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CC. Ernest Amoako

22 November 2018

Dear Tracey,

Review of Woking Core Strategy

Thank you for letter of 7 November 2018.

I have consulted with Peter Bryant, the Council's Head of Democratic and Legal Services, as to whether the Council's review of its Core Strategy breached the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004 (as alleged by you). Mr Bryant has advised as follows:-

"Ms Coleman's argument that the Council has breached the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004, when undertaking its review of the Core Strategy, is based on a misunderstanding of the legal effect of that Section.

Section 33A(3)(a) prescribes the activities which, for our purposes, might be subject to the Duty to Cooperate ("DtC"). These activities are "the preparation of development plan documents". It is clear that the Council has not prepared, and does not propose to prepare, a "development plan document", so no DtC has arisen under Section 33A(3)(a).

I have considered whether a DtC arose under Sections 33A(3)(d) or 33A(3)(e), both of which are referred to by Ms Coleman. These statutory provisions can only impose a DtC on the Council if the Council has undertaken, or is undertaking, a Section 33A(3)(a) activity (which is the preparation of a development plan document). There is no such activity, so neither Section 33A(3)(d) nor Section 33A(3)(e) is engaged.

To conclude, the Council was not under a DtC in this matter, and Ms Coleman's argument to the contrary is misconstrued."

It should be noted that the Council's review of its Core Strategy was undertaken in full compliance with the "Guidance on Plan-making" published by the Ministry of Housing, Communities & Local Government on 13 September 2018.

The Council's approach to its review of the Core Strategy, including the assessment of local housing need, is clear from the reports and supporting documents submitted to Council on 18 October 2018. These are public documents, accessible through our website, so the Council's position will be clear to anyone who reads those documents. As such, I cannot see how the Council could usefully take the action requested by you in your letter. The main report and the supplementary report to Council on the review of the Core Strategy can be accessed by the following links

respectively: <https://moderngov.woking.gov.uk/documents/g245/Public%20reports%20pack%2018th-Oct-2018%2019.00%20Council.pdf?T=10>. <https://moderngov.woking.gov.uk/documents/b1657/Item%2010%20-%20Supplementary%20Report%20-%20Representations%20from%20Other%20Authorities%2018th-Oct-2018%2019.00%20Council.pdf?T=9>.

For the sake of completeness, I need to say the Council's decision, on 18 October 2018, that there will be no unmet housing need arising from Woking was based on an analysis of the 2016 Household Projections using the revised standard method for calculating housing need. You will be aware that the Government is consulting on update to national planning policy and guidance (technical consultation on update to national planning policy and guidance). The Government has proposed that:

- For the short term, the 2014 based data will provide the demographic baseline for the assessment of local housing need. Using this base data, the objectively assessed local need for Woking will be 409 dwellings per year;
- Lower numbers through the 2016 based projections do not qualify as an exceptional circumstances that justifies a departure from the standard method;
- In the longer term, to review the formula with a view to establishing a new method that meets its commitments.

Our position may, therefore, change in the future in the light of any action taken by the Government.

Finally, I confirm that the Council will comply with the DtC when it arises. We will also consult with you, on a voluntary basis, when it is appropriate to do so.

Yours sincerely,



Douglas J Spinks
Deputy Chief Executive

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