

Report to Woking Borough Council by

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an Inspector appointed by the Secretary of State

Date 06 August 2021

This information memorandum will be in three parts:

Part One - Three Villages site specific Information

Part Two - Comments/Observations by the Inspector

Part Three - Council Officers' advice to Councillors regarding the benefits of adoption and the disadvantages of non-adoption. Timetable.

PART ONE

Woking Borough Council Site Allocation Development Plan inclusive of the Main Modifications.

Sites within the Three Villages to be considered for Development/Redevelopment subject of course to Planning Consent.

1. Policy UA1: Library, 71 High Road, Byfleet KT14 7QN

This 0.13 ha site is allocated for a mixed use development to comprise residential including Affordable Housing and a replacement library and community uses.

The site will contribute 12 net additional dwellings, a replacement library and community uses by end of 2025/26

The development will provide a ground floor that directly addresses the street and a design that takes the opportunities offered by its prominent corner position to establish a strong sense of place and to create an attractive, welcoming and distinctive street scene.

2. Policy UA40: Camphill Tip, Camphill Road, West Byfleet, KT14 6EW

This 4.82 ha site is allocated for industrial use.

Key Requirements:

- Provide employment uses that complement the existing businesses within the Camphill Industrial Estate;
- Maximise the efficient use of the site without compromising the general character of the area, paying due regard to the size, scale and massing of adjacent employment buildings in its design;
- Incorporate substantial levelling to bring the ground level to an accessible and developable height and gradient;
- Provide 10,000 SqM net industrial use by end of 2026/27

3. Policy UA41: Car park to east of Enterprise House, adjacent Social Club, Station Approach, West Byfleet, KT14 6PA

This 0.08 ha site is allocated for a mixed use development to comprise of retail and residential, including Affordable Housing.

- Planning permission was granted subject to a legal agreement for 12 flats above retail units and this development has commenced.
- It is anticipated that the site could yield 12 dwellings and 181 sqm retail floorspace.
- The development will be liable to pay the Community Infrastructure Levy.

Timescale is 12 net additional dwellings and 181 SqM retail by end of 2020/21.

4. Policy UA42: Land at Station Approach, West Byfleet, KT14 6NG

This 0.91 ha site is allocated for mixed use development to comprise of community (including retained or replacement Library), offices, retail (including replacement supermarket store) and residential development including Affordable Housing.

(Update post Planning Committee - As we now know we will have 199 later life apartments; no affordable housing; no CIL; no offices but local retail speciality outlets, of course depending on the then prevailing economic and retail circumstances, and a replacement library. There will be an emphasis on community space and the green environment.)

Plans 2020/0753; 2020/0619; and 2021/0059 refer.

5 Policy UA43: Camphill Club and Scout Hut, Camphill Road, West Byfleet, KT14 6EF

This 0.38 ha site is allocated for residential, including Affordable Housing, and community use.

It is anticipated that the site could yield at least 28 dwellings with community floorspace. and community use (re-provision of existing facilities) by end of 2026/27.

Amongst other matters the development should:

- Contribute towards Affordable Housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy;
- Include a replacement on site for the existing community facility;
- Provide a high standard of amenity for future users and the occupants of adjoining properties, including any necessary mitigation in respect of the noise and air quality impact of adjacent roads and railway, and ensure that appropriate levels of sunlight and daylight are available for internal environments;
- Retain any trees of demonstrable amenity value and trees protected by Tree Preservation Orders, and provide appropriate landscaping, including proportionate on-site measures to support the creation, protection, enhancement and management of local biodiversity and Green Infrastructure;
- The development will be liable to pay the Community Infrastructure Levy.

6. Policy SA1: Overall policy framework for land released from the Green Belt for development

Land surrounding West Hall, Parvis Road, West Byfleet (Proposal Site GB9) is allocated for future residential development to include both market and Affordable Housing. The development of the site will be expected to integrate sufficient green infrastructure and landscaping to provide a buffer between the site and the adjoining Green Belt. 1.72 hectares of the land designated as Policy GB9A has been set aside to enable the delivery of 15 Traveller pitches up to 2027.

