

Sent by email to: tplan@elmbridge.gov.uk

27/07/2022

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the Draft Elmbridge Local Plan.

1. Thank you for consulting the Home Builders Federation (HBF) on the Elmbridge Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Duty to Co-operate

2. Localism Act 2011 requires plan making authorities to “*engage constructively, actively and on an ongoing basis in ...*” as part of the preparation of the local plan. The evidence presented by the EBC indicates the lengths that the Council went to identify local authorities across the south east that could help address any of its unmet needs. What is evident is that no other authority was either willing or able to help EBC meet their unmet needs. However, our main concern with the approach Elmbridge and its partners within the HMA took with regard to addressing unmet needs is that engagement has not been constructive. For example, only one piece of joint work has been completed by the Council’s in the HMA – the strategic housing market assessment. As such since the scale of the issue was identified no further evidence was prepared jointly as to how needs might be met in full across the HMA. Most notably there was no joint Green Belt Review or even work to ensure a consistent assessment of the Green Belt and what constituted exceptional circumstances.
3. There appear to have been discussion between officers and written correspondence between the leaders of each Council all stating how they cannot meet needs and asking who can help. Whilst this is necessary there is no evidence of joint work to assess how needs could be met once it became clear that there were to be significant shortfalls in meeting housing needs. The Councils have failed to grapple with the issue at hand collectively and not looked to be constructive in seeking to meet needs. In particular the lack of political engagement within the HMA is concerning. Constructive cooperation should result in those with the authority to make decisions meeting to discuss the cross border



and strategic issues, however, no attempt seems to have been made within the HMA to bring together political leaders to discuss differences and seek a potential solution. Instead, rather than co-operate constructively they have looked to adopt an approach that is each authority for themselves.

4. The Council point to the Surrey Leaders Group and the preparation of the Local Strategic Statement and Surrey 2050 Place Ambition as the primary mechanism for discussion between politicians on cross border issues. However, other than a recognition of the issue within the Local Strategic Statement very little is offered as to discussion, let alone outcomes, with regard to how unmet needs in Elmbridge could be met. There is limited evidence as to how this activity has been constructive in addressing the issue of unmet needs and not just looked to defer the issue of unmet needs to a future strategy, contrary to what is required by paragraph 61-022 of PPG. Indeed, it is notable that in their discussion with Spelthorne BC (SBC) it is stated on page 96 that SBC stress that the Surrey 2050 place ambition must not be seen as a spatial framework for the county and used as tool for the wider county approach to meeting EBC's unmet needs. It is therefore questionable whether the activity at the Surrey Leaders is an effective one for discussing the strategic issue of Elmbridge's unmet housing needs.
5. With regard to demonstrating effective and on-going joint working paragraph 27 of the NPPF states that strategic policy making authorities should prepare and maintain one or more statements of common ground (SoCG) documenting the cross-boundary matters to be addressed. Whilst the Council's Duty to Cooperate Compliance Statement references those SoCGs that have been agreed we could not find copies of these in the Council's published evidence. As such, it will be necessary for all SoCGs agreed to be published on submission to ensure that they can be properly considered at examination.
6. Therefore, whilst EBC have actively engaged with a wide range of partners as part of their duty to co-operate this has resulted in very little joint work and no positive outcomes with regard to unmet housing needs. There is little evidence that the Council and its neighbours have grappled with this issue, in particular the lack of any joint evidence with regard to assessments of constraints is a sign that there was no real attempt made to try and address the issue of housing needs. As such the HBF do not consider the Council to have shown that they have engaged constructively with the cross-border issue of its own unmet housing needs as well as wider unmet needs in neighbouring areas and as such have not met the duty to co-operate.

SS3 – Scale and location of good growth

The policy is unsound as the spatial strategy has not been positively prepared and is unjustified.

7. Policy SS3 sets out that at least 6,785 net additional homes will be delivered in Elmbridge with at least 30% of these being affordable homes. As the Council note

in paragraph 3.19 the local housing needs assessment using the standard method result in a housing need of at least 9,705 homes – a shortfall of 2,902 homes over the plan period. Whilst the Council state at paragraph 3.31 that they considered making changes to the Green Belt boundary to accommodate further growth they go on to state that it “... *has concluded that exceptional circumstances have not been fully evidenced and justified to make changes to the Green Belt boundaries in the Borough*”.

