



Woking Borough Council

Woking Site Allocations Development Plan Document

**Topic Paper Regarding Aireborough Neighbourhood Development
Forum v Leeds City Council (2020) EWHC 1461 and the Office of
National Statistics 2018-Based Household Projections**

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Produced by the Planning Policy Team

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Before Mrs Justice Lieven

Between: Aireborough Neighbourhood Development Forum (Claimant) and Leeds City Council (Defendant) and Secretary of State for Housing, Communities and Local Government, Avant Homes (England) Limited, Gallagher Estates Limited (Interested Parties)

The Inspector has asked the Council to assess the implications of the above judgment for the Woking Borough Site Allocations Development Plan Document (DPD).

A brief background of the case has been given below to set the context. This is by no means the full details of the case. The decision was issued on 08/06/2020 and full details can be accessed [here](#).

Background of the case

Leeds City Council adopted its Core Strategy in 2014 with a housing requirement of 70,000 (net) dwellings for a plan period between 2012 and 2028. Taking into account windfall delivery, land has to be identified in a Site Allocations Plan for the delivery of 66,000 new homes. Of the 66,000 dwellings, 12,481 dwellings will have to be allocated on sites to be released from the Green Belt, and more specifically, 972 dwellings will be accommodated within the Green Belt in Aireborough Housing Market Characteristic Area (HMCA). The Council embarked upon the preparation of the Site Allocations Plan (SAP) to deliver the housing requirement of the Core Strategy. The SAP identified land to enable the delivery of 66,000 new homes. At the same time as preparing the Site Allocations Plan, the Council had embarked upon the selective review of the Core Strategy to revise the housing requirement. Following the production by the Department for Communities and Local Government of a new national methodology, it became increasingly clear to the Council that the figure of 66,000 dwellings was no longer sustainable and a materially smaller number of dwellings would now need to be delivered. For the avoidance of doubt, using the national standard methodology which local planning authorities are required to use to calculate housing need, the housing requirement for the Core Strategy Selective Review would be 42,000 for the same 16 year period. With the Inspector's main modifications, the Site Allocations Plan was adopted in July 2019. The Core Strategy Selective Review was adopted in September 2019. The reduction in housing requirement from the Core Strategy requirement to those in the Core Strategy Selective Review up to 2023 was significantly greater than all the Green Belt releases in the Site Allocations Plan up to 2023. The SAP continued to allocate sites in the Green Belt to meet the housing requirement.

The application by Aireborough Neighbourhood Development Forum was to challenge the decision by Leeds City Council to adopt the Site Allocations Plan on seven different grounds. The challenge was made under s.113 of the Planning and Compulsory Purchase Act 2004. The central issues in the application that are of most relevance to the Woking Borough Site Allocations DPD are whether in the light of a smaller housing requirement based on the Government's standard methodology, there has been a failure to give adequate reasons in respect of the justification for the release of Green Belt land and whether there has been a failure to take into account the actual surplus of delivery to 2023, and therefore the lack of justification for the release of Green Belt land.

Amongst other things, the High Court ruled that:

- There has been a failure to give adequate reasons as to the lack of need for Green Belt release. 'The Claimant was prejudiced by this failure, both by the simple fact that it is unclear what the Inspectors did consider to be exceptional circumstances, but also by the fact that the end result is the loss of a significant quantum of Green Belt land which on one analysis was not properly justified in terms of national policy';
- There has been a failure to take into account the actual surplus in delivery to 2023. It is by no means necessarily the case that if the correct figures had been taken the Inspectors would have reached the same view.

The above overview provides a basis for the implications of the High Court judgment for the Woking Borough Council's Site Allocations DPD to be assessed in its rightful context.

Implications of the High Court judgment on the emerging Woking Borough Council's Site Allocations DPD

Woking Borough Council's Core Strategy was adopted in October 2012 and covers the plan period 2010 to 2027. It was the first Core Strategy to be adopted post the publication of the National Planning Policy Framework (NPPF), and was subject to appropriate scrutiny at a Public Examination. The housing requirement for the Core Strategy was informed by an assessment of the implications of alternative options of housing provision. This included the housing requirement figure of 292 dwellings per year, an Affordable Housing need figure of 499 dwellings per year and a housing need figure of 594 dwellings per year evidenced by the 2009 Strategic Housing Market Assessment. Based on the available evidence, including the Sustainability Appraisal and the Habitats Regulations Assessment, the Secretary of State recommended that the housing requirement of 292 dwellings per year presents the most sustainable spatial strategy for the Borough. There has been nothing so far to suggest that the Secretary of State's assessment of the reasonable alternatives which was supported by a full Inspector's report that followed an inquiry was any way deficient or that it has proved deficient by events such as appeals as they had unfolded over time. The housing requirement for the Core Strategy therefore provided a sound strategic policy basis for the preparation of the Site Allocations DPD. In accordance with s.19 of the Planning and Compulsory Purchase Act 2004, appropriate regard has been had to the Core Strategy in preparing the Site Allocations DPD by seeking to meet its housing requirement. One of the concerns in Leeds City was that the selective review of the housing requirement had not been finalised to provide the basis for the preparation of the SAP. It is clear that this uncertainty did not prevail in Woking in so far as the preparation of the Site Allocations DPD is concerned.