The release of Policy GB9A for the development of the pitches will be informed by the phasing arrangement set out in the reasoned justification. Until the land is released for the proposed uses, development will only be acceptable in principle where:

- it would not prejudice the future development of the site for the proposed uses;
- the development is not an inappropriate development in the Green Belt in accordance with Policy CS6 Green Belt of the Core Strategy and the NPPF.
- it is expected that the release of the remaining part of Policy GB9 land for residential development will be between 2022 and 2027

Safeguarded Sites

Land at south of Parvis Road and High Road, Byfleet (Proposal Site GB4) and Land to the south of Rectory Lane, Byfleet (Proposal Site GB5) are identified as safeguarded land to be released from the Green Belt for development should a future update to the development plan find that the release of sites from the Green Belt is necessary. The sites will remain in the Green Belt until such release is justified and the relevant policies of the development plan and NPPF will be taken into account in the assessment of any development proposals for the sites – as will their status as safeguarded land.

7. Policy GB4: Land south of Parvis Road and High Road, Byfleet, KT14 7QL

This 5.83 ha site is safeguarded to meet the long term development needs of the Borough beyond 2027 in accordance with Policy SA1.

The site would only be released for development should an update to the Core Strategy indicate that further land outside of the urban area would be needed to meet its requirements. Key requirements for any development of the site would be set out as part of an updated Core Strategy and/or Site Allocations DPD.

8. Policy GB5: Land to the south of Rectory Lane, Byfleet, KT14 7NE

This 4.40 ha site is safeguarded to meet the long term development needs of the Borough beyond 2027 in accordance with Policy SA1.

As in 7 above

Safeguarded sites will be monitored if they are brought forward in the next plan period, following the updates to either the Core Strategy and/or the Site Allocations DPD.

9. Policy GB10 (now GB9 and GB9A): Land surrounding West Hall, Parvis Road, West Byfleet, KT14 6EY

This site will contribute 555 net additional dwellings by end of 2026/27 and 15 traveller pitches by end of 2026/27 in accordance with delivery arrangements set out in Policy SA1

All land previously designated as Green Belt that falls within this 29.33 ha site will be excluded from the Green Belt. The site is allocated for residential development including Affordable Housing. The site is allocated for residential development including Affordable Housing between 2022 and 2027, in accordance with Policy SA1. The area marked GB9A is allocated for the delivery of 15 Traveller pitches up to 2027. The release of GB9A for development of Traveller pitches will be informed by the delivery arrangements set out in Policy SA1.

There is estimated to be approximately 14.8ha of net developable area for residential development, including 1.72ha for Traveller's accommodation; approximately 4.7ha of net developable area for public open space and new green infrastructure to be integrated into the site; and approximately 9.6ha of woodland and traditional orchard to be retained.

Amongst many other matters the development and the developer should:

- Incorporate significant elements of Green Infrastructure;
- Contribute to the provision of essential transport infrastructure which should consider:-
 - > the need for significant infrastructure measure to provide vehicular access to and from the development with Parvis Road (the A245) – this is likely to include primary access from Parvis Road via a new roundabout at the junction with Blackwood Close, subsequently through Green Belt land, and secondary access from the drive to West Hall for emergency purposes. The care home and existing West Hall properties would continue to be accessed via this unnamed road;
 - > improving accessibility to the adjacent Broadoaks site (GB10), including links to provide pedestrians and cyclists with a more direct route, through Broadoaks, into West Byfleet District Centre and the services and facilities therein;
(Comment - it is most unlikely that any access through Broadoaks will be agreed)
 - > improving sustainable transport infrastructure, including pedestrian and cycle links, and bus services to West Byfleet District Centre and surrounding open spaces for recreation, including provision of, and direct access to, bus stops.
- retain, and strengthen where possible, large areas of woodland, traditional orchard, and parkland setting;
- retain, and strengthen where possible, protected trees and any other trees of amenity value on the site, and avoid harm to trees over the site boundary;
- inform a design and layout that incorporates new or improved open space for leisure and recreation, green infrastructure and appropriate landscaping to minimise the impact of development on landscape character, taking into account the landscape's particular sensitivity to change at this site – a strong landscape edge should be created, in particular along the southern section of the site adjacent to the Wey Navigation;
- have a design that mitigates impacts on surface water flooding
- apply a sequential approach to the layout of development on the site to safely manage the residual risks of flooding and inform the siting of sustainable drainage systems and open space, ensuring that the most vulnerable development is located in areas of lowest flood risk;
- be supported by a wastewater drainage strategy, unless otherwise agreed with the local planning authority including:
 - > Consider potential wastewater network capacity constraints in the area;
 - > Assess the impact of the site's development on the wastewater network; and
 - > Inform any necessary upgrades to existing drainage infrastructure.
- be supported by a detailed Air Quality Assessment to determine potential impacts of development on European protected sites through deteriorating air quality, taking account of in combination effects;