8. It is also worth noting that a draft local plan was presented to members of the Local Plan Working Group in June 2021. The details of the content of this draft of the local plan have not been published but given that the Cabinet member for Planning is recorded as stating that she “... *considered that the officer recommended draft Plan and the proposed release of Green Belt was not supported by the exceptional circumstances as set out in the evidence base documents*” it is reasonable to assume that officers considered there to be exceptional circumstances to release Green Belt at that point.
9. There was evidently a political decision not to accept officer advice and as such prepare a plan that reflected councillors desire for a local plan that did not release Green Belt. Whilst councillors should set the direction for any local plan it is still necessary that the approach established in the local plan is sound based on the tests set out in paragraph 35 of the NPPF. As such it would be helpful for the Council to publish all the papers presented to the Local Plan Working Group at its June 2021 meeting for the sake of transparency and to aid the examination of the local plan.
10. After considering the Council’s evidence the HBF would disagree with the Council’s approach to meeting housing needs set out in SS3. Outlined below are the reasons why the HBF consider there to be exceptional circumstances to justify amendments to the Green Belt boundary and that the Council’s approach is unsound as it is neither a positive approach to plan making or justified on the basis of the evidence.

Consideration of exceptional circumstances

11. To begin with, we would agree with the Council that they have met the tests in paragraph 141 of the NPPF and as such should be considering whether there are exceptional circumstances to amend Green Belt boundaries. In considering these circumstances the Council have cited the tests set out in the Calverton case. Whilst not an exhaustive list of considerations, this case does provide a helpful starting point for any assessment of exceptional circumstances. As such the Council has considered its evidence under the following headings:
 - the acuteness / intensity of the objectively assessed need within Elmbridge and neighbouring authorities (matters of degree may be important);
 - the inherent constraints on supply / availability of land prima facie suitable for sustainable development;

- the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
- the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

12. These issues and the evidence presented by the Council are considered in turn below.

The acuteness and intensity of the housing needs in Elmbridge and Neighbouring authorities.

13. Before considering the level of housing needs it is worth noting that in his decision in the case of Compton Parish Council v Guildford Borough Council, Sir Duncan Ousley noted in paragraph 72 that:

“General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that "exceptional circumstances" exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need”.

As such need in itself is part of the judgment it is not necessary to consider the particular intensity of that need to state that there are exceptional circumstances required to amend Green Belt boundaries. However, the scale of issue facing the Council - from its own needs, those within the HMA, and from neighbouring areas - is still an important consideration and is seemingly one the Council has looked to down play.

14. In Topic Paper 1 the Council examine the number of homes needed in Elmbridge, the HMA and the wider South East. With regard to housing needs in neighbouring areas they note at paragraph 6.35 of the topic paper that the best estimate is that there will be an unmet need of 11,500 homes over the 15-year period. This includes unmet needs in neighbouring London Authorities. However, it should be noted that the housing targets in the London Plan are capacity driven and that housing needs will be higher. Following the examination of the London Plan reductions in the targets across London Borough's means that there is a shortfall of some 140,000 homes compared to what is needed between 2018 and 2028 across the capital placing additional pressure on areas around London. There is clearly exceptional pressure on the housing market in Elmbridge and surrounding areas that will only worsen over the plan period.

15. The Council also compare their own housing needs to other areas and do not consider it to be more intense or acute than its neighbours. In examining this point, it is worth noting that the standard method caps housing needs where plans are

out of date, as is the case for Elmbridge, at 40% above whichever is higher of the average annual household growth or current housing requirement. However, as paragraph 2a-007 of PPG notes:

“The cap reduces the minimum number generated by the standard method but does not reduce housing need itself.”

