

Planning Policy
Woking Borough Council
Civic Offices
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Woking
Surrey
GU21 6YL
And by email to planning.policy@woking.gov.uk

Dear Sirs,

Site Allocations Development Plan Document – Regulation 18 Consultation Response

I have had the benefit of reading evidence submitted to the Council by the Pyrford Neighbourhood Forum, comprising a report and appendices from LDA Design (produced by a team of Chartered town planners), and an access appraisal by Hyrdock (produced by a team of Chartered civil engineers).

Having read that evidence, and having carefully read the evidence base relied upon by the Council to support its draft DPD, I am of the view that the draft DPD is unsound in its current form, in that contrary to s.19(2)(a) Planning and Compulsory Purchase Act 2004, proposed site allocations GB12 and GB13 are not in accordance with national policy within the NPPF. In particular, the necessary “exceptional circumstances” to justify release of those sites from the Green Belt is not supported by the conclusions of the evidence upon which the Council rely.¹ Further, a number of planning judgments about site-specific impacts of development at GB12 and GB13 made within the Interim Sustainability Appraisal are not supported by adequate evidence. Finally, the assessment of alternatives is not consistent or as wide ranging as it could be.

The DPD could be made sound by either deleting reference to GB12 & GB13 entirely, as the need for such extensive safeguarding has not been made out, or allocating alternative more sustainable sites detailed below.

Spatial Strategy

It is accepted that policy CS1 Core Strategy (2012) provides for 4,964 net new additional dwellings are to be delivered between 2010 and 2027 to ensure the sustainable development of Woking, at a pace of 292dpa. CS1 accepts that the Borough is not able to meet the needs of sustainable development from 2022-2027 without revisions to its Green Belt boundary, and it is accepted that the Council is under a positive statutory duty to achieve sustainable development in the preparation of its local development documents,² as well as consistency with the adopted development plan.³

Paragraph 83 NPPF provides that the extent of national Green Belt is settled and should only be revised in “exceptional circumstances”. As such the Council must be satisfied that exceptional circumstances exist to justify the release of each proposed

¹ *Woking Green Belt Review* (January, 2014) (Peter Brett Associates).

² S.39(2) Planning and Compulsory Purchase Act 2004.

³ Regulation 8 Town and Country Planning (Local Planning) (England) Regulations 2012.

site from the Green Belt.⁴ The test is one of planning judgment but components within the exceptional circumstances test might include the necessity to meet the economic and social needs of the Borough, the suitability of the site and its availability within the plan period.⁵

Whilst it is accepted that paragraph 85 NPPF encourages the identification of safeguarded land to meet the longer-term development needs beyond the plan-period, I note that no fewer than eight strategic sites are proposed to be safeguarded within the DPD, with a total projected yield of 1,074 units.⁶ One might take that view that given the Council has consistently over-delivered upon its housing trajectory since the beginning of the plan period in 2010, and further, the fact that there is a resolution to grant 392 units in the town centre,⁷ coupled with a proposed 952 units via a Council run regeneration scheme in Sheerwater,⁸ the need to safeguard quite so much land in the Green Belt is neither proportionate nor justified. Indeed, the Woking Borough Local Plan (1999) which provided for development from 1999-2006 only identified one site to be safeguard outside the plan period to deliver 297 units.⁹ The same site had previously been identified as safeguarded but not come forward under the previous plan.¹⁰ Work did not begin on the site until April 2014.

In any event, a safeguarding policy can be contrary to paragraph 83 NPPF if the proposed land to be safeguarded is not suitable for release.

Green Belt Boundary Review 2014

Paragraph 158 NPPF provides that local plans must be drawn-up upon a proportionate evidence base. The only evidence relied upon by the Council to allocate GB12 and GB13 as bearing exceptional circumstances for release from the Green Belt is the *Green Belt Review* report prepared by Peter Brett Associates in January 2014 (“GBR”). This is identified in both the DPD itself and within the Sustainability Appraisal. No other evidence is relied upon.

