



# HILLINGDON

LONDON

<b>The London Plan: Examination in Public Written Statement</b>	
Hearing Matter	M5: Duty to Cooperate
Respondent Number	790
Organisation	London Borough of Hillingdon
Date Submitted	6 <sup>th</sup> December 2018
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## **1. Introduction**

1.1 The following hearing statement outlines why the London Borough of Hillingdon ("Hillingdon") does not consider that the Mayor engaged constructively, actively and on an on-going basis during the preparation of the London Plan with all relevant local authorities in London.

1.2 This submission is based on the conduct of the Mayor when preparing the housing targets within the London Plan and specifically to the period arising prior to the publication of the Strategic Housing Land Availability Assessment (SHLAA) (NLP/HOU/002) in November 2017.

## **2. Summary of Comments to Date**

2.1 Hillingdon submitted a response to the London Plan consultation on 1<sup>st</sup> March 2018. In relation to the absence of consultation on the small sites section of the SHLAA (2017), Hillingdon raised the following issue:

*"This aspect of the housing target was not consulted on as part of the proposed methodology for the Mayoral SHLAA and Hillingdon was not briefed on the proposed approach in its subsequent discussions with the GLA. This represents a basic failure in the procedural aspects of undertaking the SHLAA. The proposed approach appears to have been introduced following an analysis of the results that were consulted on and a realisation that London's housing needs were unlikely to be met."*

2.2 This was one of thirteen responses from London Boroughs explicitly highlighting the lack of engagement regarding the SHLAA methodology before it was adopted and incorporated into the Plan. However, the majority of London Boroughs declared that they objected to the methodology, largely referring to the use of a modelled approach to calculating small sites targets.

2.3 However, whilst concerns over the lack of consultation have previously been made, none of these comments highlight the full extent of the process that took place in the 12 months leading up to the publication of the SHLAA in November 2017. This hearing statement seeks to outline this process for the benefit of the Panel, in order to assist in making a full assessment as to the extent to which constructive, active and on-going engagement took place.

2.4 Furthermore, this hearing statement outlines how this lack of constructive engagement undermines the credibility that can be attached to documents and evidence that underpin the housing targets within the London Plan.

### 3. History of the SHLAA (2017)

3.1 The Mayor first engaged London Boroughs on the SHLAA when a meeting was organised to discuss the draft methodology and project timescales, on 23<sup>rd</sup> November 2016.

3.2 Following this meeting, an eight week consultation was launched until 20<sup>th</sup> January 2017, in which London Boroughs were given the opportunity to comment on the draft methodology.

3.3 On 15<sup>th</sup> February 2017, after considering the comments and making amendments, the Mayor provided London Boroughs with a document titled '*Final SHLAA Methodology*', which is listed as NLP/AD/01. As such, this was considered by Hillingdon to be the methodology the SHLAA was working to.

3.4 Paragraph 1.2 of NLP/AD/01 outlines the following in relation to the small sites capacity source:

*"Small sites - annual trends in conventional housing completions on small sites under 0.25ha in size (2004/5 – 2014/15), taking into account potential for these trends to be increased through changes to planning policy and scenario testing."*

3.5 Paragraph 5.1 of NLP/AD/01 also outlines the following in relation to the small sites capacity source:

*"As in the 2013 SHLAA, a trend based approach will be used for small sites under 0.25ha. Data from the London Development Database on housing completions from 2004 to 2015 will be analysed and an annual average assumption produced for each borough."*

3.6 Paragraph 5.5 and 5.6 of NLP/AD/01 mention the opportunity to explore the potential to diverge from these trends and present these findings to boroughs for comment:

*"As stated above, additional scenario testing on small sites will also be undertaken to explore the potential for trends in housing completions in terms of delivery and density to be increased as a result of planning policy changes in the London Plan and Government reforms, for example, the scope for suburban intensification and whether the use of brownfield/small sites registers and permission in principle might increase housing delivery. The methodology and approach to scenario testing small sites 'windfall' assumptions will be developed in more detail at a later date and will be shared with boroughs for comment."*

*All small site data will be supplied to boroughs in order for them to check the data for accuracy and anomalies. This data will be provided to boroughs in February."*

3.7 It is important to note here that the methodology and approach to scenario testing small sites assumptions was not shared with Hillingdon for comment and no data was provided until after the housing targets had been established. The approach of the Mayor is therefore in direct conflict with the commitments which he set out in NLP/AD/01, as outlined above. No explanation has been forthcoming for this.

3.8 Following the sharing of NLP/AD/01, Hillingdon provided and amended large sites through the large sites SHLAA system for a period of months, meeting again for a final 1-to-1 meeting with officers at the GLA on 19<sup>th</sup> May 2017. Whilst the focus of that meeting was on determining the final large sites to be included in the SHLAA, the subject of small sites was raised at the end of the meeting and there was no information or even suggestion given to indicate a change on the part of the Mayor from the traditional trend based approach.

3.9 An update email was sent from the Mayor on 20<sup>th</sup> July 2017, outlining an unforeseen delay to the publication of the large and small site figures, in order to align the SHLAA with industrial land evidence and further scenario testing on small sites. Again, there was no information as to what the further scenario testing consisted of or a shift away from the traditional trend based approach.

3.10 The housing targets were provided on 27<sup>th</sup> September 2017, with limited explanation as to how the small sites targets had been attained under a new approach. Greater clarity was provided through the publication of the full SHLAA report on 24<sup>th</sup> November 2017, the week prior to the launch of the draft London Plan consultation.

