



# Camden Local Plan EIP obo St George

## Post Hearing Statement

17th June 2026

1.1 On behalf of St George West London Limited ('St George'), part of the Berkeley Group, Quod submits this follow up statement in respect of the Camden Local Plan Review to address the following matters.

1.1.1 Legal Opinion by Rupert Warren KC on housing need and housing targets post 2029.

1.1.2 Approach to a local plan review, example from Ealing Council (main modification June 2026).

1.1.3 Housing land supply from Site Allocation C7 to inform the 5YHLS.

## 2. Legal opinion

2.1 Please see enclosed a legal opinion from Rupert Warren KC of Landmark Chambers.

2.2 This considers matters raised in the Quod hearing statements, and the response from the Council in respect of general conformity with the London Plan; paragraph 4.1.11 of the London Plan; soundness; and SA/reasonable alternatives. It also considers the necessity of a local plan review.

2.3 It concludes that there are powerful reasons to doubt that the Local Plan's approach is sound and/or compliant with legal requirements to assess reasonable alternatives. To achieve compliance with relevant policy and legal duties the evidence base will need to be updated and the housing target properly justified. There is also a compelling case for the need for a commitment to immediate review in the event of new housing targets being established by the emerging London Plan.

## 3. Local plan review

3.1 Published last week, dated 21<sup>st</sup> March 2026, following representations regarding Ealing Council's lack of a 5YHLS, the Council has committed through its proposed Schedule of Suggested Modifications (S26) to undertake an early review of the Ealing Local Plan, having regard to the emerging Framework, the forthcoming new London Plan and the National Decision-Making Policies due to be published later this year.

3.2 Proposed Modification FSMM566 commits the Council to undertaking "a *comprehensive review of the Ealing Local Plan*" before the end of 2027. The extent of any changes will be determined through the review process and will establish whether a partial update or a wholesale review is required.

3.3 The Council has identified several key matters that will form the focus of the review (as raised at the EIP), including the revised housing requirement arising from the New Standard Method



to be incorporated within the new London Plan, housing delivery and monitoring of site allocations.

3.4 We enclose the relevant extract from FSMM56 below.

<p>FSMM56</p>	<p>Chapter 1 – About Ealing’s Local Plan</p> <p>New Para after 1.37</p>	<p>Add new supporting text in Chapter 1 after existing Para 1.37 as follows:</p> <p><b>“<u>Early Review of Ealing’s Local Plan</u></b></p> <p><b><u>1.38 This plan has been prepared at a time of significant changes in the national and regional planning policy framework.</u></b></p> <p><b><u>1.39 An entirely new version of the National Planning Policy Framework (NPPF) was published for consultation in December 2025 and is expected to be published during the second half of 2026 and will contain a new suite of National Decision-Making Policies (NDMPs).</u></b></p> <p><b><u>1.40 A new draft London Plan is also expected to be published for consultation in Summer 2026 which will set new targets on LPAs including for housing supply and gypsy and traveller pitches. The London Plan is not expected to complete its examination and thereafter be published until the end of 2027, at the earliest.</u></b></p>	<p>Clarity.</p> <p>{Arising from council response to Block 2 Action Log 4.15}</p>
		<p><b><u>1.41 Given these important changes the council will undertake a comprehensive review of the whole Ealing Local Plan 2024-2039 by the end of 2027. This will determine whether this plan needs to be updated either in whole or in part.</u></b></p> <p><b><u>1.42 All policies will be reviewed but with particular regard paid to the following matters that have been specifically identified during the preparation and examination of this plan:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>The housing requirement for the whole LPA and consideration of proposed housing requirement set out in the new London Plan (if this has been published).</u></b></li> <li>• <b><u>Monitoring housing delivery including the progress and implementation of sites allocated in this plan to inform the Local Plan review.</u></b></li> <li>• <b><u>Gypsy Traveller and Accommodation Assessment, in accordance with the Statement of Common Ground agreed with the Old Oak and Park Royal Development Corporation (OPDC).</u></b></li> </ul>	

3.5 We thought that this would be a useful reference for the Inspector and Council, and an example in London of how to positively respond to housing needs to meet framework requirements.

#### 4. Matter 4: Housing delivery at Site C7 Morrisons Supermarket

4.1 Further to the examination of Matter 4, Inspector Ford sought clarification on the phasing of Site C7 Morrisons Supermarket to update ED03S and SD14 Figure 1.

