Purpose of Report

For Members to consider making a request to the Secretary of State to revoke the Order which established the West Northamptonshire Joint Strategic Planning Committee ("WNJSPC"), as recommended by the WNJSPC at its meeting on 20 October 2015, and to consider proposals for new partnership working arrangements to replace the current Committee.

1. Recommendations

1.1 That the Council writes formally to the Secretary of State to request the revocation of the order which established the WNJSPC pursuant to section 31(2) of the Planning and Compulsory Purchase Act 2004.

1.2 That, in the event that the Secretary of State revokes the order, the Council:

1.2.1 Supports the establishment of a Joint Planning and Infrastructure Board supported by a Memorandum of Cooperation generally as set out in draft form at Appendix 1.
1.2.2 Withdraws from or agrees to modify or terminate existing agreements that complement the Joint Committee arrangements so as to give effect to the new arrangements.

2. Introduction

2.1 Partnership working between the partner local planning authorities in West Northamptonshire (South Northamptonshire, Daventry District, Northampton Borough and Northamptonshire County Councils) is currently underpinned by the WNJSPC established in 2008 by an order under Section 29(2) of the Planning and Compulsory Purchase Act 2004 (the “Order”). The councils have also entered into a number of agreements which supplement the Order.

2.2 At its meeting on 16 July 2015 the WNJSPC authorised the partnership's officers to examine alternative methods of joint working having regard to the National Planning Policy Framework (NPPF) and the duty to cooperate with regards to ending the current statutory joint arrangement.
2.3 At a further meeting on 20 October 2015, having considered the report that looked at alternative models of joint working, the WNJSPC agreed to write to the Secretary of State requesting revocation of the order, and to invite the partner councils to do likewise.

3. **Report Details**

3.1 The reasons for reviewing the existing partnership arrangements are twofold. Firstly, the Order predates the NPPF and its guidance on Local Plans and planning strategically across local authority boundaries, in particular NPPF paragraph 153 which indicates that each local planning authority should produce a Local Plan for its area. Thus a joint committee is not an appropriate vehicle to produce such plans. In addition, some individual partner authorities have recently agreed their own Local Development Schemes for their chosen local plans. Secondly, the geographical scope of the partnership is no longer fit for purpose in that it excludes other neighbouring areas, particularly the Borough of Wellingborough, which has a strong relationship with the Northampton Housing Market Area.

3.2 It is recognised that the future development needs of Northampton and the requirement to cooperate on the delivery of unmet needs, including supporting infrastructure, will remain the key driver for partnership working. Local Planning Authorities are required by law through the Duty to Cooperate to ‘engage constructively, actively and on an on-going basis’ on planning matters that impact on more than one local planning area. The duty is amplified in the NPPF which sets out the key strategic priorities that should be addressed jointly.

3.3 Any future partnership arrangements need to support the partner councils in meeting the Duty to Cooperate and enable the effective consideration of strategic planning priorities, such as the need for homes and jobs, where these cross local authority boundaries.

3.4 Following the introduction of the Duty to Cooperate and the publication of the NPPF a number of models of joint working have been established or modified across the country. These models were considered by the WNJSPC at their October meeting.

- Cambridgeshire and Peterborough – Approach includes a Memorandum of Cooperation 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.

- Oxfordshire – Approach includes the Oxfordshire Growth Board (which is constituted as a statutory joint committee under the Local Government Acts 1972 and 2000). 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.

3.5 These joint working arrangements are supporting the local planning authorities in addressing the duty to cooperate. To date the Cambridgeshire and Peterborough partnership has:

- Developed a consistent evidence base to assess the demand for homes and jobs across the area.
- Produced a Memorandum of Cooperation.
- Produced a Strategic Spatial Priorities Document.
- Completed a Sustainable Development Strategy Review.

3.6 In both Cambridgeshire and Peterborough and in Coastal West Sussex and Greater Brighton joint working has enabled the development of a shared vision for a wider area, agreed spatial strategic objectives, and a set of spatial priorities to achieve the vision and objectives. The approach respects the principles of localism and each local authority remains responsible for the preparation of its own Local Plan.

3.7 In the case of Coastal West Sussex and Greater Brighton the Strategic Planning Board has produced a Local Strategic Statement (LSS). The LSS sets out long term strategic objectives for the period 2013-2031 and the spatial priorities for delivering these in the short to medium term to support regeneration, provide homes and jobs, and protect the high quality environment.

3.8 Following consideration of these different models by the WNJSPC, the preferred option is to establish a Joint Planning and Infrastructure Board to replace the WNJSPC, with clear terms of reference, supported by a Memorandum of Cooperation. The four current partner councils would continue to be included as full members of the partnership. It is also suggested that options to extend the scope of the partnership should be explored to ensure effective consideration of strategic planning and infrastructure issues across a wider area.