16. Therefore, the actual housing need in Elmbridge using the standard method and including what the Government consider to be the full amount necessary to address past shortfalls in delivery is 859 dpa. This is over 200 homes more each year than the capped figure and itself indicates that the need for homes in Elmbridge is considerably different to the picture painted by the Council in Topic Paper 1. It is also significantly more than what has been delivered and what is proposed to be delivered. The Council also outline in paragraph 6.24 that at no point have they delivered below the requirement set out in the Core Strategy. Whilst we would not disagree with this it must be noted that the Core Strategy was not a needs-based assessment. It relied on other local planning authorities meeting their needs as part of the regional spatial strategy. Therefore, delivery in EBC based on the Core Strategy target has baked in an under supply of new homes without corresponding increases elsewhere. A failure to update it plan rapidly to meet needs, or fund other areas to help, has therefore led to an acute undersupply of market and affordable homes.
17. This undersupply of homes has also played a part in the worsening affordability of housing in Elmbridge. It must be recognised that Elmbridge in particular and Surrey in general has been relatively more expensive than many other areas principally due to its proximity to London and excellent rail links to the capital. However, what can be seen in Elmbridge is that this issue worsened considerably over the last 25 years. As can be seen from the application of the standard method the current median affordability ratio for Elmbridge 17.78 which in 1997 was 6.44. However, what is more striking is the ratio of median incomes to lower quartile house prices. In 1997 this was 4.50 however in 2021 this had increased to 12.76. Even those on median incomes in Elmbridge cannot afford to live there.
18. The Council state that the Council is mindful of the DCLG report commissioned from the University of Reading and is not convinced that building an additional 2,918 homes would have any material effect. However, this fails to recognise that in order for the supply of homes to have an impact each authority has to ensure its needs are met and in doing so this could ensure that affordability does not continue to worsen at the rates seen in recent years. As the Council note at paragraph 6.43 of Topic Paper 1 the DCLG report notes that a significant increase in supply is required across the south east to have an impact on affordability however this will not be achieved if Elmbridge, and other authorities in a similar position, do not meet needs in timely and effective manner. We would agree that increasing supply on its own will improve affordability, but it is self-evident that restricting supply further will ensure the situation worsens.

19. Similarly, there is an acute shortage of affordable homes in the Borough. The current backlog of affordable housing need is 1,434 with the expectation that a further 59 existing households will fall into needs each year. Taking into account the number of newly forming households that will require an affordable home would see EBC delivering 269 affordable home each year to meet needs. As can be seen in the table below delivery of affordable housing has run at around 54 homes per annum over the last ten years, a level of delivery that would not meet those households falling into need each year.

Table 1: Affordable housing delivery in Elmbridge BC.

Year	Affordable homes built
20/21	21
19/20	50
18/19	40
17/18	73
16/17	4
15/16	78
14/15	104
13/14	67
12/13	36
11/12	70
Total	543

Source: EBC Authority Monitoring Repots.

20. Even with the proposed increase in the delivery of housing in Elmbridge the target of delivering 30% of new homes as affordable units on the majority of sites will fall well short of meeting needs. One of the primary reasons affordable housing delivery has been so poor in Elmbridge is that all homes have been delivered on previously developed land with relatively high existing use values, which reduces their ability to deliver affordable homes. Therefore, a strategy that maintains this position will not see any significant change in the number affordable homes built, where as one that made appropriate amendments to Green Belt boundaries in order to support new develop would most likely deliver a more significant increase in the number affordable homes.
21. There is clearly an acute need for more affordable housing in the Borough, one that the Council has not been able to address. The Council acknowledge that a key challenge is the delivery of affordable housing and that this is a priority for the local plan. However, in paragraph 6.45 to 6.51 it outlines those supporting amendments to Green Belt boundaries to address these needs undermined by the Government's First Homes policy. The Council argues that the discount required to achieve the capped value of £250,000 would provide limited scope for other forms of affordable housing. The Council are also concerned that there will be circumstances that could mean that First Homes are sold on the open market which is in juxtaposition to the release of Green Belt land to meet the need for affordable housing.

22. However, whilst the Council argue this is reason not to amend Green Belt boundaries, we would suggest that the challenging viability on brownfield land to meet affordable housing needs across all tenures is evidence supporting the need to amend Green Belt boundaries in Elmbridge. The Council have tested the viability of greenfield land and notes at paragraph 3.8.9 that such sites could achieve a 40% affordable housing requirement. It is notable that this paragraph states that in earlier stages of preparing the viability evidence the consultants found that higher levels were potentially viable on Greenfield sites but that owing to the direction of plan development such tests were not carried forward. The introduction of First Homes and its impact on the delivery of other tenures on identified schemes should be seen as strengthening the case of Green Belt boundary amendments. Instead, the Council has not taken a positive approach in trying to meet either the need for First Homes or other forms of affordable housing. It has used the potential for some first homes in certain circumstances, to be sold on the open market as a reason to limit its own ability to provide more affordable housing across all tenures.

Constraints on supply/availability of land suitable for sustainable development.

