

***Byfleet, West Byfleet and Pyrford Residents' Association***



**BYFLEET, WEST BYFLEET AND PYRFORD RESIDENTS' ASSOCIATION ("RA")**

**OBJECTIONS TO AND COMMENTS ON THE**

**PROPOSED MAIN MODIFICATIONS TO THE**

**WORKING SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT ("SADPD")**

**Residents' Association  
13th December 2020**

**Resubmitted on behalf of the Residents' Association  
by  
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Chair  
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## 1. PREAMBLE

This process has now been ongoing for over eight years during which time the RA has arranged and conducted numerous public meetings; participated in Regulation 18 and Regulation 19 consultations; had many meetings with Councillors and Council Officials; attended the Examination in Public in December 2019 and now this perhaps final submission in regard to the Inspector's Schedule of Proposed Main Modifications to the Regulation 19 consultation document dated September 2020. The Schedule of Proposed Main Modifications is 282 pages in length and is a sea of red ink thus confirming that the Woking Borough Council ("**WBC**") Plan was unsound.

It is a matter of profound regret and indeed concern that the Examination in Public was, for whatever reason, not webcast and thus there is no public record of the many statements made on behalf of WBC. We are advised by WBC that this decision was the sole responsibility of the Inspector. An explanation from Mr. Fort (the Inspector) as to his reasons for this decision would be both welcome and helpful.

While the RA might still not agree with the entirety of Inspector's Final Report when it is published (though we still hope that our representations will be persuasive), we are pleased that the end of this protracted matter is now in sight.

We extend our thanks to Ernest Amoako and his team at Woking Council for their courtesy, patience and assistance throughout this lengthy process. Our thanks also to Chris Banks, Programme Officer, who always made himself available to respond to our questions.

Lastly our thanks to several Councillors and our Member of Parliament for their steadfast support and valued advice.

For the avoidance of doubt we wish to restate the position of the RA in this matter.

We remain passionate about protecting our Green Belt. It is a scarce and precious resource which once lost is gone forever. Future generations will reflect with puzzlement at the wanton, reckless and unnecessary destruction of part of our and their environmental inheritance. We held it in trust for them and we failed them. They are unlikely to forgive this act of vandalism by planners.

The RA continues to believe that WBC can meet its housing targets to 2027 (the Plan period) without the need to build dwellings on Green Belt land. We therefore seek selective amendment to the SADPD and the proposed Main Modifications to reflect that. We do not seek its withdrawal. That would be an act of supreme folly.

## 2. Main Modifications 175 to 179

### Proposal Reference UA38

Address: Camphill Tip, Camphill Road, West Byfleet, KT14 6EW

Modifications: NOT SOUND

**"Please give details about why you consider the modification to be unsound, not legally compliant, or why you wish to support it. Please be as precise as possible."**

- > this particular site is likely amongst the least accessible in West Byfleet.
- > access is through narrow congested roads with dwellings on both sides; narrow low railway bridge; narrow canal bridge; school traffic; traffic lights. Frequent lorry collisions with low railway bridge.  
They all combine to make this site a totally unsuitable and unsustainable location for industrial expansion.
- > no one is going to pay the massive cost to address these problems not to mention the public outrage about the homes that would have to be compulsory purchased and demolished.
- > the cost of levelling the site combined with the cost of removing the contamination make this an uneconomic industrial site.
- > clearly the Inspector has not visited this particular site - it is not sustainable.
- > it would do nothing to improve the vibrancy and the vitality of the adjacent Camphill Industrial Estate.

The proposed Main Modifications are ineffective, uninformed, not justified and therefore **NOT SOUND**.

A more creative approach is necessary as regards the possible uses of this site. Perhaps with modern technology an environmentally friendly and socially beneficial and positive utilisation could be identified.

#### **MM177 -**

- (i) there is no reason why employment must complement the existing businesses within this light industrial estate
- (iv), (vii)
- & (viii) please cost and explain how these Main Modifications are achievable
- (xiii) in other words a "shell construction"

#### **MM178 -**

- 2 Contamination. Will the owner of the land be required to fund the decontamination work? Is this viable?

"An employment use of the site would make best use of this previously developed land in a sustainable location. It would also improve the vibrancy and viability of the adjacent Camphill Industrial Estate." Whatever do these fine words actually mean?

**MM179 -**

How will the Policy be delivered, The simple answer is that given the costs of the Policy it is unlikely ever to be delivered. The economics do not work and in all probability nor do health and safety.