- Incorporate a design and layout of Traveller pitches that integrates effectively with the bricks and mortar dwellings on the rest of the site, including screening and landscaping as appropriate and in line with the design criteria set out in Policy SA1.

10. Policy GB10 Broadoaks, Parvis Road, West Byfleet, KT14 6LP

In view of the progress with this site there is no need for us to discuss it.

11. Policy GB12: Byfleet SANG, land to the south of Parvis Road, Byfleet, KT14 7AB

This 15.43 ha Green Belt site is allocated as Suitable Alternative Natural Greenspace (SANG), to be used as informal public recreation space to mitigate the impacts of residential development in Woking Borough upon the protected bird habitat of European importance of the Thames Basin Heaths Special Protection Area (SPA).

- The local planning authority will engage with Natural England, the Environment Agency and the Surrey Nature Partnership both in the production of the Proposal and Management Plan and in the delivery of the SANG.
- The Flood Risk Assessment for the site should take into account the Environment Agency's latest guidance on climate change.
- The site is within Biodiversity Opportunity Area R04: River Wey & Tributaries. Any works or development on site should have regard to this designation.
- Development would need to accord with the heritage and conservation policies of the Development Plan. Heritage assets include, but are not limited to: the Wey and Godalming Navigations Conservation Area which is both within and adjacent to the site boundary and the adjacent locally listed building (West Hall Care Home Manor House).

12. Proposal reference: GB11 West Byfleet Junior and Infant School Playing Fields, Parvis Road, West Byfleet

This 6.78 ha site is excluded from the Green Belt and the existing playing fields allocated for urban open space. Any development associated with the school buildings, or alterations to the use and layout of the wider site should preserve heritage assets and pay regard to their settings; and retain public rights of way.

Due to the recreational nature and character of the site, its use as urban open space is also justified. Moreover, the allocation ensures that any use of the school playing fields would need to accord with Core Strategy Policy CS17: Open space, green infrastructure, sport and recreation – which restricts development that would involve the loss of open space. Development would also need to accord with the heritage and conservation policies of the development plan and the NPPF. Heritage assets include, but are not limited to, the locally listed infant school within the site itself. Any other site specific and other requirements would be determined on a case by case basis and in accordance with the development plan unless other material considerations should indicate otherwise.

PART TWO

Comments/Observations by the Inspector in his Report submitted to Woking Borough Council

"This report concludes that the Woking Site Allocations Development Plan Document (the SADPD) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications (MMs) are made to it. Woking Borough Council has specifically requested that I recommend any MMs necessary to enable the SADPD to be adopted."

Paragraphs 242-243

The Plan as submitted had a number of deficiencies in respect of Soundness and Legal Compliance. These deficiencies have now been addressed and the Plan is now sound and legally compliant and capable of adoption. The Inspector concludes that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix, the Woking Site Allocations Development Plan Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Paragraph 10

Although the Core strategy is more than 5 years old, the Council conducted a review of the Core Strategy (the Core Strategy Review) in October 2018, which concluded that no updates were required. Accordingly, the Core Strategy continues to provide the strategic policy context for the SADPD.

Assessment of Soundness

Paragraphs 37-46 *Housing Requirement*

The 2009 Strategic Housing Market Assessment which informed the production of the Core Strategy found a need for WBC to build 594 dwellings per annum. However, the then examining Inspector found environmental and Green Belt constraints to justify the lower housing requirement established by Policy CS10 of the Core Strategy, of 4,964 dwellings, which equates to an average of 292 houses per annum between 2010 to 2027.