3.11 It is therefore clear that London Boroughs had no opportunity to provide comments on the modelled approach or data underpinning the small sites calculations, until after the consultation of the draft London Plan was launched and the housing targets had been set. The Mayor's commitment to engage concerning his ultimate approach to small site scenario testing was not fulfilled.

3.12 A full timeline of the events and associated dates in the lead up to the publication of the SHLAA 2017 is provided as Appendix 1 for ease of reference.

#### 4. Why the SHLAA (2017) Engagement Was Not Constructive

4.1 There is no national guidance relating to consulting local authorities on Housing and Economic Land Availability Assessments for Spatial Development Strategies specifically. Paragraph 008 of the National Planning Practice Guidance (NPPG) (2014) however does state the following in relation to Housing and Economic Land Availability Assessments for local authorities:

*The assessment should be undertaken and regularly reviewed working with other local planning authorities in the relevant housing market area or functional economic market area, in line with the duty to cooperate.*

4.2 Furthermore, the decision to consult local authorities on the initial methodology for eight weeks at the start of the process would indicate that the Mayor recognised the importance of input from Local Authorities, in order for this evidence to remain credible. The inclusion of Paragraph 5.5 and 5.6 in NLP/AD/01 also provide this same indication.

4.3 The distribution of a document titled Final SHLAA Methodology (NLP/AD/01) after consultation, which contained clear references to utilising a traditional trend based approach, is considered disingenuous in light of the final modelled approach taken.

4.4 Where references were made to the potential to undertake additional scenario testing on small sites in Paragraph 5.5 and 5.6 of NLP/AD/01, these were left vague and non-specific. More importantly however, the document clearly stated that the methodology and approach to scenario testing small sites 'windfall' assumptions would be shared with boroughs for comment.

4.5 Even within the London Plan (NLP/CD/01), Paragraph 4.1.7 outlines the following in regards to the housing targets and SHLAA:

*The ten-year housing targets in Table 4.1 are based on the 2017 London SHLAA. This includes an assessment of large housing sites (0.25 hectares and above) undertaken in partnership with boroughs, which provides the most comprehensive study available of the capital's capacity for housing delivery based on a consistent pan-London methodology. In addition, the SHLAA includes an assessment of small site capacity using a combination of trend data for certain types of development and an estimate of potential for intensification in existing residential areas*

4.6 If the Mayor considers it important to highlight that the assessment of large housing sites was undertaken in partnership with boroughs, then equally there should be a statement stating that the small housing site assessment was not. No explanation is offered for a different approach between large site and small sites, nor is any explanation offered for the decision of the Mayor to resile from his earlier commitments.

## **5. How this Unconstructive Engagement Influences the Plan**

5.1 The modelled approach for calculating small sites targets that is applied within the SHLAA (2017) is fundamentally a different approach to how the London Plan has traditionally considered capacity from small sites and is a departure from national guidance. As such, consultation on the new modelled approach is fundamentally more essential than if the traditional accepted approach had been repeated, particularly in a London Borough like Hillingdon where small sites represent 49.3% of the overall housing target.

5.2 Furthermore, the modelled approach for calculating small sites targets is by definition based on a larger series of assumptions and decisions. This is in contrast to the two discussed trend based approaches, which rely on historical completion statistics and the single assumption that they will hold true in the future.

5.3 These assumptions are derived from different sources with some, such as the Net Growth Factors, based on historic data and others, such as the 1% Growth Assumption, appearing to be based on simply a matter of professional opinion.

5.4 Whilst a full critique of the small sites target will be presented under the relevant matter, it is extremely concerning that London Boroughs were not provided the opportunity to input as to whether these assumptions are considered deliverable or realistic within their own local area.

5.5 Whilst London Boroughs were afforded the opportunity to object to the small sites targets as part of the formal Draft London Plan consultation in December 2017, there was never going to be an appropriate vehicle for altering the SHLAA methodology and the associated targets from that point moving forward. Any alterations of this nature would be considered main modifications and as such, reconsultation would have been required. The Mayor and officers have made it clear that the London Plan must be adopted in line with set timescales and therefore a second consultation was never going to be possible.

5.6 As such, the lack of consultation on the SHLAA methodology has ultimately led to a scenario in which the London Plan is based on unsupported evidence and has overestimated the housing capacity that can be achieved from small sites.

## **6. Conclusion**

6.1 To conclude, the mayor did not engage constructively with London Boroughs in the preparation of the SHLAA (2017), as the modelled approach and assumptions underpinning the small sites targets were not shared for comment with boroughs, contrary to commitments made by the Mayor.

6.2 The small sites targets within the London Plan are therefore derived from an approach and assumptions without proper or effective engagement from the London Boroughs responsible for delivering them. A substantial proportion of the overall housing target is therefore not considered deliverable or based on proportionate evidence, meaning it is therefore not justified or effective in regards to the NPPF (2012).

## **Appendices**

### **Appendix 1: Timeline of SHLAA (2017) Engagement**

<b>Date</b>	<b>Event</b>
<b>23/11/16</b>	Draft Methodology & Timescales Meeting @ London Councils
<b>23/11/16 - 20/01/17</b>	8 Week public consultation on draft SHLAA Methodology
<b>15/02/17</b>	Final SHLAA Methodology Sent to London Boroughs
<b>19/05/17</b>	Final 1-to-1 Meeting with LB Hillingdon @ City Hall
<b>20/07/17</b>	Update email stating delay for scenario testing on small sites
<b>27/09/17</b>	Housing Targets sent to London Boroughs
<b>24/11/17</b>	SHMA and SHLAA documents published
<b>01/12/17</b>	Consultation Opened of Draft London Plan (2017)