The 292 housing requirement was agreed against a backdrop of a housing need figure of 594 dwellings per year. There is therefore significant unmet need arising from Woking that is presently being met in full by both the Waverley and Guildford Borough Local Plans. The Core Strategy was informed by a comprehensive Strategic Housing Land Availability Assessment (SHLAA). The SHLAA helped to assess the capacity of the urban area to accommodate the housing requirement of the Core Strategy. It was concluded and agreed by the Secretary of State that to deliver the 292 dwellings per year, land will be needed to be released from the Green Belt to enable housing delivery between 2022 and 2027. It was estimated that land will have to be released from the Green Belt to enable the delivery of about 550 new homes, and that the significant unmet need provided special circumstances justification for the release of Green Belt land. This is in relation to both the quantum of

development and the nature and type of development. The reasons for the release of Green Belt land were well publicised at all stages of the plan making process and debated at the Examination Hearing. The Secretary of State considered the arguments for and against before recommending that land will have to be released from the Green Belt to enable the delivery of housing between 2022 and 2027. There was therefore no failure to give reasons why special circumstances justification existed to release Green Belt land. The special circumstances justification for the release of Green Belt land are set out in Policies CS1 (A spatial strategy for Woking Borough), CS6 (Green Belt) and CS10 (Housing provision and distribution) of the Core Strategy. Recent reviews of the SHLAA (2014 and 2018) and the SHMA (2015) do not provide any substantive evidence that would require a change in this overall strategy. The Core Strategy does not allocate land for development. It delegates that responsibility to the preparation of the Site Allocations DPD. Against this backdrop of significant unmet need, it will be indefensible if the Council failed to demonstrate that it has identified sufficient land in the Site Allocations DPD including land within the Green Belt to enable the delivery of its housing requirement of 292 dwellings per year over the entire plan period.

In accordance with paragraph 33 of the NPPF, the Core Strategy was reviewed in October 2018. It was the first Core Strategy to be reviewed in accordance with the revised NPPF. The Council was aware of the requirement to apply the national standard methodology for calculating housing need, and fully took that into account in the review. The Core Strategy review assessed the implications of the various alternatives of housing provision, including:

- continuing delivering the Core Strategy requirement of 292 dwellings per year,
- delivering 409 dwellings per year based on the Government's standard methodology for calculating housing need; and
- delivering 517 dwellings per year based on the housing need evidenced by the Strategic Housing Market Assessment.

Based on the available evidence, the Review concluded that the Core Strategy should continue to make provision for the delivery of 292 dwellings per year, and no modification would be necessary. A copy of the Review was sent to the Ministry of Housing Communities and Local Government. The Secretary of State did not raise any objection to the Review regarding both its content and the process for undertaking the review. The up to date Core Strategy has been in operation since October 2018 and has been the basis for planning decisions since. Again, the review of the Core Strategy removed any uncertainty that could undermine the housing requirement and consequently the need for the release of Green Belt land to enable its delivery.

There is no doubt that the Core Strategy is up to date and continues to provide the basis for the preparation of the Site Allocations DPD. Whilst the standard methodology produced a housing need figure of 409 dwellings per year at the time of the Review, which is a downward trend from the SHMA figure of 517 dwellings per year, it was still significantly higher than the housing requirement of 292 dwellings. Based on these figures, Guildford and Waverley Local Plans are collectively meeting about 117 dwellings per year of the unmet need arising from Woking Borough.

The Council continues to monitor its housing delivery, which is published in the Annual Monitoring Report and the Five Year Housing Land Supply Position Statement. Based on

current monitoring, taking cumulative housing completions into account, there is existing under supply of 82 dwellings. This has been taken into account in calculating housing supply. Taking that into account, it is clear that there continues to be a special circumstances justification for the release of Green Belt land, and contrary to the circumstances prevailing in Leeds City Core Strategy, there is no uncertainty about the housing requirement in relation to housing need in the Woking Core Strategy to undermine the special circumstances justification for the release of Green Belt land. The strong emphasis placed on boosting housing supply by the Government makes it imperative that the Council identifies sufficient land to enable the comprehensive delivery of the 292 housing requirement.

In accordance with Section 17 of the Planning and Compulsory Purchase Act 2004 and paragraph 33 of the NPPF, the Council is aware of its obligation to review its local development documents in timely manner. The next review of the Core Strategy with the view to decide whether any modification will be required will be in 2023. In accordance with the NPPF and good planning practice the Council will consider any relevant evidence and guidance at the time and decide if a modification of the Core Strategy will be necessary. If that were to be the case, a programme for the modification will rightly be set out in a revised Local Development Scheme.

