

Home Builders Federation

Matter 2

UTTLESFORD LOCAL PLAN EXAMINATION

Matter 2 – The duty to co-operate

General

1. What are the genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act?

We would support the Council's assertion that housing delivery is a strategic and cross boundary matter. In particular we consider the unmet needs within London to be of particular importance. London has failed for a number of years to meet its housing needs which has contributed to the high cost of housing. The continued failure to meet needs will inevitably place pressure on those areas surrounding the capital as people look to meet their housing needs outside of London.

Overall housing provision

2. Who has the Council engaged with in terms of overall housing provision and what form has this taken?

The Council has engaged with the authorities in the Housing Market Area (HMA) to identify housing needs and agreed within its Memorandum of Understanding (ref 300.3) how this should be distributed across the HMA. We do not have any concern with this approach to co-operation, but we are concerned that this co-operation is not based on a sound assessment of housing needs. In particular we are concerned that rather than co-operating to meet the needs of the areas the Councils have adjusted the evidence to support the level of delivery set out in the SHMA. The decision to reduce the market signals uplift from 20% to 14% appears to have been made in order to maintain the OAN of 51,100 agreed by the Councils in the MoU.

We have significant concerns that the SHMA evidence base has been 'engineered' to align with an MoU 'working' OAN assumption which was signed in March 2017. One would have expected, following the publication of the 2016 SHMA update which identified an OAN of 54,608 derived from a 2014-based demographic baseline, the constituent Authorities to have considered the delivery and distribution of this updated



figure. Instead the 2017 iteration of the SHMA was published which appears to have the objective of legitimising the MoU assumption by downgrading the percentage market signals adjustment. We are concerned the co-operation between the Councils in the HMA has not looked to deliver an effective approach to meeting needs when the evidence has changed but has looked to reduce its OAN to reflect what the Councils have initially agreed to deliver.

From the Council's duty to co-operate statement there also appears to have been no engagement between the Council and relevant London Boroughs with whom there are relatively strong migratory links. The Duty to Co-operate Statement (ref 203.1) shows that engagement has been limited to the GLA. This is a concern given that those London Boroughs which adjoin the HMA have stated that they are unlikely to be able to meet the higher housing requirements set out in the new London Plan.

3. What are the inter-relationships with other authorities in terms of migration, commuting and housing markets?

The strong influence of the capital on those Boroughs surrounding London is acknowledged within the 2015 Strategic Housing Market Assessment (ref 1100.1) and the influence this has on housing market areas across the region. Therefore, whilst we recognise the strong migration and commuting relationships between the authorities in the HMA it is essential that the Councils in the HMA do not disregard the potential impact of London in their assessment of housing needs, the establishment of their housing requirement and in fulfilling their duty to co-operate.

The HMA, unsurprisingly, has strong inter-relationship with London given the transport links and proximity to the capital. In particular, and as outlined in our representations, there is a strong relationship with the three London Boroughs that adjoin the HMA. Whilst Uttlesford does not adjoin London there is still a strong relationship with the capital. Census data showed net migration of 288 people from the capital to Uttlesford in 2010/11, whilst not as high compared the other authorities in the HMA it can still be considered significant with any under delivery of housing in London against identified targets likely to have an effect on migration and housing needs in the HMA.

4. How have these been taken into account in preparing the Plan and specifically in terms of the Objectively Assessed Need for housing (OAN)?

The plan has not taken into account the unmet needs of London. The GLA have stated that there is a 10,000-home shortfall in delivery against identified needs. This is a significant amount of housing and should have been taken into account in the preparation of the local plans within the East Herts and West Essex HMA. Unless Councils outside of London are willing to plan for more housing than they have identified then the housing needs of the capital will not be met. If needs are not met, then this will place additional pressure on those HMAs adjacent to the Capital from increased out migration limiting the impact of any affordability uplifts being proposed.

5. Are there issues of unmet need from within the wider HMA or other authorities? If so, how are these being addressed?

Yes. The need to address the backlog in housing needs was recognised but not addressed by the Further Amendments to the London Plan (FALP) with the GLA being required to prepare a new London Plan to address the growing backlog. The approach taken by the Councils in the HMA, and indeed across the rest of the South East and East of England, therefore has been to assume that London will consume its own smoke with regard to housing needs through the preparation of the new London Plan. However, the new London Plan will not achieve this aim. Firstly, as outlined above, there will be unmet needs arising within London that without support from other areas will not be delivered. The GLA outline in the new London Plan that they are seeking to identify “willing partners” outside of London in order to meet housing needs. As yet we are unaware of any willing partners that have come forward so the assumption must be that there are still 10,000 homes that remain unplanned for by the GLA.

Secondly, there are very real concerns that those London Boroughs that are expected to see significant increases in their housing requirements will not be able to meet their housing requirements set out in the new London Plan. A number of authorities, including those with strong commuting and migration relationships to the HMA have challenged the GLAs delivery assumptions, in particular with regard to small sites delivery, and do not expect to be able to meet the targets they have been set. These are concerns that should have been identified by the Councils through the duty to co-operate. However, the interactions on housing needs and supply in London appears to have been limited to the GLA and disregarded any co-operation with the London Boroughs and whether they will be to meet the higher targets required in the new London Plan. Had effective co-operation taken place with the relevant London Boroughs the Council would have noted that Enfield, Waltham Forest, and Redbridge - all of which adjoin the HMA - have significant doubts as to the achievability of the housing targets assigned to them in the London Plan.

The representations to the new London Plan from each of these Boroughs highlights their concern that the expectation that delivery will increase from small sites across London is unjustified. Redbridge for example state that:

“The Council’s overriding concern is that the number of homes proposed is undeliverable. For example, over the last five years, the Council has delivered 2,234 homes of the minimum 4,526, which is approximately half of the cumulative target for that period. In the last five years, 2016/17 was the best performing year but only 818 new homes (from all sites) were delivered, which is less than half of the 1,979 homes required by the London Plan and less than just the small sites target. While the Council is proactively seeking to increase housing supply in the borough and seeking to optimise all opportunities to encourage more housing development, the levels of housing delivery required by the Mayor are significantly higher than the Council has ever achieved.”

Given these concerns we would have expected Uttlesford and the other councils in the HMA to have engaged more thoroughly and directly with relevant London Boroughs on their ability to meet their future housing needs being proposed in the new London Plan. As a minimum we consider it necessary for the Council to review its plan should the panel of inspectors examining the London Plan consider the GLAs delivery expectations in outer London be considered as overly optimistic.

6. Does the overall housing provision being planned for in Uttlesford have any implications for other authorities? If so, what are they and how are these being addressed?

No comment

7. What is the position of other authorities in the HMA and elsewhere in terms of the planned level of housing in Uttlesford? Have specific concerns been raised through duty to co-operate discussions or representations?

We are concerned over what appears to be limited co-operation with those London Borough adjacent to the HMA. In our experience London Boroughs rely on the GLA to address duty to co-operate matters through the London Plan whilst the GLA does not consider the duty to co-operate to be applicable to the preparation of the London Plan. Therefore, it cannot be assumed that just because concerns have not been raised by those London Boroughs neighbouring the HMA that they can meet their own needs in full.

8. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

No. We do not consider the Council, alongside its partners in the HMA, have taken sufficient account of the unmet needs arising in the capital. Housing delivery in the capital is a strategic issue that has seemingly been ignored by all parties. We would suggest that the Council has not engaged constructively or effectively on this matter and as such the plan cannot be considered sound.

Mark Behrendt MRTPI
Local Plans Manager – SE and E
HBF