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# New London Plan Examination

Further Written Statement submitted on behalf of Wates Developments,  
Gallagher Estates, Lands Improvement Holdings and Cala Homes  
(‘Housebuilders Consortium’ ID: 3172)

**Overall Spatial Development Strategy:  
Matter 10**

December 2018



**New London Plan Examination**

**Response to Panel's Matters for Consideration at the Examination in Public**

**Overall Spatial Development Strategy:  
Matter 10**

**Barton Willmore LLP on behalf of  
Wates Developments, Gallagher Estates, Lands Improvement Holdings and Cala  
Homes ('Housebuilders Consortium' ID: 3172)**

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## **INTRODUCTION**

- 1.1 Barton Willmore LLP is instructed by a Consortium of housebuilders and land promoters comprising Wates Developments, Gallagher Estates, Lands Improvement Holdings and Cala Homes to submit this further written statement in response to the Panel’s Matters for Consideration at the Examination in Public (NLP/EX/08b).
- 1.2 These representations address the inability of the London Plan to meet the full objectively assessed housing need within London and, therefore, the imperative for the Plan to secure an effective policy basis for unmet housing need being planned for and accommodated within the Wider South East.
- 1.3 The Consortium’s further written statements expand upon the representations submitted by Barton Willmore on behalf of the Consortium at the draft consultation stage of the Plan’s preparation.

## **RESPONSE TO MATTER 10: OVERALL SPATIAL DEVELOPMENT STRATEGY**

*Should the vast majority of London’s development needs be met within London?*

*a) Is the approach of seeking to accommodate the vast majority of identified development requirements between 2019 and 2041 within London justified and would so doing contribute to the objective of achieving sustainable development?*

- 10.1 The objective of contributing towards the achievement of sustainable development is a positive obligation, as set out in s39(2) of the Planning and Compulsory Act 2004. In *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin) (21 April 2015), Jay J stated that “sustainable development” is not a concept defined in the Act and can be referenced through national planning policy (NLP/AD/22; paragraph 10).
- 10.2 Having regard to national policy, the achievement of sustainable development must include meeting the full objectively assessed need for housing and other development; should be deliverable over the plan period; and be based upon effective joint-working on cross boundary strategic priorities (NPPF 2012; paragraph 182).
- 10.3 In principle, the Consortium accepts that seeking to accommodate London’s housing need within London, if achievable, would potentially be a sound (‘justified’) approach and contribute towards the positive obligation conveyed in s39(2) of the Act. However, as set out in our representations and through our further written statements, accommodating London’s full housing need within its boundaries is not achievable.
- 10.4 The stark position in terms of the mismatch between housing need and delivery within London is demonstrated through the latest housing completions data<sup>1</sup>. In 2017/18, approximately 32,000 homes were completed compared within a need of 77,000 homes; a shortfall of 45,000 homes in just one year (or a mere 34,000 homes shortfall, if assessed against the SHMA OAN figure of 66,000 homes pa).

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<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>

- 10.5 The 2017/18 completions figure in London, which dropped by 20% compared to the previous annual figure, was against the national trend in housing completions which rose overall (+2%).
- 10.6 The consistent delivery of more than 40,000 homes pa, let alone a figure of 66,000, or indeed, 77,000, is unprecedented. It is therefore our position that the New London Plan (NLP) will result in unmet housing need of at least 26,000 to 37,000 homes pa.
- 10.7 In the context of the current national housing need of 273,000 homes pa and Government’s housebuilding ambition to achieve 300,000 homes a year by the mid-2020s, this scale of unmet housing need is of national significance, equivalent to approximately 10% of all new housing required nationally.
- 10.8 Thus, the NLP would single-handedly render the Government’s central housing objective unachievable and ensure there was no realistic prospect of tackling the severe and worsening affordability crisis within London and the WSE.
- 10.9 We therefore consider the NLP to be unsound and would not contribute towards the achievement of sustainable development. As we go on to explain below and in our further written statement to Matter 16, these failures could potentially be resolved through modifications to the NLP.

