

## **ROTHERHAM LOCAL PLAN SITES AND POLICIES EXAMINATION**

### **Matter 1: Legal Compliance including duty to co-operate**

1. The following hearing statement is made for and on behalf of the Home Builders Federation. This statement responds to selected questions set out within Matter 1 of the Inspector's *Schedule of Matters, Issues and Questions* (exam ref: ID004).
2. The Inspector's Issues and Questions are included in bold for ease of reference. The following responses should be read in conjunction with our comments upon the submission version of the Local Plan, dated 9<sup>th</sup> November 2015. The HBF has also expressed a desire to attend the examination hearing sessions.

### **LC Issue: Has the RSPD been prepared in accordance with the legal & procedural requirements and has the duty to co-operate been met?**

**Question 6) Has the duty to co-operate been met? What has been the nature of the co-operation and on what issues? How is the planning work of the various planning authorities been co-ordinated? What are the key outcomes from the co-operation with neighbouring authorities and how has this influenced the plan and future planning policy?**

3. The HBF notes that co-operation has occurred between Rotherham, its neighbouring authorities and other prescribed bodies. The nature and outcomes from this co-operation is set out within the Council's 'Statement of Co-operation' examination document (ref: SD14).
4. The National Planning Practice Guidance (PPG) provides advice upon compliance with the duty to co-operate, in particular it states;

*"...Local Planning Authorities should have explored all available options for delivering the planning strategy within their own planning area. They should also have approached other authorities with whom it would be sensible to seek to work to deliver the planning strategy..." (ID 9-003) and 'Cooperation between local planning authorities, county councils and other public bodies should produce effective policies on strategic cross boundary matters. Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others.'" (ID 9-010)*

5. The key concern of the HBF is in relation to strategic housing matters. In this regard it is clear from the evidence that Rotherham and Sheffield share a joint Housing Market Area (HMA), albeit this area also includes elements from other authorities including Barnsley. The existence of this joint HMA is noted and agreed by both authorities within the *Rotherham and Sheffield memorandum of understanding, 2013* (paragraph 1.4, appendix 6, Statement of Co-operation, ref: SD14) and by the Rotherham Core Strategy Inspector in his final report (paragraph 12, SD17).
6. The housing provision, for which the Rotherham Sites and Policies document (RSPD) now plans, was found sound on the basis that it was to be the subject of an almost immediate review. This review was to encompass the outcome of a joint Strategic Housing Market Assessment (SHMA) for the Sheffield and Rotherham

Housing Market Area. This approach was found acceptable as the council produced evidence that there was continuing co-operation between Sheffield and Rotherham.

7. The HBF do not consider this work has not been adequately undertaken. Rather than producing a SHMA to consider the dynamics of the whole HMA the Councils commissioned a piece of work which attempts to bolt together a 2013 Sheffield SHMA and 2014 Rotherham SHMA (examination ref: EB65). The HBF does not consider this provides an adequate basis upon which to assess the needs of the HMA and is not, as the Core Strategy Inspector envisaged, a new joint SHMA (paragraph 13, SD17). Rather it is a summary of two separate SHMAs which adds little to the existing SHMA documents. Furthermore the Council has also updated a SHMA for Rotherham (examination ref: EB64). This SHMA incorrectly assumes Rotherham to be a single HMA area, despite the aforementioned agreements and statements made at the Core Strategy examination.
8. The duty to co-operate evidence, as well as comments made by Sheffield City Council, also leave the evidence for housing needs across the HMA very unclear. Appendix 2 of the 'Statement of Co-operation' (SD14) under housing issues suggests that a SHMA for the housing market area will be produced. Appendix 3 of the same document identifies that discussions were held with Barnsley but there are no identified outcomes and the comments of Sheffield City Council upon the submitted version of the plan (comment ID: PSP455) identifies;

*".....it will still be a possibility that, following that consultation, Sheffield City Council may seek agreement with neighbouring authorities for some of Sheffield's housing need to be met outside the city. This will be a matter for future negotiation with the other local authorities under the duty to co-operate. A review of housing targets could depend on a range of considerations, including a potential SCR spatial plan."*

9. The lack of progress upon the issue of joint housing needs across the HMA does call into question the efficacy of compliance with the duty. The HBF is, however, aware of the implications of the High Court Judgement of Gladman Development Ltd V Wokingham Borough Council [2014] EWHC 2320 (admin) (11 July 2014) which concluded that it is acceptable for a local planning authority to prepare subsequent development plan documents, after the adoption of a Core Strategy to deal with housing supply matters, without the need to re-establish the objectively assessed need for housing even where that assessment is out of date. This judgement relied upon the lack of a credible new evidence base.
10. Taking account of this judgement and to show identifiable progress upon this important cross-boundary issue the HBF strongly recommends a firm commitment to the review of the housing needs across the Rotherham – Sheffield HMA. This commitment should be time limited to ensure that the review is undertaken as soon as practicably possible. Ideally this work would be in parallel to the development of the Sheffield City Region plans for growth to ensure that the impacts are taken into account. Such an approach would also ensure that the much needed allocations provided by the RSPD are brought forward as early as possible.

Yours sincerely,

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