4.2 Please find confirmation of the housing delivery phasing which extends beyond the 5 years into 2032/33.

4.3 The Inspector will note that this changes the Council’s assumption from 534 homes delivered in the 5-year window (26/27 – 30/31) to 262 homes.



CGY - Housing Delivery (MDP 10.06.26)									
	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	
<b>Council</b>	<b>110</b>	<b>168</b>	<b>155</b>	<b>96</b>	<b>42</b>	<b>73</b>	<b>-</b>	<b>-</b>	<b>644</b>
<b>Proposed</b>									
A	107	2	-	-	-	-	-	-	109
B	-	168	-	-	-	-	-	-	168
C	-	-	-	82	10	-	-	-	92
F	-	-	-	-	-	-	156	-	156
D	-	-	-	-	-	-	-	42	42
E1	-	-	-	-	-	-	-	46	46
E2	-	-	-	-	-	-	-	23	23
<b>Proposed</b>	<b>107</b>	<b>170</b>	<b>-</b>	<b>82</b>	<b>10</b>	<b>-</b>	<b>156</b>	<b>111</b>	<b>636</b>
Council	5Y	26/27 to 30/31		534					
Actual	5Y	26/27 to 30/31		262					

4.4 To be effective it would assist if SD14 could be updated to reflect the above and the data contained in ED03S.

**End**

**IN THE MATTER OF**

**LONDON BOROUGH OF CAMDEN**

**ST GEORGE, BERKELEY GROUP**

**DRAFT LOCAL PLAN 2026-41**

**OPINION**

**A. Introduction**

1. We are instructed by Quod on behalf of St George to advise on the approach taken by the London Borough of Camden (“Camden”; “the Council”) to identifying a suitable housing requirement figure within its emerging Local Plan. The Local Plan is currently undergoing examination. It has a plan period of 2026-2041.
2. We are particularly asked to comment on the approach taken to identifying an appropriate housing requirement after 2029 and on the proposed modifications and updates to evidence proposed by Quod at the examination in public.

**B. Summary of advice**

3. In summary our advice is that:
  - (1) The test of general conformity does not require the Council to base its housing requirement on the method set out in paragraph 4.1.11 of the London Plan (2021);
  - (2) In the absence of a requirement to apply paragraph 4.1.11, there are powerful reasons why the Inspector should conclude Local Plan’s approach is neither sound nor compliant with legal requirements to assess reasonable alternatives;
  - (3) While the middle sentence of NPPF (2024) §78 may not be expressly applicable to plan-making, it confirms the Framework’s objective of

ensuring that housing delivery is not impeded by a failure to keep strategic policies up to date.

- (4) In order to achieve compliance with relevant policy and legal duties the evidence base will need to be updated and the housing target properly justified. We can also see a compelling case for the need for a commitment to immediate review in the event of new housing targets being established by the emerging London Plan.

## C. Legal and Policy framework

### C.1. Legal Framework

4. The legal framework within which the Council is seeking to promote the Plan is principally located in
  - (1) Part 2 of the Planning and Compulsory Purchase Act 2004 (“**the 2004 Act**”); and
  - (2) The Town and Country Planning (Local Planning) (England) Regulations 2012 (“**the 2012 Regulations**”).
5. The 2004 Act requires that before a development plan document may be adopted, it must be subject to examination by an Inspector appointed by the Secretary of State. Section 20(5) provides that (for a London borough) the purpose of independent examination is to consider whether:
  - (1) It satisfies the requirements of section 19 in relation to its preparation;
  - (2) It is in in “general conformity” with the “spatial development strategy” set out in the London Plan (under s. 24(1)(b) of the 2004 Act);
  - (3) It meets the requirements of the 2012 Regulations;
  - (4) It is “sound”; and
  - (5) The duty to cooperate has been complied with under s.33A.

6. The requirement to be in general conformity is mandatory (see the “*must*” in s.24(1)). However, an examining Inspector is also required to determine whether the DPD is sound (per s.20(5) of the 2004 Act) and, if they consider that it is reasonable to conclude that it is not sound “*must*” recommend non-adoption: s.20(7A).
7. In addition, in preparing a council is subject to duties in respect of the assessment of environmental and equalities impacts of the plan under the Environmental Assessment of Plans and Programmes Regulations 2004 (“**the SEA Regulations**”). This includes a requirement to assess reasonable alternative to the plan.

