Answer

2.2 The National Planning Policy Framework 2019 (NPPF 2019) and PPG have a clear and focused emphasis on the need to demonstrate deliverability and viability. However, the Site Allocations DPD (SADPD) is not accompanied by any specific evidence on viability to inform the specific policy requirements and site allocations.

2.3 The failure to undertake this work means there is no evidence demonstrating that the SADPD housing allocations are deliverable or developable, thereby failing to meet the requirements of the NPPF 2019. This presents a risk that viability assessment will be required at the decision-making stage contrary to the PPG requirements.

### Remedy

2.4 In order to ensure the soundness of the plan and demonstrate that all site allocations are deliverable and developable, relevant evidence must be provided to support the SADPD in accordance with the NPPF 2019. Such evidence will help to determine whether additional or alternative sites will be required to address local housing need.

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**Issue (iii)** – No comment.

**Issue (iv)** – No comment.

**Issue (v)** – No comment.

**Issue (vi) Do the 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?**

*Question 1: Do the SADPD’s policies pay appropriate regard to the significance of the Borough’s designated and non-designated heritage assets?*

### Answer

6.1 The SADPD’s approach to considering heritage issues appears to be based on the provisions of the Core Strategy Policy CS20, which requires new development to: ‘respect and enhance the character and appearance of the area’, ‘protect and enhance’ heritage assets, and prevent ‘any development that will be harmful’ to listed buildings.

### Explanation

6.2 Notably the Core Strategy was informed by evidence prepared prior to publication of the NPPF 2012. It should be noted however that the NPPF 2012, and subsequently NPPF 2018 and NPPF 2019, introduced revised guidance requiring a proportionate approach to be taken when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. the more important the asset, the greater the weight to the asset’s conservation) (paragraph 193). In the Council’s Review of the Core Strategy in October 2018, the Council considered that Policy CS20 was in ‘general conformity’ with the NPPF 2018 (as applicable at the time) and was not proposed for modification. However, in the selection of site allocations in the SADPD, it is considered that the Council has not applied a proportionate approach to the impact of development on designated heritage assets as required by the NPPF 2019.

6.3 The SADPD’s evidence base does not include detailed heritage evidence to inform the SADPD, although the SA considers the suitability of potential development sites based on objectives relating to heritage.

6.4 For example, Land north west of Saunders Lane (Ref. SHLAAHEA019) is located adjacent to a Grade II listed building and conservation area and therefore the potential heritage impacts were considered in a Heritage Setting Assessment accompanying representations to the Regulation 19 consultation. The Heritage Setting Assessment explained that the site makes only a small contribution to the significance of local designated heritage assets and development would result in less than substantial harm. The Woking Character Study and SHLAA also do not identify local heritage assets as a significant overriding constraint to development at the site, and the SA considered that careful design and landscaping would result in negligible longer-term effects on local heritage assets (SA, Appendix 12, page 213).

6.5 Another example relates to Land north east of Saunders Lane (Ref. SHLAAHEA018) which is located 85m west of a Grade II listed building and similarly the potential heritage impacts were considered in a Heritage Setting Assessment accompanying representations to the Regulation 19 consultation. The Heritage Setting Assessment explained that the site makes a negligible contribution to the significance of the listed building and development would result in less than substantial harm. The Woking Character Study and SHLAA also do not identify local heritage assets as a significant overriding constraint to development at the site, and the SA considered that development is unlikely to have any significant impacts on local heritage assets (SA, Appendix 12, page 202).

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- 6.6 Accordingly the SA recommends proposed allocation/safeguarding of both Land north west of Saunders Lane (Ref. SHLAAHEA019) and Land north east of Saunders Lane (Ref. SHLAAHEA018).
- 6.7 However, despite this evidence to the contrary and previously including the sites in the Regulation 18 draft SADPD, the Council decided not to allocate/safeguard either of these sites in the submission version of the SADPD. Paragraph 15.19 of the SADPD explains that the Council (at its meeting on 18 October 2018) decided that exceptional circumstances do not exist to justify release of Land north east of Saunders Lane and Land north west of Saunders Lane from the Green Belt, for reasons including the failure to conserve designated heritage assets (in respect of Land north west of Saunders Lane) (see response to Matter 3 regarding concerns with the methodology for considering exceptional circumstances). However, in light of the SA and supporting evidence, it is considered that the Council has not paid appropriate regard to the significance of the Borough's heritage assets in the site selection process.

### Remedy

- 6.8 It is essential that the SADPD is fully informed by its supporting evidence base in order to ensure the soundness of the plan in accordance with paragraph 35 of the NPPF 2019. As such it is recommended that the SADPD is amended accordingly in line with the evidence base in respect of heritage issues.

