



ELMBRIDGE BOROUGH COUNCIL
EXAMINATION OF THE ELMBRIDGE LOCAL PLAN

MATTER 4: THE HOUSING REQUIREMENT

PRE-HEARING STATEMENT ON BEHALF OF
ELMBRIDGE BOROUGH COUNCIL

March 2024

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.

Questions

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?

Council response

3.1.1 Yes, the Council considers the Plan is justified in not meeting the full LHN. It is not necessarily the case that a Plan which does not seek to meet needs in full will be found unsound. The NPPF provides for such a scenario by including the wording at paragraph 11b) which advises that strategic policies should meet objectively assessed needs in full “unless...”

3.1.2 Therefore, the Council considers the approach is consistent with NPPF paragraph 11b(i). The NPPF and Planning Practice Guidance (PPG) make clear that the LHN figure as calculated by the Standard Methodology is not automatically transposed into a Local Plan to be the housing target / requirement for the authority. The Government recognises that there are constraints to meeting needs and sets out in Guidance whether or not plan-makers should override constraints such as Green Belt, when carrying out the assessment (land availability) to meet identified need.

3.1.3 In determining the level of housing, the NPPF’s Standard Method is a starting point in the process for planning for new homes. The Council has considered both the constraints in the borough and the supply of sites coming forward in determining the housing requirement in the Plan.

3.1.4 Footnote 7 to the NPPF Paragraph 11b(i) sets out protected areas or assets of particular importance that could provide a strong reason for restricting the overall scale, type and distribution of development, and many of these

designations are present within the borough including 57% designated Green Belt, three sites of Special Scientific Interest (SSSI) at Esher Commons, Knight and Bessborough Reservoirs, and Ockham and Wisley Commons (subsumed by Green Belt), designated heritage assets, and 8% of the Borough is within the functional floodplain.

- 3.1.5 In applying paragraph 11b(i) and the application of Green Belt policies, the Council considers it is justified in restricting the overall scale and distribution of development and not meeting the full LHN. The Council reached the conclusion that the necessary exceptional circumstances required to amend the boundaries of the Borough's Green Belt through the preparation of the new Local Plan, were not present and, therefore paragraph 11(b)(i) of the NPPF provided a strong reason for restricting the scale and distribution of housing development in the borough. A detailed breakdown of the reasoning behind the Council's decision, including a commentary on each of the Green Belt sites considered for allocation for development as part of Option 5a is set out in Topic paper 1 [TOP001].
- 3.1.6 Like the Secretary of State, the Council attaches great importance to Green Belt. The Green Belt Boundary Review, 2016 and 2018 assessments, produced by Ove Arup, assessed land designated as Green Belt and how different areas performed against the Green Belt purposes set out in national policy. At a strategic level, the 2016 assessment identified three Strategic Areas; identified largely through commonalities in landscape character and natural constraints or barriers that distinguish between different parts of the Green Belt, and functional connections with the wider Metropolitan Green Belt.
- 3.1.7 Strategic Area A was identified as forming part of a narrow and fragmented band of Green Belt which closely abuts the very edge of southwest London. It was identified as a 'strategically important arc of Green Belt' that can be traced from Heathrow Airport through to Epsom providing a narrow break between the built-form of outer London and several Surrey towns including for example, Walton-on-Thames / Hersham, Esher and Claygate (Elmbridge).
- 3.1.8 Strategic Area B was identified as forming part of a wide Green Belt buffer which broadly maintains separation between a series of distinct towns and villages in Surrey, Berkshire and Buckinghamshire, as well as the outer-most fringes of London around Hillingdon. The coherence and continuity of the Green Belt is highly variable, with some sizeable swathes of relatively open land (for example, between Weybridge in Elmbridge and Ashted in Mole

Valley, and between Staines-upon-Thames in Spelthorne and Slough) but also significant fragmentation around settlements.