23. The Council set out in paragraphs 6.53 and 6.54 of Topic Paper 1 that all land outside of the urban areas is designated as Green Belt and in addition a significant proportion of that land is also covered by other constraints. As such outside of the urban area or development of PDL in the Green Belt there are no other opportunities for meeting development needs. The very fact that housing needs cannot be met on these sites is an indication as to the lack of sustainable sites in Elmbridge's urban areas.
24. The only other alternative is to amend Green Belt boundaries. However, the Council do not consider any of the land proposed to be in sufficiently sustainable locations to support amendments to the Green Belt boundary to support their development stating at paragraph 6.56 that Green Belt amendments under option 5a would mean that "... *new residents would be located further from facilities and services...*". However, we note that Table 11 of Topic Paper 1 set out that the overall score on the accessibility for each of the Green Belt sites in Option 5a to a range of services is fair or better, with five of the sites being good or excellent. Also, no consideration appears to be given as to how accessibility to such sites could be achieved through improved public transport.
25. The constraints in land supply faced by the Council and the fact that amendments to Green Belt boundary offers the only way to meets housing needs, and in particular delivers more affordable housing, is clearly in line with the requirement for the local plan to promote sustainable patterns of development. The potential to increase the supply of sustainable sites adds significant weight, in our opinion, to the argument that exceptional circumstances are present to amend Green Belt boundaries in Elmbridge.

The consequent difficulties in achieving sustainable development without impinging on the Green Belt

26. It is accepted that a key part in achieving sustainable development is meeting housing needs and the consequential benefits this has in terms of the health, wellbeing, and economic prosperity. What is notable in the Council's Topic Paper and Sustainability Appraisal (SA) is that it down plays key factors that are required to achieve sustainable development such as the delivery of affordable housing. By not amending Green Belt boundary the Council are not just restricting the number of market homes being delivered by also severely restricting its ability to deliver affordable housing.
27. Given, as set out above, the acute need for affordable housing in the Borough the consequences of not amending boundaries are significant with regard to achieving this key aspect of sustainable development. This aspect is down played in the topic paper with table 6, taken from the SA, indicating a negative in terms of housing as it does not meet needs in full. This is in part from focusing on option 5a that does not meet needs in full. However, if it is compared to the option being proposed by the Council it will provide significant benefits for affordable housing delivery on the basis of the Council's viability evidence.
28. Similarly, the Council have identified the negative impacts on biodiversity in this table and have not considered the fact that new development will be required by the Environment Act 2021 to deliver at least a 10% net gains in biodiversity. As such the option with Green Belt release will have at least a neutral impact if not a positive one. The negative impact is given despite the conclusion in paragraph 3.69 of the SA stating in relation to option 5a "... *the size of sites released from the Green Belt would allow for larger climate change alleviation schemes, biodiversity net gains and green infrastructure provision*" but this is not seemingly mentioned in their considerations on exceptional circumstances in Topic Paper 1.
29. The Council's assessment therefore fails to take into account the significant difficulties in achieving the social aspects of sustainable development whilst over playing the environmental impacts. As such the real difficulties for the Council in achieving sustainable development because of its decision not to amend Green Belt boundaries is not fully considered.

The nature and extent of the harm to this Green Belt

30. Looking at the evidence as to the harm it is clear that there are areas of Green Belt that provide minimal contribution to the purposes of Green Belt to any significant degree on the basis of assessments in the Green Belt Boundary Review (GBBR) commissioned from ARUP. However, what is notable is that the Council in a number of cases disagrees with this evidence citing that the assessment underestimates the importance of various factors.