The GBR performs its assessment by dividing the Borough into Parcels. Both allocations GB12 and GB13 fall within Parcel 9. The parcels were assessed by reference to the purposes of the Green Belt. Such was the methodology approved by the Council’s Local Development Framework Working Group. Parcel 9 was scored as having a “very low” suitability as an area of search for sites. Importantly Parcel 9 scored as “critical” to (i) check urban sprawl and (ii) assist safeguard the countryside from encroachment.¹¹ Both are Green Belt functions upon which national planning policy places great weight, see: paragraph 80 NPPF. It will be recalled that policy CS1 Core Strategy (2012) establishes that whilst the Green Belt is identified as a broad location to meet sustainable development needs for the Borough, release of land within the Green Belt must not “*undermine its purpose and integrity*”. The proposed allocations would therefore, according to the Council’s own evidence, conflict with policy CS1.

⁴ Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin.) per Jay J at [42]

⁵ *Ibid* at [42] and [44]

⁶ See WBC Report: *Indicative capacity of sites appraised in sustainability appraisal report* (April 2015)

⁷ PLAN/2014/0014.

⁸ In accordance with policy CS5 Core Strategy (2012)

⁹ Policy GRB6 Land at Brookwood Farm.

¹⁰ Woking Borough Local Plan (2003).

¹¹ Table 3.2 on p.22.

The GBR then continues to assess Parcel 9 as having a “major environmental constraint” because:

“About half of this parcel is classified as grade 3 agricultural land, with some Grade 2, but the part adjacent the urban area is classified as Urban. The eastern part is safeguarded as a potential mineral resource (see para 3.3.20), and the topography is fairly steep. A large proportion of this parcel is identified as an ‘Escarpment and rising ground of Landscape importance’¹²

Parcel 9 is therefore classified as 18th out of 31 for overall suitability for development.¹³

The GBR then considers the capacity for landscape change and concludes Parcel 9 has a “little/no” capacity because:

“A broad open arable landscape extending across elevated/sloping land which is consequently quite widely exposed to the south east. The urban edge is generally well contained such that the parcel contributes substantially to the rural setting of the town and its integration within the wider landscape. Northern edge is characterised by smaller fields and a higher level of vegetation, including some woodland, which integrates the urban edge successfully meaning that the urban area is contained from the open landscape beyond. Elveden Close is a small isolated cul-de-sac residential area that is a development ‘anomaly’ although reasonably integrated. The north western field, west of Coldharbour Road, is elevated and level, being set beyond the upper slopes, partly contained by trees, and consequently more discreet. The open slopes to the east are highly sensitive to change given their open and exposed nature.”¹⁴

Given that comprehensive and negative assessment Parcel 9 is unsurprisingly not amongst those parcels recommended for release from the Green Belt.¹⁵

However, a site within Parcel 9 (now GB12) is then recommended for release.¹⁶ This would appear to be on the basis of its availability¹⁷ and absence of overriding constraints, in a process akin to the SHLAA exercise.¹⁸ It is simply illogical to recommend that a site is released from the Green Belt simply because it is available, when the GBR had previously concluded, in firm terms, that it was not suitable for residential development because of the “critical” function it performed in Green Belt terms. In any event, its present availability is not a material consideration because the Council do not propose to allocate the site until after the plan period, merely to safeguard it.

As such, the Council's proposed allocation of GB12 and GB13 is contrary to paragraph 158 NPPF because the site-allocation policies within the DPD are not supported by its own evidence base.

¹² Table 3.6 on p.38.

¹³ Table 3.10 on p.47.

¹⁴ Table 3.12 on p.52.

¹⁵ pp.61-62.

¹⁶ Para.4.3.11.

¹⁷ See GBR paragraphs 4.2.1. and 4.2.2.

¹⁸ See: GBR paragraph 4.3.1. and 4.3.2

The context for considering both proposed allocations GB12 and GB13 is therefore that the only evidence upon which the Council relies to justify their release, concludes that both sites lie within a land parcel which performs a critical function within the Green Belt, is highly sensitive to landscape change and is demonstrably unsuitable for residential development. In addition to that high-level negative context, both sites have specific constraints which mitigate further against their allocation to which I now turn.

