

LB Camden response to Quod's post hearing statement on behalf of St George West London Limited

This note sets out the Council's response to the post hearing statement and legal opinion submitted by Quod on behalf of St George West London Limited (St George) dated 17 June 2026.

The Council notes that a number of the arguments advanced in the statement / legal opinion go beyond the matters raised in St George's duly made representations on the draft Plan (at both Regulation 18 and Regulation 19 stage) and the changes which St George have argued at the examination hearings should be made to the draft Plan. Notwithstanding this, the Council has responded to the points now raised below.

Legal opinion

The Council instructed Simon Bird KC to review and advise upon the legal opinion provided to St George by Rupert Warren KC and Matthew Dale-Harris.

This is attached to this note. In summary, Simon Bird KC's advice is that:

- (a) Neither of the steps advocated by St George are necessary in order to achieve legal compliance or soundness;
- (b) The Opinion wrongly characterises the Council's position on general conformity with the London Plan in relation to the use of the method for calculating a housing requirement contained in paragraph 4.1.11 of the London Plan;
- (c) The Opinion fails to engage with the evidence base as a whole which supports the Council's setting of its housing requirement for the plan period, relying solely on the content of the hearing statements submitted to the independent examination on behalf of St George; and
- (d) When proper regard is had to the context and evidence supporting the Council's approach to the setting of its housing requirement, the approach taken to the setting of its housing target is both lawful and sound.

The draft Local Plan housing target

The legal opinion provided to St George asserts that the housing target in the draft Local Plan should have been informed by an objective assessment of need as calculated using the standard method (paras.12- 18 & 34) rather than relying on paragraph 4.1.11 of the London Plan 2021.

To inform the draft London Plan, the GLA is in the process of completing a new SHLAA and London boroughs, including Camden, are actively engaged in this process. The GLA have confirmed to the Council that this is being prepared in the

context of planning towards 880,000 homes for London, as calculated at a national level through the standard method. This is a significant increase to the 522,870 target in the current London Plan, and all boroughs are therefore encouraged to take proactive measures to increase housing supply beyond 2029. The draft London Plan is expected to be published in Summer 2026, and this will include housing targets for each borough. As is the situation currently, the new London Plan will apportion housing targets to boroughs in alignment with the spatial strategy for London as a whole and based on the capacity of each borough identified through the SHLAA process. The GLA therefore does not expect that individual borough local housing need figures, as per the standard method, would be reflected within emerging Local Plans.

Furthermore, the Council is not aware that any Planning Inspector examining a London borough Local Plan has found that the standard method should be used to calculate the borough's housing target post 2029. For example, Inspectors carrying out the ongoing public examinations into the Ealing, Enfield and Newham Local Plans (which are at a similar, or more advanced, stage to the examination of the Camden Local Plan) have not suggested housing targets should be revisited based on the standard method approach.

Early review of the Plan

The Post Hearing Statement provided by Quod on behalf of St George includes reference to a main modification which is proposed to the London Borough of Ealing's Local Plan concerning early review.

As discussed at the examination hearing sessions, the planning context varies across boroughs and local circumstances and Local Plans differ. Therefore, it does not follow that a modification needed to be made in one borough's Local Plan is needed in another borough's Plan. This is the case with the suggested modification to the Ealing Plan included in Quod's statement.

Ealing is an outer London borough with Green Belt, meaning that its circumstances and Local Plan differ significantly from Camden's. Given this, whilst Ealing may have the flexibility afforded by Green Belt release to deliver a greater number of homes in the future on review of its plan to help meet London's housing need, Camden has an inflexible, finite brownfield land capacity, with no greenfield sites available.

By identifying and allocating all available sources of housing supply and putting in place a flexible policy framework with self-contained housing identified as the priority land use and identifying the housing target as a minimum figure, the Council has sought to minimise the need for an early review. Furthermore, the draft Local Plan makes clear (SD02 para.2.8 p.28) that the imminent review of the London Plan will result in a new capacity-based housing target for Camden, which once adopted, will supersede the target in the new Local Plan in 2027/28.

Given this, whilst it is appropriate that councils should consider and review whether changing circumstances create the need to update a Local Plan based on their

monitoring, it is not necessary for soundness or legal compliance to set this out within the Local Plan itself.

Review of the housing land supply table

The Inspector has asked the Council to undertake a full review of its housing land supply table (ED03S) (see ED90 Post hearing's letter from the Inspector to the Council). The Council will use the evidence in the post hearing statement provided by Quod on behalf of St George to inform this exercise.

