

MED/MGN/CIR.H.0282

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Dear Chris,

"Duty to co-operate" Session 15th March 2012

In accordance with the Inspector's wishes I attach a short Paper dealing with the "duty to co-operate" which is due to be discussed on the 15th March 2012. I would be grateful if you would let me know which other participants will be attending and I assume that their submissions will be available on the web site shortly.

Please let me know if you require any further information or papers; or whether the Inspector has any specific questions which needs to be addressed. In previous Sessions he has always issued questions to form the basis of any debate. To date I am not aware that this Session has followed that procedure.

Kind regards.

Yours sincerely,

PP *Basala Hamilton-Fayn*

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SUBMISSION BY ROBERT HITCHINS LIMITED IN RESPECT OF SECTION 110 LOCALISM ACT (2011): "DUTY TO CO-OPERATE"

Introduction

Robert Hitchins Ltd (RHL) has noted the Inspector's conclusions in Paper ID/23 wherein he states that Section 20 (5) c of the 2004 Act (as amended) should not be applied as a legal test to the submitted Core Strategy primarily on the grounds that this would constitute a retrospective application of legislation. However, RHL would respectfully suggest that this interpretation takes a narrow view of amendments to Section 20 (5) of the 2004 Act and that it is necessary to read Section 110 and Section 112 in full to appreciate their full impact. In Section 112 (2) an amended Sub Section 7 to Section 20 of the 2004 Act makes it clear that the appointed Inspector must consider whether or not the Authority complied with the duty imposed on the Authority in order to recommend whether it proceeds to adoption. For the record Section 112 (3) sets out amendments to the adoption of the Development Plan Documents with specific reference to the Planning Authority requesting reasons relating to under soundness; it does not specifically apply to the "duty to co-operate" test.

More importantly still Section 112 (6) makes it clear that the need for an appointed Inspector to apply the test occurs after the coming into force of those Sub Sections (2) and (3). It also makes it clear that these Sub Sections (and the tests within them) includes those plans offered for adoption where steps in relation to the document have been taken before the operative date.

As a consequence of the introduction of Section 112 on the 15th January, RHL take the view that the Inspector must apply this test to comply with Statute Section 110. Moreover the fact that no other Inspectors have applied this test is not only irrelevant but, given the introduction of the Section on the 15th January, unlikely to have taken place in any event.

RHL would respectfully suggest that Section 112(6) is a transitional arrangement. Moreover, any retrospective arguments have already been breached by the Authority which has prepared its Plan in a way which does not accord with the draft RSS for the South West (or with the Interim RSS), or in accordance with the advice contained in Paragraph 33 of PPS3. On the assumption that the Authority has seen fit to proceed as in anticipation of the introduction of the Localism Act, then it is difficult for it to argue that the "duty to co-operate" should not apply as well.

However, this is (or may be) a matter for the Courts to determine and the Inspector has indicated that, at the request of the Council he will examine the evidence to determine whether, in the circumstances, the Authority would have met with its statutory requirements under the Section 110 ("duty to co-operate") if these responsibilities had applied. This is potentially helpful but needs further examination.

Interpretation of the "duty to co-operate"

With the recent introduction of Section 110 of the Localism Act it is important to address what the "duty to co-operate" is intended to achieve. RHL would suggest the following objectives:-

1. It is intended to replace "top down" imposition of housing and other growth figures through the RSSs with a localized means of co-ordinating Plan preparation for those issues which extend beyond Council boundaries (Page 26 Localism Bill: Abolition of the Regional Planning Tier and Introduction of the "Duty to Co-operate" : Impact Assessment).
2. It is centred on a continual process of constructive engagement (draft NPPF and Impact Assessment) i.e. it should be applied throughout the process through to approval of the relevant DPD.
3. It represents an improvement on previous requirements to co-operate and consult as opposed to a continuation of current exercises (otherwise there would be no need for its introduction) (Impact Assessment and draft NPPF).
4. To maximize effective working on development planning in relation to strategic issues (Impact Assessment).
5. It involves active co-operation on strategic priorities which cross administrative boundaries including the preparation of SHMAs and SHLAAs especially where these market areas involve more than one Authority (Paragraphs 22 & 28, 44 & 45 of draft NPPF).
6. Such co-operation would need to be demonstrated with evidence to show successful co-operation where cross boundary issues are involved (Paragraph 46 draft NPPF).