GB 12 - Land to the rear of 79-95 Lovelace Drive, Teggs Lane, Pyrford, Surrey

The Interim SA scores the site as having a “double negative” impact in the short, medium and long term on the natural and historic landscape.¹⁹ However, the SA nor the DPD as a whole is not informed by a Landscape Character Assessment (“LCA”) or an updated heritage survey. These omissions from the evidence base have led to less weight being attached to the landscape and heritage context to GB12 that it is due. The site forms part of an unusually rural corridor from the B382 down to the River Wey. The Council will of course know that much of the land outside the settlement limits within the Green Belt comprises managed landscape in the form of golf courses. Paragraph 81 NPPF provides that Councils should plan positively to “retain and enhance” such important countryside landscapes within the Green Belt.

The scale of highway works to the Pyrford Common Road and Upshott Lane junction will plainly be significant.²⁰ Those works will alter the setting and significance of these two roads. This is important because I understand from the Pyrford Neighbourhood Forum that both roads form part of an ancient highway network. That plainly forms a part of the heritage experience in this part of Woking and should be afforded significant weight.

The Interim SA fails to assess the extent of high-grade agricultural soil, merely baldly asserts the land is not of high agricultural quality. This is a significant omission because the NPPF places great weight on high value agricultural land and requires allocation of land of lesser environmental value ahead of land of greater value, see: paras.110-112 NPPF.

The planning judgments within the Interim SA are not based upon a proportionate evidence base to justify the alteration of Green Belt boundary in this location. In particular the failure to undertake a Borough wide Landscape Character Assessment, update the heritage evidence base or commission a soil report means the SA is flawed in its conclusions.

The Interim SA also concludes that the site’s location renders it unsustainable in terms of its accessibility to services and facilities.²¹ That significant conclusion, coupled with the context of the site within Parcel 9 and its site-specific constraints, renders the allocation unsound and unsustainable.

GB13 – Land east of Upshot Lane and south of Aviary Road, Pyrford, Surrey

GB13 is on land which the GBR expressly concluded was “highly sensitive” to change due to its landscape features.²² Similarly to GB12 the site also scores

¹⁹ Apdx. 12, p.1556.

²⁰ As conceded in SHLAA, 2014 pp. 378 and 381.

²¹ Apdx. 12, p.1554.

²² Table 3.12 on p.52.

negatively against accessibility to services and facilities.²³ The site scores negatively against conservation of biodiversity²⁴ and double negatively against landscape and heritage impact.²⁵ The Council's own SHLAA in 2014 accepts that its evidence base *"does not identify this site as having any potential to be removed from the Green Belt for residential development"*.²⁶

Similarly to GB12 the Interim SA fails to assess the extent of high-grade agricultural soil, with a consequential lack of planning judgment being exercised on this important policy objective.

For the reasons set out against the allocation of GB12, GB13 is a similarly unsound and unsustainable location for residential development.

Conclusions on GB12 and GB13

Both sites fall within the context of Parcel 9, a land parcel which the Council's single evidence-base document specifically recommends is not released from the Green Belt. The Council's own planning judgments within its Interim SA (even assuming those judgments are evidence based) identify both sites as isolated and harmful in landscape and biodiversity terms.

However, those planning judgments are not supported by a proportionate evidence base, in particular there is an omission of a Borough wide LCA which would identify the sites within their context, rather than the site-by-site appraisal which has been taken. There is no up-to-date survey of heritage assets such as to inform a judgment about their significance and no soil survey to identify the scale of loss of high value agricultural land. Those omissions mean the planning judgments within the Interim SA are significantly devalued.

The allocations are not therefore supported by the necessary evidence to justify alteration of the Green Belt boundary at these locations contrary to paragraph 83 NPPF. They are in essence isolated new developments in the open countryside, remote from services, dependant on car travel and significantly adverse in terms of visual impact. The proposed allocations are consequentially unsound according to the Council's own evidence and should be deleted.

