

SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)

1.0 Summary

- 1.1 The Council carried out a Regulation 18 consultation on the draft Site Allocations Development Plan Document (DPD) between June and July 2015. In total, 1,692 individuals and organisations submitted comments comprising 32,712 separate representations. Following considerations of the representations, the Council at its meeting on 20 October 2016 resolved that before it decides on its preferred approach to the safeguarding of Green Belt land a further public consultation exercise should be undertaken in respect of the possibility of substituting the sites safeguarded in the draft Site Allocations DPD (except GB9: Woking Garden Centre, Egley Road) to meet future development needs between 2027 and 2040 with land to the east of Martyrs Lane. The sites that are proposed to be substituted are in Pyrford, Mayford and Byfleet. A Location Plan of the land east of Martyrs Lane is in **Appendix 1**. The consultation on the land east of Martyrs Lane took place between 6 January 2017 and 27 March 2017. Overall, 3,018 individuals and organisations submitted comments comprising 32,164 separate representations. A significant proportion of the number of individuals who made representations about 2,445 (81%) objected to the possibility of safeguarding the land east of Martyrs Lane. 125 individuals submitted representations that were considered not duly made because they were submitted outside the consultation period.
- 1.2 The report outlines the various representations with Officers' analysis and recommendations. Based on the analysis of the representations and taking into account all the available evidence, Officers will recommend that the original six sites that were safeguarded in the draft Site Allocations DPD for Regulation 18 consultation (except site GB13: Land east of Upshot Lane and south of Aviary Road, Pyrford) should continue to be the Council's preferred approach to safeguarding for the purposes of Regulation 19 consultation. Safeguarding Martyrs Lane is a high risk to the soundness of the DPD. This recommendation takes into account the planning policy context within which decisions about the Site Allocations DPD must be made and all the available evidence. The relevant planning policy context is explained in **Section 6** of the report. Full reasons for rejecting the land east of Martyrs Lane as a possible alternative to the six sites are set out in **Section 9** of the report. A summary of the representations together with Officers analysis and recommendations are at **Appendix 2**. A copy of the draft Site Allocations DPD incorporating all the proposed modifications is in **Appendix 3** (except those modifications which delegated authority is being sought in this report to make).
- 1.3 At the Council meeting in October 2016, Members also requested that Officers revisit the suitability of Ten Acre Farm to meet the accommodation needs of Travellers. This matter has been addressed in detail in Section 11 of the report.
- 1.4 Members have already received a report on the representations to the draft Site Allocations DPD Regulation 18 consultation at its meeting on 1 July 2016. This report contains sites identified to meet the requirements of the Core Strategy up to 2027. Members are advised that report should be read in conjunction with this report to get the full understanding of how the community has responded to the two consultations and the overall set of proposals identified for future development up to 2040. For the avoidance of doubt a copy of the report to the Working Group on 1 July 2016 is included in **Appendix 4**. It is important that Members are appropriately and adequately informed before they decide on the draft Site Allocations DPD that they wish to publish for

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Regulation 19 consultation and subsequently submit to the Secretary of State for Examination. This is necessary to ensure that the plan that is submitted is sound. Paragraph 182 of the National Planning Policy Framework (NPPF) emphasises that a Local Planning Authority should submit a plan for examination which it considers is sound. Members have already received a copy of a legal opinion on the general principle to safeguarding of sites as recommended by Officers. The legal opinion has confirmed that the approach being recommended by Officers to safeguard land is a legally sound approach.

- 1.5 Subject to the recommendations of the Working Group, it is proposed that the report will be considered by Council on **18 October 2018**. It is also intended that there will be a Private Members' Briefing before the Council meet to consider the report. A date for the Briefing will be confirmed in due course.
- 1.6 On the agenda for this meeting is the revised Local Development Scheme (LDS). The LDS sets out the timetable for the subsequent stages of the Site Allocations DPD process. In accordance with the revised LDS, the aim is to publish the DPD for Regulation 19 consultation in **October 2018**. Members are reminded that the Portfolio Holder has already issued a Press Statement to confirm that the Council aims to publish the DPD for Regulation 19 consultation in October 2018. It is important that the Site Allocations DPD is prepared expeditiously in accordance with the LDS. Members are therefore requested to support the recommendations of the report.

Recommendations

The Working Group is requested to recommend to Council that:

- (i) the various responses to the consultation on the possibility of substituting the land east of Martyrs Lane for the six sites in Pyrford, Mayford and Byfleet identified for safeguarding in the draft Site Allocations DPD together with Officers' response and recommendations as set out in Appendix 2 be noted;
- (ii) subject to the proposed modifications as set out in this report, the draft Site Allocations DPD (Appendix 3) and the accompanying revised Sustainability Appraisal report and the Habitats Regulations Assessment (copies are in the Members' Lounge) be supported for the purposes of Regulation 19 consultation to give the public an opportunity to make formal representations;
- (iii) authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to approve any minor changes to the DPD and its supporting Sustainability Appraisal report, including the presentation of the documents and any updates on the status of the proposed sites before they are published for Regulation 19 consultation;
- (iv) authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to oversee the preparation and approval of the following accompanying Submission Documents which will be sent to the Secretary of State for Examination – the Consultation Statement, the Duty to Cooperate Statement and Equality Impact Assessment Statement; and
- (v) authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to approve any minor changes to the DPD

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and its supporting documents to reflect any further changes to national planning policy.

Background Papers:

Local Development Scheme (2016)
Woking Core Strategy (2012)
Draft Site Allocations DPD – Regulation 18 version
Representations received during the draft Site Allocations DPD Regulation 18 consultation with Officers response
Report on the draft Site Allocations DPD to the LDF Working Group on 22 September 2016
Statement of Community Involvement (2015)
National Planning Policy Framework (NPPF)
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Local Planning) (England) Regulations 2012

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2.0 Introduction and Background

- 2.1 The Woking Core Strategy was adopted in October 2012. The Council has committed to its comprehensive delivery including making provision for the delivery of at least 4,964 net additional homes (annual average of 292 dwellings), 28,000 sq.m of additional floorspace, 20,000 sq.m of warehouse floorspace and 93,900 sq.m of additional retail floorspace between 2010 and 2027. Members of the Group are reminded that the 292 annual housing requirement was set against the backdrop of an objectively assessed housing need of 594 dwellings per year. The current up to date objectively assessed housing need for the Borough as at September 2015 is 517 dwellings per year. The Government is consulting on a new approach for calculation housing need. Based on the proposed approach, the housing need for Woking could come down to 409 dwellings per year. In all cases, there is significant unmet housing need arising from Woking Borough that Waverley and Guildford Borough Councils will be expected to identify land to meet in part because they are in the same Housing Market Area as Woking unless they can demonstrate otherwise. Members should note that Waverley Borough Council has recently adopted its Local Plan. It has committed to meet about 50% on the unmet housing need arising from Woking. This is equivalent to about 1,245 dwellings over 15 years (and average of 83 dwelling per annum). Guildford Borough Council has just completed their Local Plan Examination (5 July 2018). The Inspector is minded to request them to meet 25% of the unmet need arising from Woking. This can only be confirmed when the Inspector's Report is issued.
- 2.2 At paragraph 1.10 of the Core Strategy, the Council has committed to prepare the Site Allocations DPD to facilitate the delivery of the Core Strategy. The Council has an adopted Local Development Scheme (LDS) which identifies the Site Allocations DPD as a key document that the Council will prepare to identify sufficient land to enable the delivery of the Core Strategy with a clear timetable for the key stages of the DPD preparation process. The LDS is on the website by the following link: <http://www.woking2027.info/lds/lds2016.pdf>. The LDS is being reviewed to take into account the time it has taken to carry out the Martyrs Lane consultation and to gather other evidence base studies. The revised LDS is on the agenda for this meeting for consideration. Whilst understandably the focus on the Site Allocations DPD has been on housing provision on Green Belt land, it is important to highlight that the draft Site Allocations DPD also makes sufficient provision for the delivery of much needed jobs and promotes economic growth in the area. In accordance with the spatial strategy for the borough, it is important to also note that a significant proportion of the proposed quantum of development will be accommodated in Woking Town Centre. To put this into context, it is expected that by 2027 about 550 new homes would be developed on Green Belt land. During this same period, the Town centre is expected to accommodate about 2,180 new dwellings on previously developed land.
- 2.3 Policy CS6 (Green Belt) of the Core Strategy requires the Council to carry out a Green Belt boundary review to inform the Site Allocations DPD. The review should evaluate where it is appropriate to release Green Belt land to meet housing requirement between 2022 and 2027. Policy CS10 (Housing provision and distribution) estimates that land in the Green Belt will be needed to deliver at least 550 new homes. The Council has therefore already agreed as a policy the principle of releasing Green Belt land to deliver at least 550 new homes between 2022 and 2027. To ensure the enduring permanence of the Green Belt boundary, the Council has also decided that land will be released from the Green Belt and safeguarded to meet future development needs between 2027 and 2040. This decision is in line with paragraph 85 of the National Planning Policy Framework (NPPF). The Council has sought legal opinion on the principle of safeguarding sites to meet future development needs. Members have already been notified of the legal opinion. In summary, the legal advice is that the Council will open

