



THE HOME BUILDERS FEDERATION

Date: 1st December 2014
Consultee ID: Unknown
Matter: 1

NORTH LINCOLNSHIRE HOUSING AND EMPLOYMENT LAND ALLOCATIONS DPD

MATTER 1 – LEGAL COMPLIANCE

Duty to Co-operate Statement

- ***Does the NLHELA DPD effectively address the issues which have cross boundary impacts, notably on matters concerning Housing strategy and Employment strategy, but also including Transportation and other Infrastructure requirements?***
 1. The Duty to Cooperate is not a duty to agree. However, the duty requires more than consultation and meetings. It is the efficacy of the engagement throughout the plan making process and the outcomes which flow from such engagement which determine whether the duty has been met.
 2. The importance of identified actions resulting from fulfilment of the duty is clearly articulated within the National Planning Practice Guidance (NPPG). The NPPG states *'it is unlikely that this (the duty) can be satisfied by consultation alone'* and that *'inspectors will assess the outcomes of the co-operation and not just whether local planning authorities have approached others'*.
 3. In this regard the HBF notes the Council's background paper *Fulfilling the Duty to Co-operate* (document ref: SUB12). This document (section 4) indicates that cross-boundary discussions on housing have been held with North East Lincolnshire, West Lindsey and Kingston upon Hull. Appendix 1 identifies that there are strong housing linkages with North East Lincolnshire, West Lindsey and Doncaster. Appendix 1 further notes that the current Core Strategy seeks to meet the objectively assessed needs of the area. There is no indication that any of the neighbouring authorities are seeking to meet any unmet housing need from North Lincolnshire.
 4. The Core Strategy identifies a housing requirement of 754dpa this was based upon former Regional Spatial Strategy (RSS) and delivery against its targets. It was not an assessment of Objectively Assessed Housing Need in accordance with the NPPF or the more recent NPPG.

5. The HBF commented within our representations upon the submission version of the plan that there is a significant likelihood that the Core Strategy housing requirement is out of date. The Core Strategy was adopted pre-NPPF; without the benefit of an Objectively Assessed Housing Need (OAHN) within North Lincolnshire. The understanding of OAHN has recently been developed as a consequence of recent High Court and court of appeal cases (e.g. Hunston, South Northamptonshire and Solihull).
6. The HBF is fully aware of the Wokingham Decision which looks at the relationship between a Core Strategy and subsequent allocations document. In this case it was considered that:

“It may be that the earlier development plan document needs updating, and may need to make further and additional provision for development in the future. There is, however, nothing in the statutory framework to suggest that a development plan document, such as the MDD here, cannot be adopted simply because another development plan document, such as the Core Strategy, may need to be updated to include additional provision, for example additional housing.”

7. This decision has not yet been challenged and it is therefore can be argued to provide a reasonable basis for considering the situation in North Lincolnshire. It is however important to contemplate the circumstances around each authority carefully, as a judgement needs to be made on the basis of the facts in each local authority area. The recent withdrawal of the allocations plans of Harrogate and Doncaster and the recent issues raised by the Inspector at Chiltern bear testament to this. Specifically with regards Harrogate the Inspector placed significant weight upon up to date evidence of a higher objectively assessed housing need for the area. In the case of Chiltern the Inspector in his initial appraisal of the plan questioned the Council’s intention not to produce a new Local Plan Part 1 which would re-appraise the housing need. The document under examination, the Delivery Development Plan, was intended to provide an NPPF compliant update to replace the current Local Plan adopted in 1997 and the Core Strategy that was adopted in 2011. The Delivery Development Plan did not attempt to reassess the housing need and the Council did not show any intention of doing so in its development scheme. While acknowledging the Wokingham decision the inspector has warned the Council that it needed to have full regard to the NPPF or else it was at risk of being judged not to have a local plan that was supported by an up-to-date assessment of the housing need.
8. The Council is under a statutory duty to review matters which may be expected to affect the development of their area (Section 13(1) of the 2004 Act). They are also under a duty to keep the development plan documents under review, having regard to the results of any such review (Section 17(6) of the 2004 Act).
9. In this regard the 2012 *North Lincolnshire Strategic Housing Market Assessment* (SHMA) post-dated the adoption of the Core Strategy. This

document assessed a number of scenarios, including an ‘*employment constrained*’ scenario. This scenario seeks to align the economy and housing requirements and identifies a need of 1,053dpa, approximately 300dpa greater than the current Core Strategy requirement. The HBF regards this scenario as being compliant with the NPPG (ID 2a-018-20140306), indeed the NPPF (paragraph 158) indicates that local plans should seek to integrate housing and economic needs taking account of relevant market and economic signals.

10. The housing requirement in the Core Strategy is therefore out of date. In accordance with the aforementioned legal duty to review this is a matter that the Council should address.
11. In the meantime the Council must identify how this unmet need will be met. This should both be via the identification and release of additional sites or through agreement with neighbouring authorities. Failure to deal with this issue is a failure both to meet the requirements of NPPF paragraph 47 and the duty to co-operate.
 - ***What mechanisms will be put in place to ensure that effective on-going consultation and cooperation takes place between all the parties with responsibility for delivering the Plan’s proposals?***
12. The HBF consider that this is an issue for the Council to address but refer the Inspector to our comments provided above.

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