
**Examination of the Submitted Elmbridge
Local Plan 2037**

STATEMENT FOR:

MATTER 4 – THE HOUSING REQUIREMENT

WRITTEN STATEMENT

Prepared by:

Woolf Bond Planning Ltd

On behalf of:

**Claygate House Investments Ltd and MJS
Investments Ltd**

March 2024

User ID: 41185601

WBP Ref: 8094



Woolf Bond Planning
Chartered Town Planning Consultants

CONTENTS

	Page
Executive Summary	2
Context and Background	3
Matter 4 Response	4

Executive Summary

Claygate House Investments Ltd and MJS Investments Ltd (“CHI & MJSI”) have a controlling interest in a sustainably located and deliverable omission site (Site Ref: SA-59) that should be allocated for housing in seeking to meet the identified housing need during the plan period.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policies SS3 and HOU1) and does not include sufficient land to meet its needs. Accordingly, additional site allocations should be identified.

CHI & MJSI’s objections may be summarised as follows:

- *The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need. It should plan for the uncapped need of 860dpa over an 18 year period 2022 to 2040, or at the very least for the capped need of 647dpa over that period.*
- *The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.*
- *The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.*
- *The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.*

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy under paragraph 60 of the NPPF which is seeking to significantly boost the supply of housing to address the current housing crisis.

Land north of Raleigh Drive, Claygate should be removed from the Green Belt and allocated for at least 60 dwellings (LAA Site Ref: SA-59).

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (September 2023)¹.

¹ Paragraph 230 of the ‘new’ NPPF (Dec 2023) states that Local Plans that reach the Regulation 19 stage before 19 March 2024 will be examined under the relevant previous version of the NPPF. As such, the Elmbridge Local Plan is to be examined against the requirements contained in the September 2023 NPPF.

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning Ltd on behalf of Claygate House Investments Ltd and MJS Investments Ltd (“CHI & MJSI”), and addresses several questions posed for Matter 4 of the Hearing Sessions as set out in the Inspector’s Schedule of Matters, Issues and Question (“MIQs”) (ID-005).
- 1.2. In setting out our response, we continue to rely upon the content of our detailed Regulation 19 representations (“our Representations”) submitted on behalf of CHI & MJSI in response to the Regulation 19 consultation on the Draft Local Plan in July 2022.
- 1.3. As set out at footnote 1 on page 2 above, the Local Plan is being examined for consistency against the September 2023 version of the NPPF. Accordingly, all references to the NPPF in this Statement relate to that version (unless otherwise stated).
- 1.4. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submitted Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 74 of the NPPF.
- 1.5. The Plan would not be sound without modifications to include:
 - Extending the Plan period to 2040 (thus covering the period 2022 to 2040);
 - Increasing the housing requirement to reflect the uncapped need of 860dpa, or alternatively the capped need of 647dpa;
 - Additional site allocations (within revised settlement boundaries); and
 - Consequential adjustments to Green Belt boundaries.
- 1.6. This Statement amplifies our Representations and references are made to that document where relevant.

MATTER 4: THE HOUSING REQUIREMENT

Issue 7: Whether the Local Plan has been positively prepared and whether the approach is justified, effective and consistent with national policy in relation to the housing requirement.

Question 3.1: The housing requirement for Elmbridge has been calculated at 9705 homes. Policy SS3 sets out that the Plan will deliver at least 6785 net additional homes over the Plan period. This equates to some 453 dpa and will leave an unmet need of some 2920 dwellings over the Plan period. This is a significant shortfall. Is the Plan justified in not meeting the full LHN?

- 2.1. No.
- 2.2. As made clear in our Matter 2 statement, the Plan should meet the uncapped needs (860dpa), or at the very least the capped needs of 647dpa. There is no justification for falling below this level.
- 2.3. Although question 3.1 suggests that the housing requirement would be calculated as 9,705 dwellings equating to 15 years growth at the LHN of 647dpa, our position is the plan period should cover the 18-year period from 2022 to 2040 (paragraph 5.33 of our Regulation 19 Representations refers).
- 2.4. Consequently, and in order to satisfy the tests of soundness at paragraph 35 of the NPPF, it is essential that the Local Plan seeks to provide for a minimum of 860dpa, representing a minimum of 15,480 dwellings for the 18-year plan period 2022 to 2040 (or at the very least 647dpa, representing a minimum of 11,646 dwellings for that period).
- 2.5. The Council's contended supply of 6,785 dwellings from April 2022 to March 2037² with the potential for a further 264 dwellings³ on windfall sites from April 2037 to March 2040 totals 7,049 dwellings.

² As referenced in question 3.2

³ 88dpa consistent with Table 1 of LAA (2022) (HOU002).