31. Before considering the outcomes of the Council's assessments, it is important to note that this reassessment of the evidence comes after the Council decided to prepare a plan that did not amend Green Belt boundaries to support further development. This is the incorrect approach. The spatial strategy taken forward should be determined by the evidence – the approach that was seemingly taken by officers before it was rejected by members of the Local Plan. Whilst the Council are entitled to revisit their evidence base this should have been done prior to the decision on the spatial strategy to be taken forward in order to avoid concerns that the reassessment of the Green Belt evidence was influenced by the spatial strategy the Councillors wanted to take forward.
32. Turning to the Council's assessments of the outcomes of the GBBR and we would like to highlight concerns with regard to some of the assessments where the Council now disagree with the Green Belt Review prepared by ARUP. We have not undertaken a detailed assessment of each parcel and our comments should not be seen as an endorsement for any particular site but as examples of inconsistencies that raise questions as to the robustness of the Council's assessment.
33. The first example is in relation to parcel LA-20. In contrast to the GBBR the Council's assessment (paragraphs 6.88 to 6.91 of Topic Paper 1) is that there is significant erosion of the gap between Esher and Cobham, that any development of this land would be ribbon development and that there would be significant harm in relation to encroachment into the countryside. Firstly, with regard to purpose 1 and the coalescence of settlement. What the Council's assessment does not mention is that the parcel of land barely extends beyond the edge of the existing built-up area of Cobham in the direction of Esher and is bounded by the A3. There would therefore be no erosion of the gap between these two settlements and as such the Council's assessment on this matter is fundamentally flawed.
34. Secondly, the accusation that any development of this site being ribbon development would appear to not fully reflect the nature of ribbon development, which can be defined as a linear piecemeal development on a road radiating out from a settlement. A well-planned development of a new neighbourhood on this parcel would in fact avoid such ribbon development and instead provide a rounding off of an existing settlement. Finally, the Council dispute the comments in the Green Belt Review in relation to purposes three of the Green Belt to safeguard the countryside from encroachment. It is stated that just because an area is adjacent to an urban area does not mean that it is heavily influenced by urban developments. However, this seemingly ignores the existing uses on a parcel, and we would concur with the ARUP assessment of this parcel in terms of purpose 3. The area's character is defined not only by its boundary with Cobham but also by the A3 to the west which separates it from the countryside between Cobham and Hersham as well as containing a hotel, pub, playing fields and residential development which reduces the relative value of this parcel in terms of purpose 3.

35. The second example we would highlight where the Council's assessment is contrary to that set out in the ARUP Green Belt Review is in relation to parcel LA-58. The Council consider the emphasis of A309 in checking further urban sprawl by providing a strong defensible barrier is much exaggerated. The HBF would disagree. The dual carriageway not only forms a strong defensible boundary that would be recognised as such in any further reviews of this local plan or the preparation of new local plans it also adds to the urban feel of this area that is increased due to the nature of the existing uses on these sites.
36. The parcel also plays little role in maintaining the separation of existing towns. The Council state that the parcel maintains separation between Hinchley Wood and Long Ditton. However, it must be noted that there is no physical separation between these two communities and in turn no separation between Long Ditton and Surbiton. As such the parcel plays no role in the physical separation of these communities which have already coalesced and as such, the parcel is not performing this purpose of the Green belt.
37. Finally, the Council also make reference to the conclusion in a recent appeal for Land at Sandown Park Racecourse (ref: 2019/0551) in relation to its assessment of sub areas SA-69 and SA-66. The appeal was dismissed with the inspector citing the urbanising effect of the development. However, in relation to this decision it must be recognised that the test of exceptional circumstances is, as outlined by Sir Duncan Ousley in paragraph 70 of his decision in the case of Compton Parish Council v Guildford BC, is a less demanding test than that of very special circumstances considered by the inspector at this appeal. As such it is worth noting that the inspector did not disagree that the site was weakly performing just that that it cannot be said that it performs no function. Under the stricter test applied through VSC this may be sufficient to refuse an application, but it does not necessarily follow that a site that only weakly meets the purposes of Green Belt should not form part of a planned amendment to Green Belt boundary through the preparation of the local plan in order to help deliver much needed homes.
38. To conclude the HBF considers the Council's reassessment of its own Green Belt Review to be flawed and seeks to support a decision rather than provide evidence upon which a spatial strategy is then based. We consider the Council to have overstated the degree to which some parcels meet the purposes of the Green Belt and consequently the nature and extent of the harm from any potential boundary amendments.

The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

39. Following on from considering the nature and extent of the harm to the Green Belt from any amendments to the boundary it is necessary to consider whether that harm can be ameliorated or reduced to its lowest extent. The Council consider the degree of harm to the purposes Green Belt is so significant that it cannot be ameliorated or reduced to an extent that would be acceptable at either a strategic

level or on a site-by-site basis. In addition, the Council do not consider there to be any way that the negative impact arising from the amendment of Green Belt boundaries can be offset through compensatory measures.

