Elmbridge Local Plan Examination

Response to Inspector's Stage 2 Matters - Matter 5

Housing Delivery

Mactaggart & Mickel Strategic Land

Representor Number 41089281

25 March 2024

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1.0 Matter 5 Housing Delivery

Issue 8: Whether the approach towards the delivery of housing land is justified, effective, consistent with national policy and positively prepared.

Questions

4.1 Please can the Council update the housing trajectory (Appendix A5 of the Plan) with the latest figures from the AMR and to reflect the updated Plan period (see Inspector's initial letter ID-001).

1.1 For the Council to respond. We will need to review the Council's updated information once made public and may wish to comment further.

4.2 The spatial strategy focus is on brownfield sites, with a significant component of the supply coming forward on small sites. In accordance with paragraph 60 of the Framework, in what way would this approach ensure that there is a sufficient variety of land to come forward?

1.2 We are living in a housing crisis in which there has been a chronic and deep under-supply of homes nationwide. There is currently a backlog of 4.3 million homes required across England and as research carried out by the Home Builders Federation and Lichfields in 2023 reported, even if we sustained delivery at a level of 300,000 new homes per year it would take 50 years for the country to overcome the backlog[1].. It is this crisis that has informed the guidance at para 60 of the Framework (2021) which states in terms that the national objective is "significantly boosting the supply of homes".

1.3 In talking about this crisis we must not forget that it isn't simply a question of there being too few homes to satisfy the market but rather it is also and most importantly the lack of affordable homes for those who need a home but cannot afford to rent or buy one in the market.

1.4 As para 60 makes clear, it is essential that in order to meet this objective a sufficient amount and variety of land must be allocated. A spatial strategy that is entirely based on brownfield sites with 49% of the supply coming forward on small sites (Para 2.26 ref. TOP002) will not meet the needs of a number of different elements of the Borough's population including those in need of larger accommodation (three and four bed units). The large percentage of small sites within the proposed allocations means that there is little or no prospect of achieving the delivery of 30% of the proposed district-wide housing requirement as affordable dwellings as many will be unviable at the target levels in policy HOU4 (a point we also make in relation to Matter 4).

1.5 The focus on brownfield sites of a relatively small size excludes other forms of site including larger sites and particularly greenfield sites (and in Elmbridge's case, Green Belt), which are

[1] Housing the Nation (HBF, 2023)

in principle more capable of delivering the range of housing needed to meet the Borough's needs including critically the provision of affordable housing.

1.6 In conclusion there is no evidence to show that the Plan's spatial strategy will provide a sufficient variety of land. Indeed its narrow focus on brownfield sites means that it will not be able to meet the needs of many who require larger three or four bedroomed units.

4.3 Is there any other non-green belt land which could contribute towards meeting the boroughs housing and employment needs in a sustainable manner? I note that Appendix 6 of the Land Availability Assessment 2022 (HOU002) lists a significant number of discounted urban sites however the reasoning is not clear as to why they have been discounted. For example – 'site with Planning permission' (for what?) or 'owner has not confirmed availability' is also applicable to a number of sites which have been included within the housing land supply. Given the significant shortfall in housing numbers to be provided by the Plan, is the Council satisfied that all sites within the urban area have been fully explored? Please could the Council clearly explain the rationale for the sites which have been discounted.

1.7 For the Council to respond but we will want to review with regard to any inconsistencies between the evidence behind both allocations and discounted sites as the Inspector points out and may then wish to comment further.

4.4 Will the Plan provide for a five year supply of deliverable housing sites upon adoption with particular reference to the definition of deliverable contained within Annex 2 of the Framework?