The Inspector discusses the Aireborough judgement (this case was about the allocation of housing sites in the Green Belt) and concluded that there are material differences between that case and the WBC SADPD namely:

- The Plan Examination in Aireborough was being conducted under the transitional arrangements set out in the NPPF which meant that the 2012 version applied. The WBC SADPD was being examined under the 2019 NPPF. This results in a different local housing need assessment formula.
- Secondly the local planning authority in Aireborough had commenced a review of their Core Strategy which led it to the conclusion that there would be a housing need some 25% lower than previously anticipated. The Woking Core Strategy had been reviewed by the Council and found not to need updating.

Paragraphs 47-58 *Housing Supply*

The Inspector concludes that there is no necessity at this juncture for the SADPD to identify any further sites for residential development beyond those listed in the Report.

Woking Town Centre has become the subject of a successful bid for the Housing Infrastructure Fund Forward Funding (HIF), which will deliver infrastructure improvements to enable the development of

homes “that otherwise would not have been built”. The HIF programme aspires to deliver an additional 4,555 homes within the Town Centre by 2030. Further due to the contractual necessity to complete the infrastructure improvement works by 2024 the HIF programme has a strong potential to boost delivery of housing in the latter years of the Plan period.

In terms of Green Belt allocations not currently benefiting from planning permission, the promotion of these through the development plan process, including this Examination, and the relevant information submitted as part of this Examination, such as to address known potential constraints, again add weight to their developability over the Plan period.

Paragraphs 59-63 *Affordable Housing*

Policy CS12 sets out a requirement of 1737 affordable dwellings over the plan period equating to 35% of the overall housing requirement. The majority of allocations in the SADPD would be on urban sites and subject to an affordable housing requirement of 30% to 40% of their overall yield (or 50% if the land subject to the allocation is in public ownership).

Paragraphs 94-98 *Infrastructure*

Preparation of the SADPD was supported by engagement with infrastructure providers, as evidenced in consultation responses and the Council’s membership of the Surrey Strategic Planning and Infrastructure Partnership. The SADPD makes a number of specific allocations (including UA7, UA28, GB3, GB6, GB7) which set out the planning policy basis for items of infrastructure, including transport improvements, secondary school provision and matters relating to Brookwood Cemetery. Several of these items are contained in the Infrastructure Capacity Study and Delivery Plan (the IDP) and would be funded through the Community Infrastructure Levy amongst other initiatives. It is of note that the IDP is a regularly reviewed “living document”, with an update due imminently.

Paragraphs 100-103 *Policy Background*

The NPPF makes it clear that strategic policies should establish the need for any changes to Green Belt boundaries and whether exceptional circumstances exist to justify changes to Green Belt boundaries is a matter to be assessed through the examination of strategic policies.

Policy CS10 includes an indicative requirement for 550 homes to be delivered in the Green Belt after 2021/2. The Core Strategy emphasises that sites in the Green Belt would be needed to meet both the national requirement for housing land supply and the nature of housing that is needed. Town centre locations are likely only to be suitable for high density flatted developments. This will not provide an appropriate mix of housing types. The release of Green Belt has therefore been identified as a potential future direction of growth to meet the need for family homes.

Paragraphs 104-118 *Housing requirements and supply*

The Core Strategy sets out an indicative density range of 30 to 50 dwellings per hectare on Green Belt sites; require proposals to address the nature of needs and expect 50% of housing on Green Belt land to be affordable.

Taking the indicative housing capacities of the Green Belt allocations together, gives a figure of 766 dwellings. The Inspector accepts that the indicative capacities of the Green Belt housing allocations, taken together with the housing and other residential uses permitted/delivered on the Broadoaks site would exceed the 550 unit requirement set out in the Core Strategy. However, the SADPD makes clear that “at least” 550 units should be delivered on Green Belt sites

Furthermore, evidence presented in respect of the GB9 site anticipates that prior to a start on-site it would take 2 to 3 years to gain detailed permission; 6 to 8 months dealing with pre-commencement conditions and planning obligation matters; 2 to 4 months for site start-up, and 6 to 8 months for delivery of infrastructure including drainage and accesses. Development of the site would then continue with delivery of around 60 dwellings per year. It is clear from this that whilst some dwellings could come forward during the plan period on the GB9 site, that its full residential yield may only be built out after the plan period has ended.

