

Guildford Borough Council
In the matter of an independent assessment
of a potential Local Plan review

1. Introduction

- 1.1 In April 2019 Guildford Borough Council (“the Council”) adopted a Borough Local Plan: strategy & sites 2015-2034 (“LPSS”). This plan was promoted under the then transitional arrangements set out in the National Planning Policy Framework (“NPPF”) 2018. This means it was examined and tested for soundness against the NPPF 2012, the first NPPF. To put that into context, section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The current 2021 NPPF, which is the fourth iteration, issued in July this year, is a material consideration for the purposes of determining planning applications.
- 1.2 The LPSS contains strategic policies for identifying the quantum of housing, business, employment, retail and leisure to be provided over the plan period including the necessary policies requiring all infrastructure necessary to support the identified growth. In addition, policies support the existing Green Belt, restricting inappropriate development therein.
- 1.3 In the context of plan making for the LPSS, exceptional circumstances were found to exist to warrant redrawing some Green Belt boundaries so as to remove some development sites, including strategic sites, from the Green Belt. The justification for the exceptional circumstances was very largely based on meeting development needs, including unmet housing need. In addition, some villages were inset from the Green Belt. I am asked to advise on the pros and cons of trying to unpick the rolling back of the Green Belt and the housing requirement figure in the LPSS.

2. Summary

- 2.1 As I explain below, in my view any attempt to review the housing requirement figure will result in a **higher housing requirement figure** for the Borough’s housing needs applying the new standard methodology. This is the very last thing members of the current administration are seeking to achieve and would be a **complete home goal**. Neither do I see any realistic prospect of unpicking the strategic allocations of sites that were once, but are no longer, in the Green Belt. On the contrary I suggest that applications on these allocated sites should not be frustrated; rather these sites should be brought forward as soon as possible. They should be developed making the most efficient use of them and thereby minimising any further loss of Green Belt in future local plan reviews.

3. Reasons

Reducing the housing requirement

- 3.1 The housing requirement figure of 562 dwellings per annum in LPSS takes its starting point the 2016-based population & household figures. The 562 dwellings amounted to a 79% uplift from the

- 2016-based figures which the examination inspector found sound. Challenges to the adoption of the LPSS based on the examination inspector's report failed in the High Court¹.
- 3.2 In an attempt to get away from arguments in local plan examinations about which figures to use, what adjustments if any to apply and how to tackle any shortfalls, the Government introduced an approach to assessing housing requirements called the standard method. This was first introduced via the NPPF 2018 and the subsequent associated planning practice guidance. As the inspector noted in 2019 while examining what became LPSS, because the submitted local plan before him was being examined against NPPF 2012, the standard method was not the appropriate basis on which to assess the housing requirement.
- 3.3 According to indicative figures published by Litchfield's in December 2020 (expressly stated not to be definitive but based on data then available) Guildford's housing requirement based on the standard method ("SM") assessment of local housing need was 787 dwellings per annum . According to the papers I have seen it is 778. Given the figures are adjusted every year to reflect recent median workplace-based affordability ratios small changes are not unusual. The more important point is that the SM assessed figure is **materially higher** than the 562 housing requirement in the LPSS.
- 3.4 The effect of NPPF 2021 paragraph 74 & footnote 39 is that in calculating whether they have a 5 year housing land supply (HLS), Councils can continue to rely on their housing requirement figure set out in their adopted strategic local plan policies for up to 5 years, thereafter they **should be using the SM**, unless those policies have been reviewed and found not to be wanting. If a local plan is more than 5 years old, & no decision is made whether to review or not in the sixth year the a section 78 appeal inspector applying NPPF 2021 will need to use the SM to consider whether there is a 5 year HLS. If the strategic housing policies are in need of updating there are also implications for the housing requirement figure used in the housing delivery test.²
- 3.5 The Council's LPSS was adopted on the 25 April 2019 so the Council have until at least 25 April 2024 to rely on the housing local plan requirement figures in their 5 year housing land supply calculation. Since any calculation is likely to start with a baseline of 1 April, there is also a case for saying that the SM should not be introduced for the purposes of a HLS until the following 1st April 2025³. In other words for the 5 yr HLS assessment covering the period April 2025/26-2030/31.
- 3.6 On the other hand, if it was decided to review the LPSS now, such review will need to be consistent with the current NPPF 2021. In that event the NPPF at paragraph 60⁴ is clear that strategic policies should be informed by a local housing need assessment conducted **using the standard method** unless exceptional circumstances justify an alternative approach. Any alternative approach would also need to reflect current & future demographic trends and market signals. This is repeated in the PPG advice on Housing & Economic Needs Assessment at ID 2a-003⁵.

¹ *ComptonPC&Ors v GuildfordBC&Anor*[2019]EWHC3242
<https://www.bailii.org/ew/cases/EWHC/Admin/2019/3242.html>

² See ID61-067.

³ Most Councils would undertake the 5 year HLS after 1 April ; in situation as in Guildford, Councils might undertake the calculation on two bases, one using the SM figure and one the local plan requirement figure. The former does not involve any backlog while the latter includes the backlog. That is one advantage of the SM.