1.8 Applying the definition of deliverable housing in Annex 2 of the Framework to the proposed allocations within the Plan it is clear that it will not provide for a five year supply. The Plan's evidence base states at paragraph 4.2 of the Land Availability Assessment (2022) (HOU002) that the five year housing land supply position is 4.36 years. Working in consortium with a number of other objectors to the Plan, we have reviewed an assessment of the proposed allocations in the Plan submitted by Andrew Black Associates and submitted as part of his evidence (Reg 19 reference to be added, Site Appraisal Summary July 2022, prepared by Leaders Romans Group) which identifies that of the list of proposed allocations in the Submission draft Local Plan that are expected to come forward within the first five years (907 units within the housing trajectory at appendix A5 of CD001), 111 units are not considered to be deliverable in the first five year period. That represents 12% of the dwellings within that period and means that actually the five year supply position is more like 3.8 years.

1.9 The implication of this position is fundamental for the Plan and requires a revised approach to its preparation that acknowledges the need for the release of Green Belt as part of a positive approach to plan-making that is required by the Framework.

4.5 HOU002 states that the five year housing supply position is 4.36 years. How does this accord with paragraph 74 of the Framework which requires Local Planning authorities to identify and maintain a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against there housing requirements? Is the Plan positively prepared in this regard?

1.10 As set out in response to question 4.4 above we have concluded that the position is worse than that stated in the Council's evidence and that the Plan does not accord with the Framework in this regard and has not been positively prepared. The consequence is that the Council need to review their approach to their spatial strategy and critically to include a portfolio of deliverable sites including green belt release that can provide a five year supply.

4.6 Is the identified housing supply contained within the Plan and set out in the trajectory based on a sound understanding of the evidence? In responding to this question, the Council should provide an updated housing response which identifies the completions, existing commitments, site allocations and any other sources of supply it is seeking to rely upon.

1.11 We have made comments in concert with other objectors on the identified housing supply in relation to question 4.4. above. We will want to review the Council's updated response when it is produced and may then wish to comment further on it.

4.7 In addition to the trajectory required by the Framework, the Council should prepare a spreadsheet to support the trajectory which confirms how many dwellings each site allocation is expected to deliver in each year of the Plan period, and identify any windfall allowance which is being relied upon. This information should be supported by cross references to the evidence base where necessary.

1.12 We will want to review the Council's response when it is produced which we can then interrogate and may then wish to comment further on it.

4.8 The Planning Practice Guidance provides advice in relation to the preparation of housing and economic land availability assessments, and sets out that when carrying out a desktop review, Plan-makers need to be proactive in identifying as wide a range of sites and broad locations for development as possible. It goes on to note that identified sites, which have particular constraints (such as Green Belt), need to be included in the assessment for the sake of comprehensiveness but these constraints need to be set out clearly, including where they severely restrict development. An important part of the desktop review, however, is to identify sites and their constraints, rather than simply to rule out sites outright which are known to have constraints. Is the approach adopted by the Council in terms of the Land Availability Assessments completed consistent with this and if not why not?

1.13 We will want to review the Council's response when it is produced which we can then interrogate and may then wish to comment further on it.

4.9 The Housing Needs Assessment (HOU005) notes the greatest demand is for 2 bedroomed units (50%). Are there any implications for the spatial strategy adopted and the dwelling types which will be delivered?

1.14 The broad implications for delivery of 2 bed units are that they can be expected to be delivered on urban brownfield although the character of many of the areas in which the allocations are located is one of larger units.

1.15 We would point out that thirty percent of the demand is for three and four bed units (Table E.1 and para 3.38, ref. HOU005). The implications for these are that larger sites will typically be needed, with sites capable of providing garden space for children (as well as adults). That level of demand implies a spatial strategy with a mix of greenfield as well as brownfield sites.

Policy HOU1 - Housing Delivery

4.10 Policy HOU1 cross references to appendix 5 of the Plan however appendix 5 lists two alternative indicative approaches to the housing trajectory. Which is the trajectory the Council is relying upon and is this a justified approach?