These Main Modifications are totally unrealistic for this particular location.

These Main Modifications are not achievable and therefore **NOT SOUND**.

### 3. HOUSING NUMBERS

Information sources:

- > Woking Core Strategy 2012, in particular CS3, CS10, CS16
- > Five Year Housing Land Supply - Position Statement as at April 2019
- > Annual Monitoring Report ("**AMR**") 2019
- > HIF Application Summary
- > Various emails from WBC
- > Woking Green Belt Boundary Review 2014
- > SADPD
- > Inspector's Schedule of Main Modifications
- > National Planning Policy Framework ("**NPPF**")
- > Infrastructure Capacity Study and Delivery Plan
- > Policy SA1
- > Technical consultation on updates to National Planning Policy and Guidance
- > The Green Book
- > Office of National Statistics

WBC's Core Strategy was adopted in October 2012. It was agreed with the then Secretary of State that over the Plan period (2010/11 to 2026/27) Woking would be required to make provision for the delivery of not less than 4964 net additional dwellings (i.e. 292 per annum). There is much talk of 431 per annum but that is a distraction and the agreed figure was and remains 292. There is however the possibility that should the SADPD for whatever reason fail the number might revert to 431 per annum. On the other hand if the 2016 methodology is used the number is 263 so as with most issues regarding housing numbers the outcome is unclear.

In finding the Core Strategy sound, the then Inspector, in view of the fact that WBC was unable to identify sufficient sites to deliver 15 years' housing supply (2012-2027), required that WBC carry out a Green Belt review. This was completed in 2014 and the conclusion at that time was that to meet housing targets 550 homes would require to be built on Green Belt land. Much of the subsequent process has been taken up in identifying appropriate Green Belt sites.

So in deciding on the soundness of the SADPD, does the current Inspector consider that housing numbers come within his terms of reference beyond what was agreed in 2012 and 2014? Does a Green Belt review (conducted six years ago) which at that time identified the need to release land from Green Belt to achieve the housing target satisfy the test of "exceptional circumstances" as required by the NPPF thus permitting the Inspector to ignore current accurate and relevant housing statistics? Surely it is self evident on several levels ranging from basic arithmetic to case law to natural justice that this cannot be the position. Does the Inspector understand that the information presented to him is erroneous and is to the unreasonable detriment of the community now and in the future? Is the Inspector happy to support the release of Green Belt land for development based on unsound and unverified data?

Further, may we remind the Inspector of paragraph 65 of the NPPF. The figures do not require retesting **UNLESS** there has been a significant change in circumstances that affect the requirement. There has been such a change. Paragraph 66 confirms the need to take cognisance of the most recent evidence. In *Cooper Estates Strategic Land Limited v Royal Tunbridge Wells Borough Council* [2017] EWHC 224 (Admin) Mr Justice Ouseley provided some helpful analysis of the examining Inspector's duties including the observation that the Site Allocations Plan did not have to reassess the housing need. We make no request to reassess the housing need but there is a requirement to focus on the housing delivery.

In view of the above, in view of the need for justification and soundness, in view of the need for the exercise of power to be seen to be fair, reasonable and equitable, in view of the hugely detrimental impact on small village communities lacking infrastructure and amenities we are confident that the Inspector will wish to revisit and question the housing numbers presented by WBC.

Post the Examination the Inspector requested WBC to include the AMR Report amongst the Examination documents. The case of *Compton Parish Council and Others v Guildford Borough Council and Others* was briefly referred to. This challenge was very much about housing numbers, release from the Green Belt and its allocation for development with one site taking up most of the Local Plan allocation.

Also, and more recently, in the case of *Aireborough Neighbourhood Development Forum and Leeds City Council and Others* a central issue was given the housing numbers there was no justification for the proposed level of Green Belt release. Aireborough was prejudiced by the Inspector's incorrect understandings of exceptional circumstances and also by the loss of a significant quantum of Green Belt land which was not justified in terms of national policy and amounted to an error of law. While there may be points of difference this is a highly relevant decision. The Inspector requested that WBC review the case and produce a Topic Paper for consultation. This they have done and perhaps unsurprisingly they have concluded that the judgement has no bearing on the WBC SADPD. We would respectfully suggest that the relevant legal knowledge and expertise most certainly does not exist within WBC to permit them to undertake this brief. We have requested the Deputy Chief Executive to seek external legal guidance but he has refused. How strange for when faced with a contentious issue regarding the SADPD and Woking Stadium (March 2020), WBC did not hesitate to immediately seek an opinion from Timothy Straker QC. Seek legal advice when you think that you are in the right, decline to do so when you suspect you have a weak position.