3.1.9 Strategic Area C was identified as being intrinsically linked with a large unbroken swathe of Green Belt extending outwards over the Surrey countryside, including the Surrey Hills Area of Outstanding Natural Beauty (AONB), towards Woking, Guildford, Dorking and the North Downs beyond. At the sub-regional level, the Area maintains the relatively unspoilt character of the Surrey countryside by preventing the encroachment of development into rural areas

3.1.10 As summarised in the table below, each of the three Strategic Area met the NPPF Purposes 1-3, as well as the fundamental aim of Green Belt in '[preventing] urban sprawl by keeping land permanently open' (paragraph 79).

Strategic Area	Meets the fundamental aim of Green Belt	Strength against Purpose 1	Strength against Purpose 2	Strength against Purpose 3
A	Yes	Very Strong	Very Strong	Weak
B	Yes	Strong	Strong	Moderate
C	Yes	Moderate	Strong	Strong

3.1.11 In regard to the Local Areas and Sub-Area assessment, it is the Council's position that, on the whole, the Green Belt Boundary Reviews, 2016 and 2018 (GBBR, 2016 and 2018), undervalue the performance of the Green Belt sites against the purposes of Green Belt as well as their role in ensuring the fundamental aim of Green Belt - preventing urban sprawl by keeping land permanently open. In addition, the Council considers that, all the sites, either via Arup's assessment or the Council's own, performs some degree (weakly, moderately, strongly) of function when considered against the purposes of Green Belt. It is the Council's view that whilst some areas are considered to perform 'weakly' against the purposes of the Green Belt in the Arup assessments, they still perform some function. Moreover, neither the 2016, nor 2018, GBBR assessment identified any part of the Green Belt as no longer performing against the purposes overall and in some cases alterations

to the Green Belt boundary would not deliver defensible boundaries as required by the NPPF without mitigation.

- 3.1.12 The Council has also looked at an option (Option 3) that could meet need and unmet need delivering 16,300 homes. However, the Sustainability Appraisal (SA) [CD002] clearly shows that Option 3 is demonstrable undeliverable. As well as this option the Council looked at intensification in the urban areas to meet the full LNH. Although the option to meet the Borough's identified housing need in full through intensification of urban areas would protect the existing boundaries of the Green Belt, the Council considers that this option would see the delivery of residential units that would negatively impact the urban structure and grain of local communities through the continued subdivision of plots beyond the scope of 'optimising' / making efficient use of land, which would be contrary to the NPPF, including paragraph 11(a) and 11(b)ii).
- 3.1.13 The Council considers the Green Belt in Elmbridge is fragmented, and this strengthens its importance in preventing the continued sprawl of Greater London. When examining the Core Strategy, the Inspector concluded in paragraphs 26 of her report that "Reflecting the urban morphology, the Green Belt is closely interwoven with the borough's settlements and is generally fragmented. This renders it particularly vulnerable to erosion while it makes a significant contribution to environmental character as part of a green network. This is in addition to serving fundamental Green Belt purposes of preventing neighbouring towns from merging into one another and safeguarding the countryside from encroachment".
- 3.1.14 The Inspector continued in paragraph 27 that "In this context the impact of even small-scale deletions from the Green Belt would be likely to be harmful and undermine its longer-term protection". There has been no material change of circumstance since those findings.
- 3.1.15 Having considered the relevant policy tests, the Council does not consider that exceptional circumstances has been fully evidenced and justified. The Council, like the Government attaches great importance to the Green Belt, and, in accordance with the NPPF (as per paragraph 11b(i)), has concluded that the Green Belt provides a strong reason for restricting the overall scale, type and distribution of development in the plan area.
- 3.1.16 The Council considers that the strategy, although not meeting the full LHN, seeks to deliver the aspirations of the Borough's communities as evidenced through the regulation 18 consultation responses, and aligns with the Government's reforms of the planning system and local plan making process

seeking to ensure local communities have a say in what is built in their neighbourhood.