7. Such co-operation can lead to the formation of Joint Committees, Memoranda of Understanding and joint Core Strategies (Paragraph 46 draft NPPF) but may operate on a less formal basis.
8. Joint working should enable local planning authorities to meet development requirements which cannot wholly be met within their own areas e.g. because of lack of physical capacity (Paragraph 47 draft NPPF).

It is clear from this advice that the “duty to co-operate” must apply to:-

- (i) any issue which cannot be resolved satisfactorily within a specific Local Planning Authority area and where this generates effects on adjoining authorities;
- (ii) the treatment of such cross border issue should be dealt within a transparent way such that the matter is clearly identified and examined by the application of consistent evidence and data;
- (iii) any decisions and/or conclusions in relation to the cross border issue should be dealt with in a substantive manner in terms of the outcome.

It is RHL’s view that any consideration of the “duty to co-operate” (Section 110) must give rise to a substantive obligation on the authorities concerned with a view to delivering clear agreed solutions to a problem. The “duty to co-operate” is not a procedural device for encouraging conversations between public agencies without coming to proper decisions as to how cross border issues can be resolved. Moreover, it is the remit of any Inspector under Section 112 of the Localism Act to examine the substantive obligation to see that it is met.

Further guidance from the Secretary of State may be issued in respect of how the “duty to co-operate” should be tested. However, as yet, this guidance is not available save for that contained within the draft NPPF itself and in the Impact Assessment referred to above. Notwithstanding this, it is clear that the “direction of travel” set out in the Act itself, in the debates in Hansard and various other documents, makes it clear that, after the abolition of the RSS central Government recognize “that there is a need for co-ordination at a spatial level higher than individual local planning authorities”. Indeed, the “duty to co-operate” was introduced with the specific intention of introducing less of a top down approach from central Government (through the imposition of housing targets through RSSs); but this does not absolve local authorities from considering properly issues relating to cross boundary matters.

Emergence of the "Duty to Co-operate"

The revocation of RSS was announced very shortly after the formation of the Coalition Government in a slightly unusual way by the Secretary of State publishing a short single paragraph letter on the 27th May 2010. This was then followed by further statements issued by the Chief Planner in July 2010 culminating in the publication of the Localism Bill in December 2010. The "duty to co-operate" was not introduced until a later date and was strengthened during the passage of the Bill through Parliament.

Was the Council's modus operandi based on an acceptance of the need to comply with the "duty to co-operate"?

It seems to RHL that the Authority accepted that the "duty to co-operate" should apply. It made no objection to the Inspector's initial questions on this issue as set out in Paper ID/7 under the heading "Compliance with Statutory and Regulatory Issues: Issue H". Indeed it responded in detail to the question put forward by the Inspector listing a large number of formal and informal bodies which had been established with adjoining authorities to look at sub regional issues across the West of England Partnership area. We comment on these below.

Co-operation/Co-ordination in the West of England

Prior to the formation of the Coalition Government in May 2010 the local planning authorities in the West of England had commenced work on Core Strategies based on the Proposed Changes to the draft RSS issued by the Secretary of State in July 2008. This process was based on the Bristol Sub Region (known as the West of England Partnership area) which was also deemed to be a single Housing Market Area. Various organizations were set up in order to assist co-ordination across the sub regional area including those bodies identified in the Paper BNES/4, which will be examined below.

However, some time after the publication of the Localism Bill (October 2010) and its enactment in November 2011 the Core Strategies were amended so as to reduce the overall housing numbers and limit any review of the Green Belt boundaries (as previously anticipated in the Proposed Changes to the draft RSS). This was a deliberate decision which appears to have been taken without any assessment of overall housing needs across the sub region or without any assessment of the impact on housing affordability (see below).

The degree to which these changes in the Core Strategies within the West of England area meet the latest population and household projections produced independently by the Office of National Statistics, has been set out in RHL's paper on Issue 1 using the Chelmer model for each of the four authorities within the West of England Partnership area. It is self evidence from this information, and from the earlier work undertaken by the West of England Partnership Board, that this sub region operates as a single housing market area and that there will be particular problems in satisfying overall housing needs across the Bristol/Bath conurbations. Consequently there is little doubt that this issue, together with the constraints imposed by the Green Belt in meeting housing targets, represents the sort of cross border issue which should be addressed through the "duty to co-operate". The scale of potential shortfall in the period 2006 to 2026 across the West of England Partnership area is huge (see RHL Paper on Issue 1). This will have a substantial impact on the affordability of housing and the availability of affordable housing in the subsidized sector.

