

Examination of the Draft Lambeth Local Plan 2020-2035

Matter 1: Legal Requirements, Scope of the Plan and Duty to Cooperate

1.3 Duty to Cooperate (DTC):

(i) Given that the legal responsibility for the Duty to Cooperate (DTC) rests with the individual London Boroughs, and also given the London-wide housing shortfall of 140,000 homes over the ten years from 2019/20 to 2028/29 (based on paragraph 6 of the Secretary of State's letter dated 13 March 2020), should the Council be addressing this shortfall in this Plan in cooperation with its neighbouring LPAs?

In its response to the Inspector's question, the Council draws attention to passages from the Secretary of State's letter to the Mayor of London of the 13 March 2020 (SD03a). The Council seeks to construct an argument whereby it maintains that the question of London's housing shortfall is a matter for the Mayor of London and a future London Plan, thereby relieving the Council of its legal responsibility to discharge the duty to cooperate in this local plan. Not, importantly, the preparation of a spatial development strategy.

Section 20(5) and (7) of the 2004 Act set out the requirements of an independent examination in relation to the duty to cooperate. This refers only to a local planning authority and a development plan document.

The *Report of the Examination in Public of the London Plan 2019*, is very clear that the duty to cooperate does not apply to the preparation of the London Plan (para. 17). Furthermore, the NPPF is clear that the duty applies to the preparation of local plans (para. 24).

The duty to cooperate is a legal matter relevant to the preparation of London borough and development corporation local plans. Among the issues that local authorities are required to consider is the issue of any unmet housing needs. As London is treated as a single housing market area, that housing shortfall across the whole of London, based on the Draft London Plan, is 13,715dpa (para. 178 of the Panel Report – based on an objective assessed need of 66,000dap and capacity for 52,285dpa). This is the figure that Lambeth, and other London local planning authorities, ought to have grappled with in bringing forward the Lambeth Plan.

The Council dismisses too readily its legal obligation to address the matter of planning to meet London's overall housing shortfall (see page 9 of the Council's response to INS01 – the Initial Inspector Questions and Thoughts – document LBL01).

HBF agrees that this is far from ideal, and that the Mayor ought to shoulder the responsibility for the duty, but so long as he does not, then it is necessary to uphold the legal principle. Some public institution in London does take responsibility for the duty to cooperate.

(ii) Where does the Council consider the balance to lie between the London Plan (Intend to Publish version) and the individual Boroughs and Development Corporations in addressing the London-wide housing shortfall?

On the basis of the Council's response to INS01 the Council does not consider that it has any responsibility for planning for the shortfall. It asserts that this is a matter for the London Plan even though the Greater London Authority has argued consistently and publicly that the duty does not apply to the preparation of the London Plan. This is a verdict backed up by at least two Inspector reports on the London Plan: the Further Alterations to the London Plan,

report dated November 2014 with the Plan adopted in 2015; and the report on the new Draft London Plan.

(iii) Apart from housing, does the Plan satisfy the DTC in relation to planning for the longer-term growth of neighbouring areas, the plans of utilities and service providers and any other strategic, cross-boundary planning considerations?

No comment.

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