

**EXAMINATION OF THE WOKING DEVELOPMENT MANAGEMENT POLICIES
DEVELOPMENT PLAN DOCUMENT**

INSPECTOR'S QUESTIONS TO THE COUNCIL – 15 MARCH 2016

Introduction

The following questions have arisen from my initial examination of the Woking Development Management Policies Development Plan Document (Regulation 19 Consultation – October 2015) – the DMPDPD - and the supporting material. In framing them I have had regard not only to the definition of soundness at paragraph 182 of the National Planning Policy Framework (NPPF) but also the principles for Local Plans set out in paragraph 157. The NPPF also establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The DMPDPD should therefore set out clear policies on what will or what will not be permitted.

Main Issues for the Examination

In light of this I consider that the main issues regarding the soundness of the DMPDPD are as follows:

Issue 1: Whether the Council's approach to plan-making is sound and consistent with strategic objectives for development in the District.

Issue 2: Are the individual policies clear, justified and consistent with national policy?

This note presents firstly, questions to the Council that potentially go to matters of soundness or which concern representations made, and secondly some initial "additional observations" for consideration, mainly to do with accuracy and consistency.

Responding to this Note

This note will form the basis of those matters and issues which will be discussed at the forthcoming hearing. Subject to the Council's response to this note, the hearing will not consider all the questions posed, and there may be additional areas for discussion. The agenda for the hearing session will be issued in due course and will set out the critical issues to be discussed.

In the interim, the Council is invited to prepare a response to this note. If the response to any question or comment can be given by directing me to section(s) of the supporting documents and/or evidence base, then it can be dealt with in that way. Given the quality of the submissions at the Regulation 19 stage and the work undertaken to date by the Council to respond to these submissions, I

would encourage relatively brief but complete response from the Council. This will be the Council's main opportunity to respond to these points. Guidance notes for the examination, which will be issued shortly, will confirm that I shall be discouraging the submission of hearing statements.

I recognise that there are numerous questions and observations for the Council to consider. To assist the Council I would draw particular attention to my questions in respect of the soundness or otherwise of the final part of Policy DM13, the application of DM3 in respect of Equestrian Facilities and Green Belt and the detailed wording of DM20 in respect of consistency with the NPPF.

With this in mind, the response to my questions should be sent to the Programme Officer by 5pm on Tuesday 12 April 2016. If I have any follow-up questions these will be explored at the hearing.

If the Council wishes to seek any clarification on the questions and observations I can be contacted via the Programme Officer. A copy of this note and the Council's response should be placed on the Examination website.

Proposed Modifications

A schedule of proposed modifications has been produced. Generally, they respond to representations made during the pre-submission consultation exercise.

Ideally, these should be presented in a tabular form and kept-up-to-date throughout the examination process, including any alterations that may arise from my questions. It should be posted onto the Examination website with the latest version available just prior to the hearing.

The schedule should distinguish between main and additional modifications having regard to the provisions of Sections 20 and 23 of the Planning and Compulsory Purchase Act 2004. Any change to the wording of a policy should be ordinarily presented as a main modification.

Where, on reflection, the Council deems any of its changes to fall into the definition of a Main modification these should be considered through an accompanying update to the Sustainability Appraisal. In my view, any update need only be a brief addendum focussed solely to any Main modifications and would be available alongside the published Sustainability Appraisal document as part of any consultation on the changes.

INITIAL QUESTIONS AND OBSERVATIONS

Issue 1: Whether the Council's approach to plan-making is sound and consistent with strategic objectives for development in the District.

