1. **Purpose**

1.1 The purpose of this report is for the Committee to consider the priorities for the partnership of Local Planning Authorities in West Northamptonshire following the adoption of the Joint Core Strategy and to inform the development of a partnership work programme, including an investigation of alternative models of partnership working.

2. **Recommendation**

2.1 That the Joint Strategic Planning Committee:

   (1) Authorises the partnership’s officers to examine alternative methods of joint working having regard to the National Planning Policy Framework and the duty to co-operate, specifically with regards to the ending of the current statutory joint arrangement;

   (2) Confirms that the proposed West Northamptonshire Gypsy, Travellers and Travelling Showpeople Allocations Local Plan will not be taken forward as a joint Local Plan and that issues relating to accommodation needs for Travellers will be addressed by partner Councils in their own Local Plans;

   (3) Confirms that the proposed Northampton Related Development Area Local Plan will be replaced by a Part 2 Local Plan prepared by Northampton Borough Council covering the Borough area only;

   (4) Confirms the other priorities for the partnership as set out in paras 4.20 to 4.23 of this report; and

   (5) Requests that a report be brought back to the next meeting of the Joint Committee setting out the findings of the work undertaken in respect of recommendation (1) above and recommending a clear way forward for the partnership.
3. **Background**

3.1 Partnership working is currently underpinned by statutory instrument i.e. the West Northamptonshire Joint Committee Order 2008 (the order) and a legal agreement signed in March 2010 which superseded an earlier Memorandum of Intent (April 2009).

3.2 Following the adoption of the Joint Core Strategy in December 2014 and restructure of the Joint Planning Unit which came into effect on 1st April it is appropriate to consider the future priorities and work programme for the partnership, including the consideration of alternative models of partnership working.

4. **Priorities and Work Programme for the Partnership**

**West Northamptonshire Joint Local Development Scheme (LDS)**

4.1 The Joint LDS sets out the detailed programme for the preparation of the Local Plans across West Northamptonshire. In essence it provides the project plan or work programme for the partnership. The current LDS was approved in June 2012 and there is an urgent need to either review or replace the LDS.

4.2 The table below sets out the plans that are currently included in the Joint LDS:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Brief Description</th>
<th>Status</th>
<th>Joint Plan (Yes/ No)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>West Northamptonshire Joint Core Strategy</strong></td>
<td>To set out the Spatial Vision, Spatial Objectives and Spatial Strategy for all Sustainable Communities in West Northamptonshire accounting for its wider context.</td>
<td>Adopted (Dec 2014)</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>West Northamptonshire Gypsies, Travellers and Travelling Show People Allocations Local Plan</strong></td>
<td>To allocate sites for the occupation and use of Gypsy, Travellers and Travelling Show People in the West Northamptonshire area.</td>
<td>Commenced (Sept 2012)</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Northampton Related Development Area Local Plan Part 2</strong></td>
<td>To set out any specific allocations for the Northampton Related Development Area (NRDA), as defined in the West Northamptonshire Joint Core Strategy. It will include policies against which Planning Applications for the development, management and use of land and buildings will be considered.</td>
<td>Commenced (October 2012)</td>
<td>Yes</td>
</tr>
<tr>
<td>Plan</td>
<td>Description</td>
<td>Status</td>
<td>Notes</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>Northampton Central Area Action Plan</td>
<td>To set out the vision and strategic objectives for the Central Area up until 2026 and provide a set of policies to guide Developers.</td>
<td>Adopted (January 2013)</td>
<td>No</td>
</tr>
<tr>
<td>Daventry District Settlements and Countryside Local Plan Part 2</td>
<td>To establish detailed Policies for the Management of Development across Daventry District (excluding those parts within the Northampton Related Development Area).</td>
<td>Commenced (June 2012)</td>
<td>No</td>
</tr>
<tr>
<td>South Northamptonshire Settlements and Countryside Local Plan Part 2</td>
<td>To establish detailed policies for the management of development across South Northamptonshire (excluding those parts within the Northampton Related Development Area).</td>
<td>Commenced (May 2012)</td>
<td>No</td>
</tr>
</tbody>
</table>