**Question 2:** No comment.

**Issue (vii) –** No comment.

**Issue (viii) –** No comment.

### **Issue (ix) Are the SADPD's policies relating to biodiversity consistent with national policy?**

**Question 1:** *Does the SADPD allocate land with the least environmental value; and where significant development of agricultural land is anticipated are areas of poorer agricultural quality preferred to those of a higher quality?*

### Answer

- 9.1 The SADPD site allocations are based on the Site Assessment Methodology (2015), which is considered to be an appropriate approach to consider potential sites. However, it is considered that the methodology has not then been adequately implemented, resulting in the SADPD not allocating land with the least environmental value.

### Explanation

- 9.2 Core Strategy Policies CS7 and CS24 state that development proposals will be considered in line with a hierarchy of European, national and locally-designated biodiversity sites/habitats, with development expected to conserve and enhance landscapes such as escarpments (in accordance with NPPF Paragraph 171).
- 9.3 Based on this, the Site Assessment Methodology (2015) states that sites which are, for example, designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) or within 400m of a Special Protection Area will be rejected (Stage 1) with the remaining 'reasonable alternative' sites informed by the evidence base and assessed against the SA objectives (Stage 2). This includes SA objective 10 which is to, 'Conserve and enhance and where appropriate make accessible for enjoyment the natural, historic and cultural assets and landscapes of Woking'.
- 9.4 A number of sites considered in the preparation of the SADPD are located within the locally-designated Escarpment and Rising Ground of Landscape Importance, to which Core Strategy Policy CS24 relates. Notably, the local designation of the Escarpment and Rising Ground of Landscape Importance is not supported by any evidence (acknowledged at paragraph 3.5.18 of the Green Belt Review 2014) and the

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SADPD evidence base does not contain any specific landscape evidence to further support the implementation of Policy CS24. The Green Belt Review 2014 includes consideration of environmental constraints, albeit this does not follow advice in the PAS.

- 9.5 Policy CS24 and the supporting text acknowledge that the locally-designated Escarpment has different characteristics which inform its overall suitability for development. For instance, Paragraph 5.251 of the Core Strategy states that: *‘Development will **not normally be permitted on the slopes of the escarpments which are shown on the Proposals Map, or which would result in a significant reduction in the amount of tree cover. Development on the top of the escarpments will only be permitted where it would not adversely affect the character of the landscape**’* [our emphasis]. No specific guidance is provided for development on flatter land in the locally-designated Escarpment, aside from overarching guidance in Policy CS24, requiring development to ‘conserve, and where possible enhance...escarpments’.
- 9.6 As examples, Land north-east of Saunders Lane (Ref. SHLAAHEA018) and Land north west of Saunders Lane (Ref. SHLAAHEA019), which are located in the Escarpment, were assessed in the Green Belt Review 2014 as part of the wider Parcel 20, which was considered to have a moderate capacity for change (i.e. a greater capacity than most other more sensitive areas) and was thereby *“recommended for removal from the Green Belt”*. The land within Parcel 20 comprising Land north-east of Saunders Lane (Ref. SHLAAHEA018) and Land north west of Saunders Lane (Ref. SHLAAHEA019) was recognised as including ‘relatively flat land’ which would be suitable for some development (Green Belt Review 2014, paragraph 3.5.18). Informed by this, the Regulation 18 draft SADPD proposed safeguarding of both Land north-east of Saunders Lane (draft Policy GB10) and Land north west of Saunders Lane (draft Policy GB11), with reasoned justification that:
- Land north-east of Saunders Lane – *‘This position is on the lower slopes of the escarpment of rising land, rendering it relatively discrete in landscape terms and could be developed without compromising the integrity of the escarpment’* (Regulation 18 draft SADPD, page 309)
  - Land north-west of Saunders Lane – *‘This location is within the designated escarpment and rising ground of landscape importance, however it lies on the lower levels, which are relatively shallow sloping, such that it could be developed without compromising the integrity of the escarpment.’* (Regulation 18 draft SADPD, page 314)
- 9.7 Further to this, the Regulation 19 draft SA assessed both Saunders Lane sites as being ‘relatively flat’ and ‘discrete in landscape terms’ with neutral long-term effects on the Escarpment, and therefore recommended the sites for proposed allocation/safeguarding (Regulation 19 draft SA, pages 202 and 213).
- 9.8 However, the SADPD has not followed the Site Assessment Methodology (2015) and the outputs of the evidence base in allocating sites with the ‘least environmental value’. If the SADPD were to follow the Site Assessment Methodology (2015), sites such as Land north-east of Saunders Lane (Ref. SHLAAHEA018) and Land north west of Saunders Lane (Ref. SHLAAHEA019) would be proposed for allocation/safeguarding in accordance with evidence and recommendations.

### Remedy

- 9.9 It is essential that the SADPD is fully informed by its supporting evidence base in order to ensure the soundness of the plan in accordance with paragraph 35 of the NPPF 2019. As such it is recommended that the SADPD site allocations are amended accordingly in line with the evidence base which establishes land with least environmental value.

**Question 2:** No comment.

**Question 3:** No comment.

**Issue (x)** – No comment.

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