Within the sub region generally it is demonstrably the case that Bristol cannot meet its own housing needs (see Local Plan Inspector's Report) for a number of reasons. The Examining Inspector has already indicated that this is matter which needs to be addressed at the sub regional level presumably as part of the "duty to co-operate". The Inspector also drew the attention to the problems of Bristol meeting its own housing needs because of the lack of capacity caused by the existing Green Belt. Consequently the claims in Paper BNES/33 by Colin Chapman (on behalf of the City Council), that there are no needs within Bristol which the Council is seeking BANES assistance in meeting, is difficult to understand.

However, the problem of unmet housing need from Bristol is compounded because the evidence clearly demonstrates that BANES Council alone cannot meet its own housing requirements as assessed against ONS Population and Housing Projections to 2026. Consequently this will have a knock on effect on the Bristol City area (which already has its own shortfalls). Additionally, there is no indication that any of the other adjoining authorities (in Somerset and Wiltshire) intend to meet these shortfalls; or that other authorities within the West of England Partnership area will meet these needs (see RHL Papers on Issue 1).

Not only is there no Plan for the resolution of any future shortfalls, but BANES Council has shown itself to be disinterested in the housing problems, even when it cannot meet its own very limited Local Plan housing targets in the period 2011. Reference is made to Paragraph 6.5 of Core Strategy Topic Paper No. 9 which shows that the Council expect those persons

who might have expected to find a dwelling in the BANES area to have relocated to another, unspecified location.

Bodies Proposed to Achieve Co-ordination and Results

In Paper BNES/4 the Council identified its various joint bodies/committees which were largely set up prior to the publication of the Localism Bill in order to deliver the growth anticipated in the draft RSS. This includes the West of England Partnership together with its associated Boards, including Heads of Planning Meetings, the Multi Area Agreement Arrangements, the Delivery and Infrastructure Investment Plans, Housing Market Partnerships, the LEA, together with Transport, Green Infrastructure and Climate Change bodies to co-ordinate action. The West of England Partnership has now been wound up and replaced by the West of England Local Enterprise Partnership which has the objective of maximizing economic growth and which has been discussed at the Examination previously. There is no doubt that these bodies previously assisted in a co-ordination role but the degree to which these have persisted, particularly so far as housing issues are concerned, especially since the decision to move away from the Proposed Changes to the draft RSS, is open to substantial doubt.

Through its representatives RHL has examined all of the relevant papers associated with the West of England Partnership Board over the last three years. These papers set out Priority Actions at the beginning of each financial year. For example in 2009/10 the Priority Actions for housing including preparing sub regional SHLAAs, and developing proposals for the location of phasing of new housing. Similarly in 2010/11 the housing Priority Actions included concluding a sub regional SPD, including a 5 Year land supply trajectory. By February 2011 the WEP priorities still contained the priority of preparing a Joint Supplementary Planning Document to support the delivery of the Council's Core Strategies; this included removing barriers to growth in the priority growth locations, focussing investment and development of homes and jobs at these locations, and encouraging collaborative working between the authorities and the development industry. However, the idea of preparing a joint SPD which had a sub regional housing trajectory was abandoned in March 2011 and the document has never been completed.

Attached as Appendix 1 are a series of agenda papers from the Planning, Housing and Communities Board dealing with the Scope and Progress of the proposed SPD dating from April 2010 through to January 2011 and then finally in March 2011. The January 2011

draws attention to a number of Government Proposals to reform the planning system and support economic growth. Paragraph 14 makes reference to the “duty to co-operate”. Paragraph 15 notes that this proposal (and the others listed before it) align very closely with the work of the Partnership and the objectives of the SPD. The fact that the Joint SPD for the whole of the area has not been produced indicates that these objectives including the “duty to co-operate” have not been pursued.