40. From previous consultations which included options for green belt boundary amendments it would appear that there are opportunities for compensatory measures on those sites which could be developed if Green Belt boundaries were to be amended which would improve access to open spaces and reduce the already limited harm to reasonable levels. For example, with regard to parcel LA-58 as proposed in option 5a (Map 7 of the Sustainability Appraisal) would keep the open land in the west of the parcel which would in turn maintain the sense separation, a point the Council seemingly ignore in their considerations as to the potential to reduce the impact of any harm.
41. The Council also set out in its considerations in Topic paper the potential harm without consideration as to whether this could be ameliorated or reduced. For example, in relation to SA-50 and GB51/SA66 the Council state in paragraph 6.166 that there are concerns regarding the loss of footpaths. The Council go onto note that whilst footpaths can be retained the experience of using them would change dramatically. However, no further consideration appears to then have been given as to whether through good design the impact on the experience of using these footpaths should these parcels be developed could be ameliorated or substantially reduced.
42. The Council mention at paragraph 6.169 and 6.176 compensatory improvements such as new or enhanced cycle ways, paths as well as planting and improvements to green infrastructure. With regard to improved paths and cycle ways the Council note that there would not be opportunities to provide new improved paths between the sites. However, such improvements do not need to be between sites but could be in other parts of the Green Belt around the development or elsewhere in Elmbridge. The Council are similarly dismissive of tree planting and other improvements which the Council state could take place anyway. Whilst this could happen without amending Green Belt boundaries the local plan offers the opportunity for the Council to plan positively to meet needs and make compensatory improvements that would provide significant benefits.
43. Finally, the Council note at paragraph 6.172 that many of the sites that could be allocated in the Green Belt provide opportunities for biodiversity and wildlife. However, what the Council do not mention in Topic Paper 1 is the legal requirement established in the Environment Act 2021 for development to deliver at least a 10% net gain in biodiversity on every site. They also fail to mention that their own SA which, as we set out above, states that Green Belt boundaries amendments would allow for biodiversity net gains. Not only will the potential harm be ameliorated but there would be an overall improvement in biodiversity on any development site removed from the Green Belt.

44. It is concerning that the Council appears to have concluded without full and proper consideration that there is no potential for any degree of harm to be ameliorated or significantly reduced. The HBF therefore consider the Council's approach to assessing the consequential impacts and potential mitigation measures not to be the positive approach to plan making required by paragraph 35a) nor justified as required by paragraph by 35b) of the NPPF but one that is actively opposed to finding solutions that could allow it to meet housing needs in full and the significant benefits this would have to those in housing need.

Other considerations

45. In addition, the Council consider there to be other issues of importance that indicate that a spatial strategy which amends Green Belt boundaries should not be taken forward. These include
- the weakening of Green Belt boundaries,
 - the need to prioritise previously developed land,
 - landscape character,
 - accessibility to retail services and
 - deliverability.

Weakening the boundary of the Green Belt

46. The Council are concerned that the Green Belt boundary may be weakened in some instances. Despite going on to state in paragraph 6.177 that it would be possible for any development to strengthen the boundary in mitigation the Council remain concerned as it would take time for sites to come forward leaving a weaker less clearly defined boundary which is not in accordance with paragraph 143 of the NPPF. The HBF do not agree with this position. It is possible to amend Green Belt boundaries on the basis that a new defensible boundary will be created in future. The approach taken by the Council is not the positive approach to planning required by paragraph 35 of the NPPF.

Previously developed land

47. As the Council note paragraph 142 of the NPPF does set out that first consideration should be given to PDL. However, this is a sequential approach and one that does not exclude considering sites should there be no suitable or available PDL sites and/or sites that are well served by public transport. If no such sites are available, then it is logical that other sustainable sites could be considered.

Landscape character

48. Whilst the character and landscape of an area are important considerations this should not prevent the Council from meeting its development needs. None of the sites put forward in options 5a or 5 are in designated landscapes that require protection and fall under footnote 7 of paragraph 11. Whilst they are

considerations to take into account when allocating sites and ensuring development responds sympathetically to the character of the area they should not be used as a reason for restricting development or preventing the amendment of Green Belt boundaries.

Accessibility and impact on retail centres

49. The Council argue that the outward expansion of settlements would have a negative impact on existing retail centres as the proposed sites are further away. However, this argument seems to ignore the potential increase in footfall across all retail centres from the increase in population if housing needs were met in full. The likely outcome of meeting needs in full would be positive with more people living in reasonably close proximity to retail centres. The impact would certainly not be the negative one put forward by the Council.
50. With regard to the accessibility of proposed sites put forward in option 5a table 11 shows that no sites have poor accessibility with 5 being good or excellent. This evidence would suggest that in terms of accessibility these sites are either sustainable or could be made sustainable as required by paragraph 105 of the NPPF.