- (a) Are the policies consistent with, and do they positively promote, the aim, strategic objectives and key policies contained in the Core Strategy?
 In particular:
 Objective 3; To enable the provision of well designed homes of different types, tenures and affordability. In preparing the DMPDPD is the Council unduly delaying a new Local Plan that would reflect the full objectively assessed housing need? Does the DMPDPD contribute towards significantly boosting the supply of housing in the borough?
 Objective 4: to protect the integrity of the Green Belt. How should the DPD appropriately reference recent Green Belt Review work in the borough? Does it need to reflect the Review or is the matter best addressed through the Site Allocations DPD and/or review of the Core Strategy?
- (b) Has consideration been given to viability testing of the DPD having regard to NPPF paragraphs 173-177? Does the DPD introduce any requirements to be applied to development that which will carry a cost beyond that stemming from a parent Core Strategy policy? Does the Economic Viability Assessment of 2010¹ still hold in 2016?
- (c) Is the sequence of plan-making in Woking broadly consistent with other relevant local authorities? (i.e. those in the same housing market area or functional economic area)
- (d) The DPD refers to a notable number of SPDs, including amongst other things on matters such as design, affordable housing and parking etc. Is this approach consistent with paragraph 153 of the NPPF? Is there a clear justification for these SPDs and do they appropriately avoid detailed guidance/advice which should ordinarily be contained within development plan policy?
- (e) In order to be justified, a plan should be the most appropriate strategy, when considered against reasonable alternatives. The SA Report October 2015 refers at p58 (Section 15) that alternative options were comprehensively appraised as part of the Core Strategy and no purpose would be served by repeating that assessment. Does the Core

¹ Referenced at Appendix 1 of Core Strategy 2012

Strategy SA of alternative options 2009 clearly relate to the policy options for the DPD? Do the alternative options from 2009 remain valid in light of evolving evidence base? Should the DMPDPD SA Report articulate what the consequences would be for the identified sustainability objectives without the DPD (i.e. 'a do nothing scenario')?

Issue 2: Are the individual policies clear, justified and consistent with national policy?

General comments:

There is some variety to how the policies in the plan are presented, a number contain bullet points and some present clear criteria indexed as numerals. It would be helpful for future decision-makers if the Council would give consideration to whether the presentation of policies in the DMPDPD could uniformly follow indexed criteria in the form of numerals or lettering or a combination of the two. This would allow for referenced specificity in identifying compliance or contradiction with a policy. This would not be a main modification nor is it a matter of soundness.

The DMPDPD sets out for each policy a short section on "Application Information". This is not a matter of soundness but I would be grateful for the Council's comments on whether this adds to what is already in government guidance on the requirements and validation of planning applications together with any requirements set out in the local list.

The questions below relate to the individual policies and supporting text:

DM1Green Infrastructure Opportunities:

- (i) Is the policy sufficiently clear, when read in conjunction with Policy CS17, when on-site provision of Green Infrastructure will be required?
- (ii) Should the first sentence of the second bullet point refer to "existing *and/or proposed* green infrastructure network." ?
- (iii) Is the second sentence of the second bullet point necessary as policy or is it reasoned justification?
- (iv) Should there be a third bullet point in the first section of the policy which refers to sustainable management and maintenance arrangements so that the benefits can be secured in the long term? (see PPG revisions February 2016 ID: 8-31-20160211)

Additional Observations:

- (v) The policy refers to the 'Biodiversity and Green Infrastructure Strategy'? Is this consistent with other references to the Green Infrastructure Strategy?

- (vi) Is the last sentence of paragraph 3.4 complete? Is the word 'features' missing before the colon?

DM2: Trees and Landscaping

- (i) Would the final sentence in the first bullet point benefit from disaggregation, so that there would be a full stop after "planting". The following new sentence would read "Such compensatory measures will be to the satisfaction of the Council;"

DM3 Outdoor Sport and Recreation Facilities

- (i) Is the terminology "Outdoor Recreation and Sport Facilities" sufficiently clear and consistent with the NPPF on what would not be inappropriate in the Green Belt (para 89) but also the positive opportunity for the Green belt to provide for outdoor sport and recreation (para 81)?
- (ii) Is the DPD clear that equestrian facilities do not come under the ambit of paragraphs 89 and 90 of the NPPF? Is the policy therefore consistent with the NPPF?