LONDON BOROUGH OF CAMDEN LOCAL PLAN EXAMINATION
ST GEORGE BERKELEY GROUP

A D V I C E

Introduction

1. I am instructed by the London Borough of Camden to review and advise upon the Opinion dated 17 June 2026 provided to St George by Rupert Warren KC and Matthew Dale-Harris (“the Opinion”) which asserts that for the draft Camden Local Plan’s policies to achieve compliance with relevant policy and legal duties the evidence base needs to be updated and the housing target properly justified. It also contends that there is a compelling case for the inclusion of an immediate commitment to an immediate review in the event of new housing targets being established by the emerging London Plan.

Summary of advice

2. In summary, my advice is that:
 - (a) Neither of the steps advocated by St George are necessary in order to achieve legal compliance or soundness;
 - (b) The Opinion wrongly characterises the Council’s position on general conformity with the London Plan in relation to the use of the method for calculating a housing requirement contained in paragraph 4.1.11 of the London Plan;
 - (c) The Opinion fails to engage with the evidence base as a whole which supports the Council’s setting of its housing requirement for the plan period, relying solely on

the content of the hearing statements submitted to the independent examination on behalf of St George; and

- (d) When proper regard is had to the context and evidence supporting the Council's approach to the setting of its housing requirement, the approach taken to the setting of its housing target is both lawful and sound.

Paragraph 4.1.11 of the London Plan

3. The London Plan 2021 ("LP") sets capacity based 10 year housing targets for the London Boroughs for the period 2019 - 2029. Those targets have been informed by the strategic policies of the London Plan as a whole. That is clear from paragraph 0.0.21 of the LP:

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

4. There has always been flexibility to revisit and to depart from the targets to deliver more housing where evidence of additional capacity existed and where use of this additional capacity would be consistent with the strategic policies of the LP including, for example, in relation to its protection of employment land, heritage and strategic views and Green Belt/Metropolitan Open Land. That is consistent with the correct approach to the legal requirement for Boroughs' local plans to be in general conformity with the LP (see TP01 section 2 and *Persimmon Homes (Thames Valley) Ltd v Stevenage Borough Council* [2006] 1 WLR 334 referred to therein). In particular, as Lloyd LJ stated in *Persimmon* (@71), a local plan must give effect to the main policies set out in the strategic plan and *must do so in a way which does not contradict or subvert their achievement*.

5. Paragraph 4.1.11 of the LP sets out the Mayor's guidance to Boroughs on how a housing requirement beyond 2029 should be set, so as not to offend this principle. This is not policy and it may be departed from, but, as is clear from paragraph 0.0.21 (p.5) of the LP, only where *the evidence* shows that to do so would not contradict or subvert the achievement of the LP taken as a whole.

Alternatives & Sustainability Appraisal

6. Here, the Mayor has agreed that the draft Local Plan which has used the approach to calculating its housing requirement is in general conformity with the LP and has not objected to its housing policies as being unsound having regard to the Council's evidence base (SD19 para.4.2) Indeed, the Mayor's stated position is that he:

"...welcomes the proposed modification that retains the London Plan 2021 housing target for Camden up to 2028/29, and acknowledges the significant amount of work the Council has undertaken to identify land for housing and optimise site capacity in setting a capacity-based target for the remainder of the plan period in accordance with paragraph 4.1.11 of the London Plan 2021" (SD19).

7. The Council's evidence base includes the extensive capacity work *undertaken in conjunction with the Mayor* which will also inform the review to the London Plan, the extensive search for sites set out in TP03 and the appraisal and consideration of policy options and reasonable alternative sites set out in the SA/SEA (SD03). None of which, I note from the duly made representations made by St George at both regulation 18 and 19 stage, was in fact challenged by it.
8. Whilst the Opinion asserts that the paragraph 4.1.11 methodology was a stop gap and is now out of date (para.28 (1) – (4)), the Mayor has now agreed its use in the context of Camden's draft Local Plan and no one has advanced any sound alternative for identifying a housing target for the Borough beyond 2029 which would not risk subverting or contradicting the strategic policies of the LP. Indeed, the LP itself recognises the extent of joint working likely to be required not just within London, but beyond, in order to meet London's need for housing (see LP para.0.0.23 p.5).