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itself to a successful legal challenge if it did not consider safeguarding suitable land to ensure the enduring permanence of the Green belt boundary. In releasing land from the Green Belt, the Council will have to make sure that the overall purpose and integrity of the Green Belt is not undermined. It will also have to make sure that it will not have significant adverse effects on important environmental designations such as the Thames Basin Heaths Special Protection Areas (SPA), Special Area of Conservation (SAC) and RAMSAR sites. The Green Belt boundary review has been prepared purposely to help make sure that any land that is released from the Green Belt does not undermine its purposes and integrity.

2.4 The Council published the draft Site Allocations DPD that it believed had met the above requirements for Regulation 18 consultation to allow the public the opportunity to comment on it and for the comments to be taken into account before the DPD is published for Regulation 19 consultation. The Regulation 18 consultation took place between 18 June 2015 and 31 July 2015. A report on the analysis of the representations that were received was considered by the Working Group on 1 July 2016. The Working Group requested that further evidence base work be undertaken to assess the suitability of land east of Martyrs Lane as a substitute for the six safeguarded sites in the draft Site Allocations DPD. The six safeguarded sites are in Byfleet, Pyrford and Mayford. Specifically, the sites are:

- land to the south of Parvis Road, Byfleet;
- land to the south of Rectory Lane, Byfleet;
- land to the north east of Saunders Lane, between Saunders Lane and Hook Hill Lane, Mayford;
- land to the north west of Saunders Lane, Mayford;
- Land rear of 79 – 95 Lovelace Drive, Teggs Lane, Pyrford; and
- Land east of Upshot Lane and south of Aviary Road.

2.5 The two key studies carried out in this regard were Landscape Assessment and Transport Assessment. Copies can be provided on request. The outcome of the studies was reported to the Working Group on 22 September 2016. As a reminder, the key conclusions of the studies are summarised as follows:

- The land east of Martyrs Lane is critically important in its contribution towards the purposes of the Green Belt, in particular, its contribution towards checking urban sprawl, preventing settlements merging and safeguarding the countryside. If the Council is to contemplate the development of the site, it should be for the whole of the site or the Golf Course as a standalone site. The development of the part of the site north of the Golf Course, even with the McLaren site would be too isolated to be a standalone development site.
- The majority of the forecast increases in traffic flow generated from the proposed development at Martyrs Lane are likely to exacerbate existing levels of congestion, instead of creating new ones. The scale of increase in traffic will relate to the scale of development being proposed.

2.6 The Working Group recommended to Council that the land east of Martyrs Lane be safeguarded instead of the six sites identified in the draft Site Allocations DPD for the purposes of Regulation 19 consultation. The Council considered this report at its meeting on 20 October 2016. The Council resolved that before it makes a decision on the draft DPD that it wishes to publish for Regulation 19 consultation, a further bespoke public consultation exercise should be undertaken in respect of the possibility of substituting the safeguarded sites in the draft Site Allocations DPD to meet future development needs between 2027 and 2040 with the land east of Martyrs Lane. This

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consultation took place between 6 January 2017 and 27 March 2017. This report analyses the representations received with Officers response and recommendations. Overall, Officers would recommend that the sites in Byfleet, Pyrford and Mayford (except site GB13 in Pyrford) should still be the Council's preferred approach to safeguarding for the purposes of the Regulation 19 consultation.

2.7 The DPD has to go through a number of stages before it can be adopted. These will include a Regulation 19 consultation, consideration by the relevant committees of the Council of the representations that will be received during the Regulation 19 consultation, submission of the DPD to the Secretary of State for Independent Examination, Examination and eventually the adoption of the DPD. In accordance with the revised LDS, adoption of the DPD is expected to be by **early 2020**.

3.0 Martyrs Lane site: Nature and analysis of representations and summary of main issues

3.1 A total of 32,164 separate representations were received from 3,018 individuals, organisations and resident groups. The representations cover a range of broad issues as well as site specific matters. A summary of each representation received with Officers' response and recommendations is in Appendix 2. Hard copies of the original representations can also be inspected at the Planning Policy Team on request. Copies are also on the Council's website (www.woking.gov.uk). The issues that received most comments mainly related to:

- the Martyrs Lane site is important in preventing urban sprawl and an encroachment into the Green Belt;
- the Martyrs Lane site has high risk of flooding and parts of it are in Flood Zones 2 and 3;
- the original proposal of safeguarding the six sites in Byfleet, Pyrford and Mayford will distribute development traffic across the borough. To the contrary, the Martyrs Lane proposal will concentrate all traffic impacts on one heavily congested area;
- lack of public transport serving the Woodham area;
- potential sink holes along the A320. A strip of land to the north of the Martyrs Lane site is susceptible to subsidence due to piping and liquefaction;
- development at Martyrs Lane will result in unsustainable development;
- the scale of development at Martyrs Lane will require major infrastructure of every conceivable type to support it;
- the Martyrs Lane site is ecologically rich and could be potential habitat for protected species such as bats, owls, Nightjar and Darford warbler;
- the Martyrs Lane site contains an Ancient Woodland;
- the Martyrs Lane site will be under several flight paths due to expansion of Heathrow and flights from Fairoaks with implications for noise and potential accidents;
- Canalside Ward will be the only Ward to be significantly developed;
- the development of the site will require the Council to use its compulsory purchase powers to acquire unavailable land.
- the make up of the LDF Working Group is unrepresentative;
- the part of the Martyrs Lane site north of the Golf Course is derelict with disused sports fields, is pre-developed and should be prioritised for development instead of the original six sites. Furthermore, Officers report to the McLaren proposal for 60,000 sq.m of employment has confirmed that the proposal will not lead to urban sprawl;
- the Martyrs Lane site can be developed to achieve the Council's objectives without the need to develop the Golf Course;
- the Peter Brett Report has stated that Parcel 9 has 'very low suitability' for removal from the Green Belt. Martyrs Lane is categorised as 'low suitability'. In this regard, Martyrs Lane should be safeguarded for development;

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- the Pyrford and Mayford Green Belt is an irreplaceable asset and has several adjacent conservation areas and historic assets and should not be developed;
- one large site at Martyrs Lane will provide economies of scale, making it easier to resolve infrastructure issues such as water, waste and electricity compared with the provision of equal services on six separate sites spread across the borough. A large will also allow scope for new facilities such as a new school and doctor's surgery to be built;
- the Martyrs Lane site provides easy access to the M25, Woking Town Centre and arterial road networks;
- Martyrs Lane already has better bus services than the other six sites;
- the land east of Martyrs Lane could be identified and brought forward to meet Woking unmet housing need. The land east of Martyrs Lane should be allocated in addition to the six safeguarded sites and not instead of them;
- there is no published evidence that would point to the safeguarding of the land east of Martyrs Lane. Safeguarding it will be against the Council's own evidence;
- development at Martyrs Lane will lead to significant congestion on the A320 corridor;
- the Council has not appropriately addressed its duty to cooperate for failing to consult neighbouring authorities in advance of its decision to safeguard the land east of Martyrs Lane;
- the Martyrs Lane consultation is not supported by additional transport assessment to identify potential traffic impacts on the local and strategic road network including the A245 and A318;
- given that there has not been any change in circumstances, it is not understood why the Martyrs Lane site that was previously considered unsuitable for development can now be identified for potential future development.
- the County Council will seek to retain the community recycling centre, which it owes. Alternatively, a suitable replacement facility will need to be provided on a site allocated either as part of the wider master planning of the site or beyond. Any replacement facility should be designed to provide commensurate levels of service and accessibility to local residents.