We are confident that the Inspector will be in no doubt that he must seek learned Counsel's opinion on the Aireborough judgement and its implications for WBC SADPD.

Turning to those housing numbers:

1. Emails from WBC dated 24th October 2019 and 19th September 2019. There is an overall housing land supply in excess of the 2027 housing requirement of 964 (which includes 550 from Green Belt).
2. Bell Cornwell November 2019. To 2027 housing deliveries will be 4,996 excluding any contribution from Green Belt sites. More conservative but still a surplus.
3. CS10. West Byfleet District centre - 170 homes. Green Belt post 2022, 550 homes in the whole of the Borough of Woking.
4. In the last five years (2015/20) Woking has been delivering on average 328 new dwellings per annum.
5. As at 31st March 2019 Woking had delivered 2,365 new dwellings.
6. The housing requirement from April 2019 to March 2024 is 1,460 net additional dwellings which when adjusted for various issues and buffers becomes 1,619 net additional dwellings.
7. So extrapolating forward:
  - > target of 4,964 with 2,365 delivered as at 31 March 2019. So in the remaining 8 years a further requirement of 2,599.
  - > Housing Land Supply Statement Table 6 - expected delivery with full planning permission to 31 March 2024 is 2,037 (including 268 at Broadoaks which is Green Belt).
  - > Housing Land Supply Statement Table 7 - expected delivery but currently not with full planning permission to 31st March 2027 is 2,190 and to 31 March 2024 is 876 (including Sheer House at 208).
  - > Central Woking new dwellings not related to the HIF grant - 1,251 but adjusted to 608 (duplication with Tables 6 and 7).
  - > Let us ignore windfall (circa 336) as they are there as a buffer to counter other non-delivery.

8. Summarising the above:

Target Requirement of net new dwellings to 2027	<b>4964</b>
Delivered as at 31 March 2019	2365
Table 6	2037
Table 7 (including Sheer House)	2190
Central Woking (excluding duplication with Tables 6 and 7)	<u>608</u>
TOTAL	<b>7200</b>

We accept that calculating housing numbers is an imperfect science but most of this information comes from WBC. There is potentially an excess of 2,236 new dwellings which, even after building in safety buffers for non delivery and the Sedgefield approach and even allowing for a modest element of possible duplication, is a very generous and indeed reassuring margin for error. Further, and most importantly, this does not include the 550 homes that it is claimed require to be built on Green Belt.



We would say to the Inspector that in view of the above please revisit the numbers and request an independent audit. We understand that is within your power and your discretion - please exercise it.

We have requested the Deputy Chief Executive to commission an independent audit of housing numbers for the sake of transparency and to reassure residents as to accuracy and credibility. He has refused. Councillor Ayesha Azad upon her election as Leader of Woking Borough Council called for greater collaboration and more positive dialogue including the statement that "the conversation this Council has with residents will be a narrative....". Clearly Council Officials are reading a different script.

Woking Council has stated that "the SADPD is informed by up to date and credible evidence base studies.....". If 2014 and 2015 are "up to date" we have something of a problem.

Nor should we ignore that the Office of National Statistics forecasts that Woking will be one of the few local authorities in England and Wales that will experience a decline in population between now and 2027.

#### 4. Main Modification 200

##### **POLICY SA1: Overall Policy Framework for land released from Green Belt for Development**

##### **MM 200 - NOT SOUND**

Policy SA1 was an integral part of the Woking Core Strategy. We therefore assume that it was approved by the then Inspector. Its purpose was to provide WBC with a measure of discretion, an ability to review the need for release from Green Belt in the light of the housing delivery based on current data as opposed to out of date and redundant information and therefore act in accordance with NPPF as regards exceptional circumstances. In other words a decision in 2012 should not automatically dictate to us in 2022 and thereafter.

The exact timing for the release of land from Green Belt had to be informed by a full assessment of the overall housing provision since 2010 against the Core Strategy's housing requirement. The land would only be released if there was evidence of significant under provision.

The Inspector by rewriting Policy SA1 (actually the effect of his Main Modification is that the Policy effectively no longer exists) has removed WBC's flexibility and they now have no choice but to release GB9 (for example) from Green Belt for residential development between 2022 and 2027. This is totally regardless of what the housing numbers demonstrate at that time.