4.3 The preparation and revision of the joint LDS is one of the functions of the Joint Committee as specified in section 4 of the order, although it should be noted that in accordance with the Localism Act 2011 there is no longer any requirement to submit the LDS to the Secretary of State. Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the publication of an LDS to specify the documents that will comprise the Local Plan for the area. This must be available publicly and kept up to date. In this context the 2012 Joint LDS is clearly no longer fit for purpose.

4.4 In recognising that the joint LDS is out of date the partnership needs to consider whether options for its review or replacement are available:

**Option 1 – Review the existing Joint LDS**: This would then be approved by the Joint Committee.

**Option 2 – Replace the existing Joint LDS with individual LDS for each of the partner Councils**: This would entail the preparation of three LDS documents to be approved by the partner Councils. They could include a common section relating to joint working and the compliance with the ‘duty to co-operate.’

**Option 3 – A Hybrid option**: If the partnership decides that it wishes to prepare some plans jointly then it could retain a joint LDS for these plans. Plans which are to be prepared solely by the constituent authorities could then be included in their own LDS documents.
Following consultation with the Lead Monitoring Officer, Counsel’s advice has been sought on the implications of the 2008 Order in the following respects:

(i) Would the Order prevent the partner Councils from preparing their own individual LDS i.e. are they bound by the Order to prepare a joint LDS only?
(ii) Could a joint LDS include Local Plans which are to be prepared solely by the constituent authorities?

The conclusion of Counsel’s advice on the three options is summarised below:

- **Option 1 – Review the existing Joint LDS** – This option does not reflect the proper interpretation of the Order and it is not appropriate for the Joint Committee to approve an LDS which relates to the production of Local Plans which are not prepared jointly.
- **Option 2 – Replace the existing Joint LDS with individual LDS for each of the Partner Councils** – This would not be consistent with the objectives on the Order and in Counsel’s view would not be a lawful exercise of the duty to revise the LDS. If the partner Councils are of the view that the strategic planning of the area no longer requires a joint approach with reliance instead being placed on the duty to cooperate, then the proper course of action would be to seek revocation of the Order.
- **Option 3 – A Hybrid option** – This option is compliant with Counsel’s interpretation of the Order and is a lawful approach.

In selecting a preferred option the partnership will need to consider the above advice, but will also need to determine which Local Plans are to be prepared, the scope of these Plans and whether any are to be prepared jointly. In this context the Plans currently within the joint LDS which have not yet been adopted are considered below.

**West Northamptonshire Gypsies, Travellers and Travelling Show People Allocations Local Plan:** The LDS currently envisages that this will be a joint Plan covering the whole of the West Northamptonshire area and as such would be approved by the Joint Committee. Discussions undertaken across the partnership indicate that the partner Councils no longer wish to prepare this Plan jointly and would prefer to address issues relating to Travellers’ accommodation needs through their own Local Plans. It is recognised however that it will be necessary to cooperate on the preparation of these Plans both across the partnership and with adjoining authorities. Any Local Plans relating to the provision of Traveller accommodation would be included in an LDS prepared by the individual partner Councils and would not form part of a joint LDS.

**Northampton Related Development Area Local Plan Part 2:** This is another joint Plan currently identified in the LDS. The scope of the Plan covers the whole of the NRDA as identified in the JCS i.e.: the whole of Northampton Borough together with those parts of Daventry and South Northamptonshire that have been identified to accommodate development which is related to the growth of Northampton. In discussions between the partner Councils Northampton Borough Council have indicated that they do not wish to prepare this plan jointly, and would prefer to produce a Part 2 Local Plan for Northampton the scope of which would be restricted to the borough boundary. Consequently this plan would only be included in a
Northampton Borough LDS and not a joint LDS. Discussions indicate that this approach would be supported by the other partner Councils.