3.2 Each of the above issues has been comprehensively addressed in one of the following documents:

- Woodham and Horsell Neighbourhood Forum Issues and Response Topic Paper;
- Duty to Cooperate Bodies Topic Paper;
- The summary of representations with Officers' response and recommendations.

3.3 Copies of the Topic Papers are in **Appendix 5**. Whilst the above issues are highlighted and addressed comprehensively, this should not underplay the importance that should be attached to the careful consideration of all the other individual representations and responses.

4.0 Overall conclusions of the analysis of representations

4.1 An overwhelming majority of people who responded to the consultation are against the safeguarding of the land east of Martyrs Lane to meet future development needs between 2027 and 2040. Of the 3,018 individuals and organisations who submitted comments, about 2,445 (81%) objected to the safeguarding of the land east of Martyrs Lane. 550 (18.2%) supported the proposal and 23 (0.8%) made comments that were neither objection nor support. The main areas of concerns are wide ranging and includes the lack of evidence to support the safeguarding of Martyrs Lane, the danger of the Martyrs Lane proposal leading to urban sprawl, traffic generation and implications for congestion, loss of vital ecology, the benefits of economies of scale for developing a large site such as Martyrs Lane, lack of availability of key sites such as the New Zealand

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Golf Course and the land in the ownership of McLaren for development, Green Belt in Pyrford and Mayford is irreplaceable asset that should not be developed, lack of public transport and the safeguarding of Martyrs Lane will be contrary to the Council's own evidence. Others have suggested that the Martyrs Lane site should be allocated in addition to the six original safeguarded sites to help meet the unmet needs within the West Surrey Housing Market Area arising from Woking. The Topic Papers in **Appendix 5** address these matters in detail. The views of the public have been extremely helpful in highlighting site specific and locally specific concerns that the Council must take into account in safeguarding any of the sites. However, overall, they do not present overriding evidence to justify the possibility of substituting the land east of Martyrs Lane for the six original safeguarded sites. A number of the site and locally specific concerns that were raised during the consultation can be addressed through appropriate and adequate measures of mitigation, and where relevant the Council will make them key requirements for the delivery of the sites. In this regard, Officers will advise that the original safeguarded sites with the exception of land east of Upshot Lane and south of Aviary Road, Pyrford (site GB13 in the draft Site Allocations DPD) should go forward as the Council's preferred approach to safeguarding that should be published for the purposes of Regulation 19 consultation. The reasons for arriving at this recommendation are set out in Section 9 of the report. The relevant evidence base studies justify the decision not to safeguard the land east of Martyrs Lane. This includes the Green Belt boundary review report, the Landscape Assessment and Green Belt review by Hankinson Duckett Associates and transport advice by the County Council.

- 4.2 The Council has always valued the views of local residents and should continue to do so. However, this has to be balanced with its duty to ensure that the Site Allocations DPD is based on adequate, up to date evidence about the social, economic and environmental characteristics and prospects of the area. Above all, the Site Allocations DPD should seek to enable the sustainable development of the area, and on balance the five (excluding site GB13) sites relatively perform better than the land east of Martyrs Lane in this regard.
- 4.3 If Members are not satisfied with any of the available evidence used by Officers to justify their advice and wish to come to a different conclusion to the advice given to them, that is appropriate within their power and responsibility to make that planning judgment. However, in doing so they should be satisfied that the Council has the necessary alternative evidence to defend that position. If Members wish to use the same evidence base to come to a different overall conclusion, it is important that they provide clear reasons for arriving at a different judgment. It is the advice of Officers that subject to the proposed modifications all the sites that are proposed for allocation to deliver the requirements of the Core Strategy up to 2027 and sites safeguarded to meet future development needs between 2027 and 2040 in the draft Site Allocations DPD (except site GB13) should be supported and be published for Regulation 19 consultation. The proposed modifications are contained in the report considered by the Working Group in July 2016 and by Council in October 2016 and are already incorporated in the draft Site Allocations DPD. A number of modifications and updates of detailed nature had been proposed to bring the DPD up to date and/or enhance its quality as part of the Officers response to the Regulation 18 consultation. Members are advised to familiarise themselves with that information. The proposed modifications are already incorporated in the revised draft Site Allocations DPD in Appendix 3. Further modifications are proposed in this report, which delegated authority is sought to make. Officers have reviewed all the evidence and as a result are recommending that site GB13: Land east of Upshot Lane and south of Aviary Road, Pyrford should no longer be safeguarded to meet future development needs because of development impacts on the Escarpment of Rising Ground of Landscape Importance and the general landscape of the area. The

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Escarpment is specifically identified as key landscape to be 'conserved' by Policy CS24 of the existing Core Strategy.

- 4.4 Members attention is particularly drawn to the representations submitted by New Zealand Golf Course and McLaren Technologies Group Limited as they relate to the availability of a significant part of the land. New Zealand Golf Club has confirmed that the Golf Course will not be made available now, in the future and never to meet future development needs as envisaged by the Council. In this regard, there is no realistic expectation of a change in their position during the period between 2027 and 2040. The representations by New Zealand Golf Club have been addressed in full in Appendix 2. McLaren Technologies Group Limited whilst generally would support in principle the release of the land east of Martyrs Lane from the Green Belt would only allow its land holding to be used as a strategic employment site to support its own future expansion programme. Based on discussions with the Group it is also unlikely that it will change its position on this matter. The representations from McLaren have been addressed in full in Appendix 2. To put this into context, assuming the two sites will not be available to meet future development needs and the Surrey County Council's safeguarded site is also not available, the residual land will only deliver about 300 dwellings (at 30 dph) as against the 1,200 dwellings that the Council wish to safeguard land. If the County Council's safeguarded site is made available, there will be sufficient land to enable the delivery of about 600 dwellings at the same density. This is still significantly short of what is needed. In accordance with the guidance given in the NPPF about the location of safeguarded land, the Council will need to make sure that any land that is safeguarded would not lead to isolated development within the Green Belt. Without the two sites any development of the residual land in between the Golf Course and the McLaren land will lead to an isolated development within the Green Belt however well designed the development might be. Moreover, it is Officers' view that development in this location will also lead to urban sprawl.
- 4.5 The NPPF requires the Council to identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against the housing requirement and to identify a supply of developable sites or broad location for growth for years 6 – 11 and where possible for years 11 – 15. Footnote 11 and 12 defines 'deliverable' and 'developable'. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered developable, site should be in a suitable location for housing development and there should be reasonable prospects that the site is available and could be viably developed at the point envisaged. It has been highlighted that neither New Zealand Golf Course or McLaren Technologies Group Limited will make their land available now or in the future for housing development. In this regard, it is unlikely that their land will either be deliverable or developable. Safeguarding them regardless could undermine the soundness of the DPD. The uncertainty of delivery also risks the potential for a successful case to be made for the other six sites to also be identified in addition to cater for the potential non implementation of the Martyrs Lane site and to mitigate any risk of non-delivery. It is emphasised that lack of availability of the two sites does not on its own rule out entirely the development of the sites if the Council thought that the land is the most sustainable when compared against all other reasonable alternatives, and is willing to bring forward their development by using its Compulsory Purchase Powers to acquire the land.