9. In this context, I note that the Opinion does not advance any alternative. Rather, its claim is that the Council's target should have been informed by an objective assessment of need as calculated using the standard method (paras.12 - 18 & 34) and that the Council wrongly treated itself as *prohibited* from taking that approach by the need for conformity with para.4.1.11. However, that assertion is based on an incomplete assessment of the Council's position. As is clear from the Sustainability Appraisal ("SA") of the Local Plan, three reasonable alternative growth scenarios were tested through the SA process including a higher growth scenario with a housing target of 12,850 (SD03 Table 4.1 p.71). This was found to have implications for employment land supply. Higher growth scenarios, including that resulting from use of the Standard Method were considered but concluded *not* to be reasonable options because:

- There is limited land available in Camden to deliver new development and all available sites have been identified and allocated in the Local Plan, meaning that higher levels of development cannot be accommodated in the borough;
- Camden has an important economic role at a London, national and international level, being both part of London's Central Activities Zone (CAZ) and home to the Knowledge Quarter, an internationally significant innovation district, harnessing collaboration between private sector companies, universities, hospitals and research establishments in fields such as medical and life sciences, data analytics and machine learning. Given this, it is necessary to ensure that economic growth is supported in Camden, in addition to housing growth, taking into account the limited land available. Furthermore, the priority in the LP is to deliver CAZ uses in the Central Activities Zone (rather than housing).
- The character of the borough is highly constrained in terms of heritage (there are 5,600 listed buildings, 40 Conservation Areas, 14 Registered Parks and Gardens and 53 protected squares), strategic viewing corridors and protected open spaces

and Metropolitan Open Land (for example, Hampstead Heath), which limits the ability to deliver higher levels of development.

- The Borough can only allocate brownfield land, as there are no greenfield sites, which is a constraint to delivering higher levels of growth” (SD03 para. 4.155)

10. The reasoning in the SA which flows from the assessment undertaken of the higher growth option is, in my view, more than adequate to explain that using the Standard Method to set or inform the housing target for the draft Local Plan would be likely to subvert or contradict a number of key LP policies and why using the methodology contained in 4.1.11 is justified as the appropriate and sound approach for the Borough’s draft Local Plan. I do not consider that there is any merit in what is said in the Opinion at para.38 or the claim that the SA work is inadequate, either legally or as a matter of soundness. I also note the content of 4.156 of the SA (p.73):

“It should also be noted that none of the responses received to the regulation 18 consultation on the draft Local Plan suggested that the Council should/could achieve substantially higher levels of growth. Furthermore the small numbers of sites proposed during the numerous calls for sites undertaken to support the preparation of the Plan reinforces that all reasonable sources of development have been identified”.

11. This position has not altered. The principal focus of those making representations on the draft Plan and through the examination hearings has been on seeking modifications to facilitate delivery of the limited capacity; no one has contended that there is any material additional capacity capable of supporting a materially higher housing requirement for the plan period, let alone one the realisation of which would remain in general conformity with the LP. Further, the Council sought assistance from all London Boroughs to address its five year land supply deficit and none were in a position to assist.

Soundness

12. In the proper context for the issues raised which I have outlined, there is an air of unreality about the Opinion. When distilled its claims of unsoundness narrow to various assertions that, had the output of the Standard Methodology been used to inform the Plan's policies, those policies would have been worded differently to reflect a different housing/constraints balance. However, these are simply unsubstantiated assertions. There is, for example, no evidence I have seen that the Borough has the physical capacity to deliver any materially greater levels of housing than is contained in its published trajectory. Indeed, no one provided any evidence to the independent examination that there is any such potential. As is clear from the draft Plan, the Council has identified self-contained housing as its priority land use (Strategic Objective 2) and has allocated *all* potential sources of housing supply (other than small sites). The claim that it is not positively prepared (Opinion para.34) is not therefore, in my view, a supportable criticism.
13. Further, the plan's policies contain appropriate flexibility to ensure that, save to the extent necessary, they do not constrain either capacity or delivery. In this context, as has been explained to the Inspector at the examination hearings, the target is expressed as a minimum target (see H1), the allocation capacities are indicative, as is the heights guidance given in the appropriate allocation policies. Whilst I note that the Opinion cites the affordable housing target (H4) and carbon neutral costs in support of its claim that an inappropriate balance has been struck (para.35), it is unclear to me how either of those matters is said to bear on the issue of *capacity* and the appropriate housing target, as opposed to the deliverability of development, which is a separate issue. In any event, the draft Local Plan's affordable housing and climate change policies are worded flexibly to ensure that they do not constrain delivery.