Deliverability

51. The Council are concerned with the deliverability of option 5a on the basis that the number of applications permitted has not led to a proportionate increase in new homes being delivered. As such the Council state in paragraph 6.212 that it is unlikely that the development industry wants to “*flood the housing market with a significant increase in new homes*”. This is supposition and not based on evidence. There are many reasons why permission may not come forward as expected especially on previously developed land where development is inherently more complex and prone to unforeseen problems. These can mean such developments are slower to be commenced and built out more slowly than expected. The levels of delivery are therefore a reflection of the types of sites with permission. The need for new homes in Elmbridge means that there is strong housing market that could easily deliver the necessary homes if it is provided with sufficient deliverable and developable land.
52. The Council also argue at paragraph 6.213 that as there are sites with planning permission in the urban area that have still to be implemented and amending Green Belt boundaries before these are built out would conflict with the NPPF's emphasis on making the most efficient use of land in urban areas. However, the Government is clear in paragraph 141 of the NPPF that where development land in the urban area has been maximised and no other areas are able to accommodate some of their need then Councils are able to amend Green Belt boundaries, if there are exceptional circumstances, in order to ensure development needs are met. As set out above this is clearly the case in Elmbridge.

Conclusions on SS3

53. Paragraphs 11 and 61 of the NPPF state that needs should be met in full with caveats in part b)i. and b)ii which state that needs do not need to be met where the application of policies in the Framework provide a strong reason for restricting overall scale growth or any adverse impacts of meeting needs in full would significantly and demonstrably outweigh the benefits. The argument put forward by the Council is that the application of policies in the Framework provide strong reasons for restricting the overall scale of growth on the basis that there is insufficient evidence to support the conclusion that there are exceptional circumstances supporting the amendment of Green Belt boundaries.
54. Whilst we recognise that in such consideration there is a degree of judgement, it is also the case that these judgements must be based on evidence and the requirements of national policy. The HBF consider the Council's assessment of exceptional circumstances to under play the consequences of not meeting housing needs whilst over playing the degree to which some parcels are meeting the purposes of Green Belt. Furthermore, this has been done without proper consideration as to how any harm could be ameliorated or reduced. The circumstances faced by Elmbridge in terms of housing needs, its inability to deliver significant improvements in affordable housing delivery through its chosen spatial strategy, and the limited harm to Green Belt from meeting needs in full all provide sufficient evidence to amend Green Belt boundaries. As such on the basis of this evidence it does not seem logical to conclude otherwise and the Council's approach cannot be considered to be either a positive approach to plan making or justified and is therefore unsound.

CC1 – Energy efficiency, renewable and low carbon energy

The policy is not sound as it is not consistent with national policy

55. Paragraph 16d) of the NPPF outlines those policies should seek to avoid unnecessary duplication. Given that part 2 part of this policy merely states that development should meet the target emission rates in building regulations the HBF considers it to be an unnecessary repetition of a requirement of the Building Regulations.

CC2 – minimising waste and promoting a circular economy

The policy is unsound as it is ineffective.

56. The HBF recognises that development should seek to minimise waste and try and promote a circular economy. However, there will be limits as to the degree to which such measures can be achieved by development and as such the policy lacks sufficient flexibility to take account of the circumstances faced by each development and as such is not effective. As such we would recommend that part 2 be amended to read:

“2. Development will be expected where viable and practicable to...”

CC3 – Sustainable design standards

The policy not consistent with national policy or sufficiently justified.

57. The HBF does not consider part d of this policy to be consistent with national policy. The Council are advocating the use of just one approach within the policy whereas paragraph 129 of NPPF makes no such prescription. The Council must be clear in policy that it encourages the use of a range of assessment frameworks and remove the specific reference in policy to the encouraged minimum design standards based on Homes Quality Mark and that it pays equal consideration to the outcome of any such assessment. The Council can consider the outcome of any such assessment process, but it cannot dictate the assessment used nor require the assessment to be undertaken in the first place as high quality and sustainable development can arise without the use of such assessment tools. As such the Council should amend the policy to encourage the use of design standards such as the Homes Quality Mark and delete reference to meeting any specific level of such standards.
58. With regard to the requirement to deliver the optional water efficiency standard in part c) the Council will, as required for all the optional technical standards set out in PPG, need to provide the necessary evidence to support adoption. We could not find the evidence relating to the need for this standard and this will need to be provided on submission of the local plan if this part of the policy is to be retained.

CC4 – Sustainable transport

Policy is unsound as it is not consistent with national policy.