The Head of Legal Services has provided a legal opinion on the likelihood of the Council using its Compulsory Purchase Powers in this regard. His advice is stated as follows – 'I consider that there is no likelihood that the Council would agree to compulsorily purchase the land. If it did seek to compulsorily purchase it, the CPO would not succeed.'

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My views are based on the following points. Before a CPO can be implemented, the Council would have to justify it to the Secretary of State. The Council would have to demonstrate that:

- It is authorised, by statute, to compulsorily purchase land for a particular purpose, and the CPO is necessary to achieve that purpose;
- There is a compelling case in the public interest that sufficiently justifies interfering with the rights of people with an interest in the land (taking into account 'human rights' considerations, i.e. Article 1 of the First Protocol to the European Convention on Human Rights – protection of property);
- Adequate resources are available, or likely to be available, to implement the CPO, and the CPO within a reasonable time-frame;
- There is a reasonable prospect of the CPO scheme going ahead; and
- There is no alternative site or alternative means of bringing about the objective of the CPO.

In this case, the purpose of the CPO would be to safeguard land for future development, not to undertake a defined development scheme. As such, the criteria set out above would not be satisfied. By way of illustration of one point only, there is other land in the Borough that could be 'safeguarded' without the need for a CPO'.

Two other QCs have provided the Council with a legal opinion on this same matter. Tim Straker QC in advising the Council on the likelihood of compulsorily purchasing the McLaren site has this to say '...it can fairly be said that the prospects for successfully pursuing compulsory purchase so as to preclude use for employment (McLaren) purposes are nil. A compulsory purchase order (supposing the Council thought itself able to make one) would require confirmation by the Secretary of State. There is no sustainable argument that there would be a compelling case in the public interest.

Finally, Christopher Katkowski QC has also advised as follows: 'We do not consider it reasonable for the Council to proceed on the basis that McLaren might simply change its mind. Rather, given McLaren's strong objections, it is appropriate to assume that it would be necessary in due course for the Council to exercise its CPO powers to acquire the McLaren land. The CPO powers is inherently uncertain, the Inspector/Secretary of State needing to decide on the basis of the evidence presented to them whether there is a compelling case in the public interest for the CPO to be confirmed. The obvious risk here is that the DPD examination Inspector may well not be prepared to accept that there was a reasonable prospect of the CPO being confirmed. If he reached that conclusion, the overwhelming probability is that he would go on to find the DPD unsound. As we understand the position there is no suggestion that any of the original sites would be dependent on compulsory purchase. In our view the examination Inspector is likely to adopt a cautious approach given the importance of the safeguarded sites to the plan-led delivery of housing in the District. We would not go so far as TSQC and say there is zero prospect of a CPO being upheld, not least because the CPO would be being promoted in relation to a safeguarded site to secure the delivery of much needed housing in accordance with the Council's development plan. But given that McLaren – a very highly valued local employer – would no doubt strongly oppose any attempt to CPO the site on the basis that it wants to use the site for its own employment purposes, we consider that relying on a CPO to deliver the site is fundamentally uncertain. Overall, therefore, we consider that the approach currently recommended by Officers is by far the most likely to find favour with the examination Inspector'.

The full text of the legal opinions can be provided on request.

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4.6 The Surrey Waste Plan (2008) is part of the development plan for the area. The preparation of the Site Allocations DPD should therefore take account of its provisions. Part of the site between the land in the ownership of McLaren and the Golf Course is identified in the Surrey Waste Plan as a safeguarded site for waste management use. The County Council has said that the land may be required for waste management use. Whilst the land owner has indicated that the land could be made available to the Council to meet its development needs as envisaged in the consultation document, the Council will have to work with the County Council to come to an agreement to use the land for its purposes.

5.0 Other sites proposed on the back of the consultation on the land east of Martyrs Lane

5.1 Members should note that one of the responses to the Martyrs Lane consultation had sought to promote the land adjacent to Hook Hill Lane, Hook Heath as suitable for residential development and should be allocated as such. Members will know that this site has been recommended for allocation in the draft Site Allocations DPD for green infrastructure (GB14 in the draft Site Allocations DPD). Officers will advise against its allocation for housing. In any case, the representation is outside the scope of the question asked in the consultation, and the individual is advised to make the case during the Regulation 19 consultation. Members are reminded that as a result of the Regulation 18 consultation, a number of new sites were also promoted, and as a result, Officers had recommended that Land at Brookwood Cemetery and land at Woking Football Club should be allocated for specific uses. These are already incorporated in the revised DPD.

6.0 Planning Policy context within which decisions should be made

6.1 Members should be satisfied that the Site Allocations DPD has been prepared having regard to national policy and the other adopted policies of the development plan, and that the DPD is sound. As a reminder, the following principles have already been established by the Core Strategy which Members are bound to take into account by s.19 of the Planning and Compulsory Purchase Act 2004 when determining the content of the Site Allocations DPD:

- The Green Belt has been identified as a future direction of growth to meet housing need, in particular, the need for family homes between 2022 and 2027;
- A Green Belt boundary review will have to be carried out with the specific objective to identify land to meet the development requirements of the Core strategy;
- Green Belt land should be released to enable the delivery of about 550 dwellings;
- A Site Allocations DPD should be prepared to allocate specific deliverable sites for the proposed development identified by the Core Strategy.

National policy also advises that when defining Green Belt boundaries, plans should where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. Plans should also be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

6.2 The Council has an approved Local Development Scheme which sets out the development plan documents that the Council will prepare for the purposes of managing development across the borough. This includes the Core Strategy, the Development Management Policies DPD and the Site Allocations DPD. The LDS requires the Site Allocations DPD and the Development Management Policies DPD to be prepared in

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general conformity with the Core Strategy. The Act also highlight the need for local planning authorities to have regard to other adopted local development documents when preparing local development documents. For information, the Development Management Policies DPD has now been adopted.

- 6.3 The Council has an up to date adopted Core Strategy that post dates the publication of the National Planning Policy Framework (NPPF), recognising that the Core Strategy is over five years old and there is a requirement to review plans every five years. Policy CS6: *Green Belt* uniquely and purposely establishes the principle of releasing Green Belt land to enable housing delivery between 2022 and 2027 as well as prescribing the means for identifying the land. It states 'the Green Belt has been identified as a potential future direction of growth to meet housing need, in particular, the need for family homes between 2022 and 2027. A *Green Belt boundary review* will be carried out with the specific objective to identify land to meet the development requirements of the Core Strategy'. The intention and purpose of the policy is unambiguous. The Green Belt boundary review has been highlighted in this context to emphasise that the means for identifying Green Belt land has been prescribed as an essential part of the Green Belt policy. The preparation of the Green Belt boundary report is in line with this policy requirement.
- 6.4 Policy CS10: *Housing provision and distribution* of the Core Strategy sets out the quantum of development that Green Belt land should be released to deliver. It specifies that Green Belt land will be released to enable the delivery of at least 550 net additional homes. Members must note that the Core Strategy was found sound in significant part due to the commitment made by the Council to release Green Belt land to enable housing provision between 2022 and 2027. Not only does the Core Strategy establishes the principle to release Green Belt land, which should be informed by the Green Belt boundary review, it prescribes the quantum of development to be accommodated within the Green Belt (550 new homes) and the timing of when the land should be released for development.
- 6.5 The Act requires the preparation of the Site Allocations DPD to have regard to national planning policy. The NPPF set out the Government's planning policies for England and how they are expected to be applied. Paragraph 139(a) of the NPPF is of particular relevance to the preparation of the Site Allocations DPD. It states amongst other things that local planning authorities should 'where necessary identify in their plans areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period'. Members should note that this policy by intent sets out the principle of safeguarding as well as the preferred location of safeguarded land. Safeguarded land should be contiguous to the urban area. Members have already received a legal opinion on the principle of safeguarding land to meet future development needs as part of the Site Allocations DPD process, and have already agreed to seek to safeguard land to meet future development needs between 2027 and 2040. Any land that is safeguarded should not lead to isolated development within the Green Belt. The draft Site Allocations DPD that was published for Regulation 18 consultation has been prepared in the context of the above, recognising that there are other evidence base studies that have also informed the process.
- 6.6 Paragraph 133 of the NPPF defines the fundamental aim of Green Belt policy. It is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Paragraph 80 of the NPPF sets out the five purposes of the Green Belt as:
- To check the unrestricted sprawl of built-up areas;
 - To prevent neighbouring towns merging into one another;

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- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Members are reminded that the protection of the purposes of the Green Belt is not about its landscape quality. Whilst the protection of landscape quality is considered very important, there are other policy tools to ensure its protection. The Core Strategy (Policy CS24) and the NPPF contains robust policies to protect landscape quality.