***b) Alternatively, would accommodating more of London’s development needs in the wider South East and beyond better contribute to the objective of achieving sustainable development?***

- 10.10 Yes, it would. In order to plan to meet London’s housing need in full, and for the NLP to contribute to the objective of achieving sustainable development, the NLP should include a clear policy basis which ensures that WSE authorities are required to accommodate London’s unmet housing need through the preparation of their Local Plans.
- 10.11 In this regard, the NLP potentially provides a usual starting point, identifying a strategic framework for locations where higher levels of growth could be accommodated within the WSE.

10.12 However, as we address more fully in our statement for Matter 16, the NLP’s entirely vague and ineffective approach for strategic cooperation specifically in respect of accommodating London’s unmet housing need is wholly inadequate. We have set out a range of potential options for how a positively planned and effective approach could be secured through modifications to the NLP.

*c) If so, is there a realistic prospect that such an approach in London and the wider South East could be delivered in the context of national policy and legislation?*

10.13 Yes, in our view, there is a realistic prospect that an approach which necessarily relies upon the WSE could be delivered.

10.14 As addressed within paragraphs 5 to 8 of the Inspector’s Report on the Further Alterations to the London Plan (FALP), in addition to the duty to consult and inform in accordance with the Greater London Authority Act 1999 (as amended) and the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, the Mayor is bound by the duty to cooperate in Regulation 33A of the Planning and Compulsory Purchase Act 2004.

10.15 The NPPF (2012) states that:

**“Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.”** (paragraph 179)

10.16 Paragraph 025 of the Planning Practice Guidance (ID:61-025-20180913) also advises:

**“Does the duty to cooperate apply in London, and other combined authority areas?”**

**The duty to cooperate applies in London, and other combined authority areas. Within these areas local planning authorities are required to cooperate with each other, county councils, other local planning authorities outside the combined authority area, and prescribed public bodies. The degree of cooperation needed between these parties will depend on the extent to which strategic matters have already been addressed in the spatial development strategy.”**



- 10.17 Having regard to the above, national policy and legislation provides a clear framework for cross boundary strategic collaboration in planning for accommodating London’s unmet housing need within the WSE.
- 10.18 The prospects for delivering such an approach should be informed by practical experience of how the apportionment of housing need at a HMA geography within the WSE.
- 10.19 For example, following the publication of a jointly commissioned Oxfordshire-wide SHMA in 2014, the relevant local authorities worked collaboratively to agree the scale of unmet housing need arising from Oxford City and how this unmet need would be apportioned across the rest of the HMA. A similar approach has been successfully progressed within Buckinghamshire. Whereby unmet housing need arising from Wycombe, South Bucks and Chiltern Districts is to be accommodated within Aylesbury Vale District.
- 10.20 As we address in detail in our further written statement for Matter 16, the scale and complexity of such an approach relies upon constructive engagement which would need to include the preparation of a shared evidence base and an agreed strategy for meeting the unmet housing need arising from London, in addition to each authority’s own housing need.
- 10.21 As presented in our original representations, in the absence of a regional plan, it was accepted by the GLA and the WSE authorities in 2015 following the adoption of the FALP that a strategic cross boundary approach to meeting housing need would likely be required. It is of course regrettable that the ongoing collaboration between the GLA and the WSE since that time has failed to secure an effective outcome to planning for London’s unmet housing need, despite the failure of the FALP to tackle this issue and, in that context, the fundamental importance of this being resolved through the NLP.
- 10.22 This failure is best demonstrated by not a single “willing partner” having been identified through the years of collaboration, and by the various representations made by WSE authorities which seek to resist any obligation to accommodate London unmet need (see, for example, Berkshire authorities).

10.23 We urge the Panel to reject any suggestion that this failure demonstrates that there is not a realistic prospect for the NLP including a cross boundary strategic approach for accommodating London’s unmet housing need.