

Home Builders Federation

Matter 1

BRENTWOOD LOCAL PLAN EXAMINATION

Matter 1 – Compliance with statutory procedures and legal matters

Issue 1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004

1. Has the Council submitted robust evidence to demonstrate that the duty to cooperate has been met? In particular:

a. Have all relevant strategic matters been identified and has the process for identification been robust?

The response to Q10 set out in document F3D provides additional information with regard to the relevant strategic matters on which cooperation is necessary and recognises housing delivery as a key strategic issue. Under this issue the Council acknowledges that there are unmet needs in neighbouring areas. However, the consideration of this issue does not seem to be particularly robust. The Council has not set out in F3D the housing needs in each neighbouring area and whether or not those needs will be met. In particular we are concerned that the issue of London's unmet needs has not been properly acknowledged within the latest evidence,

The Council note in F3B that London will not be able to meet its own needs highlighting a shortfall of some 1,000 homes each year. However, this fails to acknowledge the latest position with regard to the ability of the capital to meet its own housing needs. The examination report on new London Plan was published in October 2019 and outlines in paragraph 174 that the overestimation of the contribution of small sites reduces the supply of new homes from 65,000 to 52,000 homes per annum. This means that there is a shortfall of some 140,000 homes between 2018 and 2028 in the capital against its own assessment that the capital needs to deliver 66,000 homes each year across the plan period to meet future need and address the current backlog. However, there must also be a concern that the capital will struggle to meet the 52,000 homes identified in the examination report as being deliverable. London has consistently delivered fewer homes than it required with average delivery over the last five years of just under 33,000 additional dwellings with the first year of the new London Plan delivering 36,000 new dwellings. Without a significant increase in delivery it is



almost inevitable that the identified shortfalls will drive increased levels of out-migration from the capital to surrounding areas adding pressure in housing markets where affordability is already poor.

The limited consideration of such issues has fed into the development of the Council's Statements of Common Ground. For example, the unsigned SoCG with the London Borough of Havering makes no mention of London's unmet needs as a strategic or cross boundary issue. Given that paragraph 27 of The National Planning Policy Framework (NPPF) and 61-011 of Planning Practice Guidance requires SoCG to be maintained and kept up to date it is surprising that the issue highlighted above was not presented in the recently published evidence on strategic matters. We would have, for example, expected it to have been noted in the SoCG with Havering to allow for discussions on this issue with regard to current and future plans. This would suggest that the identification of strategic and cross boundary issue as it relates to housing needs, and how these are then presented in SoCGs, has not been particularly robust.

b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters?

We note and welcome the work with the Association of South Essex Local Authorities and the steps taken towards a Joint Strategic Plan but it must be noted that this seeks to address future needs and not any unmet needs arising in any plans to be adopted in the short term. It is also not clear as to when this plan will come forward and its scope. Given PPG notes at paragraph 61-022 that "*Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates ...*" it is therefore important to look at the how engagement has looked to address the key issues to be addressed in the local plan and not deferred these to future plans.

With regard to this local plan the new evidence would suggest that the Council has engaged with their neighbouring authorities on relevant matters. It would appear from the evidence presented by the Council that they have struggled to engage with some neighbouring areas notable the GLA and Havering but this would appear to be largely due to an unwillingness of their neighbours to co-operate and as such we would see our concerns regarding the unmet needs arising in London as a soundness matter relating to paragraph 60 of the NPPF and the need to take into account the unmet needs of neighbouring areas rather than a legal failure. It is an issue that could be rectified through further allocations in the local plan that would contribute to addressing the unmet needs of the capital and reducing the potential for this to impact negatively on affordability within Brentwood.

c. What actions have been taken to address strategic matters?

Of the actions undertaken with to regard to the strategic matter of unmet housing needs, as set out in table 1 of F3D, only the third action of preparing an Essex wide mechanism for considering unmet housing needs would appear to have any relevance to this local plan. Even then the Council appear to have looked to minimise the

effectiveness of this protocol by stating that most of the agreed protocol did not apply to them due to the consideration that Brentwood is its own HMA. The other actions relate to either future plans and growth locations beyond the scope of this local plan and the consultation on evidence. It must also be noted that none of these actions have resulted in any tangible outcomes that will address the unmet needs that currently exist in the areas neighbouring Brentwood.

d. Are there any outstanding concerns on strategic matters?

Other than those raised above no.

e. Are there any unmet needs, including those from any neighbouring authority, that should have been considered when preparing the Plan? Is there an agreed protocol for dealing with unmet needs should they arise?

Yes. As outlined above the London Plan overestimated delivery on small sites in the capital and as such there is a shortfall over the next ten years of some 140,000 homes. This was identified by the panel examining the London Plan in October, prior to the submission of the Brentwood Local Plan and should have been considered by the Council. In addition, Basildon, as noted in our representations to this plan and by the Council in representations to the Basildon Local Plan, will not meet its housing needs. Basildon's local plan has stated that over its plan period (2014 to 2034) 15,465 homes will have been delivered. This is 4,256 homes fewer than its objective assessment of housing needs. It should also be noted that using the standard method the plan would be expected to deliver 17,024 homes between 2018 and 2034 – a shortfall of 3,800 homes when considered against expected delivery during that period.

The protocol that has been agreed by the Essex authorities is simply a mechanism by which each authority will ask one another for help. It does not appear to be a mechanism for ensuring unmet needs are addressed, but merely a tick box process relating to who should be engaged first and how requests regarding unmet needs are then cascaded to other neighbouring HMAs.

f. Is there robust evidence to support the cooperation activities that have taken place?

The latest evidence provided by the Council in response to the Inspectors' initial questions provide significantly more evidence than was presented in the Duty to Cooperate Statement. It would have been helpful for this to have been provided on submission with up to date SoCGs with all relevant areas and statutory bodies. As such we remain concerned that no statement of common ground appears to have been agreed with Basildon Borough Council and the London Borough of Havering to date. Given the unmet needs within these neighbouring areas it is important that the key strategic issues between Brentwood and these two authorities are clearly identified in an up to date SoCG.

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