The Multi Area /agreement related primarily to the focus on the urban regeneration which the necessary infrastructure investment associated with that (DIIP). None of the other bodies since October 2010 has sought to co-ordinate the delivery of housing or, more importantly, assessed the overall housing numbers against likely needs. Unfortunately the SHMA was originally intended to examine this aspect but has largely been focussed on the delivery of affordable housing within the priority areas. It has never been extended to deal with open market housing in a co-ordinated fashion across the WEP area.

Whilst we have all the relevant documentation we have not sought to submit this to the Examination on the basis that this would amount to a substantial amount of paper in order to demonstrate a negative i.e. that co-ordination since October 2010 on housing and Green Belt issues has been very limited. Overall, the number of co-ordinating bodies operating within the WEP area has probably decreased in number since the Coalition Government took power. At no stage since the announcement that RSSs were to be revoked has there been any substantive assessment of West of England housing needs. Nor has there been any study of the impact of underprovision in the West of England on:-

- (i) adjoining authorities in Somerset and Wiltshire
- (ii) the effect on the delivery of affordable housing;
- (iii) the overall effect of reduced housing output on the general affordability of housing.

It is our view that the level of “co-operation” has not been substantive and has not sought to address issues which cross administrative boundaries as set out in the advice associated with the Localism Act and in the draft NPPF. There has been no clear assessment of the needs of the wider Bristol and Bath market to examine whether these have been met either within BANES or within the wider West of England Partnership area.

Conclusions

The Inspector has a statutory requirement as from 15th January 2012 to assess whether the Authority followed the “duty to co-operate”.

The “duty to co-operate” is seen by central Government as an integral part of the forward planning process. It replaces RSSs but does not absolve any Authority from its duties to consider cross boundary issues.

The “duty to co-operate” is:-

- a key element in the Government’s proposals for strategic working;
- a continual process that applies throughout the process
- needed to maximize effective working on strategic issues.

In the case of BANES cross border issues can clearly be identified in the context of both local and sub regional housing requirements and in the context of Green Belt. The Joint Working Groups set up at the time of the implementation of the RSS have produced no substantive decisions or results especially since the individual authorities including BANES decided to reduce the housing numbers contained in the emerging RSS. In particular the failure to produce the Joint SPD on housing delivery (which was intended co-ordinate implementation across the sub region) demonstrates the lack of attention paid to the “duty to co-operate”.

There have been no other efforts to assess either the housing deficit within BANES (and the impact on adjoining authorities) or on the inability of Bristol, to meet its housing requirements and the impact that this will have on BANES in terms of:-

- (i) house prices and general affordability;
- (ii) the delivery of affordable housing;
- (iii) the impact on job creation;
- (iv) the effect on commuting patterns.

RHL do not consider that BANES Council has participated in any substantive efforts to meet the obligations which are required by Section 110 of the Localism Act especially since January 2011 when the decision to move away from RSS housing numbers began to be implemented. As such it fails to meet the statutory requirements imposed by the new Act and should be halted until this deficiency is remedied.

APPENDIX 1

**West of England Partnership
Planning, Housing & Communities Board
22 April 2010**

Scope of the Supplementary Planning Document

Purpose of Report

1. To confirm further conclusions on the scope and timing of the Supplementary Planning Document (SPD) and to seek Board Members further views.

Context

2. At the recent meeting of the Board, and the West of England Partnership Board, members emphasised the importance they attached to concluding the SPD as soon as possible.
3. The purpose of a Supplementary Planning Document (SPD) was first introduced in the MAA¹. This made a commitment to the Delivery & Infrastructure Investment Plan being embodied into a Supplementary Planning Document, underpinned by a sub-regional development trajectory.
4. CLG endorsed "...the adoption of a joint sub-regional development trajectory in the Plan based on 5 year tranches which demonstrates a deliverable supply of housing as set out in PPS3. This sequencing and phasing will assist best use of infrastructure, the delivery of mixed and sustainable communities and market recovery; this will provide confidence to developers and discourage inappropriate development".

Proposal

5. The Supplementary Planning Document (SPD) will:
 - Identify infrastructure constraints and how the sub region is securing investment and delivering homes over the next ten years, five years firm, five years indicative. This will contribute to delivering the longer term housing requirements to support the economic potential of the sub-region.
 - Support the delivery of Core Strategies in the sub-region to support balanced growth across the authorities in the West of England.
 - Provide guidance on how this would be achieved in a co-ordinated way to avoid incoherent, piecemeal development which would lead to inappropriate schemes of low quality that do not contribute to the West of England Vision of inclusive sustainable communities in which people want to live and work.
 - Include reference to green infrastructure and urban design principles but will focus on: how the combination of the infrastructure plan and the development trajectory will assist delivery; the time period it will cover; the development trajectory it will contain; and how, as a material consideration, it will assist in the assessment of development proposals.

