

Mr Chris Banks
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9th March 2020

Dear Mr Banks

WOKING SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – RESPONSE TO INSPECTOR’S INITIAL POST HEARING LETTER AND LATEST AMR

On behalf of our Client, Burhill Developments Ltd, we are writing to respond to the Inspector’s Initial Post-Hearing Letter (‘IPHL’) published on 14th February and the specific invitation for comments on the Annual Monitoring Report (‘AMR’) (2018 – 2019) which was published on 19th December 2019 after the closure of the Examination sessions.

Whilst we acknowledge that the Inspector has not invited comments on the content of his initial Post-Hearing Letter, we contend that this is not realistic for two reasons. First, the information contained in the latest AMR is germane to consideration of the site allocations and the Council’s spatial development strategy, so it is important the implications of this are highlighted. Second, whilst we welcome the Inspector’s findings in respect of GB17 (GB19) – Woking Palace, the majority of this proposal is owned by our Client. Therefore, it is essential that the Council works closely with our Client to progress any revisions to the proposal in line with the information set out in our Hearing Statement in relation to Matter 3 (Issue 6, Questions 6, 7 and 9) and as was made clear at the Examination.

Inspector’s Initial Post Hearing Letter

Policy GB17 (GB19) Woking Palace

We address each of the Inspector’s points in turn, namely that the land is not available, the case for the country park is not made and there is no funding available for it.

As stated at paragraph 20 of the IPHL, *“it has not been successfully demonstrated that the site (the remaining part of GB17) is available for the purposes proposed”*. We can confirm that no meaningful discussions have taken place between the Council and our Client regarding the availability of the suggested land and/or the need for it to facilitate the Heritage Parkland / country park prior to GB17 being drafted or post receipt of the

IPHL. In the absence of a proven need there is not a compelling case in the public interest for the compulsory acquisition of the land and therefore without my Client's support, which would only follow from a clear case being made, and their being close working between the parties, the land is not available.

At paragraph 21, the Inspector confirms that there is no evidence before him to support the suggested allocation of 64ha for a country park. A Masterplan is not evidence of need. It is evidence only of a proposal and an ambition by the Council to include land around Woking Palace to form a country park.

At paragraph 22, the Inspector confirms there is *"no substantive evidence to demonstrate whether such funding has been secured"*. Whilst there is reference in the Woking Palace Conservation Management Plan ('WPCMP') to funding sources being available, the amount of money required to implement GB17 is significant and we are concerned that the Inspector may not have grasped the full extent of the funding that will be required. At paragraph 4.2.3 (page 49) of the WPCMP, it states that *"considerable financial input"* would be required and this is only in respect of *"implementation of the Masterplan which will enhance the significance of the site"* and does not include the wider geographical area included as part of GB17. In other words, the project will require even more financial input and there is no evidence of this being available.

Paragraph 35 of the National Planning Policy Framework ('NPPF') requires that, plans which are examined must be capable of being found sound. We are pleased that at paragraph 23 the Inspector concludes that because the land outside of the immediate environs of Woking Palace is not in the ownership of the Council and is not available, the case for the Country Park and its funding is not justified nor effective, Policy GB17 as currently drafted cannot be found sound.

Our Client is concerned at the Inspector's indication that he would seek to work with the Council to bring forward a *"soundly based approach to the Woking Palace site"*. Given the serious deficiencies with the draft policy, as currently proposed and with specific reference to the wider geographical extent, it has no future. If the Council want to restore Woking Palace, there is no need for the inclusion of land outside of the immediate environs of the Scheduled Monument. Any reference therefore to the wider geographical area should be deleted and the Council should work with our Client outside of the development plan process to explore the proposal.

In summary, our Client continues to oppose GB17 because the case for it is not proven, the wider land is not available for this use and there is no funding to progress it. As a policy and as currently proposed, it is completely unsound.

Annual Monitoring Report

In the IPHL at paragraph 6, the Inspector highlights the deficiencies with Policy SA1 with regards to effectiveness and unambiguity. He highlights the Core Strategy *"requirement for residential development on Green Belt sites to meet not only quantitative, but also qualitative needs in the plan period"* and that *"neither has it been demonstrated that development in the urban area alone would deliver the size, type and tenure of housing needed for different groups in the community"*.