3.9 This model of joint working follows closely the approach adopted in Coastal West Sussex and Greater Brighton and Cambridgeshire and Peterborough. The partnership would clearly be able to develop this model to support its own circumstances.

3.10 Details of the proposed joint working arrangements, including the proposed Officer level structure are set out below. These proposals have benefitted from independent scrutiny in the form of critical friend support provided to the Joint Planning Unit by Catriona Riddell of POS Enterprises (POSe). The POSe advice provides assurance that the proposed Joint Planning and Infrastructure Board is capable of providing effective partnership working arrangements to meet the requirements of the NPPF and Duty to Cooperate.
3.11 The preferred option of the WNJSPC is to establish a joint Member-level board that would have an advisory function rather than direct responsibility for plan making. It is envisaged that the Board would be comprised of elected Members of the following local planning authorities:

- South Northamptonshire Council
- Northampton Borough Council
- Northamptonshire County Council
- Daventry District Council

3.12 In addition, it is recommended that early discussions should take place with the Borough Council of Wellingborough to explore the potential for their involvement as full members of the Board. It should be noted that there would also be scope to invite other local authorities and agencies to act as observers as and when required.

3.13 The purpose of the Board would be to:

- Identify and manage spatial planning issues that affect more than one local planning authority area.
- Support better coordination of development and investment strategies across the area including the delivery of strategic infrastructure.
- Ensure that the Duty to Cooperate is actively addressed.

3.14 The joint working arrangements would be underpinned by a Memorandum of Cooperation (a draft is attached as Appendix 1), and the work of the board would be defined by clear terms of reference (a draft is also included in Appendix 2).

3.15 Based on the consideration which has already been given by the partnership to priorities it is suggested that the following would be the key work areas for the Board:

- Development of a shared strategic evidence base, such as Housing and Economic Development Needs Assessment, to inform future Local Plans.
- Co-ordination of investment strategies and infrastructure delivery including coordinating the ongoing monitoring, review and updating of Infrastructure Delivery Plans.
- Joint information and monitoring function including the production of a Joint Authorities Monitoring Report.
- To support the local planning authorities in coordinating and recording all relevant activity relating to the Duty to Cooperate.

3.16 The short term priority for each of the partner Councils is to progress their own Part 2 Local Plans within the framework set by the adopted Joint Core Strategy. However in the medium term the partnership will need to consider how it will review and or replace the Joint Core Strategy. One option which the Advisory Board model would facilitate is for the preparation of a non-statutory document such as the Local Strategic Statement prepared for Brighton and Coastal West Sussex. This would guide the Local Planning Authorities in the preparation of Local Plans for their areas, but would not be prescriptive in terms of setting levels or locations for development.
3.17 An appropriate Officer structure would be required to support the work of the Board. It is envisaged that this would be provided by the existing West Northamptonshire Programme Board. The Joint Planning Unit, in its restructured form, would also continue to act as the secretariat for the Board. The other Local Planning are also being asked to consider and pass similar resolutions.

4. Conclusions and Reasons for Recommendations

4.1 In view of the introduction of the NPPF and the exclusion within the existing arrangements of other neighbouring Authorities, it is suggested that Members agree to write to the Secretary of State requesting that the Order be revoked.

4.2 In the event of revocation of the Order, this Council and the other Partner Local Planning Authorities would also need to complete the memorandum of cooperation, finalise the terms of reference of the Board and appoint to it. For practical purposes it is also envisaged that the legal agreement entered into by the partners in 2010 under the previous arrangements would be terminated by mutual agreement and replaced by the proposed memorandum of cooperation.

5. Consultation

5.1 These recommendations are as a direct result of decisions taken at the last WNJSPC meeting at which all Councils have Member representation. This includes for this council the Portfolio Holder for Planning and Environment.

6. Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To proceed with the Policy as recommended in this report, this is the preferred option and supported by the information in the report.

Option 2: To decline to write to the Secretary of State. This is not recommended in view of the current arrangements no longer being fit for purpose.

7. Implications

Financial and Resource Implications

7.1 None as a direct result of this report. The Council currently funds the Joint Planning Unit, which it is proposed would form the Secretariat of the advisory Board. Future contributions from SNC would depend on precisely what arrangements are agreed for moving forward. The budget is reviewed annually, and any proposals would be subject of future reports.

Comments checked by: Paul Sutton, Head of Finance and Procurement, 03000030106, paul.sutton@cherwellandsouthnorthants.gov.uk
Legal Implications

7.2 The WNJSPC is currently constituted under the West Northamptonshire Joint Committee Order 2008 which came into force on 25th July 2008. This was made under Section 29(2) of the Planning and Compulsory Purchase Act 2004. The Order transferred certain plan-making powers from the three district councils to the JSPC. The Secretary of State has the power to revoke the Order under Section 31 of the Act upon the request of one or more of the partner authorities.