In these respects, any residual development beyond the plan period on this site, in excess of the Core Strategy requirement, would assist in relieving pressure for further Green Belt release and assist, when taken together with identified Safeguarded Land, in demonstrating that Green Belt boundaries may not need to be altered at the end of the plan period.

Paragraphs 119-125 *Green Belt Review*

The Inspector is mindful of comments that a considerable proportion of Green Belt identified either for development or safeguarding is in Byfleet and West Byfleet. However The GBR's analyses when combined with an assessment of the landscape sensitivity of sites, and their potential to accept change provide a robust and reasonable basis to support its overall findings on the parcels recommended for removal from the Green Belt. The GBR goes on to assess the deliverability and availability of sites within the parcels. When all this is taken together, the selected sites are those that are preferable for release according to the GBR.

Paragraphs 126-127 *Gypsy and Traveller Accommodation*

The SADPD includes a number of sites to meet the identified needs of Travellers set out above, including a mix of extensions to existing sites, the intention to make temporary permissions permanent (set out in relation to specific sites within Policy SA1), and the provision of a new site as part of the proposed development of West Hall (Policy GB9).

Paragraphs 144-162 *GB9: Land surrounding West Hall, Parvis Road, West Byfleet, KT14 6EY*

The Green Belt Review finds that although sensitive in landscape and Green Belt terms, the sustainable location of the GB9 site, when compared to others in the Borough, weighed in favour of its release for development. However, the GBR is clear that any development of the site would need to be brought forward in a way which would provide green infrastructure, retain tree coverage, and integrate landscaping so that its landscape impacts would be mitigated.

The need to ensure that Traveller sites are sustainable economically, socially and environmentally expressed in the Planning Policies for Travellers' Sites also weighs in favour of the GB9 site's use for this purpose.

Consequently, exceptional circumstances, which justify the amendments of the Green Belt boundary as proposed, have been clearly demonstrated in relation to this site.

Against this background it is relevant that the GB9 allocation clearly sets out that only approximately 14.8ha of the wider 29.33ha site would be developed for residential uses, with the remaining part of the site integrating public open space, new green infrastructure and around 9.6ha of retained woodland and traditional orchard.

The portion of the site that would be set aside for Traveller accommodation would be a limited part of the wider allocation and the design criteria set out in the policy taken together with the specific elements relevant to Traveller provision in Policy SA1 would ensure that its design would be of a complementary character to its surroundings.

The Inspector states that whilst the amount of pitches proposed in the allocation would result in a site that some consider to be a large one, I have been supplied with no extant planning policy or guidance which advises against sites of the size proposed in principle. In any event, for the above reasons, the scale of the GB9A site would not dominate the nearest settled community, and neither would the number of pitches be unrelated to the specific size and location of the site and the surrounding population's size and density.

It is generally accepted that elements of the A245 corridor through West Byfleet and Byfleet are operating at or above full capacity during peak periods. Indeed the Green Belt Boundary Review Sensitivity Test Strategic Transport Assessment finds that use of the GB9 site for housing would result in transport movements over and above those estimated in the Transport Evaluation for Woking Borough Council's Core Strategy 2026 Transport Assessment Report. Nevertheless, none of the other sites investigated by the Green Belt sensitivity test and addendum were without transport impacts, albeit not all on this particular transport corridor.

Highways England's have a clear intent to enhance the efficiency of the transport network in the vicinity of Byfleet and West Byfleet. Mitigation related to any transport impacts of development of the West Hall site in itself would be provided for via planning obligations linked to detailed transport assessments required by Policy GB9. Furthermore, the anticipated development timescales for the site, as set out above, would allow any necessary transport mitigation to be phased appropriately in step with the delivery of housing.

Studies which support the transport elements of the SADPD indicate that acceptable mitigation of the allocation's impacts to the highway network could be achieved. It is also of note that neither Highways England nor the County Council as the local highway authority have objected to GB9 or other allocations in Byfleet or West Byfleet. In conjunction, these considerations indicate that the GB9 location would be unlikely to lead to unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network and thus would not conflict with the NPPF in these terms.

Additional households in the area as a result of the development of the GB9 site would also give rise to additional demand for health services – including GP surgeries. The implications of this and other developments proposed for the area are clearly referenced in the Infrastructure Delivery Plan, and the Council is working with the Clinical Commissioning Group and others to address any needs that may arise as a result of development.

