

Independent Examination of the Harrow's New Local Plan 2021-2041

Matter 1: Legal Compliance and the Duty to
Cooperate

STATEMENT ON BEHALF OF TAYLOR WIMPEY STRATEGIC LAND (REF. 307)

June 2025

Issue 1: Whether the Duty to Cooperate (DtC) has been satisfied and whether the Plan has been prepared with reference to the relevant procedures and regulations.

Duty to Cooperate

Q1.6 Does the evidence base confirm that the Council have engaged constructively, actively and on an ongoing basis with the parties identified to address the strategic matters of relevance?

1. No.
2. Section 33A (2) of the Planning and Compulsory Purchase Act 2004 (as amended) requires Local Authorities “to engage constructively, actively and on an ongoing basis” (emphasis added) with respect to the preparation of development plan documents. This is the legal requirement that must be satisfied for it to be concluded that the Plan has met the Duty to Cooperate (“DtC”).
3. Further to this, paragraph 26 of the National Planning Policy Framework¹ states that:

“Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”

(Emphasis added)
4. The DtC Statement, dated February 2025 (document ref. CSD04) outlines the extent of DtC discussions that have taken place between the London Borough of Harrow (“LBH”) and adjoining authorities. This provides a helpful documentation of discussions that have taken place. In short, it indicates that discussions between LBH and its neighbouring authorities have been limited and not ongoing.
5. The below table summarises the number of meetings held with the respective neighbouring authorities:

¹ Noting that the Plan is to be examined against the provisions of the December 2023 version of the Framework, in accordance with the transitional arrangements outlined at paragraphs 234 and 235 of the December 2024 version of the Framework.

Authority	DtC Meetings
London Borough of Barnet	15 th April 2024
London Borough of Brent	9 th April 2019
	11 th April 2024
London Borough of Ealing	28 th March 2023
	16 th May 2024
London Borough of Hillingdon	10 th April 2024
Hertsmere Borough	22 nd April 2021
	10 th October 2023
	15 th May 2024
Three Rivers District	24 th March 2020
	9 th June 2020
	10 th April 2024

6. This highlights that, over a six- year period from LBH commencing work on a new Local Plan to its submission (2019-2025), the most active DtC discussions have only entailed three meetings – discussions with Hertsmere and Three Rivers. In some instances, only one meeting has taken place (discussions with LB of Brent and LB of Hillingdon). As such, it does not appear as though the LBH has undertaken discussions actively during the process of preparing the Plan.
7. Also of particular note is the Council's DtC Statement indicates that no meetings have taken place since 16th May 2024. The significance of this is that the Government published its consultation on the proposed reforms to the National Planning Policy Framework and other changes to the planning system on 30th July 2024, which included a draft new Standard Method for calculating the minimum Local Housing Need ("LHN"). The consultation was supported by a spreadsheet identifying the change in LHN within each local authority in England, which identified the following notable implications:

	LHN under the then extant (as of 30 th July 2024) Standard Method	LHN under the proposed new Standard Method (as proposed by the Government on of 30 th July 2024)	Difference (%)
Hertsmere	731	959	+31.2
Three Rivers	640	739	+15.5 ²

8. Notwithstanding points that we make in our Matter 5 Statement with respect to the soundness of the housing requirement for the LBH that is identified by Strategic Policy 03 of the Plan, the failure of LBH to engage in DtC discussions with its neighbouring authorities (particularly those in Hertfordshire) during this period means that there has been no opportunity for those authorities, whose emerging Local Plans are unequivocally required to meet the updated minimum LHN, to explore the opportunity of accommodating any unmet needs within the LBH.

9. On this basis, we also consider that the DtC discussions have also not been on-going.

The Sustainability Appraisal (SA)

Q2.4 Has the IIA tested all reasonable alternatives?

10. No.

11. As identified within our Regulation 19 representations in response to Strategic Policy 03³, the Integrated Impacts Assessment (IIA) has not tested all reasonable alternatives.

Q2.7 Are the reasons for selecting the sites contained within the plan sufficiently clear and have the reasons for discounting alternative sites been clearly articulated?

12. No.

13. The reasons for selecting sites within the Plan and discounting alternative sites, particularly Green Belt and MOL sites, are not sufficiently clear or well-supported by evidence. As set out in our Matter 4 Statement, the reasons for excluding these sites from further assessment is not justified, particularly given it that the sites selected within the Plan will not facilitate meeting the 25% target for all new homes to comprise family housing, set out in Policy HO1.

14. Moreover, the Regulation 18 consultation draft stated that exceptional circumstances for releasing Green Belt land had not been demonstrated, albeit no evidence was provided at either the Regulation 18 or Regulation 19 stages to show that

² The minimum LHN figures for Hertsmere and Three Rivers have been updated (and have increased) since the Government's July 2024 consultation – however, the consultation provided a clear direction of travel in relation to housing requirements that was / is highly relevant to the preparation of Local Plans for Hertsmere and Three Rivers

³ Paragraph 26 of the representations

an assessment of such circumstances had been conducted. Therefore, the Plan does not justify why alternative sites, especially those within the Green Belt, have been discounted without adequate consideration of their potential to help meet the Borough's housing need. As a result, the reasons for both selecting and discounting sites are not sufficiently transparent or grounded in sound evidence.



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