⁴ Set out in full in the appendix

⁵ ditto

- 3.7 Previous assessments have been undertaken jointly through Strategic Housing Market Assessment commissioned alongside Woking & Waverley, based on the housing and economic market area. Whilst in future a joint SHMA is not strictly necessary⁶ to identify local housing need using the SM, at present I see little real evidence of Guildford being able to “go it alone” in the future. By this I mean by adopting an approach which is both inconsistent with the SM as well as potentially inconsistent with Waverley & Woking. That said I recognise at this stage that the stance that Woking and Waverley will adopt in the future on the SM is by no means apparent.
- 3.8 I am unaware of any specific factors which suggest that there are “*exceptional local circumstances that justify deviating from the standard method*” which justify treating this part of Surrey differently and so deviating from the SM. Nor has any particular case for any deviation been identified by independent experts in this field. Whilst I acknowledge the concern in past of the use of particular household projections, the fact is that Government has not yet seen fit to change the basis of the SM which continue to use the 2014 household projections as its starting point.
- 3.9 Moreover, I am not aware of any authorities going through a part one local plan examination submitted after the 24 January 2019 deadline⁸ who have even tried to argue they should not use the standard method as their starting point. Nor any who have sought to suggest other household projections should be taken as a starting point in the calculation.
- 3.10 Indeed some authorities are running with figures above the SM particularly in the north where their SM figures come out lower than those based on the old methodology. I am not aware of any who have successfully achieved a figure lower than the SM produces. Many are pausing any reviews in the hope that Government will alter the SM approach through planning reforms. The one alteration that has occurred is the 35% uplift loaded onto the 35 largest cities in England to help get the Government to the 300,000 dpa figure. Further change seems increasingly unlikely.
- 3.11 The Council need to make sure applications on the strategic sites come forward and are granted since, as the housing trajectory shows, they rely on them to maintain a 5 year housing land supply. With long lead in times on the larger sites delays now will mean in a couple of years it will be harder to maintain the 5 year housing land supply. Whilst there was a buffer or headroom in the order of 35% at the time the plan was found sound⁹, the reality is that delivery on some strategic sites looks increasingly likely to take place outside the plan period as delays in the strategic sites become apparent.

Rolling back the altered Green Belt boundaries

- 3.12 Policy in NPPF 2021, at paragraph 140, is clear that Green belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Given the housing requirement under NPPF 2021, applying the SM, is higher in Guildford Borough’s administrative area¹⁰ than the current local plan requirement figure I can see

⁶ A SHMA will continue to be necessary for other reasons ie to understand the necessary type/ mix of housing necessary.

⁷ Ida:2a-015-20190220

⁸ Only plans submitted before this deadline can be examined against the NPPF 2012 and so avoid the Standard Method altogether

⁹ Based on the difference between 10678 and 14602

¹⁰ And setting aside added complications such as meeting half of Woking’s unmet needs which are also likely to be higher under the SM

absolutely no realistic prospect of the Council ever being able to alter boundaries to put land outside the GB back into it. Moreover, no landowners or indeed house builders who have now acquired allocated sites are going to allow the allocations to be lost given the significant commitments made to date either in purchasing allocated sites, pursuing planning applications or committing to buy them when permission is obtained.

Effect of National Highway's decision on the A3

- 3.13 The decision by National Highways relating to the RIS scheme requires a reconsideration of traffic impacts as heralded by policy ID2 which the Council have commissioned which is already well underway. This has the potential to affect the viability and deliverability of the strategic sites as was recognised in the formulation of LPSS. It may mean bids being made for other forms of public funding to help deliverability. It may mean less affordable housing or a different mix of development but until the outcome of the review is known this is simply conjecture. ID2 also paves the way for a review of the local plan if considered necessary. However, whilst these issues are very likely to lead to delays in delivering strategic sites, its quite another matter to speculate on any deallocation of strategic sites in any later local plan review. No site promoter is simply going to walk away from their site. The Council has commissioned further work by highway consultants in a bid to move matters forward. Likely delays on some strategic sites just mean it is all the more important to ensure the other sites, strategic or otherwise, come forward and are granted permission promptly to ensure a 5 year housing land supply in the years ahead. A failure to maintain a 5 year HLS will bring added pressure to other parts of Guildford as and when developers seek to take advantage of the tilted balance.

Inset Local Villages

- 3.14 In so far as Green Belt boundaries are set they cannot be altered other than via a local plan review and subsequent update, and by reason of exceptional circumstances. It is simply not feasible to imagine that inset villages can simply be put back into the Green Belt. The NPPF is clear boundaries should endure so changing them in the next review would not be consistent with national policy. Conducting such a local plan review now would be to invite higher housing numbers, for the reasons set out above, which would further undermine such attempt. Frankly this horse has well and truly bolted. My advice is to consider strengthening design policies at the first opportunity. That maybe through the LPDMP and or neighbourhood plans. In the meantime, the NPPF 2021, which is another material consideration, attaches more importance to the design of buildings and the use of design codes. All schemes can be tested against paragraph 130 as a material consideration in the exercise of planning judgment.
- 3.15 For all these reasons it would be counterproductive to seek to review the LPSS now in advance of the statutory deadline.

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