3.1.17 Therefore, the Council considers that with the identified constraints in the borough and the land supply the Plan is justified in not meeting the full LHN.

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?

Council response

3.2.1 Yes, the plan has been positively prepared in accordance with the Framework, is justified and will be an effective plan for the Borough.

3.2.2 The LHN for the borough has been determined using the Standard Method, consistent with paragraph 61 of the Framework. The Council has set out in the answer to question 3.1 above the reasons as to why the Plan is consistent with the Framework and justified in not meeting the LNH figure. The Plan provides a strategy that has been informed by agreements with other authorities as demonstrated through the Statements of Common Ground. It has also considered the option of meeting need and unmet need, but this option has been demonstrated that it is undeliverable.

3.2.3 Several options for the approach to the spatial strategy were identified, including options that sought to meet the Borough's identified housing need in full. The options were informed by national policy and guidance; the draft Local Plan evidence base; on-going discussions with neighbouring authorities and other strategic partners as part of the duty-to-cooperate; consultation with the Borough's residents and stakeholders in three Regulation 18 consultations; and collaborative working between officers and Councillors.

3.2.4 The Plan provides an appropriate strategy for future development in the Borough, based on a proportionate evidence base. Reasonable alternatives have been considered during the development of the Plan and the assessment of these is detailed in the Sustainability Appraisal [CD002].

3.2.5 The spatial strategy in the Plan is deliverable over the plan period and through the Duty to Cooperate the Council has demonstrated the effective joint working that has been undertaken throughout the preparation of the Plan with all the prescribed bodies and others, as detailed in the submitted SOCG [document ID numbers CD018 to CD032].

3.2.6 The Council considers that the Plan is consistent with national policy. The strategy in the plan places tackling climate change and achieving sustainable development at its core.

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?

Council response

3.3.1 The Council acknowledges that it will not be possible to meet the Borough's affordable housing need in full through the approach set out in the proposed spatial strategy. Through the preparation of the draft Local Plan, the Council has explored opportunities for increasing the provision of affordable housing over the plan period through increasing the delivery of market housing and maximising the percentage of affordable housing that can be provided as part of a development scheme considering viability.

3.3.2 However, the Council reached the decision that the exceptional circumstances required to amend the boundaries of the Borough's Green Belt through the preparation of the new Local Plan, were not fully evidenced and justified. A decision that took full account of the benefit of delivering a greater number of market homes to enable the Council to deliver a greater proportion of its identified affordable housing need of 269 dwelling per annum (dpa), set out in the Local Housing Need Assessment (2020). Concluding that the benefit of doing so did not outweigh the harm in releasing and developing on the Green Belt and is consistent with paragraph 11b(i) of the Framework.

3.3.3 As set out in paragraph 62 of the Framework and guidance in the PPG on Housing and Economic Needs Assessments, do not require identified affordable housing need to be met in full. This was established by *Barker Mill Estates Trustees v Test Valley BC* [2016] EWHC 3028 (Admin.)¹⁰¹ at paragraph 36 - 37.

3.3.4 The spatial strategy seeks to address the Council's priority of addressing the affordable housing need in the Borough primarily through Policy HOU4. Policy

HOU4 sets out requirements that will ensure opportunities to deliver affordable housing are maximised on all suitable sites and taking into consideration viability. Including through requiring small sites of less than 10 homes to provide a contribution towards affordable housing via a financial contribution, an approach which reflects the particularly acute need for affordable housing in the Borough.

- 3.3.5 The Council also has additional models/methods of delivering affordable housing in the Borough outside of obligations/contributions through the planning process that will contribute towards addressing the Borough's need for affordable homes. For example, EBC's Housing department deliver 100% affordable housing schemes in its function as a housing provider.
- 3.3.6 The Council considers that the proposed spatial strategy reflects the identified need for affordable housing according with the Framework and will be effective in meeting as much of that identified need as possible in the context of a highly constrained land supply.