1.16 The Council should in principle be relying on approach 2 as it contains a discount rate which takes some account of the likelihood of some sites not coming forward at the indicated level. However, we question the robustness of the discounts applied as set out in paras 3.41 to 3.45 of the LAA (2022) (HOU002) and particularly the 15% discount applied to all of the LAA sites from 1 to 15 years. In practice and as set out in the LAA, there are reasons why sites have been placed into the three different delivery periods and in most cases the placement in later periods (6-10 and 11-15) reflect the increased uncertainty and risk that those sites will not come forward. In our view, a greater discount ought to be applied to those later periods, otherwise the assumptions behind delivery rates are not robust. The analysis of the Council's proposed allocations referred to at question 4.4 above indicates that around 44% of the units proposed to come forward in the years 6-10 and 11-15 are not considered realistic. In addition to supporting our position that a fundamental re-think of the Plan's spatial strategy is required, it also underlines the need for a much higher discount rate on those two sections of the Plan period, commensurate with this analysis.

4.11 What is the justification for the dpa figure to be included within the policy wording? Is this approach positively prepared and consistent with national policy? Should the policy refer to the homes to be delivered across the Plan period and if so what should this figure be? (noting the actions raised under question 2.2 for the Council in relation to the Plan period).

1.17 We will want to review the Council's response when it is produced which we can then interrogate and may then wish to comment further on it, but we do not understand why the housing requirement is expressed in this way and not by reference to the total figure for the Plan period which is transparent and readily understandable.

4.12 Is it clear what the 30% affordable homes in part 2 of the policy relates to?

1.18 This is unclear. We have assumed that it relates to 30% of the total number of homes stated to be planned for (452dpa), however that will not necessarily translate to the individual site allocations for reasons already set out. The relationship between the target within SS3 and the percentages required under policy HOU4 is also not clear. It is therefore misleading as currently written and should probably be removed altogether unless the Council can explain how it relates to HOU4 and is consistent with that policy.

The Green Belt

1.19 *These questions relate to the Council's consideration of the release of green belt land to meet their housing and employment needs in the context of the overall spatial strategy. In addition, it does not address the wording of policy ENV4: Development within the Green Belt which will be addressed under the stage 3 hearings. It will not address specific sites and this is not an opportunity for those seeking to promote omission sites to make specific reference to them.*

1.20 *There is a significant amount of evidence concerning the existing Green Belt and how this land performs against green belt purposes including a Green Belt boundary review. An assessment has been made as to the potential contribution the release of some areas of green belt could have towards meeting housing need over the Plan period. The Council do not agree that there are exceptional circumstances which would warrant the release of any green belt land. The Council also disagree with the assessment made in relation to a number of areas which ARUP have identified as weakly performing areas of the Green Belt.*

4.13 Do the exceptional circumstances identified at paragraph 6.18 Topic Paper 1: How the Spatial Strategy was formed (TP001) represent all of the exceptional circumstances which the Council have taken into account?

1.21 We will want to review the Council's response when it is produced which we can then interrogate and may then wish to comment further on it, but the list of circumstances taken form the Calverton case at paragraph 6.18 of the TOP001 are not exhaustive and omit some very important matters that apply in Elmbridge's case.

1.22 We have reviewed the Inspector's Report on the Guildford Local Plan Examination (2019) which dealt with the question of what constituted exceptional circumstances in the context of that Plan, and against the background of a local planning authority that considered that they applied. In the case of the Guildford Plan, the Inspector found (amongst others) the following matters amounted to exceptional circumstances:

a) **The need for housing** (pressing need; severe and worsening affordability; very serious shortfall in the provision of affordable homes as well as ability to provides for some unmet needs from Woking)

b) **Business needs** – essentially recognising that land in urban areas is in short supply and that there are competing needs there that need to be safeguarded.

c) **Land availability in urban areas** – essentially finding that it is limited and could not meet the identified housing needs without allocating land in the Green Belt.

1.23 While a) above correlates to (i) in paragraph 6.18 of TOP001, the question of business needs and the constraints on land availability are not covered within that case and in our view apply to the circumstances that Elmbridge finds itself in and should have been considered.

4.14 What is the relevance of the fact that the current housing need is significantly higher than the existing target set within the Core Strategy (Paragraph 6.24 of TP001)?

