

West of England
Planning, Housing & Communities Board
14 March 2012

Core Strategies Update and future arrangements for joint working under the duty to co-operate

Purpose

1. To update the Board on progress with Core Strategies within the West of England.
2. To set out a framework for taking forward future joint working on strategic planning, infrastructure and housing issues, as required by the **'duty to co-operate'**.

Background

3. Since their creation in 1996 the four West of England unitary authorities have worked closely and effectively together on a range of economic, spatial, transport and infrastructure planning issues at both member and officer level and with partners and key stakeholders. These voluntary arrangements were formalised in 2005 when the West of England Partnership (WEP) was established to act as the focus for cross-boundary working. The partnership arrangements have further evolved since the establishment of the Local Enterprise Partnership.
4. Following the introduction of the Localism Act in November 2011, the government has introduced new arrangements for strategic planning to support long-term sustainable economic growth. Under the **'duty to co-operate'** and the draft National Planning Policy Framework local authorities will continue to lead joint working to tackle the big issues that cut across administrative boundaries.
5. The delivery of new homes, jobs and infrastructure, protecting the natural environment and tackling climate change need to be considered at a larger than local level to reflect the natural economic geography of the area. This will require the authorities, their delivery partners and other key stakeholders to take an integrated approach to:
 - **build effective partnerships and relationships to deliver local ambitions** - with communities affected by development, neighbouring local authorities, the Local Enterprise Partnership, government agencies and Registered Providers/developers;

- **align priorities and investment plans** for strategic infrastructure, priority growth locations for major development and other issues that are best managed strategically – water resources, energy, waste, transport, the natural environment and resilience to climate change;
- **maximise opportunities for both public and private sector funding** to deliver strategic priorities
- **translate strategy and policy into delivery on the ground** by tackling barriers to growth, using innovation to exploit assets and boost investor confidence; and
- **build capacity** to deliver high quality sustainable development through collaborative working, robust project management, master planning and inclusive design.

How will strategic planning be done in the future within the West of England?

6. The Localism Act powers are intended to revoke the existing RSS (RPG 10) and provide final confirmation that the draft SWRSS will not be adopted. For the West of England this means that the four Core Strategies will provide the long-term vision, strategic objectives and delivery strategy for economic growth and development.
7. Section 110 of the Localism Act introduces a new ***'duty to co-operate'***. This applies to all local planning authorities, national park authorities and county councils in England – and to a number of other public bodies. The new duty:
 - relates to sustainable development or use of land that would have a significant impact on at least two local planning areas, including strategic infrastructure provision;
 - requires that councils set out planning policies to address such issues;
 - requires that councils and public bodies to “engage constructively, actively and on an ongoing basis” to develop and implement strategic policies; and
 - requires councils to consider joint approaches to plan making.
8. It should be borne in mind that as things stand none of the four Core Strategies have to demonstrate compliance with the formal ***'duty to co-operate'*** since this requirement only came into effect after each had been submitted for examination. The DCLG has stated that the duty only applies to the 'plan preparation' stage, and that this stage is passed once the plans have been accepted for examination. All the authorities had submitted their

core strategies for examination before the effective date (15th November 2011).

9. The '**duty to co-operate**' also covers a number of public bodies in addition to councils. These bodies are currently set out in the draft Regulations and include the Homes and Communities Agency, the Environment Agency, English Heritage, Natural England and the Highways Agency.
10. Local Enterprise Partnerships (LEPs) are not covered by the '**duty to cooperate**'. However, LEPs have been identified in the draft regulations as bodies that Councils should '*have regard to*' when preparing local plans and other related activities. In addition the Draft NPPF states that '*local planning authorities should work collaboratively on strategic planning priorities to enable the delivery of sustainable economic growth in consultation with LEPs.*' LEPs will also be involved in helping to prioritise infrastructure investment, for example the Growing Places Fund.
11. In terms of the issues on which cooperation is expected to take place, the draft NPPF states that '*joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own area*'. This is likely to include:
 - Housing and economic development requirements
 - Retail, leisure and commercial development
 - Infrastructure including transport, minerals, waste, telecoms, water supply/quality
 - Health, security and community infrastructure
 - Climate change, mitigation and adaptation
 - Protection/enhancement of the natural and historic environment and coastal management
12. Now that the LEP is established and following the Localism Act there is an opportunity for the authorities to review their joint working on planning, infrastructure and housing to ensure that the strategic framework provided by the emerging core strategies remains relevant and that the resourcing, project governance and coordination arrangements are fit-for-purpose.
13. This report sets out the range of strategic issues which it is considered will need to be addressed both to help ensure each authority demonstrate that it is meeting the particular requirements of the formal '**duty to co-operate**', and take forward any other issues for which they agree should jointly be considered. The starting point for this exercise is a review of the progress being made with the Core Strategies and the identification of the key sub-regional and cross-border issues which have been raised as these documents proceed through the statutory processes to adoption.

Core Strategies

14. The West of England Core Strategies are all either adopted or proceeding through the examination process. They were first produced to address what was originally anticipated to be the significant step change in housing numbers and development envisaged by the draft Regional Spatial Strategy up to 2026, but were delayed given uncertainties over the RSS process and then the changes introduced by the Coalition Government which, amongst other things, provided the opportunity to identify a locally-derived housing requirement.
15. The current situation in respect of the Core Strategies is summarised as follows:

Bath and NE Somerset		
Examination hearings	Inspector's report	Adoption
<i>17 January - 1 February 2012</i>	<i>Anticipated May 2012</i>	<i>Anticipated July 2012</i>

Bristol City		
Examination hearings	Inspector's report	Adoption
<i>21 June – 8 September 2010</i>	<i>31 March 2011</i>	<i>June 2011</i>

North Somerset		
Examination hearings	Inspector's report	Adoption
<i>23 November – 14 December 2011</i>	<i>Anticipated March 2012</i>	<i>Anticipated April/May 2012</i>

South Gloucestershire		
Examination hearings	Inspector's report	Adoption
<i>Anticipated April /May 2012</i>	<i>Anticipated August 2012</i>	<i>Anticipated Sept/Oct 2012</i>

16. The preparation of Core Strategies has involved significant and effective co-operation on a range of issues and at different levels, both formal and informal. In future the authorities will need to identify the areas where continued joint working is necessary to satisfy the **'duty to cooperate'** particularly when reviewing joint working arrangements between the West of England authorities (and where appropriate, other adjacent authorities outside the West of England) on strategic planning, housing and infrastructure issues.
17. Listed below are some potential strategic issues on which the authorities may wish to carry out joint work with their partners:
- Deliver the supply of housing set out in Core Strategies
 - Support sustainable economic growth and jobs

- Infrastructure investment and delivery
- Retail
- Transport
- Waste
- Minerals
- Green Belt
- Flood management
- Natural Environment
- Gypsies & Travelers and Showmen
- Review of Core Strategies
- Monitoring and developing a shared evidence base

18. As it stands this list is largely comprised of the key strategic issues considered through the Core Strategy examination process, and some of these may fall under the '**duty to co-operate**', but in due course it might also include issues contained within more detailed development management and site allocations documents.

Governance and programme management

19. It is considered that the Planning, Homes and Communities Board should take the lead in co-ordinating joint working under the '**duty to co-operate**'.
20. Officers from each authority are also co-operating to produce a more detailed schedule of activities required to deliver the programme of work on strategic issues. This will include identifying specific activities, broad timescales, roles and responsibilities and the resources required to undertake the work

Recommendation

That Board members note the progress with the West of England Core Strategies and advise on those issues which they consider require continued joint working under the '**duty to co-operate**'.

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