- 6.7 Policy CS6 of the Core Strategy requires the Council to make sure that any release of Green Belt land for development will not undermine its overall purpose and integrity and this should be at the forefront of Members' minds when they make their decisions about the sites they wish to safeguard. The Green Belt boundary review report is intended to make sure that this objective is met. Based on this evidence, the development of the land east of Martyrs Lane will lead to urban sprawl and an encroachment into the countryside. It would lead to an isolated development within the Green Belt if the land is not comprehensively developed to include the Golf Course and the McLaren site. If Members are not satisfied with the Council's Green Belt boundary review report, the advice would be to carry out another review that can be defensible and acceptable by Members. It should be noted that Officers are broadly satisfied that the Peter Brett Associates' Green Belt boundary review report is sufficiently robust to inform the Council's decisions. The report has already been received by the Working Group.

7.0 Evidence base to inform the Site Allocations DPD

- 7.1 The NPPF provides guidance on the use of evidence base to inform the preparation of local plans. Each local planning authority should ensure that the local plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The Site Allocations DPD is informed by a range of evidence base studies. The full list is included in Appendix 1 of the draft Site Allocations DPD. Members are encouraged to acquaint themselves with the key conclusions of the evidence that has informed the preparation of the DPD from its inception to its current stage. The Green Belt boundary review carried out by Peter Brett Associates has been singled out for commentary in this report because it is the evidence base study that is prescribed by policy to inform the release of Green Belt land and has also attracted a number of comments. A significant number of representations have used the report to justify why Martyrs Lane should not be safeguarded. Other representations have questioned its conclusions, reliability and recommendations, in particular, where the report recommends that sites in their area should be released for development. There are other evidence such as the Strategic Housing Land Availability Assessment that helps to assess the capacity of the urban area to accommodate further development.
- 7.2 The Green Belt boundary review was carried out by Peter Brett Associates. They are credible consultants with experience in carrying out such studies. Their appointment was overseen by the Working Group. The consultants' brief, the methodology used to carry out the study and the final report of the study were all signed off by the LDF Working Group. The LDF Working Group agreed that the report had met the requirements of the consultants brief and should be published and used to inform the Site Allocations DPD process. The various stages and assessments of the study follow its pre-determined methodology and the reasons behind judgments made in the study are stated. Officers are broadly satisfied with the study and have mainly followed its recommendations in preparing the draft Site Allocations DPD. Officers are aware of the various opinions and

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critiques of the study. However, no one has produced an alternative Green Belt boundary review report to justify their opinions or to contradict the overall conclusions of the Peter Brett Associates' report. Officers' advice is that the consultation responses which have commented on the PBA report do not justify departing from its recommendations. Members should be cautious of criticisms about expert opinion where there is no contrary evidence to justify the criticism, however, Members are entitled to draw different planning judgments to that of Officers provided that judgment is clearly expressed and supported by evidence. Members are advised to read the Peter Brett report in full, including its conclusion. If Members on the other hand felt that they are broadly not satisfied with the Peter Brett's report, the best course of action would be to appoint a different consultant to carry out another Green Belt boundary review that the Council can accept. There is no guarantee that another study will produce a different outcome.

- 7.3 The landscape assessment and Green Belt review report by Hankinson Duckett Associates is particularly relevant in the context of the fundamental aim of the Green Belt. Paragraph 79 of the NPPF defines the fundamental aim of Green Belt policy as preventing urban sprawl by keeping land permanently open. The Hankinson Duckett Associate's study looked specifically at the contribution that the land east of Martyrs Lane makes to the purposes of the Green Belt and its capacity to accommodate various options for development. The study concluded that the land east of Martyrs Lane is critically important in its contribution towards the purposes of the Green Belt, in particular, its contribution towards checking urban sprawl, preventing settlements from merging and safeguarding the countryside. It also concluded that the development of the part of the site to the north excluding the Golf Course but even with the McLaren site would be too isolated to be standalone development site. If the Golf Course were to be developed concerns have been expressed by some people about whether other Golf Courses within the borough in more sustainable locations should also be assessed. It is acknowledged that the Hankinson Duckett Associates study did not undertake a comparative assessment of the Martyrs Lane site against the other six sites. Nevertheless, the conclusions of the study leave no doubt that the land east of Martyrs Lane would lead to urban sprawl and is critical to the purposes of the Green Belt.

Members should however note that all the proposed safeguarded sites would cause a degree of harm on the landscape and to sustainability objectives. Appendix 9 provides a comparison of the conclusions of the Peter Brett report and the Sustainability Appraisal report. A copy of the SA is in the Members' Lounge and the Peter Brett report can be provided on request.

- 7.4 Since the publication of the DPD, the Council has carried out further studies to address a number of the concerns raised by the representations. These include:
- A320 corridor study – the study assesses the cumulative impacts of planned developments in Woking, Surrey Heath and Runnymede Boroughs on the A320 and identifies measures of mitigation to address the impacts;
 - Woking Local Plan – potential mitigation – the study identifies measures of mitigation to address development impacts on the A245 corridor;
 - Woking Town Centre Modelling Assessment – study is a cumulative assessment of the quantum of development in the development to enable a better understanding of its potential impacts in the vicinity of the Town Centre;
 - Habitats Regulations Assessment (HRA) – the study brings the previous HRA up to date by taking into account the People Over Wind and Sweetman v Coillte Teoranta ECJ judgment;
 - Review of the Infrastructure Delivery Plan;

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- Review of the Strategic Housing Land Availability Assessment.

8.0 Sustainability Appraisal (SA) and Habitats Regulations Assessment

8.1 A Sustainability Appraisal report has been prepared to assess the social, economic and environmental implications of the Site Allocations DPD. This is a statutory requirement of the Planning and Compulsory Purchase Act (2004). The SA encompasses the requirements of the European Union Directive 2001/42/EC (SEA Directive), which requires an assessment of the effects of certain plans and programmes on the environment. The full SA report with an Executive Summary was considered by the Working Group at its meeting on 1 July 2016. Members should note that this included an SA for the land east of Martyrs Lane. Overall the SA concluded that the draft Site Allocations DPD will contribute towards sustainable development. Minor modifications have been made to the SA Report to take into account the representations received and as a result of further review of the available evidence. The revised SA Report has informed the proposed modifications to the draft Site Allocations DPD. A copy of the revised SA Report is in the Members' Lounge for inspection and can also be obtained on request from the Planning Policy Team.

8.2 The need for an Appropriate Assessment is set out in Article 6 of the EC Habitats Directive, and interpreted into English and Welsh law by the Conservation of Habitats and Species Regulations 2010. The Habitats Directive applies the precautionary principle in order to avoid harm to designated sites of European significance. In this regard, plans and projects can only be approved if the determining authority is satisfied that there will be no adverse effects on the integrity of the designated sites. The Council has undertaken a Habitats Regulations Assessment to assess the effects of the proposals in the Site Allocations DPD on the designated Thames Basis Heaths Special Protection Areas and the Special Areas of Conservation. The HRA reflects the People Over Wind and Sweetman v Coillte Teoranta CJEU Judgment. Appropriate measures of mitigation have been identified to mitigate the potential effects of each proposal in the Site Allocations DPD. A schedule of each site and the SANG identified to mitigate its effects can be provided on request.