Additional Observations:

- (iii) Seventh Bullet Point – opportunities to connect "and enhance"?
- (iv) Last sentence of paragraph 3.33 after 'keeping' suggest the sentence concludes ", including evidence to demonstrate why it would not be inappropriate in the Green Belt."
- (v) Is paragraph 3.35 solely restricted to golfing facilities or could similar apply to other clubhouses?

DM4 Development in Vicinity of Basingstoke Canal

- (i) How are "important views" defined? Has this been assessed or set out in any townscape or landscape assessment that could be referred to in the reasoned justification?

DM5 Pollution Control – General Principles

Additional Observation:

- (i) Suggest remove word 'and' from point (iv)

DM6 Air and Water Quality

- (i) Is the last paragraph of the policy necessary? Does it not effectively repeat the last sentence of CS7 which applies to all development proposals in any event?

Additional Observation:

- (ii) Paragraph 4.8 Should refer to Flood and *Water* Management Act 2010

DM9 Flats above Shops & Ancillary Accommodation

- (i) What does “economic viability of the immediate area” in the second bullet point mean? Is this adequately explained in Paragraph 5.2?
- (ii) Final bullet point, development plan policy should not require compliance with SPD and accordingly “having regard to the” would be clearer than the currently drafted “as per”.
- (iii) How is the last part of paragraph 5.2 compatible with the GPDO at Class O on change of use from Office to dwelling? Does this restriction and the marketing period have an appropriate hook in development plan policy?
- (iv) Should the policy or reasoned justification reference some flexibility on the application of parking standards where there is good public transport and facilities within reasonable walking distance?

Additional Observations:

- (v) It would be helpful if “relevant space standards” are defined or cross-referenced in a similar way to Footnote 9 in DM11 re: the National Technical Housing Standards
- (vi) Would the insertion of the word “satisfactorily” before the word “occupied” in the third bullet point assist in the implementation of the policy?

DM10 – Development on Garden Land

- (i) Is the first bullet point in the policy justified and effective? Does it repeat National and Core Strategy policy? Would it unduly restrict the supply of dwellings from this source? Does the Council have a case (i.e. particular evidence) in terms of settlement pattern and grain to demonstrate that the first bullet point is justified in the context of paragraph 53 of the NPPF?

DM11 – Residential Sub-divisions, Specialist Housing, Conversions and Loss of Housing

- (i) NPPF paragraph 50 states that local planning authorities should plan for a mix of housing based on a number of factors. In light of this, is there clear evidence to warrant the retention of family-sized homes in the Borough?

- (ii) In addition to Core Strategy Policy CS13, should the policy provide additional detail in the form of criteria to support the housing sector for the elderly (eg residential nursing provision and extra care housing) ?
- (iii) Does the SHMA 2014 have any relevance or implications on the content of this policy in respect of specialist housing and changes in housing stock bearing in mind its publication post-dates the Core Strategy? Should the SHMA be identified as 'Other Supporting Guidance'?
- (iv) It is recognised that the PPG refers to "family housing" but is there any assistance from the SHMA or other evidence base to define a "family home" for the purposes of planning policy in the borough that could usefully be set out in the reasoned justification? (i.e. a size threshold)

Conversion to mixed-use developments and paragraph 5.19

- (v) Second bullet point – what is meant by "small-scale"? (anything below major development as defined in the DMPO 2015?)
- (vi) What is the evidence to justify that an element of residential accommodation should be retained?

Loss of Housing

- (vii) Final bullet point – would the word "far" be readily understood and interpreted by users of the document? Would "significantly" be a more understood planning term for a decision-makers judgment?

DM12 Self-Build and Custom Build Houses

- (i) DCLG published a Technical Consultation on implementation of Planning Changes in February 2016 which proposes approaches to implementation once the Housing and Planning Bill is enacted. Amendments to the PPG were published on 5 February 2016 regarding self-build and custom housebuilding. Are Policy DM12 and its reasoned justification sufficiently flexible so as to be "future-proofed" in respect of the direction of travel with regards to 'permission in principle' for brownfield register sites and the creation of a small sites register to support custom build homes?