¹ West of England MAA pgs 16 & 17, summary of actions, benefits and barriers.

Preliminary summary of proposed content:

6. This is as follows:

- Executive Summary: The SPD supports the planning policies in the emerging Core Strategies and the commitment in the MAA to provide a well evidenced plan for the sequencing and phasing of sustainable development.
- Introduction setting out:
 - a. SPD-purpose, key issues to address, how the SPD will add value to assessments of development proposals, context, conformity and relationship to LDFs and national policy
 - b. Policy support for the place-making approach
 - c. Local policy context
 - d. Other relevant Policy, Plans or Guidance
- Guidance for New Development setting out:
 - a. Expectations of development-objectives of the authorities, Government and our communities
 - b. Joint delivery- working together to achieve better planning outcomes, align interests and maximise funding opportunities to assist delivery, and to provide confidence to developers/LPAs
 - c. Key employment and housing locations for growth
 - d. Development trajectory-5 year land supply, plus a further indicative 5 year period
 - e. Delivery and investment plan.
- Appendices
 - a. Shared evidence base:
 - i. Strategic Housing Land Availability Assessments
 - ii. Strategic Housing Market Assessment
 - iii. Multi Area Agreement
 - iv. Joint Infrastructure and Delivery Plan –through the Single Conversation with the HCA and other partner agencies
 - b. Consultation through the Single Conversation: Government Office South West, Homes & Community Agency, Regional Development Agency, Environment Agency, Highways Agency, Housing Associations as delivery partners and; the Development Industry
 - c. Wider public consultation on the SPD
 - d. Sustainability Appraisal scoping study

Indicative Work Programme May-December 2010

7. This is as follows:

- May. Sustainability Appraisal scoping study.
Emerging Core Strategy Sustainability Appraisals of the Issues and Options stages are likely to be sufficient given that the SPD is about implementation of emerging Core Strategy policies rather than generating options/alternatives that will have different likely significant effects.
- June. Informal engagement of development industry including Housing Associations will be required in addition to formal public consultation.
- July. First draft SPD to be considered by the Planning Housing & Communities Board.
- Consultation draft SPD to the Board, Partnership Board and Council Cabinets in September/October.
- October. Finalise SHLAAs.
- November/December. 6 week public consultation on the SPD content after the SHLAA evidence base is finalised. There may need to be provision for one further round should there be significant issues to address from the consultation.

Recommendation

8. That Board Members give their further views in the arrangements for developing the Supplementary Planning Document (SPD).

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West of England Partnership
Partnership Board
12 January 2011

West of England Joint Supplementary Planning Document

Purpose

1. To report on the pre-consultation draft of the West of England Joint Supplementary Planning Document (SPD), and arrangements for public consultation.
2. To advise the Board on how the Governments proposals to reform the planning system and support local economic growth might impact on the SPD.

Background

3. The authorities concluded a Local Investment Plan¹ with the Homes and Communities Agency (HCA) earlier this year and have been working jointly to embody this plan within an SPD.
4. Previous reports to the Planning, Housing and Communities Board have set out the purpose and scope of the document. The SPD has four specific objectives:
 - To direct investment in infrastructure in order to maximise growth in homes and jobs at priority locations set out in Core Strategies;
 - To demonstrate a joint sub-regional development trajectory based on 5-year tranches;
 - To identify the large scale barriers to development and the steps required to unlock strategic sites;
 - To encourage collaborative working between the authorities and other delivery partners on large scale planning issues.
5. This SPD is being prepared jointly by the four authorities in accordance with PPS12 – Local Spatial Planning (2006) and associated regulations² for inclusion within their Local Development Frameworks (LDFs).
6. The proposed SPD finalised in conjunction with the authorities' Heads of Planning and the Planning Housing & Communities Board is appended to this report. Once adopted this SPD will be an important material consideration with significant weight in the determination of planning applications.
7. This approach is endorsed by the Government Office for the South West (GOSW).