9.0 Officers overall recommendation - Summary of the reasons for rejecting the land east of Martyrs Lane as possible alternative

9.1 Members asked Officers to consult on the possibility of substituting the proposed safeguarded sites in Pyrford, Byfleet and Mayford with the land east of Martyrs Lane and report back the outcome of the exercise. After careful consideration of the representations received during the consultation, Officers are recommending that the land east of Martyrs Lane should not be safeguarded for the following reasons:

- The safeguarding of the land for future development will not be justified by the recommendations of the Green Belt boundary review report and other evidence. As a policy requirement, the Core Strategy prescribes the Green Belt boundary review as the means to identify Green Belt land to meet future development needs. No alternative Green Belt boundary review report has been submitted to the Council to demonstrate why the Council's evidence is not tenable. Consequently, the safeguarding of the Martyrs Lane site carries significant risk of being found unsound and might not be able to withstand scrutiny at an examination when compared with other alternatives. Members should note that a critique of the evidence base is not a substitute for evidence;
- The development of the site will lead to urban sprawl and an encroachment into the countryside. This will be contrary to the fundamental aim of Green Belt policy as

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emphasised in the NPPF. The development of the site would undermine a purpose of the Green Belt.

- The development of the whole of the site to include the Golf Course will lead to the loss of a functioning recreational use in contradiction to Policy CS17: *Open space, green infrastructure, sport and recreation* of the Core Strategy. If the Council wish to override this policy requirement, there will be concerns about why other golf courses are not considered in similar manner. Development of the site north of the Golf Course (excluding the Golf Course) will lead to isolated development in the Green Belt;
- It is unlikely that a significant proportion of the land in the ownership of Zealand Golf Club and McLaren Technologies Group Limited would be made available now or in the future to be developed for housing. Without the two sites, only about 600 dwellings could be achieved on the land. This is significantly short of the 1,200 homes that land is being sought. There is no realistic or reasonable prospect of the Golf Course or the McLaren site coming forward without the Council using its compulsory purchase powers to acquire part(s) of the land. This view has been supported by two Planning QCs;
- The Council might have to use its compulsory purchase powers to acquire land to enable the delivery of the entire site. Legal advice received on the likelihood of a successful compulsory purchase order application is summarised in paragraph 4.5;
- There is relatively limited scope for introducing sustainable transport measures to access key services and facilities as a means to minimise traffic congestion that will result from the development of the site. This is particularly the case with the part of the site north of the Golf Course.
- A number of sites north of the Golf Course have been assessed as part of the SA of the draft Site Allocations DPD and rejected. Safeguarding them for future development will not be justified to promote sustainable development.

It follows from the above that Officers are recommending that the proposed safeguarded sites in Byfleet, Pyrford and Mayford (except GB13) should be the Council's preferred approach to safeguarding for the purposes of the Regulation 19 consultation.

10.0 Supporting submission documents

10.1 Regulation 22 of the Town and Country Planning (Local planning) (England) Regulations 2012 prescribes the documents that should be submitted to the Secretary of State for examination. This includes:

- Development Plan Document, in this case the Site Allocations DPD;
- Sustainability Appraisal report;
- Consultation Statement;
- Policies Map (Proposals Map).

Other documents that the Council will also wish to submit under different requirements include:

- Duty to Cooperate Statement; and
- Equalities Impact Assessment Statement.

Delegated authority is being sought for the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to oversee the preparation and approval of the Consultation Statement, Duty to Cooperate Statement and the Equalities Impact Assessment Statement before they are submitted to the Secretary of State. Members will have the opportunity to note the documents when they consider the representations to the Regulation 19 consultation.

11.0 Traveller sites

11.1 The Council has a responsibility to plan to meet the needs of all sections of the community, including Travellers. Government guidance require the Council to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target, identify a supply of specific developable sites or broad locations for growth for years 6 to 10 and, where possible, for years 11 to 15. Presently, the Council is unable to demonstrate that it has identified sufficient land to provide five years worth of pitches to meet Travellers accommodation needs. This has been used against the Council in planning appeal decisions.

11.2 Policy CS14: *Gypsies, Travellers and Travelling Showpeople* of the Core Strategy provide a clear direction for the Council to follow in planning to meet Travellers' accommodation needs. It requires the Council to make provision for the necessary additional pitches for Gypsies and Traveller in the Borough up to 2027. The Council has to carry out a Travellers Accommodation Assessment (TAA) to identify the scale of the need and identify specific sites through the Site Allocations DPD to enable the need to be met. The TAA has been carried out and a need for 19 pitches has been identified up to 2027. The Council has already agreed that in order to ensure the enduring permanence of the Green Belt boundary, it will also safeguard land to enable the delivery of 9 additional pitches between 2027 and 2040. Officers had recommended to Council when it received the report on the Regulation 18 consultation in October 2016 that the need up to 2027 should be met at Five Acres, Brookwood (10 pitches) and Ten Acre Farm, Mayford (up to 12 pitches). The need between 2027 and 2040 is to be met at the proposed safeguarded sites identified to meet future development needs.

11.3 At the October 2016 meeting of Council, Officers were requested to revisit their original recommendation to allocate Ten Acre Farm as a suitable site to meet the accommodation needs of Travellers and report back the outcome. In undertaking this task, Officers have taking into account national planning policy on Traveller sites, in particular:

- the need to promote more private Traveller sites, whilst recognising that there will always be those Travellers who cannot provide their own sites;
- the need to identify sites for Travellers accommodation, which will enable them to access education, health, welfare and employment infrastructure; and
- the need to have due regard to the protection of local amenity and local environment.

The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.

11.4 Currently, there are three authorised sites of which two are occupied and operational. These are:

- The Hatchingtan (Worpleston) – 16 pitches;
- Five Acres (Brookwood) – 13 pitches.
- Ten Acre Farm (Mayford) until recently had three authorised pitches occupied by a single family. This site has been acquired by the Council and there is an emerging proposal to relocate the Gymnastic Club at the site. If the proposal is approved, it would lead to a loss of the land for pitches. This would imply that the Council has to identify land to enable the delivery of 22 pitches.

There are also three sites with temporary planning permission for pitches as follows:

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- Murrays Lane – 4 temporary pitches;
- Stable Yard – 1 temporary pitch; and
- Land south of Gabriel Cottage – 1 temporary pitch.

A Map illustrating the locations of the permanent and temporary sites is in Appendix 7.

11.5 In accordance with Policy CS14 of the Core Strategy, the Green Belt boundary review has recommended a sequential approach to Travellers' site selection in the following priority order:

- Safeguard existing sites to prevent their loss;
- Grant full planning permission for existing sites with temporary permission;
- Allocate sites within or adjacent to the urban area but outside the Green Belt; and
- Allocate sites within the Green Belt through intensification of existing sites or potential new or expanded sites.

11.6 The Council has carried out an assessment of the capacity of the urban area to accommodate Traveller pitches, and no suitable or viable sites could be found. Based on the sequential approach, a revised recommendation for meeting Travellers accommodation needs is proposed as follows:

- The Hatchingtan and Five Acres sites should continue to be retained and prevented from loss to alternative uses. However, Five Acres should be allocated for a net addition of 6 more pitches. The overall total of pitches on the site will be 19 pitches;
- Ten Acre Farm is no longer recommended for allocation in the DPD because of development impacts on traffic and the general environment and the proposal to relocate the Gymnastic Club. This will result in the net loss of 3 pitches;
- The temporary permissions at Murrays Lane, Stable Yard and land south of Gabriel Cottage should be made permanent. This will lead to a net gain of 6 additional pitches.
- Land at West Hall, West Byfleet is already being proposed to be released from the Green Belt to enable the provision of 592 new homes. In addition, the site should be masterplanned to include 15 pitches. The 15 pitches will be controlled by the Council as a publicly owned site. Officers have done some work to demonstrate that 15 Traveller pitches can be effectively masterplanned as part of the development of the site. It is estimated that the Traveller site will require 1.2 hectares of the land. With significant buffer being included in any scheme, there will still be significant residual land to enable the delivery of 555 dwellings. This will still enable the Council to meet its need up to 2027.