The justification is that WBC is committed through its Core Strategy (2012) to releasing Green Belt land regardless of need. This is ridiculous. We are trapped in a time warp. Clearly HG Wells is alive and well in Woking. We have discussed this under section 3 above.

This Main Modification is both **NOT SOUND** and an **ERROR OF LAW**.

The original Policy SA1 or something very similar should be reinstated.

Land at Broadoaks (GB10) "If a case can be justified the development of the site can come forward upon the adoption of the Site allocation DPD" Perhaps the Inspector would like to know that the development is extremely well advanced.

The reintroduction of Policy SA1 would also give additional and necessary protection to safeguarded sites (and the community thereby impacted) such as GB4 and GB5.

##### **MM 201 - NOT SOUND**

3. Will WBC please publish their consultations with the Gypsy and Travellers communities to clarify how those actually impacted would wish to be housed?
9. It is an "80" bed Care Home not an "8" bed Care Home. If that is wrong what else is based on incorrect facts?

Policy SA1 is no longer a Policy - it is a decree.

## 5. Main Modifications 237 - 242

### Proposal Reference GB9 and GB9A

### Land surrounding West Hall, Parvis Road, West Byfleet KT14 6EY

### Modifications - NOT SOUND

**MM238 and MM239** - to which SA1 Policy are we referring? We assume the Main Modification version.

#### *Key Requirements:*

"development of the site will be required to".... No person or body is allocated the responsibility for these many conditions. They are empty words that will remain unfulfilled and unenforceable. **NOT SOUND**

(iii) (a) the development will contribute to the provision of essential transport infrastructure.... How? What? Surrey County Council have already confirmed very little can be done by way of mitigation. That was very clearly stated at the Examination. **NOT SOUND**

(iii) (b) improving accessibility through the adjacent Broadoaks site. Has this been agreed with Octagon? **NOT SOUND**

(iii) (e) what discussions have been held with the providers of bus services. As far as we are aware none. **NOT SOUND**

#### **MM240** - Justification

1. It is most unlikely that an estate of 555 houses (initially) and 15 Travellers Pitches (initially) will be sensitively designed to preserve as much of the landscape setting as possible and to create a strong landscape edge to the settlement (a strange choice of word by the Inspector - the development at West Hall is to be a "settlement"!). The vital words are "as possible" and in whose judgement? The proposed density alone of 555 dwellings ensures that it will not happen. This is unrealistic and thus **NOT SOUND**.

5(b)

&(d).We welcome these guidance notes as hydrology issues are a major concern on this site.

Delivery Arrangements - Experience and history tell us that WBC is not particularly successful at managing Travellers pitches.

#### **MM242** - GB9A 15 Travellers' Pitches

GB9A is in the Byfleets' Ward where six pitches already exist which will be in very close proximity.

We accept that a site of 15 Pitches is within the range recommended in the National Planning Policy Framework document though absolutely at the upper end. From our research and conversations we understand that most experts in this field recommend that smaller sites (say 5 Pitches) are likely to be far more successful thus contributing to integration and social cohesion. Fifteen pitches by definition

suggest there will be a wide range of age groups within the Travellers' community and this is likely to bring about increasing pressure on family accommodation requirements. Given the size of GB9A a future increase in pitches is all too possible. A prudent and responsible Council would seek Pitches to be spread throughout the Borough with smaller numbers and less concentration.

We have had discussions with Dr. Simon Ruston from whom we have sought advice. Dr. Ruston is a chartered town planner and holds a PhD in Gypsy and Traveller planning law. He is recognised as one of the country's leading experts in this area and has extensive experience and knowledge. In Dr. Ruston's opinion the success of a Travellers' site is very dependent on two factors - size and management. As regards the former it is indisputable that sites that tend to create problems are the larger ones of around 15 pitches or more. In Dr. Ruston's view the ideal size for harmony and integration is around five pitches.

Further, we remain of the opinion that the proposal for 15 Travellers Pitches at GB9A was only introduced at Regulation 19 without appropriate consultation with Councillors. We have been unable to identify the forensic research that was undertaken in arriving at this decision and the evidence regarding, inter alia, alternatives that were considered and for whatever reasons rejected.

A presentation to the Overview and Scrutiny Committee made clear that the preference was that sites should be for three to five pitches. Councillor Davis in his newsletter (November 2017) to his constituents goes on to state that "I have convinced WBC Officers that smaller sites are the best way to allow the occupants of Travellers' Sites to integrate with their local surroundings..."