¹ The West of England Delivery and Infrastructure Investment Plan, March 2010

² Town and Country Planning (Local Development) (England) Regulations 2004, Regulations 16-19, as amended.

Government proposals to reform the planning system and support local economic growth

8. The government is committed to abolishing Regional Spatial Strategies. Local authorities have also been encouraged to produce Core Strategies which contain locally derived housing and employment numbers without the framework of regional plans³.
9. The authorities have continued to work on their Core Strategies and with the exception of Bristol City Council, have published revised versions. Bristol's Core Strategy is currently undergoing Examination, with the Inspectors binding report expected in early 2011.
10. A joint bid from the authorities and business leaders to establish a Local Enterprise Partnership (LEP) for the West of England has been supported by the government. The SPD will greatly assist the LEP in achieving its aim to support sustainable business/jobs growth by coordinating and enabling investment in development and infrastructure.
11. The recent Growth White Paper commits the government to:

"...reforming the planning system, whilst retaining protection of important environmental and social interests, so that it actively encourages growth by providing the right land in the right place for economic development, increasing the supply of housing that the country needs and ensuring the timely delivery of infrastructure."⁴
12. In order to achieve this aim the government has proposed that LEPs could take on a strategic planning role linked to their objectives of fostering sustainable economic growth. This includes giving LEPs the opportunity to work with partner planning authorities to develop strategic planning frameworks to address economic development and infrastructure issues which relate to economic geography.
13. Other potential planning related activities for LEPs include making representations on national planning policy and ensuring business is involved in strategic planning applications.
14. Underpinning all of the above will be a new statutory duty to cooperate, on local authorities, public bodies involved in plan making and on private bodies that are critical to plan making, such as infrastructure providers. This is set out in the recently published Localism' Bill⁵.
15. These policy initiatives align very closely with the work of the Partnership and the objectives of the SPD.

³ Parliamentary Written Statement by the Secretary of State for Communities and Local Government, dated 6 July 2010.

⁴ Local Growth: realising every place's potential, HM Government, 28 October 2010 [Page 24, Para 3.3].

⁵ Localism Bill as introduced in the House of Commons on 13 December 2010 [Bill 126].

Preparation of the SPD

16. The Partnership Office is contributing to the preparation of a robust evidence base in support of Core Strategies. Further work has recently been commissioned to appraise the employment potential of strategic sites and the investment required to unlock these for the benefit of the key employment sectors which the LEP proposal is seeking to promote. This builds on ongoing local economic assessment and employment monitoring work.
17. Working with authorities and Natural England the Partnership Office is also developing a Green Infrastructure Framework for the West of England (refer to Item 9 on the agenda).
18. Engagement with delivery partners is a critical element of this work and began with a "Growth and Delivery" event hosted by the Partnership on 13th October. The event was very successful with over 80 colleagues attending, the majority representing the development industry. One of the workshops explored how the SPD might assist joint working to deliver the strategic development priorities set out in Core Strategies. Delegates gave qualified support to the proposal provided the SPD remains clear, proportionate, realistic and deliverable. A second workshop showcased new guidance published by CABE⁶. The guidance sets out a place-based approach to tackling strategic, cross-boundary planning issues and has informed work on the SPD.
19. Using housing growth figures provided by each of the authorities, the Partnership Office has also prepared a revised development trajectory for the West of England encompassing the period 2006 – 2026. Work involving the HCA and other agencies through the Local Investment Plan Programme Board, is also reviewing the plan to take into account changes in the HCA's investment levels, affordable housing products, use of public assets and business models.

Programme for publication and adoption

20. A robust project management approach has been adopted to enable the SPD to be produced as soon as the publication of Core Strategies allows.
21. The table below summarises the project plan for concluding the SPD. The critical period involves a 6-week public consultation exercise during February-March 2011. This ensures formal consultation follows the publication of the Core Strategies and ends before the lead-up to local government elections in May. This programme will enable the publication of the final adopted SPD in June 2011.