11.7 These proposals will enable the identified need of 19 pitches up to 2027 to be met. It has already been proposed that the need for 9 pitches to be provided between 2027 and 2040 will be met on the proposed safeguarded sites. The proposals follow the general principle of planning for Travellers accommodation as an integral part of large allocated sites and/or to provide a range of sites both public and private to meet the identified need. The proposal will strike a good balance in the geographical distribution of pitches across the borough and between privately and publicly owned sites (see Appendix 7). It will be in general conformity with national guidance and be backed by evidence contained in the Council's Green Belt boundary review. Above all, the sites are in sustainable locations.

11.8 It is emphasised that meeting the accommodation needs of Travellers is an essential responsibility of the Council. However, it is equally important that the Council work to

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promote peaceful and integrated co-existence between Travellers and the settled community.

12.0 Proposals Map

12.1 Paragraph 157 of the NPPF requires the Council to indicate land use designations on a Proposals Map (Policies Map). The Site Allocations DPD clearly has spatial dimension and consequently the adopted Proposals Map has been modified to incorporate the proposals in the draft Site Allocations DPD. The revised Proposals Map is in **Appendix 6**. The Proposals Map will be published alongside the Site Allocations DPD for Regulation 19 consultation. Members should support it for the purposes of the Regulation 19 consultation.

13.0 Tests of soundness

13.1 The Act requires the Council to submit the draft Site Allocations DPD to the Secretary of State for independent examination to be conducted by an Inspector, but must only do so if it is satisfied that it has complied with relevant requirements contained in Regulations and if it thinks the DPD is ready for examination. Officers are satisfied that the above tests will be met. The Inspector's role will be to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound. To be found sound, the Site Allocations DPD must be positively prepared, justified, effective and consistent with national policy. The Site Allocations DPD will stand and fall on the extent that it has met these tests. Members are therefore reminded of the importance of the tests when making their decisions on the Site Allocations DPD. Based on the available evidence, Officers are of the view that the approach being recommended to Members on safeguarding presents the best chance of the DPD being found sound. Members should note that the Government has published a revised National Planning Policy framework (NPPF) for public consultation. It seeks to delete the requirement for plans to be prepared in accordance with the duty to cooperate. Nevertheless, maintaining effective cooperation to address strategic matters will continue to be an essential part of the plan making process, and local authorities will be required to prepare and maintain a statement of common ground as evidence of joint working. Officers have agreed a Statement of Common Ground with Waverley and Guildford Borough Councils to work in partnership to address cross boundary strategic matters within the Housing Market Area and the Functional Economic Market Area.

14.0 National Planning Policy Framework – draft text for consultation.

14.1 The Government published a revised NPPF for consultation in March 2018. There are some fundamental changes to national planning policy proposed by the Government that the Council has to grapple with in delivering its planning function. A few of the changes, by no means exhaustive have been singled out as follows:

- there is expectation that objectively assessed housing need has to be met, including the unmet needs of neighbouring areas unless there are strong reasons not to;
- there is a requirement for local authorities to review their local plans and Statement of Community Involvement every five years following adoption, with update, if necessary to reflect changing circumstance. This particular requirement has already been confirmed in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
- there is expectation that strategic plan-making authorities will follow a nationally determined standard methodology for calculating housing need unless there are exceptional circumstances that justify an alternative.

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- there is significant emphasis on housing delivery with a housing delivery test to be satisfied. Failure to meet the housing delivery test will trigger the presumption in favour of sustainable development.
- there continue to be strong emphasis on the protection of the Green Belt. Neighbourhood Plans may amend Green Belt boundaries once the need for a Green Belt change has been demonstrated in the strategic plan.
- there is a change in the definition of Affordable Housing. Missing in the definition is 'social rented' housing.

14.2 These are matters that are beyond the scope of the Site Allocations DPD to address, but they are going to be relevant for the future review of the Core Strategy. Officers will monitor the implications of the changes and advise Members accordingly in due course. In the meantime, Officers would advise that the Council should continue with the preparation of the Site Allocations DPD in an expeditious manner.

15.0 Updates since the publication of the draft Site Allocations DPD

15.1 Since the publication of the draft Site Allocations DPD, there have been changes to the status of a number of the sites. For example, development on a number of the sites such as Victoria Square and the Former St Dunstons Church has commenced, and it is likely that they will be completed by the adoption of the DPD. Whilst these sites will continue to count towards the overall development land supply, it is proposed that they are deleted from the draft Site Allocations DPD. A few new sites have been identified through the review of the Strategic Housing Land Availability Assessment. Some of these have the benefit of planning approval for various uses. It is proposed that these sites be included in the Site Allocations DPD. A few number of sites have got prior approval for change of use to residential development, and again it is proposed that these sites be included in the DPD and any consequential adjustments made to the employment land supply. Finally, there are few sites which will come forward but not likely within this plan period. These sites should also be deleted from the DPD. If they were to come forward during this plan period, they will be determined by the normal development management process without prejudice. A schedule of these changes is in Appendix 8. Delegated authority is sought for the Deputy Chief Executive to make these changes, and any such changes that may be identified prior to the publication of the DPD for Regulation 19 consultation.

16.0 Next steps

16.1 Subject to the recommendations of the Working Group, it is intended that the report will be considered by Council on **18 October 2018**. The report seeks support of the Working Group to publish the DPD for Regulation 19 consultation. This will be the final opportunity to enable the general public to comment on the DPD. The representations that will be received at the Regulation 19 consultation stage together with the DPD and its supporting documents will be sent to the Secretary of State for Examination. This report assumes that the Working Group is still content with the proposals identified in the draft Site Allocations DPD to enable the delivery of the Core Strategy up to 2027. It is therefore not intended to repeat that in detail, but for the avoidance of doubt, they include:

- all the sites identified within the urban area,
- land south of Brookwood Lye Road, Brookwood;
- Land at Five Acres, Brookwood Lye Road;
- Brookwood Cemetery;
- Six Cross Roads roundabout and environs;

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- Nursery land adjacent to Egley Road, Mayford;
- Land surrounding West Hall, Parvis Road;
- Broadoaks, Parvis Road; and
- Land identified for the purposes of SANG.

A copy of the draft Site Allocations DPD that was published for Regulation 18 consultation is in the Members' Lounge for inspection and can also be provided on request.

- 16.2 It is intended that there will be a Private Members' Briefing before the Council meeting to ensure wider Members involvement in the process before the recommendations of the report are formally considered by Council.
- 16.3 The DPD and its supporting documents will be published for a six weeks Regulation 19 consultation. In accordance with the revised LDS the Regulation 19 consultation is scheduled to begin in **October 2018**. A Consultation Plan setting out what, how and when various consultation events will take place will be prepared in due course for the approval of the Deputy Chief Executive. Members are reminded that one of the legal and procedural requirements that the Council has to satisfy to get a sound DPD is for it to be prepared in accordance with the timescales set out in the LDS. If the Regulation 19 consultation does not take place in **October 2018**, the Council will have to review its LDS to reflect a more realistic timetable.
- 16.4 An analysis of representations that will be received in response to the Regulation 19 consultation will be reported to the Working Group and Full Council with a request to seek authority to submit the DPD to the Secretary of State for Examination. The DPD, its supporting documents, the representations received during the Regulation 19 consultation and any further modifications that the Council may wish to make will be sent to the Secretary of State for Examination. It is anticipated that the DPD will be submitted to the Secretary of State **by June/July 2019**.
- 16.5 An Independent Examination will be carried out by an Inspector whose role will be to assess whether the DPD has met the tests of soundness, complied with the legal and procedural requirements and has been prepared taken into account the requirements of the Duty to Cooperate. The Examination is likely to be **in Winter 2019** with an adoption of the DPD by **early 2020**.
- 16.6 Whilst Officers have recommended that the Council should broadly proceed on the basis of the draft Site Allocations DPD that was published for Regulation 18 consultation subject to the proposed modifications, it is accepted that the ultimate decision would rest with Council and the way it will exercise its planning judgment. In the event that Members decide to reject the advice of Officers and safeguard the land east of Martyrs Lane as a whole or any parts of it, there will be a need to gather the necessary information to defend the Council's position.