We have already stated that Travellers are a welcome addition to our multicultural community. However balance is fundamental to success. This Main Modification may be sound, though we doubt it, but it is certainly unwise. With hindsight it will be seen to be precisely what it is - foolish in practice and outdated in concept.

**6. Main Modifications 215 - 220**

**Proposal Reference GB4 and GB5**

**Land south of Parvis Road and High Road, Byfleet, KT14 7QL**

The above two sites are safeguarded to meet possible needs between 2027 and 2040. They will only be released from Green Belt should an update to the Core Strategy indicate that further land outside of the urban area would be needed to meet the Borough's requirements.

Any update to the Core Strategy should be accompanied by a further Green Belt review.

## **7. NATIONAL PLANNING POLICY FRAMEWORK and PROTECTING THE GREEN BELT**

This will be a brief statement as we are all fully conversant with NPPF, the importance that it attaches to the protection of Green Belt land (Section 13), the purposes that it serves and relevant case law. It is surprising that given the clarity of the first three that there can be any doubt in any mind that the proposal to release GB9 from Green Belt land is simply **NOT SOUND**.

There are no exceptional circumstances beyond a decision in 2012/2014 which conceivably was wrong even then. There is no longer a housing need justifying release of this Green Belt land and it is therefore irrational to imagine exceptional circumstances. The proposal is so blatantly in contravention of the NPPF that it is almost impossible to discern how the Inspector can regard this intention by WBC as justified.

We would also refer you to NPPF paragraphs 65 and 66 (as discussed under section 3).

Perhaps we should all reflect on the words of the Rt. Hon. Duncan Sandys when he created Green Belt.

Further, the proposed changes to Policy SA1 are an act of centralised planning misapplication. It will result in huge damage in future decision making as flexibility and reference to the then current facts are denied. Not even Woking Council wants it.

## 8. CONCLUSION

It is regrettable that at this stage in the process so many of the issues that are highly negative and detrimental for the Three Villages and in particular West Byfleet are deemed to have been addressed.

- > During the Plan Period CS10 requires 170 additional homes in West Byfleet and 550 on Green Belt in the whole of the Borough. Should GB9 be released then during the Plan period West Byfleet will have contributed over 1,100 new dwellings including 823 on Green Belt. This is totally out of proportion within the context of the Borough.
- > For West Byfleet this amounts to around a 50% loss of Green Belt land. The total loss for the whole Borough is around 1.93%. Again a quite remarkable statistic. Clearly there has been no attempt to create a degree of equality and fairness in distributing the loss of Green Belt.
- > This will also result within West Byfleet in an increase in housing stock of around 40% and an alarming increase in the current population which is around 5,500.
- > We say alarming because this population expansion will have 50% less Green Belt to enjoy.
- > We say alarming because the infrastructure investment will totally fail to match the increased demands.
- > The Strategic Transport Assessment 2015 concluded that the A245 failed on both the Level of Service and the Ratio of Flow to Capacity. The situation was not sustainable. During the Examination SCC confirmed that almost nothing could be done to address these problems.
- > And what of other infrastructure demands? It is clear that to the extent that there have been conversations with the relevant Clinical Commissioning Group and Education Authority it is very much a case of "it will be all right on the night".
- > The White Paper - "Planning for the Future" - expressed a determination by Government that essential infrastructure should go hand in hand with development. We will read with interest how WBC responded to the Consultation.

This almost appears to be tantamount to a social experiment and sadly it will not end well.

This submission addresses the Main Modifications that we believe to be **not sound** and our evidential reasons for arriving at those conclusions.

In particular we believe that the current housing numbers clearly demonstrate that WBC can achieve its net new dwellings target without any need to release land from Green Belt for residential construction. We would request that the Inspector revisits this matter.

We also believe that Policy SA1 should revert to its original wording or something very similar thereto. The Policy as was did not make the SADPD unsound. Indeed quite the contrary. It gave WBC a degree of flexibility so that it could adapt its policy in the light of the then prevailing information and

circumstances. To deny a Local Authority that discretion is to suggest that they are in some way lacking in judgement.

In view of the above we believe that there are no exceptional circumstances nor indeed justification to release GB9 from Green Belt. At the very least GB9 should be safeguarded to meet the long term requirements of Woking Borough between 2027 and 2040 in conjunction with an acceptable and responsible Policy SA1

As stated in the Preamble the RA does not wish the withdrawal of the SADPD but we do ask that it is amended to reflect the sound and justified concerns laid out in this submission.

Thank you.