4.10 **Daventry District Settlements and Countryside Local Plan Part 2:** This is not a joint Plan and the responsibility for preparation and adoption rests with Daventry District Council. Depending on decisions in respect of the NRDA Local Plan and the Gypsy and Traveller Plan, Daventry District Council may wish to reconsider the scope of the Daventry Part 2 Local Plan.

4.11 **South Northamptonshire Settlements and Countryside Local Plan Part 2:** This is not a joint Plan and the responsibility for preparation and adoption rests with South Northamptonshire Council. Depending on decisions in respect of the NRDA Local Plan and the Gypsy and Traveller Plan South Northamptonshire Council may wish to reconsider the scope of their Part 2 Local Plan.

**Future Partnership Working**

4.12 As indicated in section 3 above partnership working is currently underpinned by statutory instrument i.e. the West Northamptonshire Joint Committee Order 2008 (the order) and the West Northamptonshire Joint Strategic Planning Memorandum of Intent.

4.13 A clear steer is required on the extent to which the partnership wants to review the current formal arrangements for partnership working, including the ongoing role and function of the Joint Committee.

4.14 It should be remembered that in the adopted Joint Core Strategy there is a commitment from the partner Councils to undertake a review of the JCS to a plan period of 2036 or beyond, with the aim of having an adopted plan in place by 2020. On this basis it is likely that such a review would need to commence in 2017 and further thought needs to be given to management and governance arrangements that would apply and the potential inclusion of the JCS review within the Local Development Scheme(s).

4.15 Discussions across the partnership to date indicate a consensus to review the Joint Committee in its present format. For example, in the context of the future development needs of Northampton it could be argued that the scope of the Committee is inadequate as it does not include the Borough of Wellingborough. The current arrangements also predate the publication of the National Planning Policy Framework, which indicates that “Each local planning authority should produce a Local Plan for its area.” (NPPF para 153)

4.16 Should the partnership wish to move away from the statutory joint planning arrangements then it will need to give careful consideration to the alternative mechanisms which could be put in place. Given the emphasis in the NPPF on the duty to cooperate and the need for strategic planning across boundaries, it is unlikely that government would sanction a revocation of the statutory order, without robust arrangements being in place for joint working to ensure the effective delivery of infrastructure and growth across the partnership area.
There are a number of examples across the country of joint working arrangements in respect of strategic planning and infrastructure delivery which are effective, but do not necessarily rely on a statutory Joint Committee. These include:

- **Cambridgeshire and Peterborough** – Approach includes a Memorandum of Co-operation and a Joint Strategic Planning and Transport Member Group;

- **Derby Housing Market Area** – Comprising Derby City Council, Amber Valley Borough Council, South Derbyshire District Council and Derbyshire County Council. Approach includes an HMA Co-ordination Group at officer level and a Joint Advisory Board comprised of members and officers. This arrangement has secured the preparation of a joint evidence base and aligned timetables for Local Plan preparation.

- **Greater Nottingham** – Approach includes a Joint Planning Advisory Board to advise on the preparation of coordinated and aligned Local Plans through to examination and adoption;

- **Coastal West Sussex & Greater Brighton** – Approach includes a Strategic Planning Board to identify and manage spatial planning issues that impact on more than one local planning area and to ensure the integration of strategic spatial and investment priorities across the area; and

- **Oxfordshire** – Approach includes the Oxfordshire Growth Board (which is constituted as a statutory committee under the Local Government Act 1972). The Board facilitates collaboration between local authorities on economic development, strategic planning and growth. The Oxfordshire authorities have also agreed a Statement of Cooperation which covers a range of issues including the process for meeting objectively assessed housing need.

If the partnership determines that it wishes to change the current joint working arrangements, then it is suggested that further work should be undertaken to determine the most appropriate approach for the partner Councils, including the potential to broaden the partnership.