Our Client has consistently questioned the robustness of the Council's spatial development strategy and the over-reliance on brownfield sites that will neither supply the amount of affordable housing required nor deliver the size, type or indeed the quality of housing required. The chronic under supply of affordable housing was discussed repeatedly at the Examination and the Council continued to assert that it would achieve its targets.

The publication of the AMR demonstrates quite clearly the ongoing failure of the Council to achieve its target of 35% of all new housing being affordable in just two of the last eleven years¹. This is irrefutable evidence that the Core Strategy which has focused on the delivery of apartments on brownfield sites without adequate release of development land from the Green Belt has failed to meet the Council's declared policy objectives. The Inspector is quite correct to conclude that Policy SA1 is not effective and unambiguous.

The draft policy refers to release of Green Belt land only being required where there is "significant under provision against the housing requirement". The 2018 – 2019 AMR ('December 2019') clearly evidences significant under provision of both market and affordable housing, with the shortfall in the provision of affordable units particularly acute with completions and permissions well below the 35% target at 14.3% and 9% respectively². Although the number of affordable completions has increased from the 2017-2018 AMR ('December 2018') by 4.8%, the number of affordable housing permissions have fallen by 1%.

The publication of the AMR emphasises the need for the Site Allocations DPD ('SADPD') to include a requirement on the Council to deliver a strategy that incorporates greater release of land from the Green Belt now as part of the spatial strategy. This is needed not only to ensure that the policy target of 35% of all new homes being affordable (Policy CS12) but also to provide the Council with the opportunity to reduce the deficit of past under delivery.

As we explained in our Matter 3 Hearing Statement, the requirement for affordable housing in Woking cannot be clearer given the affordability level of 11.78 against the national average of 7.8 and continuing with a town-centre first strategy cannot be considered positively prepared in trying to respond to the deteriorating affordability position in Woking.

In summary, it is not just that Policy SA1 is unsound. It is the Council's whole approach to the release of land from the Green Belt which is unsound and the solution is for the Inspector to recommend releases of land from the Green Belt in this plan period, and for additional sites to be safeguarded.

Housing Delivery Test

Table 3: Housing Delivery Test notes that the Council's past delivery rate is 113%. Whilst this would have been recorded at a mid-point between the 2018 and 2019 published HDT measurements, it is important to highlight the considerable drop between the two sets of results. The HDT (February 2018) confirmed the Council exceeded their requirements for the period 2015/2016 – 2017/2018 at a level of 153%. However, this has dropped significantly by 56% to 97% for the period 2016/2017 – 2018/2019 (HDT, February 2019). Indeed, only 231 dwellings were delivered last year (2018/2019) and well below the target of 292.

¹ See Figure 9: Proportion of housing completions by tenure, since 2008 (AMR, December 2019)

² See Table 9: Affordable housing by location, tenure and size (p. 21) (AMR, December 2019)

The Council may try to evidence a robust future housing land supply, but this would have been the case last year when only 231 additional dwellings were delivered, and therefore it is clear it is struggling with its HDT. We contend that this downward trajectory will continue in light of the complexities and challenges of delivering development in the urban area on high density brownfield sites. It is therefore imperative that the spatial strategy is based on a range of types of site and in order for the SADPD to be justified and sound, it should provide for a full range, type and tenure of housing to be delivered across Woking. This will require the release of land from the Green Belt in the current plan period and for additional land to be safeguarded. We therefore contend there is an urgent need for the Council to review the housing requirement as set out in the Core Strategy in order to bring forward a spatial strategy that can deliver the full range of housing tenures, types and size required.

In summary, there are a number of Main Modifications that the Inspector has indicated are necessary to make the SADPD sound and it is imperative that progression with the Examination continues to be transparent and all parties are kept informed of discussions between the Inspector and the Council.

I trust the above is clear and we would look forward to being notified as to the next steps of the Examination.

If you can please confirm receipt, it would be much appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Gregson', with a flourish at the end.

Kieron Gregson
Associate

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