The development of the GB9 site is yet to commence, and the likely timescale for delivery of the full yield of housing on the site would be some years in the future. This would allow time for more detailed consideration of additional demands on local health services and how these could be met, as anticipated in the IDP, as part of a consideration of the wider implications of development as proposals become more certain. I view the emerging update to the IDP in this context, and consider that the SADPD is justified in these terms.

Paragraphs 165-173 *Safeguarded Land*

Although a requirement for safeguarded sites is not included in the Core Strategy, it is clear from the NPPF that, when defining Green Belt boundaries, Plans should, where necessary, identify such areas to meet longer-term development needs stretching well beyond the Plan period. The amount of safeguarded land identified in the SADPD amounts to around 11.85ha.

On the basis of the available evidence, including the Green Belt Review, and taken together with my reasoning on the Green Belt site allocations above, I consider that with the safeguarded land it proposes to designate, the SADPD ensures that development needs could be met well beyond the plan period, insofar as is reasonable and practicable.

Paragraphs 182-188 *Policy GB18: West Byfleet Junior and Infant School Playing Fields, Parvis Road, West Byfleet KT14 6EG*

West Byfleet Junior and Infant School and its playing fields (the School site) are currently within the Green Belt boundary. The GBR found that due to the site's containment by urban development to three sides and Broadoaks to the south, that it makes no contribution to Green Belt purposes. The SADPD amends the Green Belt boundary to the south of Parvis Road pursuant to the Broadoaks allocation. The effect of these amendments detaches the School site from the wider Green Belt. The SADPD would allocate the playing fields as urban open space, a designation which would be adequate to ensure that this part of the site would, on the whole, remain free from development, and would be adequate to achieve this.

Paragraph 191 *Policy UA1: Library, 71 High Road, Byfleet KT14 7QN*

The UA1 allocation would involve the redevelopment of the existing library. Although the library would be re-provided as part of any redevelopment, it is nevertheless necessary to provide continued access to library services prior to the new facilities being completed.

Paragraphs 202-205 *Policy UA40 Camphill Tip, Camphill Road, West Byfleet KT14 6EW*

The UA40 site is brownfield land – and its adjacency to other industrial properties, and the contaminative nature of its previous uses mean that it would be unlikely to be a suitable or viable location for housing needs, but could provide an acceptable location for employment development.

The necessity for any development proposals to be supported by transport assessments and travel plans, and to provide any necessary supporting highway infrastructure to mitigate any of its effects would ensure that highway safety and transport implications of more detailed schemes would be taken into account and appropriately considered at the planning application stage.

Due to the strong support provided by Policy CS23 of the Core Strategy in terms of renewable energy schemes, it is not necessary for Policy UA40 to make explicit reference to this type of development.

Paragraph 237 *Social and community infrastructure*

Where allocated sites include existing community uses which may be lost as a result of redevelopment, re-provision of such uses is advocated in the SADPD.

PART THREE

The Inspector's Final Report with Main Modifications was delivered to WBC on 6th August 2021.

This Report along with the recommendations from WBC were considered by the Local Development Framework Working Group on the 22nd September 2021. This is a cross party review committee that only has the power to recommend.

The Report along with the recommendations of WBC and LDFG will be considered by the Executive on 7th October 2021 and by the Full Council on 14th October 2021.

Extracts from WBC recommendations.

Implications for non-adoption

While the Council is not legally required to adopt the DPD following an Examination, it is expected that the Council will proceed quickly to adopt the DPD if the Inspector has found it sound and legally compliant. The implications for not adopting the DPD are significant and can include the following:

- The Council has made a policy commitment in the Core Strategy to prepare the Site Allocations DPD. There would be a clear failure of duty if the Site Allocations DPD is not adopted. The policies of the Core Strategy, in particular, policies CS1, CS6 and CS10 requires the Council to prepare a Site Allocations DPD to identify specific sites to enable the delivery of the Core Strategy. This includes the release of Green Belt land to meet housing need between 2022 and 2027. The release of Green Belt land is to be informed by a Green Belt boundary review. The Council has carried out a Green Belt boundary review, which identifies the sites that could be released from the Green Belt without undermining its overall purpose and integrity. The Green Belt boundary review has informed the DPD. If the Site Allocations DPD is not adopted by 2022, there is the likely prospect of speculative development in the Green Belt being approved on appeal on the basis that the proposals comply with the policies of the Core Strategy and supported by the Council's own evidence in the form of the Green Belt boundary review. This will lead to an uncertain planning environment without a clear framework for the spatial distribution of development. Development could be led by appeal rather than by the Council.
- There is a high risk for the Secretary of State to intervene. The Secretary of State has the power to intervene by calling in the DPD for his determination or directing the Council to adopt it. Recent cases where the Secretary of State had intervened in local plan preparation include Thanet, Wirral and Castle Point Councils. If the Secretary of State were to intervene, the Council might be requested to reimburse the Secretary of State for the cost for doing so.
- There is a risk of a judicial review of the decision not to adopt by aggrieved persons. Given the policy background, the Council's own evidence and the number of interested parties, the risk of a successful challenge is high, in particular, if the Council's decision is deemed irrational.
- The time it will take to prepare a new DPD could be very significant - at least three years. The preparation of the new DPD would at least require Regulations 18 and 19 consultations and an Independent Examination. There is no guarantee of a different outcome that the Council would support
- There will be a period of uncertainty between now and when the new DPD would be adopted. The vacuum that will be left will create an uncertain environment for business investment and for applicants to exploit. This could undermine the delivery of the emerging Town Centre Masterplan. Speculative development and development led by appeal could lead to unsustainable development

in the Green Belt. The Council would find it difficult to shape the spatial distribution of development across the borough and defend appeals. The Council could lose the ability to control and manage the direction of growth in the Borough.

- Given the timing of when a new Site Allocations DPD could be prepared and adopted, it is possible that the new Site Allocations DPD might have to meet a higher housing requirement than the 292 dwellings per year and over a longer plan period (15 years). Failing to adopt the Site Allocations DPD could trigger the review and modification of the Core Strategy. The pressure for the Council to plan to meet its housing need of 431 dwellings per year will be real and difficult to dismiss. If this were to happen, the Council might have to find more land to meet its development needs, including the release of more Green Belt land.
- By not adopting the DPD, there will be significant cost for preparing another Site Allocations DPD. The costs could include cost of defending potential judicial reviews, cost of evidence base studies to inform a new DPD, cost of Examination of the DPD and costs of potential appeals. It is difficult to speculate on an estimate of the total cost of preparing a new DPD. However, this is estimated to be substantial, and likely to be in hundreds of thousands of pounds.

Implications/benefits for adopting the DPD

- The DPD will provide a sustainable framework for managing the spatial distribution of development across the Borough. It will provide a clear basis for the allocated sites to come forward for development and to ensure that development meets acceptable standards.
- It will enable the delivery of necessary development at the right and sustainable locations with the appropriate level of supporting infrastructure in line with the wider strategic objectives of the Core Strategy.
- The adoption of the DPD will provide the necessary certainty for the Council and its key stakeholders to manage the future development of the borough and attract business investment.
- It will help protect designated land such as the Green Belt, because the Council would be able to demonstrate that it has identified sufficient land to meet the quantum, nature and type of its development needs;
- It will provide a sound basis for the preparation of the emerging Town Centre Masterplan.
- It will help provide an up to date development plan for the area, which is important for determining day to day planning applications.

Next steps

The Inspector's report is binding. As a matter of law, the Council cannot adopt the Site Allocations DPD without the Inspector's recommended Main Modifications. The Council cannot pick and choose which parts of the Inspector's recommendations it wishes to adopt. The Council therefore has a binary choice to adopt the Inspector's recommendations or not to adopt the DPD. The Inspector is also not inviting comments on his report. The Examination completed when the Inspector's Final report was submitted to the Council.

Conclusion

Officers are satisfied that the Inspector's Final Report and the accompanying Main Modifications are reasonable, logical and legally defensible. It will be very difficult for the Council to articulate credible planning and legal reasons why the Inspector's Report and the Main Modifications should not be accepted. It is therefore requested that the Executive recommends to Council to accept the Inspector's Final Report and the Main Modifications and adopt the Site Allocations DPD and the Proposal Map for the purposes of managing development across the Borough and all other planning decisions.