## **C.2.General Conformity**

8. The correct approach to considering a challenge to decisions as to general conformity of a development plan was set out by the Court of Appeal in *Persimmon Homes (Thames Valley) Ltd v Stevenage BC* [2005] EWCA Civ 1365; [2006] 1 W.L.R. 334.
9. As to the meaning of "general conformity", Laws L.J. stated that the long lead in time for development plans and the exigencies of planning policies which are liable to change militated in favour of a looser rather than a tighter approach, at [25]. Further, the use of the adjective "general" introduced a degree of flexibility, at [26]. He concluded that the court should favour a balanced approach to construing the general conformity requirement accommodating these factors and that there is considerable room for manoeuvre, at [28]. Measures may be properly introduced into a local plan to reflect the fact that some aspect of the [strategic] plan is itself to be subject to review [28]. The question whether one plan is in general conformity with another is likely to admit of more than one reasonable answer and will be a matter of planning judgment not legal reasoning, at [29]. The phrase leaves some scope for flexibility and even for some conflict [71]. The local plan must give effect to the main policies set out in the structure plan, and must do so in a way which does not contradict or subvert their achievement [71].

10. In *R (oao DLA Delivery Ltd) v Lewes DC* [2017] EWCA 58, the Court of Appeal noted, in respect of a neighbourhood plan, that housing allocations in such a plan which does not coincide or even overlap with the period of an adopted local plan cannot logically be said to lack general conformity [24]. The NPPF policy requiring an NP to be in general conformity with a local plan is to prevent the mischief of a neighbourhood development plan frustrating the strategy of an up to date local plan [26].
11. In *R (Bewley) v Waverley Borough Council* [2018] PTSR 423 (also dealing with neighbourhood plan general conformity), it was indicated the consideration of general conformity was against the plan as a whole [37].

### **C.3. Soundness**

12. Soundness is not defined in statute but is set out in policy. For the purposes of the Local Plan<sup>1</sup>, this is found at NPPF (2024) §36 which provides:

“36. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs<sup>20</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

13. Footnote 20 provides:

“Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 62 of this Framework “

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<sup>1</sup> The Local Plan is being examined against the 2024 version of the NPPF.

14. NPPF (2024) §62 provides:

“62. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

15. This paragraph (and others within Chapter 5 of the NPPF (2024)) is supported by the Housing and economic needs assessment section of the Planning Practice Guidance (“PPG”) which states that the standard method identifies a minimum annual housing need figure and is intended to ensure plan-making is informed by “*an unconstrained assessment of the number of homes needed in an area*” (para 002). It expressly says the standard method does not produce a housing requirement figure.

16. In areas where a spatial development strategy has been published, the PPG (013) provides that:

*“Where a spatial development strategy has been published, local planning authorities should use the local housing need figure in the spatial development strategy and should not seek to re-visit their local housing need figure when preparing new strategic or non-strategic policies.”*

17. The PPG expects “*Strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process*” (para 008) and “*Once local housing need has been assessed, as set out in this guidance, authorities should then make an assessment of the amount of new homes that can be provided in their area.*” (para 040).

18. The same PPG then defines the housing requirement as the minimum number of homes a plan seeks to provide during the plan period. Once local housing need has been assessed, authorities should assess how many homes can be provided in their area, justified by evidence on land availability, constraints and other relevant matters.

#### **C.4.Housing targets under London Plan (2021)**

19. The London Plan (2021) is a spatial development strategy adopted by the GLA under Part VIII of the Greater London Act 1999 (“the 1999 Act”).
20. Section 334 obliges the Mayor to prepare and publish a spatial development strategy containing “a statement formulating the Mayor’s strategy for spatial development in Greater London” which must include his *general policies in respect of the development and use of land in Greater London*” (s.334(2)-(3) of the 1999 Act). The spatial development strategy must also contain such diagram, illustrations or other descriptive or explanatory matters as may be prescribed (s.334(4)). The Town and Country (London Spatial Development Strategy) Regulations 2000 prescribe that the spatial development strategy must include both the strategy required by s.334(2)-(3) of the 1999 Act and a reasoned justification and that in case of conflict the written statement of the strategy shall prevail: Regulation 4(3).
21. Policy H1 of the London Plan (2021) sets ten-year housing targets for the London Boroughs for the period 2019-2029. For Camden this is 10,380 homes.
22. Policy H1 does not set any target for the period after 2029.
23. Paragraph 4.1.11, which forms part of the reasoned justification rather than a policy,<sup>2</sup> states:

“4.1.11 If a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites.”
24. Other relevant parts of the reasoned justification include 0.0.21 which states:

“0.0.21 The Plan provides an appropriate spatial strategy that plans for London’s growth in a sustainable way. The housing targets set out for each

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<sup>2</sup> See paragraph 0.0.11 which makes clear that the London Plan is drafted with this distinction in mind.

London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their Local Plan development unless they have additional evidence that suggests they can achieve delivery of housing above these figures whilst remaining in line with the strategic policies established in this Plan.”

## D. Discussion

### D.1. Does the requirement to be in general conformity with the London Plan (2021) oblige Camden to apply paragraph 4.1.11 as the sole method of determining their housing requirement after 2029?

25. The central question posed by Camden’s approach is whether they are correct to treat themselves as bound by the requirement for the Local Plan to be in “general conformity” with the London Plan to apply paragraph 4.1.11 as the sole method of determining their housing requirement after 2029, and hence entitled/required to ignore the requirements under national policy to identify unconstrained housing need and plan to meet it where possible.
26. We do not believe they are.
27. **First**, as summarised in section C.2 above, *Persimmon* confirms that the test of general conformity is a flexible one which recognises the long lead in times for development plans and exigencies of planning policy. In particular, as the facts of that case shows<sup>3</sup>, it may allow a local plan to conflict with the spatial development strategy to at least some degree in order to reflect/take account of (i) the direction of travel in national policy or (ii) emerging alterations to the spatial development strategy itself.
28. **Second**, and in any event, the London Plan (2021) does not itself set a housing requirement post-2029. At its highest, 4.1.11 provides Boroughs with a *methodology* for identifying a target, but this is in a context where:

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<sup>3</sup> In *Persimmon* the structure plan was in the process of being altered to reflect changes in national policy by removing greenfield allocations. The local plan was entitled to safeguard the allocated land from development notwithstanding that the adopted structure plan required it to be allocated (see headnote to [2006] 1 WLR 334).

- (1) The methodology was plainly no more than a stop-gap. The basic point in paragraph 4.1.11 is that Boroughs should first look at the capacity identified in the 2017 SHLAA and then other sources of capacity. However, this could not have been more than an interim measure which was liable to become out of date, given (i) the absence of any consideration of need and (ii) the already dated nature of the 2017 SHLAA at the point of the adoption of the London Plan (2021).
  - (2) We are now clearly well past the usefulness of the 2017 SHLAA. The Mayor himself does not appear to have anticipated that it would be being used at this stage. He anticipated that a revised London Plan would be in place by 2024/25 and relied on this in his responses to the examining Panel: see Panel Report at §595.
  - (3) The GLA has itself now expressly stated that in its view, the approach in 4.1.11 is out of date: see SD18 pg 2.<sup>4</sup> This is largely because they accept that national policy in the form of the standard method seeks for London to deliver 88,000 homes per annum, which is far higher than planned for even in the ten year period to 2029; and certainly much higher than any figure which might be derived from a paragraph 4.1.11 capacity approach or in the context of which paragraph 4.1.11 was drafted.
29. Drawing these two points together, it seems to us that it would plainly be lawful (in general conformity terms) for a borough to identify a housing target for a period after 2029 on the basis of a methodology that departed from 4.1.11.
30. Put another way, the requirement to be in general conformity terms does not now require London boroughs to set housing targets post 2029 on the basis of

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<sup>4</sup> “As noted in the Regulation 18 consultation response, the current London Plan does not meet London’s identified need and therefore the overall amount of housing required annually should not be expected to reduce. Whilst the above approach is in line with London Plan paragraph 4.1.11, in the context of working towards delivering 88,000 homes per annum as calculated at a national level through the standard method, this approach (specifically the text in 4.1.11) is now considered to be out of date. Boroughs who are currently working on their Local Plan, such as LBC, should seek, as a minimum, to roll over the current London Plan target beyond 2028/29, including any shortfall accrued to date, and to continue to take proactive measures to increase housing supply.”

paragraph 4.1.11.

