

Home Builders Federation

Matter 1

MOLE VALLEY LOCAL PLAN EXAMINATION

Matter 1 – Legal and Procedural Requirements

Issue - Duty to Co-operate

1. What strategic, cross-boundary matters have arisen through the preparation of the Plan and what cooperation took place to resolve them?

The issue of housing needs and the ability its partner authorities in the Housing Market Area (HMA) and neighbouring areas to meet housing needs has been an issue that has arisen as part of the preparation the local plan. It is noted on page 15, 16 and 22 that prior to the Council publishing their regulation 19 local plan for consultation the other authorities the HMA, and indeed other neighbouring areas, indicated that they would not be able to help Mole Valley meet any of their housing needs. Indeed, In addition the Council outline on page 15 that Elmbridge Borough Council (EBC) would struggle to meet their own housing needs and on page 22 that the Royal Borough of Kingston upon Thames (RBK) did not have the capacity to meet its current requirement.

However, rather than trying to resolve these issues and consider whether more could be done through the Mole Valley Local Plan to address the potential shortfall in housing needs in the HMA it made the decision to reduce the number of development sites that were initially proposed in its regulation 18 local plan. Given that the Council was already aware that one authority within the HMA would not be able meet its own needs and in another there was likely to be unmet needs it was insufficient to merely notify them of its decision. Notification of a pre-determined decision is not co-operation. What is not clear is whether any attempts were made prior to this decision to work more strategically across the HMA to ensure housing needs were met and to consider growth options, either in Mole Valley or elsewhere in the HMA, that would meet this primary objective of national policy.

As set out in our representations no consideration appears to have been made by the Council prior to the publication of the local plan to be submitted for examination as to whether they could provide more housing to support others in the HMA. As part of this processes, it should have considered the potential scale of any unmet needs, the benefits and harm of such an approach that could have been fed into the decision-



making process at that point. There also seems to have been a complete lack of debate between the relevant local politicians, the ultimate decision makers on this matter, as to how the needs of the HMA could be met in full. All discussions appear to have taken place between officers. Whilst such moves may not have elicited a different outcome it is inevitable that a joint strategic policy regarding the distribution of unmet needs would never be agreed if it is not even put to the relevant political decision makers within the HMA. As such the co-operation undertaken by Mole Valley in the preparation of this local plan cannot be considered to be in any way constructive.

The approach taken by MVDC with regard to co-operation appears to have been one focused on securing a statement of common ground with the relevant authorities. It has not looked to act constructively in seeking to resolve the cross-border issue of housing needs and has merely noted these and then prepared its own plan with little regard to this strategic matter. Whilst Councils are not required to agree, and issues may not be resolved for a variety of reasons it is incumbent on them to at least consider options to meet some of the needs of its neighbours and whether there are strong reasons as to why policies in the NPPF means housing needs of the area and any unmet needs from neighbouring areas will not be met.

2. Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with prescribed bodies on the relevant strategic matters and what form has it taken?

As set out above the HBF do not consider the council to have engaged constructively with its partners in the HMA with regard to meeting housing needs in full. Whilst there has been an exchange of information no attempt has been made to grapple with, let alone resolve, the issue of unmet housing needs.

3. The Council's Statement of Co-operation (B2 and B12) confirms that it cannot meet its local housing need in full. Notwithstanding this, the strategic approach in the Plan includes removing land from Green Belt in order to provide housing sites. It is clear that the Council has co-operated with adjoining authorities, both within the same Housing Market Area and beyond, to seek help in meeting its housing needs. However, all have confirmed that they are unable to help. In response to the Inspectors' Initial Questions, the Council has provided details of what that process of co-operation entailed and what information was provided at each stage. Was information exchange open and transparent so as to enable effective joint working?

The Council has asked neighbouring areas for help in meeting its housing needs before considering whether or not to amend its Green Belt boundary as required by the NPPF. However, the approach taken is one of sharing the decision made by the Council not to meet needs in full, with of no attempts made by any other authority to grapple with the outcome of this decision.

4. The National Planning Practice Guidance (the PPG)³ outlines the types of activities that strategic policy-making authorities are expected to undertake in addressing strategic cross boundary matters whilst cooperating. That includes:

- **Working together at the outset of plan-making to identify cross boundary matters which will need addressing;**
- **producing or commissioning joint research and evidence to address cross-boundary matters;**
- **assessing impacts of emerging policies; and**
- **preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters)**

Can the Council point to evidence of such activities in relation to meeting housing needs in the area?

The HBF are concerned that there is no evidence to indicate that once it was aware that meeting housing needs in full would be difficult to achieve if each authority worked separately there appears to be no actual efforts to try and resolve the matter. Each authority seems to have decided on their own strategy for their local plan with no consideration given as to how wider strategic issues could be addressed. Of most concern seems to be the lack of focussed cross boundary political engagement in this issue.

5. In particular, Epsom and Ewell Borough Council (E&EBC), as an adjoining authority, signed a SoCG (pages 104-108 of B2), agreeing, amongst other things, that it may not be able to meet its own housing need, let alone that from another Authority; that the Council is unable to meet its own local housing need in full and so cannot meet any unmet need which may arise from E&EB Council. However, it has subsequently raised concern regarding the extent of the unmet need and whether or not the Council has made as much use as possible of suitable brownfield sites and underutilised land, optimised the density of development, reconsidered its assumptions when assessing sites and done all it can to ensure no stone is left unturned in its search for sites.

This is for the Council to answer.

6. Was information before adjoining authorities to enable an assessment of the above matters prior to Regulation 19 consultation?

This is for the Council to answer.

7. Does any failure to provide such information prior to Regulation 19 consultation amount to a failure in the Council's DtC?

A failure to provide sufficient information on its intention not to meet housing needs prior to a regulation 19 consultation would suggest that the ongoing co-operation

required as part of plan preparation was not sufficiently robust to maximise the effectiveness of plan making in Mole Valley.

8. In overall terms, has the DtC under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the National Planning Policy Framework (NPPF) and the PPG

No.

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