DM13 Buildings in and adjacent to the Green Belt

- (i) The inclusion within the same policy for development both within and outside of the Green Belt is potentially confusing and conflates the specific purposes of Green Belt with wider landscape and townscape protection. Is the policy on development adjacent to the Green Belt consistent with national policy?
- (ii) Is any sensitivity of transitional areas at the edge of the Green Belt evidenced by a landscape character assessment or any other local evidence? Does this element of the policy unnecessarily duplicate aspects of CS21 and CS24 which a decision maker would be required to address separately in addition to any identified harm to the Green Belt?
- (iii) Is criterion E necessary and effective?

Additional Observations:

- (iv) Paragraph 5.38 references a Delivery DPD, is this a hang-over from a previous document?
- (v) Footnote 14 needs to be updated to reflect GPDO 2015
- (vi) Paragraph 5.45 needs to be updated to reflect the consolidated GPDO 2015.

DM14 Rural Workers' Dwellings*Additional Observation:*

- (i) Paragraph 5.61 – The word “refer” could be usefully expanded to read “reference should be made.....”

DM20 Heritage Assets and their Settings

- (i) Should the criteria of the policy reference that they are applicable to applications for both works and development?
- (ii) Should the Policy address heritage assets at risk?
- (iii) Are there locally listed buildings and heritage assets in the borough? Are there criteria for their assessment and if so, could this usefully assist in the determination of proposals that do not have the statutory protection in the 1990 Act?
- (iv) Is the policy consistent with the NPPF in that a distinction should be made between either substantial or less than substantial harm?

Weighing any harm against public benefits should also be referred to.

Additional Observations:

- (v) Paragraph 6.29 should refer to Policies DM17 to DM19
- (vi) Should the first line of the policy be expanded to character, appearance and setting of heritage assets?
- (vii) The definition of heritage assets could be usefully presented in full as a footnote, so there is no ambiguity that it is likely to encompass: Listed Buildings, Conservation Areas, Historic Parks and Gardens (if applicable), Scheduled Monuments (if applicable), Sites of Archaeological Importance, and Locally Listed buildings and assets (if applicable).
- (viii) Terminology in the policy should accord with that in the legislation and NPPF with an emphasis on the requirements to enhance listed buildings or their settings (S66 of 1990 Act) and to preserve or enhance the character or appearance of Conservation Areas (S72 of 1990 Act).
- (ix) Paragraph 6.36 – update to reflect GPDO 2015

Further Development Management Policies

- (i) Would an additional policy identifying and dealing with hazardous installations be justified in a Woking Borough context? What is the scale of the issue of such installations, in addition to the former Woking Gas Holder Station? Is a bespoke approach to this Gas Holder site being developed as part of the Site Allocations DPD?
- (ii) Should the DMPDPD include a policy to guard against the unnecessary loss of valued community facilities and services in line with paragraph 70 of the NPPF?
- (iii) Does Core Strategy Policy CS16 adequately address water and sewerage infrastructure, particularly for small-scale schemes? Is there a particular policy gap given water utility companies have an obligation to connect once development is implemented? Is there evidence of water stress or infrastructure capacity issues which would justify an additional layer of infrastructure policy in the development plan?

Implementation and Monitoring

- (i) Is paragraph 8.1 correct to say “standards specified in the DPD” – should it be “referred to”? Are there specific design and parking standards that should be in DPD with regard to paragraph 153 of NPPF and PPG (ID 12-028-20140306)?
- (ii) Should additional text be added to paragraph 8.4 to the effect that in addition to annual monitoring, the Plan, in any event, will be reviewed either in whole or in part at least every five years (PPG ID: 12-008-20140306) ?
- (iii) Appendix 2: Does Policy DM10 supersede Local Plan 1999 Policy HSG22?

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