- 2.6. This represents only 60% of the LHN derived from the Standard Method, resulting in a shortfall of 4,597 dwellings. It is less than 45% of the uncapped need, resulting in a shortfall of 8,431 dwellings. On either basis, this is a significant shortfall.
- 2.7. The failure to significantly boost the supply of homes, thus failing to meet the area's housing need, including with an appropriate mix of housing types for the local community (paragraph 60 of the NPPF refers), without the Council demonstrating exceptional circumstances to depart from the LHN derived from the application of the SM (paragraph 61 of the NPPF refers), will impact upon the wider achievement of sustainable development in the Borough, especially with regard to meeting social needs (including affordable housing).
- 2.8. The Council's approach demonstrably fails the tests of soundness at paragraph 35 of the NPPF.
- 2.9. The Local Plan has not been positively prepared. It is not justified nor is it effective. Moreover, it is not consistent with national policy.
- 2.10. There is no foundation or evidence base to the Council's failure to plan for either the uncapped or capped housing need. Rather, the decision to go below even the capped LHN requirement was a political one. This is frustrating as it unnecessarily elongates the Local Plan process, further preventing identified housing need from being met and unnecessarily perpetuating the widening affordability gap.
- 2.11. Our earlier Representations (paragraph 5.21 refers) also noted that the SA concluded that ensuring delivery at 627dpa (which approximated the capped LHN at 647dpa) was amongst the most sustainable strategies for development in the Borough (**CD002**). The failure of the Plan to reflect this is an illustration of its inconsistency with national policy, which approach is not justified.
- 2.12. As also indicated in our Representations (paragraphs 5.17 and 5.18 refer) the SA (**CD002**) did not consider an approach which sought to deliver uncapped housing need i.e. 860dpa.

-
- 2.13. This failure is a further illustration that the approach of the Plan is not justified given the clear advice in the PPG (as referenced in paragraph 5.17 of our Representations) of the need to appraise such an approach.
- 2.14. Paragraph 35 of the NPPF is clear: to be justified means that the strategy needs to be appropriate having taken into account the reasonable alternatives. Since these alternatives would need to be evaluated through the SA, the omission of consideration of the impacts of an uncapped housing need based approach means that the Plan cannot be justified. Furthermore, as indicated, the SA (**CD002**) was clear that an approach seeking delivery of 627dpa⁴ was amongst those which would achieve sustainable development.

Question 3.2: Does the approach demonstrate that the Plan has been positively prepared in accordance with paragraph 35 of the Framework and will it be effective?

- 2.15. No.
- 2.16. As confirmed at paragraph 35 of the NPPF, for a plan to be positively prepared it must as a minimum seek to meet its objectively assessed needs.
- 2.17. The Council considers (paragraph 6.23 of Topic Paper 1) that there is no justification for departing from the minimum assessed needs figure for the borough, calculated through derivation of LHN. As set out in our Matter 2 Statement, we consider that the Plan should plan for uncapped needs and should do so over a period extending at least 15 years post adoption (NPPF paragraph 22). As the Plan fails to provide for even the capped LHN at 647dpa (NPPF paragraph 61) over a Plan period extending at least 15 years post adoption, it is conspicuously unsound.
- 2.18. It is essential that further sites are allocated in the Plan which can ensure the uncapped 860dpa (or at least the minimum LHN of 647dpa) can be achieved over an extended Plan period. This is covered further in the Matter 5 Statement.

⁴ Option 5 in SA Table 7 (CD002) (sought delivery of 9,400 dwellings which equates to 627dpa over a 15 year period).

-
- 2.19. The response to question 1.1 in our Matter 2 Statement is also relevant, as it provides analysis of the relevance of various factors which confirm that the Plan must seek to deliver 860dpa (or at the very least the capped LHN of 647dpa).
- 2.20. The Local Plan cannot be regarded as positively prepared unless it seeks to plan for a minimum of 860dpa, representing a minimum of 15,480 dwellings for the 18-year plan period 2022 to 2040 (or at the very least 647dpa, representing a minimum of 11,646 dwellings for that period).

Question 3.3 - Part 1a of policy SS3 advises the Plan will make provision for the delivery of at least 30% affordable homes. This would equate to some 2035 affordable dwellings over the Plan period. The Local Housing Needs Assessment (HOU005) sets out a net annual requirement for affordable housing of 269 units, which equates to 4035 units over the Plan period. How does the Plan propose to address this shortfall? Does this approach accord with the Framework?

- 2.21. Although this is a matter for the Council, a supply of 2,035 affordable dwellings is 30% of the 6,785 net additional dwellings assumed to be provided across the Borough.
- 2.22. As indicated in the response to question 2.21 (our Matter 3 Statement), there are several sites allocated in the Plan which are covered by the threshold for windfall site (up to 4 dwellings) and consequently would duplicate their contribution.
- 2.23. The overall contribution of these sites of up to 4 dwellings towards the Council's projected delivery of 6,785 dwellings is not known and therefore the extent that this will impinge upon the realism of the figures.
- 2.24. Furthermore, although the expected supply of 2,035 dwellings represents 30% of the overall net additional dwellings, Policy HOU4 imposes different proportions for affordable housing depending upon site size and type.
- 2.25. As the Council has not provided details of the extent the proposed sites fit within the respective categories, the realism of the expectation is not known. This is especially given the NPPF (paragraph 64) is clear that affordable housing should only be sought from major development (schemes of 10 or more

dwellings or covering at least 0.5ha).

- 2.26. Additionally, the response to question 2.1 also references the Council's reliance on brownfield sites to deliver housing and how this will impact upon the achievability of affordable housing taking account of existing use values and associated viability of development⁵.
- 2.27. It is therefore not considered that the approach of the Plan is consistent with the NPPF.

Changes sought to the Local Plan

- 2.28. The following are necessary for the Local Plan to satisfy the tests of soundness at paragraph 35 of the NPPF:
- Extending the Plan period to 2040 (thus covering the period 2022 to 2040)
 - Increasing the housing requirement to 15,480 (860dpa), or at the very least a minimum of 11,646 (647dpa);
 - Additional site allocations (within revised settlement boundaries); and
 - Consequential adjustments to Green Belt boundaries.

SBGR/WBP/7679

25MAR2024

⁵ NPPF paragraphs 34 & 58.