It is important to stress that the spatial strategy for the Core Strategy seeks to focus most new development on previously development land in the main centres, which offers the best access to a range of services and facilities. However, as demonstrated above, it has been proven that special circumstances justification still exist to release Green Belt land to enable the delivery of both the quantum and nature and type of housing needed between 2022 and 2027, and that this will be done through the preparation of the Site Allocations DPD.

The Council has embarked upon the preparation of the Site Allocations DPD. The Site Allocations DPD identifies sufficient land to enable the delivery of the Core Strategy in accordance with its defined purpose as set out in both policy and in the LDS. This includes the release of Green Belt land to meet housing and infrastructure needs. The reasons for the continuing need for the release of Green Belt land had been made, published and comprehensively discussed at each key stage of the plan making process, including:

- Council's Issues and Matter Topic Paper (Regulation 18);
- Regulation 19 Consultation Issues and Matters Topic Paper; and
- Site Allocations DPD Examination Hearing.

Given the extent of discussion and the reasons provided for the release of Green Belt land, the Council believes that no one could have been prejudiced by a failure to give reasons for special circumstances justification for the release of Green Belt land.

The Site Allocations DPD is presently going through Examination, and the Hearing part of the Examination completed in December 2019. The matter of housing need was comprehensively discussed at the Hearing. This included whether or not the Site Allocations DPD should identify sufficient land to deliver the Core Strategy housing requirement or the housing need using the Government's standard method. These matters have been fully explored and cases for and against each of the options have been clearly heard by the Inspector to inform his conclusions and recommendation. There have been written

submissions to that effect, which are Examination documents on the website. There is no further evidence provided that the Council has seen which was not heard at the Hearings. In the Council's view, no benefit would be gained or any purpose would be served by going over those grounds again. The Council is however aware of the recent publication of the 2018 based household projects, and the implications of this are addressed separately below. The Inspector has published his Post Hearing Letter, and the Council is presently working with the Inspector to finalise and publish the main modifications for consultation. The Council believes that the Site Allocations DPD process should proceed expeditiously without delay, and certainly the implications of the above case do not provide a reason to delay the process.

Conclusion

On the question of whether the High Court judgment would have any material implications for the Woking Site Allocations DPD, the Council believes that the judgment does not in any way undermine the release of Green Belt land, and the spatial strategy and course of action taken in the Site Allocations DPD is the most sustainable when compared against other reasonable alternatives. The Green Belt sites allocated and safeguarded in the Site Allocations DPD have been justified with reasons at each stage of the process and should therefore be fully supported (subject of course to any main modifications that the Inspector might recommend). Above all, the Council believes that the Woking Core Strategy is up to date with no ambiguity about its housing requirement figure of 292 dwellings per year and continues to be used to provide a robust policy basis for the preparation of the Site Allocations DPD.

Implications of the Office of National Statistics 2018 based household projections on the Woking Site Allocations DPD

The Inspector has asked the Council to assess the implications of the Office for National Statistics (ONS) recently published 2018 based household projections for the Woking Site Allocations DPD.

The 2018 based household projections are the latest projections available that post-date the Site Allocations DPD Examination Hearings. It is important to note that household projections are not a prediction or forecasts of how many houses should be built in the future. Instead, they show how many additional households would form if assumptions based on previous demographic trends in population growth and household formation were to be realised. Overall the household projections show a continued rise in the number of households in England at a level closely in line with what was previously projected by the 2016 based projection. However, there is a downward trend from the 2014 based projections.

While the 2018 based projections do result in a reduced demographic growth, this would have no material bearing on the overall level of housing need in Woking. Woking has an adopted Core Strategy with a housing requirement of 292 dwellings per year that remains valid until the Plan is reviewed in 2023 (based on the five yearly review of local plans) or 2027 (based on the Core Strategy plan period). The Core Strategy review will be required to adopt the standard methodology for assessing housing need in accordance with paragraph 60 of the NPPF. As per the Planning Practice Guidance the demographic baseline is to use

the 2014 based household projections (reference ID: 2a-004-20190220). The Government requires the 2014 based projections to be used to provide stability for planning authorities and communities, ensure that historic under delivery and declining affordability are reflected, and be consistent with the Government's objective of significantly boosting the supply of homes. It later adds that any method which relies on using the 2016 based household projections will not be considered to be following the standard method as it is not considered that these projections provide an appropriate basis for use in the standard method (Reference ID: 2a-015-20190220).

While the PPG makes no mention of the 2018 based household projections, it can only be assumed that the same can be applied to the newer forecasts. This is further justified by the even lower rates of growth in the newer projections but also the almost identical methodology applied.

The Council has already assessed the implication of applying the standard method in calculating housing need using the 2014 based projections. With the capped housing need of 431 dwellings per year, there continues to be a justification for the release of Green Belt land and the continuing use of the housing requirement of 292 dwellings per year as basis for the future planning of the Borough until 2027.

Conclusion

Based on the above, the Council believes that the 2018 based household projections will have no potential impact on the housing requirement of the Core Strategy and/or the Site Allocations DPD.