**Other Priorities for the Partnership**

**Information and Monitoring Function:** The restructured Joint Planning Unit includes an Information and Monitoring function which is resourced principally by a 1.2fte equivalent Information and Monitoring Officer post. Local planning authorities must publish information at least annually that shows progress with Local Plan preparation, reports any activity relating to the duty to cooperate and shows how the implementation of policies in Local Plans is progressing. For the past 5 years this requirement has been met by the production of a Joint Authorities Monitoring Report (JAMR) by the JPU on behalf of the partnership. Discussions across the partnership have identified that there is scope to rationalise the content of the JAMR and produce it more quickly. The Committee is requested to confirm that wishes to continue with the present arrangements for the preparation and publication of a Joint Authorities Monitoring Report covering the whole of the West Northamptonshire Area.
4.21 **Evidence base to support the preparation of Part 2 Local Plans:** The Joint Planning Unit budget for 2015/16 includes £90,000 for ‘evidence commissioning’. The partner Councils have commissioned a joint Sport, Leisure and Open Space Strategy and it has been agreed that up to £15,000 will be made available from the JPU budget. Beyond this commitment the following priorities for evidence base work which would support the Part 2 Local Plans and have joint benefit across the partnership have been identified:

i) **Refreshing the Housing Land and Employment Land availability evidence:** This is currently provided by the West Northamptonshire Strategic Housing Land Availability Assessment (SHLAA) and the West Northamptonshire Employment Land Study (WNELS). Both the SHLAA and WNELS were last updated in 2012 and updated evidence is needed to support the preparation of Part 2 Local Plans. In accordance with National Planning Practice Guidance (NNPG) the assessment of housing and employment land availability should now be combined in a Housing and Economic Land Availability Assessment;

ii) **Refreshing the Travellers’ Accommodation Needs Study (TANS):** The TANS was prepared to inform the modifications to the Joint Core Strategy and the preparation of the Joint Gypsy and Travellers Site Allocations Local Plan. It was published in April 2013, but used data collected in 2012; and

iii) **Analysis of the implications of the new 2012 based household projections:** Essentially this would be an update of the study the Cambridge Centre for Housing and Planning Research undertook in 2013 to support the preparation of the JCS.

4.22 **Duty to Co-operate:** One of the identified functions of the retained JPU is to provide assistance with the partner Councils’ statutory duties under the Duty to Cooperate. As a local planning authority the Joint Committee is a prescribed body for the purposes of duty. To this end the Joint Planning Unit regularly receives consultations, both formal and informal from neighbouring authorities. Historically the JPU has responded to these consultations on behalf of the Joint Committee. In future it is recommended that the JPU’s role should be to provide support to the partner Councils in coordinating and recording all relevant activity relating to the duty and ensure that this is recorded on a consistent basis for inclusion in the JAMR. The JPU would not respond directly to external consultations.

4.23 **Infrastructure Planning and Delivery:** the wider issue of infrastructure planning and delivery requires an ongoing partnership approach. The West Northamptonshire Infrastructure Delivery Plan (IDP) identifies strategic priorities for the delivery of key infrastructure needed to support the scale of growth put forward in the JCS. The IDP is reviewed and updated annually by the JPU and provides an important part of the evidence base to support the delivery of the JCS. Confirmation is sought from the Committee that the IDP will remain as a function of the JPU for 2015/16.
5. Conclusion

5.1 The adoption of the Joint Core Strategy and the subsequent restructure of the JPU necessitate changes to the way in which planning policy related work is undertaken across the West Northamptonshire area. Section 4 of this report highlights a number of potential priorities and work areas for the partnership upon which the decisions of the Joint Committee are sought. At this stage a clear decision is sought in respect of the proposed Gypsy and Traveller Local Plan and the Northampton Related Development Area Local Plan. This will provide the clarity for the partner Councils to move forward with the preparation of their own Local Development Schemes. The report recognises that further work is required to review the current arrangements for partnership working and the outcome of this work will inform the approach to the future review and or replacement of the Joint Core Strategy.

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