17.0 Implications

Financial

- 17.1 The cost of preparing the DPD has been and will be met from existing Planning Policy Service Plan budget and approved investment programme.

Human Resource/Training and Development

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- 17.2 There are no human resource or training and development implications for preparing the DPD.

Community Safety

- 17.3 Addressed as part of the Sustainability Impact Assessment.

Risk Management

- 17.4 The LDS includes risk and contingency planning for the preparation of Local Development Documents including the Site Allocations DPD. Given the contentious nature of the proposals in the DPD, in particular the release of Green Belt land for development and the range of interested parties who have expressed an interest in the DPD, it is critical that the decisions of the Council are justified by evidence that is robust and credible to be able to withstand scrutiny at a Public Examination. The purpose of the DPD is to help deliver the requirements of the Core Strategy. Without its expeditious preparation there is the likelihood that the delivery of the Core Strategy could be undermined and a resultant risk that inappropriate developments will be approved on an ad hoc basis through the appeal process.
- 17.4 There have been persistent calls from many sources including discussions with the Department for Communities and Local Government (DCLG) for the Council to review its Core Strategy to address its unmet housing need. The calls are likely to be intensified if there is further delay to the Site Allocations DPD process. If that is successful, more land might have to be found than is already identified in the draft Site Allocations DPD. Current government policy is for local authorities to plan to meet unmet needs within the Housing Market Area. The Housing Market Area for Woking comprises Guildford, Waverley and Woking boroughs. The emerging Government policy is to meet the unmet needs of neighbouring areas. In the case of Woking, the neighbouring areas will be Runnymede, Surrey Heath, Guildford and Elmbridge Boroughs. This could have significant implications on how the Council plans to meet its housing need. The Government also proposes a new methodology for calculating objectively assessed housing need instead of by the Strategic Housing Market Assessment. By applying the new methodology, the objectively assessed housing need for Woking Borough is likely to come down significantly to 409 dwellings per year instead of the current 517 dwellings per year. Assuming the revised figure is confirmed, Officers believe that it will make no material difference to the current 292 dwellings per year housing requirement set out in the Core Strategy that the Council is planning to deliver. This is because the Council's adopted housing requirement of 292 dwellings per year is still significantly lower than the revised objectively assessed housing need of 409 dwellings per year. In this regard, Officers will advise that the Council should continue with the course so far taken in the preparation of the Site Allocations DPD.

Sustainability

- 17.4 Addressed as part of the Sustainability Impact Assessment.

Equalities

- 17.5 The DPD will contribute towards meeting the accommodation needs of Travellers.

18.0 Consultations

- 18.1 The Portfolio Holder for planning has been consulted.

Site Allocations Development Plan Document (DPD)

19.0 Conclusions

- 19.1 The Officers' recommendation on the key question posed by the consultation is that the land east of Martyrs Lane should not be safeguarded because there will be a significant risk of the DPD being found unsound if the Council is to take that approach to safeguarding.
- 19.2 The Working Group has already received a report in July 2016 regarding the analysis of representations received during the Regulation 18 consultation of the draft Site Allocations DPD. It is not intended to repeat that in this report. However, it is necessary that Members take full account of that before making a decision about the DPD that the Group wishes to publish for Regulation 19 consultation. The Government is committed to a plan-led planning system. In this regard, it requires Local Planning Authorities to prepare Local Development Documents (LDD) that will set out the planning policy framework for meeting the needs of the community and protecting the environment. The Core Strategy is the main document amongst the LDDs. The Core Strategy was adopted in October 2012, and the Council is committed to its comprehensive delivery. The Site Allocations DPD is one of the fundamental documents that the Council has committed to prepare to identify specific sites to enable the Core Strategy to be delivered.
- 19.3 The draft Site Allocations DPD was published for Regulation 18 consultation between June and July 2015. There was significant interest in the DPD during the consultation period resulting in the submission of 32,712 separate representations by 1,692 individuals and organisations. Each representation has been addressed in detail, and Members are already in receipt of that information. A copy of the responses is in the Members' Lounge. At its meeting in October 2016, Members of the Council requested that a further consultation exercise be undertaken on the possibility of substituting the land east of Martyrs Lane for the six safeguarded sites in Pyrford, Mayford and Byfleet that were identified in the draft Site Allocations DPD before they make a decision on their preferred approach to the safeguarding of Green Belt land for the purposes of the Regulation 19 consultation. 3,018 individuals and organisations submitted comments to this consultation comprising 32,164 separate representations. Each representation has been addressed in detail as set out in Appendix 2. In addition, the issues that attracted most representations have been identified and comprehensively addressed in various Topic Papers to provide useful and efficient platform for considering the merits of the individual representations. The Topic Papers are attached to the report.
- 19.4 Overall, Officers are satisfied that subject to the proposed modifications the general course taken in the draft Site Allocations DPD is defensible and can withstand scrutiny at an examination. The possibility of safeguarding the land east of Martyrs Lane should be rejected because doing so would risk the DPD being found unsound. Whilst residents have made their views forcefully to the Council and their comments are valued, there has not been any demonstrable evidence that is significant enough to justify the safeguarding of Martyrs Lane to meet future development needs when compared against the other six sites. It is requested that subject to the proposed modifications being agreed, the draft DPD and its supporting documents should be supported and published for Regulation 19 consultation for six weeks to give the public a further opportunity to comment on the DPD before it is submitted to the Secretary of State for Examination. Officers are fully aware of the position taken by the Working Group before the Martyrs Lane consultation exercise and appreciate that ultimately the decision about the Council's preferred approach to safeguarding will be a planning judgment that rests with Members. In making that judgment Members are advised to be guided by the available evidence. The planning process can often be legalistic and every effort must be made to avoid a successful legal challenge on grounds that the judgment made is irrational and/or perverse. If Members are minded to safeguard the land east of Martyrs

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Lane, the Council should guard against the risk of other sites being recommended by the Secretary of State to be identified in addition to the land east of Martyrs Lane because they also have the strength of evidence to justify their safeguarding.

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Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon various equality target groups. Further details and guidance on completing the form are [available](#).

		Positive impact?	Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated?(action)
Gender	Men			✓	
	Women			✓	
	Transgender			✓	
Race	Asian or Asian British people			✓	
	Black or Black British people			✓	
	Mixed race people			✓	
	Irish people			✓	
	White people			✓	
	Other minority ethnic group			✓	
	Gypsies / travellers	✓			The DPD allocates land to meet the needs of Travellers.
Disability	Physical			✓	
	Sensory			✓	
	Learning Difficulties			✓	
	Mental Health			✓	
Sexuality	Lesbian, gay men, bisexual			✓	
Age	Older people (50+)	✓			The DPD allocated land to meet the accommodation needs of the elderly.
	Younger people (16 - 25)			✓	

Belief	Faith Groups			✓	
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Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			✓	
Waste generation / sustainable waste management			✓	
Pollution to air, land and water			✓	
Factors that contribute to Climate Change			✓	
Protection of and access to the natural environment	✓			The DPD allocates sites for Suitable Alternative Natural Greenspace (SANGs).
Travel choices that do not rely on the car	✓			The DPD focuses development in sustainable locations that are in close proximity to key services and facilities with scope to reduce the need to travel by car.
A strong, diverse and sustainable local economy	✓			The DPD allocates land for employment uses
Meet local needs locally	✓			The DPD allocates land to meet housing, employment and recreational needs.
Opportunities for education and information	✓			The DPD allocates land for education.
Provision of appropriate and sustainable housing	✓			The DPD allocates land for housing.
Personal safety and reduced fear of crime			✓	
Equality in health and good health			✓	
Access to cultural and leisure facilities	✓			The DPD allocates land for SANGs
Social inclusion / engage and consult communities			✓	
Equal opportunities for the whole community			✓	

Contribute to Woking's pride of place	✓			The DPD will enable growth to be managed in a sustainable manner.
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