⁶ Large Scale Urban Design was published by CABE in July 2010 as an online resource and is available at: <http://www.cabe.org.uk/strud>

Table 1: Summary of SPD Project Plan

KEY MILESTONE	TARGET DATE
Workshop with Members	10 Dec 2010
Engagement with development industry	Jan 2011
Core Strategies published	Dec/Jan 2011
Revisions to Local Investment Plan	Jan 2011
WEP Boards consider Consultation Draft	Jan 2011
LA Executives/Cabinets consider Consultation Draft	Jan – Feb 2011
6-week public consultation period	14 Feb – 25 Mar 2011
WEP Boards consider final draft	May 2011
LAs adopt SPD	June 2011

Conclusion

22. Joint working to develop an SPD is gaining in importance and will support the delivery of Core Strategies and can underpin the future work of the LEP.
23. By working closely the four authorities, other public agencies and the development industry can more effectively maximise the benefits of investment in infrastructure and overcome the obstacles which are stalling development.
24. The authorities anticipate that producing this SPD will increase confidence and certainty for businesses seeking to invest and fulfil the Partnership's vision for sustainable economic growth and improved quality of life.

Environmental Impact Assessment

25. The SPD supports delivery of core strategies; it is not setting policy of itself but amplifies policies in the Core Strategies. It is not therefore envisaged that there will be any direct environmental implications resulting from the SPD.
26. Indirectly however by; ensuring that infrastructure is in place to supply and deliver renewable and low carbon energy and; in planning the right scale, mix and character of development and in the right location; the SPD can encourage less travel by car and contribute to reducing the vulnerability of communities to the effects of climate change.

Risk

27. The most significant risk arising from this report is that the Partnership Boards and/or Council Cabinets do not endorse SPD. Any significant changes to the SPD would require additional work and delay the adoption of the SPD.
28. In order to mitigate this risk the SPD has undergone regular peer reviews with local authority 'Heads of Planning' and statutory consultees including GOSW.

Resources (financial and personnel)

29. Resource requirements, including staffing, will be met from within the West of England Partnership Planning budget as a core activity.

Equalities Implications

30. There are no specific implications arising from the recommendations in this report.

Recommendation

That the Board recommends the Supplementary Planning Document to the Local Authorities Executives/Cabinets, as a basis for public consultation.

Appendices

Proposed Supplementary Planning Document (to follow)

Local Government (Access to Information) Act 1985 Background Papers:

None

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**West of England Partnership
Planning, Housing & Communities Board
4 March 2011**

West of England Joint Supplementary Planning Document

Purpose

1. To provide an update on progress in preparing the West of England Joint Supplementary Planning Document (JSPD) and seek approval to a revised programme leading towards adoption.

Background

2. Previous reports to the Planning, Housing and Communities Board (December 2010) and the Partnership Board (January 2011) set out a programme of public consultation beginning on 14 February 2011 and ending on 25 March 2011. This would have enabled the JSPD to have been adopted by the authorities in June/July.
3. Subsequently the authorities have received legal advice which has necessitated further revisions to the document and a delay in the consultation process.

Objectives

4. The document will no longer seek to demonstrate a joint sub-regional housing trajectory based on 5-year tranches.
5. However the JSPD still has an important role in supporting core strategies and addressing those strategic issues which cannot be properly considered at the local level and reflect the natural economic geography of the area. It will therefore focus on creating the conditions for delivering sustainable economic growth so that places flourish and prosper including, meeting the following objectives:
 - To focus investment and development of homes and jobs at priority growth locations;
 - To identify the large scale barriers to development and the joint working required to unlock strategic sites;
 - To encourage collaborative working between the authorities and the development industry; and
 - To re-inforce the principles which underpin sustainable development and place making.
6. In providing this guidance the authorities are seeking to give confidence to developers and local people about the benefits of investing in the area.

Further work and timescales

7. The authorities will work with the Partnership Office to finalise the document by the end of March. The authorities will then be asked to approve the JSPD for consultation purposes, with the consultation period taking place following Local Government elections.
8. It is anticipated that a revised JSPD will be adopted by the authorities in October/November 2011.

Environmental Impact Assessment

9. There are no direct environmental implications resulting from the recommendations in this report.

Risk

10. There are no significant risks resulting from the recommendations in this report.

Resources (financial and personnel) and Equality Implications

11. There are no significant implications resulting from the recommendations in this report.

Recommendation

That the Board endorses the revised objectives of the JSPD and the revised timescale for adoption by the authorities.

Local Government (Access to Information) Act 1985

Background Papers:

None

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