14. The Council's pro-active approach to the delivery of housing is well evidenced before the examination. This includes not just the priority accorded to the delivery of self-contained homes and the flexibility of the proposed policy framework, but also the Council's own delivery of housing through its Community Investment Programme which the evidence shows has delivered 1700 homes to date of which 70% are affordable (see TP10 paras.6.15 p.16 and 6.16 p.17 and ED28 para.12.5.p.16)
15. As to the claim that the capacity based approach has perpetuated out of date policy choices (para.36), I note that the Opinion identifies no policy which, if worded both differently but *also respecting the requirement for general conformity with the London Plan*, would result in materially increased capacity for housing within the Borough or an improved five year land supply. It is noteworthy that there have been very few representations to the draft Local Plan arguing that the capacities for the allocated sites are understated, that the policies of the plan will constrain their ability to deliver more housing or advancing alternative sources of supply. Further, there is simply no evidence advanced to support the contention that it is the policies of the adopted Local Plan which are constraining the five year land supply. The point is therefore not well made.
16. In conclusion, I see nothing in the points raised in the Opinion which justify a conclusion that it is necessary for the soundness of the plan's policies that the Council should undertake further work to justify its housing target. The evidence it has prepared is proportionate having regard to the context and the Inspector is entitled to rely on it in finding that the plan is sound having regard to the tests set out in para. 36 of the NPPF.
17. I would add as an aside, that a number of the arguments advanced in the Opinion are not obviously related to St George's duly made representations on the draft Plan or the changes which St George have argued before the Inspector should be made to the draft Local Plan. For example, there is no suggestion of any inadequacy in the SA

contained in the St George representations at either Regulation 18 or Regulation 19 stages. The obvious mismatch between the two indicates a degree of “mission creep” (see e.g. para.40) but this overstepping is, in any event, without merit for the reasons I have explained.

NPPF para.78

18. On 11 June 2026 at the final examination hearing, Mr Ford of Quod sought the permission of the Inspector to produce a legal opinion which was said to support his view that the second sentence of paragraph 78 of the NPPF should be interpreted as applying to plan making, contrary to the submissions made on behalf of the Council. In fact, the Opinion does not support that interpretation; it accepts that the second sentence does not apply to plan-making (see paras.3(3) and 37). However, instead it seeks to side step that difficulty, by arguing instead that its objective is to ensure that housing delivery is not impeded by a failure to keep strategic policies up to date. That argument simply returns one to the appropriateness of the Council’s use of paragraph 4.1.11 of the LP to identify its requirement figure. As I have already stated and for the reasons set out above, on the evidence, there is no reasonable alternative to the use of that method and therefore this point goes nowhere.

Review

19. There is an assertion twice made in the Opinion that it is an inevitable outcome of the review of the London Plan that Camden’s new LP housing target will necessarily be higher than that set out in the draft Local Plan (Opinion paras.38(i) and 39). No evidence is advanced to support the assertion other than the fact that the application of the Standard Method on a pan-London basis results in a requirement for 88,000 homes per annum (para.28(3)) and for Camden its Standard Methodology figure is higher than planned for in the LP for the period up to 2029. However, the housing requirement for any individual borough which results from the review of the London

Plan, will turn on a number of judgments yet to be made by the Mayor. Those include judgments as to capacity and distribution of growth by reference to constraints and the availability of infrastructure to support growth. There can be no expectation that the housing target figure for Camden will necessarily increase, and even if there is an increase, that it will be significantly greater than the housing target in the draft Local Plan, given the Borough's capacity and constraints as explained at the examination hearings. St George are effectively seeking to pre-empt decisions which it accepts are properly made through the London Plan process (see Opinion para.38(1)), but without advancing a supporting evidence base. That is a fundamentally unsound approach.

20. In contrast, by identifying and allocating all available sources of supply and putting in place a flexible policy framework with self-contained housing identified as the priority land use and identifying the housing target as a minimum figure (see paras.13 and 14 above), the Council has sought to minimise the risk that an early review may be required. As the draft Local Plan makes clear (SD02 para.2.8 p.28) the imminent review of the LP will result in a new capacity-based housing target for Camden, which once adopted, will supersede the target in the new Local Plan in 2027/28. In this context, I see no soundness justification, applying the tests in NPPF para.36, for the inclusion of a policy committing the Council to an early review.

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