Assessment of conflict with the adopted spatial strategy

Policy CS1 Core Strategy (2012) establishes a settlement hierarchy from the Town Centre through to, district centres, local centres and finally, neighbourhood centres. Pyrford is identified as a neighbourhood centre. The Interim SA fails to assess the extent to which the settlement hierarchy would be altered by the allocation of nearly 500 extra units in Pyrford. The Interim SA also omits to assess the extent to which such a significant strategic allocation would change the way in which Pyrford functions as a local centre and the impact on its local character. Those impacts require assessment prior to the preparation of a submission plan.

Assessment of alternative spatial strategies

²³ Apdx. 12, p.1556.

²⁴ Apdx, 12, p.1567.

²⁵ Apdx. 12, p.1568.

²⁶ SHLAA, 2014, p.381.

By Regulation 12(2)(b) Environmental Assessment of Plans and Programmes Regulations (SI 2004/1633) (“2004 Regulations”) the Council is required to identify, describe and evaluate the likely significant effects on the environment of implementing its proposed plan, and also the reasonable alternatives to implementing that plan. A reasonable alternative is a strategy which is “capable of also meeting the objectives identified” for the Borough.²⁷

I am of the view that the Council has omitted to appraise a clear alternative and, to the extent that it has assessed other reasonable alternatives, has not assessed those alternatives in a consistent manner.

(i) Reasonable alternatives not assessed

I am of the view that the following site is also capable of meeting the identified objectives of the Borough in its Core Strategy and should be assessed as a potential safeguarded site:

- Land to the east of A320, Horsell East and Woodham (subject to the grant of now revoked planning permission PLAN/2011/0823).

(ii) Unequal assessment of assessed alternatives

Having reviewed the Council’s planning judgments within Appendix 12 to the SA I am of the view it has failed to score alternative sites fairly and consistently. For example:

- Land to the east of Martyrs Lane is assessed as being “negative” for accessibility to local facilities²⁸ and, for that reason, “negative” for reducing reliance on a private car²⁹ and air pollution.³⁰
- Land to the rear of 79-95 Lovelace Drive (GB12) and Land east of Upshot Lane (GB13) are also assessed as being “negative” for accessibility for the reason that they are outside the walking distance to local facilities.³¹ However, in stark contrast to the Martyrs Lane site, they are then assessed as being only “neutral” for air pollution.³²
- Both sites are also ranked as having a “positive” effect on reliance on a car because they are within walking distance of local facilities,³³ in contrast to the Council’s assessment that they are outside the reasonable walking distance.³⁴
- Land east of Martyrs Lane is rejected because it would “*result in isolated development in the Green Belt and could have a significant impact on character*”.³⁵ Whereas both GB12 and GB13 score the same in terms of accessibility but, in fact, score a “double negative” for impact on landscape character³⁶ whereas Land east of Martyrs Lane merely scores a “negative”³⁷ and yet are both preferred for release over Martyrs Lane.

²⁷ That formulation of words was recently adopted by Hickinbottom J in R(Friends of the Earth) v Welsh Ministers [2015] EWHC 776 (Admin.) at [92].

²⁸ Apdx. 12, p.1259.

²⁹ Apdx. 12, p.1264.

³⁰ Apdx. 12, p.1259.

³¹ Apdx. 12, pp.1554 and 1009.

³² Apdx. 12, pp.1555 and 1110.

³³ Apdx. 12, pp.1559 and 1571.

³⁴ Apdx. 12, pp.1554 and 1563.

³⁵ Apdx. 12, p.1266.

³⁶ Apdx. 12, pp.1556 and 1568.

If these sites were fairly and consistently re-scored within the SA, it would demonstrate that, for example, Land east of Martyrs Lane was considerably more able to accommodate a strategic allocation than either GB12 or GB13.

Conclusion

For the foregoing reasons the allocations GB12 and GB13 are unsound. The DPD could be made sound by either deleting those two allocations on the basis there is not a need to safeguard so much land, or allocate less harmful alternatives.

For the avoidance of doubt and for the purpose of s.20(6) Planning and Compulsory Purchase Act 2004, I request the opportunity to appear before the person appointed to examine the DPD.

Yours faithfully,

Cllr Ashley Bowes
Councillor for Pyrford Ward

³⁷ Apx. 12, p. 1260.