59. Part 5 requires to provide parking facilities in line with the Parking SPD. As the Council will be aware the Council not set policy in SPD and as such the Council will either need to establish its requirements in the local plan itself or state that development should have regard to the SPD.

HOU1 - Housing Delivery

The policy is unsound as it is not consistent with national policy.

60. As set out above we do not consider the Council's decision not to meet needs in full to be consistent with national policy. However, in addition we do not consider the Council's housing trajectory to offer sufficient clarity as to the expected rate of delivery over the plan period as is required by paragraph 74 of the NPPF. The Council should set out an annualised trajectory indicating the number of homes that it expects will be delivered each year against its expected needs. These estimates should be clearly justified in the Land Availability Assessment.

61. Whilst the HBF does not comment on land supply of individual sites we note that the availability of some sites is based on contact with land owners/ developers from 2016 and 2018. To rely on statements that are over 4 years old as to a site's availability at the envisioned point of development is insufficient evidence and the Council will need to provide additional evidence to support these allocations. For example, the Council have included the GSK site (US92) as being available based on it being promoted in 2016. This is over 6 years ago and given recent announcements regarding GSK Consumer Healthcare¹ and as such further evidence for its availability will be required. For all sites where evidence is dated the Council will need to provide additional information as to whether they remain available and, in turn, deliverable or developable at the point envisaged by the Council.

HOU4 - Affordable housing

The policy is unsound as it is not consistent with national policy.

62. Part 1c) of policy HOU4 sets out the Council's intention to require a financial contribution for affordable housing on sites of less than 10 units and no more than 1000sqm. As the Council are aware this is inconsistent with paragraph 64 of the NPPF. However, before considering the Council's justification for this departure it is worth reiterating why the Government introduced this particular policy. The Ministerial Statement is clear that the reason for introducing this policy was to "ease the disproportionate burden of developer contributions on small scale developers". This is distinct from whether or not such development is viable in general but whether they are a disproportionate burden on a specific sector that faces differential costs that are not reflected in general viability assessments. These costs have led to a reduction in the number of small and medium (SME) sized house builders. Analysis by the HBF shows that over the last 30 years changes to the planning system and other regulatory requirements, coupled with the lack of attractive terms for project finance, have led to a long-term reduction of total SME house builder numbers by about 70% since 1988. The Government is very anxious to reverse this trend and increase the number of small businesses starting up and sustaining this activity. Improving business conditions for SME home builders is the key to long-term supply responsiveness.
63. The justification for the Council's approach is that due to the acute need for affordable housing in the Borough and that many homes are built on small sites the Council expects a financial contribution from small developers to support their delivery. Whilst the HBF would agree that there is an acute need for affordable homes the most appropriate approach would be to allocate land that will allow the Council to better address these needs rather than seek financial contributions from small developments that will likely contribute very little to overall delivery. The

¹ <https://www.gsk.com/en-gb/media/press-releases/gsk-unveils-plan-for-uk-headquarters-of-new-consumer-healthcare-company/>

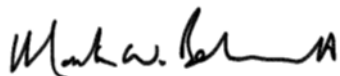
reason for the increasing house prices and poor affordability is the fact that housing needs, as we set out in our comments on policy SS3, is much higher than what has been delivered or what is being proposed in this local plan.

64. There is a significant gap between delivery and the baseline need arising from household growth. This will inevitably put increasing pressure on house prices worsening affordability, increasing the need for affordable housing. The issue of affordability and affordable housing delivery is, therefore, unlikely to be addressed by requiring financial contributions on smaller sites but rather through the allocation of additional sites in this local plan. In brief the Council's focus on the general viability of affordable housing delivery on small sites and is, in part, missing the broad scope of the Government's policy to support the growth of this particular sector and see it thrive once more. As such we do not consider the Council to have justified a departure from national policy with regard to the small site exemption. The policy will continue to be a burden to SME house builders and in particular to new entrants into the market. In addition, the outcomes of the policy are likely to be ineffective in delivering the scale of affordable housing required to meet needs in Reigate and Banstead. As such part 1c) of this policy should be deleted.

Conclusion

65. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in the NPPF. In particular we are concerned that the Council have not justified its decision not to meet housing needs and that the approach taken does not reflect the positive approach to planning that is required by paragraph 35a) of the NPPF.
66. I can also confirm that the HBF would like to attend participate in the public hearings in order to put forward the concerns of our members with regard to the Elmbridge Local Plan.

Yours faithfully



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