31. We note that this is:

- (1) Consistent with the advice of the GLA referred to above, which is itself consistent with advice given by the GLA to other London boroughs and examinations.
- (2) Not inconsistent with GLA's agreement that the proposed housing targets contained within the Local Plan are in general conformity with the London Plan (2021). We would agree that (insofar as they truly are derived from paragraph 4.1.11) they are. However, this is not the same as saying that the approach is sound.

**D.2. What are the implications of this for the soundness/lawfulness of the Council's approach?**

32. It follows from our advice above that Camden are not correct to view themselves as bound to apply paragraph 4.1.11. In that context, the Inspector will have to determine whether their approach is (a) sound and (b) satisfies the legal requirement under the SEA Regulations to consider reasonable alternatives.
33. It seems to us that it is not.
34. **First**, Camden's approach to the identification of its housing requirement does not follow national policy in NPPF (2024) §62 in ensuring that its housing need figure for the period post-2029 is informed by objectively assessed housing need as calculated using the standard method. It follows that it is not positively prepared or consistent with national policy.
35. **Second**, and as a result, Camden fail to justify their overall housing requirement by reference to that level of need, and hence to balance the costs of failing to meet that need against the policy choices which they have taken in the Local Plan. This means that the particular policy choices made (for example, affordable housing target, inclusion of carbon neutral costs beyond those mandated by GLA) are not justified.

36. **Third**, in applying an entirely capacity-based approach the Council have essentially chosen to perpetuate the policy choices made by the last iteration of the local plan – notwithstanding that this has led them to a position where only 2.8 years of housing supply can currently be shown. This suggests it is not effective.
37. **Fourth**, while we would agree with the Council that the middle sentence of NPPF (2024) §78 cannot be applied directly to plan-making, it does provide a clear indication that housing delivery should not be delayed by failures to keep strategic policies up to date. This is not consistent with the Council’s unwillingness to set its own strategic policies for the supply of housing by reference to need in a context where the GLA have failed to apportion housing requirements as required.
38. **Fifth**, Camden’s identification of reasonable alternatives to the growth scenario set out in the plan (see §§4.143-4.156):
- (1) Does not respond to the standard method on the basis that it is for the London Plan to set housing targets for London boroughs: see §4.154. While this is correct as a statement of principle, it does not deal with a situation where (i) the current London Plan has not set a target for 12 years of the plan period and (ii) it is effectively inconceivable that the emerging London Plan will set a target for Camden which does not at the very least continue<sup>5</sup> the housing targets set in the 2021 plan: see SD18 pg 2.
  - (2) Essentially relies on the assertion that it is not possible to deliver higher levels of development in the borough: see SD03 §4.155. This is inconsistent with a needs-based approach to identifying a housing target is designed to avoid.

This shows that the alternatives selected are not reasonable and indicates that the sustainability appraisal work underlying the Local Plan is inadequate.

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<sup>5</sup> But much more likely exceed.

39. **Further**, it seems to us that these weaknesses are compounded by a failure to commit within the Local Plan to immediate review upon adoption of a new London Plan with new housing requirement figures. The Council assert that this is not required because the target in the Local Plan is an open “*interim target*” which will be superseded by the new London Plan: see SD19 pg 9. However, this approach does not recognise that the Local Plan does more than set a housing target – in order to be effective it must set policies capable of meeting it. The logic of the Council’s approach would leave Camden with a new housing target (which must necessarily be much higher than those set out in the Local Plan) which the Plan’s own policies are not designed to achieve. This could only be addressed by an immediate review, but also clearly signals the ineffectiveness of the draft Plan.
40. We would add that the issues described above could only be addressed by updates to the evidence base, further consideration of the implications of national policy and consequential modifications to key policies which will have the effect of restricting the number of dwellings which can be delivered during the plan period. We have reviewed the hearing statements prepared by Quod on behalf of St George and would endorse the suggestions made within them.

#### **E. Conclusion**

41. We have set out a summary of our advice above. If any additional points arise please do not hesitate to contact us in chambers in the usual way.

**Rupert Warren KC**

**Matthew Dale-Harris**

Landmark Chambers

17 June 2026