

Mr Nick Boles MP
House of Commons
LONDON SW1A 0AA

28 January 2014

Dear Mr Boles

Re: Planning Policy Seminar 15 January 2014

I was pleased to be able to attend the above and would agree with many of the comments made by those who spoke. I would, however, like to bring to your attention the following concerns my Authority has on the Duty to Cooperate and the NPPF in general.

The new requirement of meeting the Duty to Cooperate is in its infancy and the draft guidance has not answered all of the questions that have arisen for plan making authorities. From a practical point of view, being at different plan making stages is a major hurdle for neighbouring LPAs. Even when evidence has taken strategic matters into account, it is not always practical for positive collaboration in the form of joint policies or planning statements to be put in place.

There is also the question of how best to cooperate with the likes of the LEP, the Mayor and GLA (ie not covered by the Duty, although the Greater London Act includes a 'Duty to Inform'), which have a potentially major influence on housing provision and journey to work patterns. Early indications are that the housing need of Greater London will not be accommodated within the 32 London Boroughs and the City Corporation, therefore, when the London Plan is revised in 2016 the GLA will inevitably look beyond London for a solution to meeting this need.

The prospect of Neighbourhood Plans presents another challenge for Local Plan preparation. Notwithstanding the resource implications on policy teams of assisting multiple Neighbourhood Forums from preparing plans simultaneously, incorporating these plans when adopted into Local Plans may also slow down the Local Plan process.

A challenge for all Local Authorities in preparing a new Local Plan is that the process has been constantly changing making it very difficult to submit a Plan that accords with the appropriate guidance at the time. The draft Planning Guidance launched in beta mode last summer in response to the Taylor Review is an innovative way of ensuring that guidance is kept up-to-date and relevant in the future. However, it may exacerbate the problems being faced by LPAs trying to submit a sound Plan if a key piece of guidance is amended around the time of submission. We have responded by suggesting updates are properly registered and referenced (preferably tracked) and that archived guidance can be readily

traced and 'carbon dated' so that at Examination, officers and Inspectors can refer to the relevant guidance upon which Plans were based at the time.

In terms of Local Plan content, an obsession has developed in respect of the prescribed methodology in defining Objectively Assessed Needs (OAN) and the requirement of the NPPF to meet these needs in full. Many authorities have taken on the challenge but not achieved this because it is unpalatable locally. Very few have been successful at advancing reasons why their OAN cannot be accommodated but most have failed at public examination.

A review of the NPPF and of the Local Plans system has now been instigated. This is relatively soon after both have been established. There is a view emerging that this will lead to a different interpretation given to meeting OAN in full, with local authorities given more flexibility in how they address it. Unless this is clarified very soon the current tranche of local plans under preparation will be forced into very challenging decisions about land allocation that might subsequently prove to have been unnecessary were there to be a policy shift. If local authorities sense this there is bound to be a major slowing down of progress in the next year or so.

The foregoing reflects some concerns we currently have on NPPF, which I hope will enable you in turn to understand them also.

Yours sincerely

Cllr Sue Murray
Cabinet Member for Planning & Transportation

Cc Cllr Nicolas Heslop, Leader Tonbridge & Malling Borough Council
Mr Steve Humphrey, Director of Planning, Housing & Environmental Health