1.24 This appears to be part of a wider narrative that the Council does not need to try any harder than it has done in the past. However we consider that the relevance is in fact that it underlines the existence of exceptional circumstances to justify the release of green belt and therefore that the Council needs to consider a bolder approach to the spatial strategy that includes the release of greenfield (green belt) sites that can enable the Council to meet its identified need (and potentially some of the unmet need from neighbouring LPAs).

4.15 The Council have stated that the need in Elmbridge is no more acute/intense than in neighbouring boroughs. However, a majority of neighbouring boroughs (Guidlford, Waverley, Runnymede, Spelthorne) have progressed a strategy with an element of Green Belt release and/or are able to meet their housing needs in full. If the Council consider the need to be no more acute than these neighbouring boroughs, what is the rationale for Elmbridge not following this approach?

1.25 We cannot find anywhere in the evidence base that sets out a justification for why the Council has decided that despite the acute and intense (and chronic) nature of housing needs in the Borough which it acknowledges, it has chosen not to meet needs in full, involving some release of Green Belt.

4.16 In general terms, the Framework seeks to support the Governments objective of significantly boosting the supply of homes. Paragraph 35 states that Plans should provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. Paragraph 11 of the Framework sets out the approach to Plan making. In what way does the Green Belt in Elmbridge provide a strong reason for restricting the overall scale, type or distribution of development?

1.26 There is nowhere in the evidence base that sets out why and what such strong reasons are for restricting the overall scale, type or distribution of development.

1.27 The Green Belt assessment work by Arup concluded that there are areas of the Green Belt that could be released for development without undermining the wider purposes and functions of the Green Belt in the Borough. The Council appears to have moved away from a position in which it stood by the conclusions of the Arup work to one in which it has effectively made a series of judgements that effectively rule out the potential to release any Green Belt (TOP001).

4.17 CD034a which was updated in November 2023 states that the Council consider the release of land from the Green Belt for housing purposes would negatively effect the boroughs existing settlement pattern and thus cause harm to the character of Elmbridge's existing communities. Where in the evidence base is this assessment undertaken which explains how this conclusion has been reached?

1.28 As we say in our response to 4.16 above, we cannot find anywhere in the evidence where this assessment has been undertaken. Should the Council produce such evidence we would wish to reserve the right to comment on it.

4.18 Paragraph 145 of the Framework advises, amongst other things, that local Planning authorities should Plan positively to enhance Green Belt use. Such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity or to improve damaged and derelict land. In what way does the Plan address this?

1.29 This is a missed opportunity for the Council under its current strategy. A more imaginative approach to a spatial strategy that included some well-considered release of land from the Green Belt to help to meet identified needs could also have secured improvements to the biodiversity of those sites as well as potential improvements to public access to land.

4.19 With reference to paragraph 143 (e) of the Framework, are the Council able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period?

1.30 This is for Council to respond to but in a situation in which the housing needs of the Borough are so acute and under-supply and delivery is chronic and in which the current Plan nevertheless proposes to under-shoot the identified need by 30%, it cannot credibly be argued that Green Belt boundaries will not need to be altered at the end of the Plan period in 2039/40.

Windfall Allowance

Issue 9: Is the approach to the windfall allowance justified and consistent with national policy?

Questions

4.20 Paragraph 71 of the Framework advises that where an allowance is made for windfall sites as part of the anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

1.31 For the Council to respond.

4.21 The Housing trajectory includes a windfall allowance of 987 dwellings over the Plan period, 15% of the overall housing land supply. As 32 of the proposed site allocations contained within the Plan are on sites of 5 units or less, is this approach justified?

1.32 For Council to respond to but is indicative of a Plan that is in name only. So many of the proposed allocations are essentially lines around very small sites that would come forward in any case, given a willing owner and the prospect of a viable scheme.

4.22 Does the approach to windfall sites take account of the recommendations contained at paragraph 4.2.10 of the SFRA (INF009)?

1.33 For Council to respond to.

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