Comments checked by: Kevin Lane, Head of Law and Governance, 0300 0030107 kevin.lane@cherwellandsouthnorthants.gov.uk

Risks

7.3 If the Secretary of State declines to accept the request, then the WNJSPC will remain the decision making body, for plan making within the three districts. Conversely if the order is revoked then it will be necessary for the Authorities to work together under the duty to co-operate without the powers of the order.

Comments checked by: Ros Holloway, Performance Information Officer Ros.holloway@cherwell-dc.gov.uk. Tel. 01295 221578

8. Decision Information

Links to Corporate Plan and Policy Framework

Preserving what’s special
Protecting our quality of life
Sustainable prosperity

Lead Councillor

Rebecca Breese – Portfolio Holder Planning and Environment

Document Information

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<td>Draft Memorandum of Co-operation</td>
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Background Papers

None

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MEMORANDUM OF COOPERATION

INTRODUCTION
This memorandum establishes a framework for cooperation between the above named local planning authorities with respect to strategic planning and development issues that raise cross borough/district council boundary matters affecting them. The establishment of a Joint Planning and Infrastructure Board is central to this framework.

PARTIES TO THE MEMORANDUM
This Memorandum is signed by the following Local Planning Authorities:
- Daventry District Council
- Northampton Borough Council
- Northamptonshire County Council
- South Northamptonshire Council
- [Others as appropriate]

LIMITATIONS
The Local Planning Authorities recognise that there will not always be full agreement with respect to all of the strategic planning issues in respect of which they seek to cooperate. For the avoidance of doubt this Memorandum is not intended to be legally binding and will not restrict the discretion of any of the local planning authorities in the exercise of any of their statutory powers and duties.

ESTABLISHMENT OF THE PLANNING AND INFRASTRUCTURE BOARD
This Memorandum supports the establishment of a Joint Planning and Infrastructure Board, which will be supported by an Officer level Programme Board, and professional and technical support provided by a Joint Planning Unit. Detailed Terms of Reference for the Board are set out in Appendix A.

OBJECTIVES
This Memorandum confirms the intention of the signatory councils via their relevant Officers and the Joint Planning and Infrastructure Board to achieve the following broad objectives:
- To secure a broad but consistent approach to strategic planning and development across the [West Northamptonshire] area;
- To identify and manage spatial planning issues that impact on more than one local planning area within the [West Northamptonshire] area;
• To ensure that the Local Plans and other development policies prepared by each local planning authority are, where appropriate, informed by the views of other local planning authorities across the [West Northamptonshire] area;
• To support better coordination of development and investment strategies across the area including the delivery of strategic infrastructure; and
• To ensure that the Duty to Co-operate is actively addressed.

STRATEGIC PLANNING AND DEVELOPMENT ISSUES

The Joint Planning and Infrastructure Board will:

• Develop and implement a programme for jointly addressing strategic planning and development issues;
• Monitor the preparation of Local Plans across the area and the implementation of adopted planning policies through the preparation of a Joint Authorities Monitoring Report;
• Support the local planning authorities in coordinating and recording all relevant activity relating to the Duty to Cooperate;
• Monitoring, review and update Infrastructure Delivery Plans;
• Prepare, maintain and update a Strategic Spatial Priorities document to support the development of a coherent and comprehensive development strategy across the [West Northamptonshire] area; and
• Maintain liaison with the Local Enterprise Partnerships and support the implementation of agreed Strategic Economic Plans to achieve sustainable growth.

TIMESCALE AND REVIEW

[Include a statement about timescale for the MOC e.g. 5 years with review after 2 years]

FUNDING ARRANGEMENTS

[Statement of intent required on shared funding for Joint Planning arrangements i.e. who are the funding partners and what is the proportion. Also who will be the accountable local authority]

SIGNATURES:
To be signed relevant Members/Officers of each Council
Appendix 2

[WEST NORTHAMPTONSHIRE] JOINT PLANNING AND INFRASTRUCTURE BOARD

TERMS OF REFERENCE

Area covered by the Board
Strategic Planning and Infrastructure issues covering more than one of the following local planning authority areas:
Daventry District Council
Northampton Borough Council
South Northamptonshire Council
[Other(s) as appropriate]

Scope of the Board
- Identify and manage spatial planning issues that affect more than one local planning authority area;
- Support better coordination of development and investment strategies across the area including the delivery of strategic infrastructure;
- Ensure that that the Duty to Cooperate is actively addressed.
- Development of a shared strategic evidence base, such as Housing and Economic Development Needs Assessment, to inform future Local Plans;
- A joint information and monitoring function including the production of a Joint Authorities Monitoring Report;
- To support the local planning authorities in coordinating and recording all relevant activity relating to the Duty to Cooperate; and
- Ongoing monitoring, review and updating of Infrastructure Delivery Plans.

Status of the Board
The Board has no decision making powers and cannot bind any of the participating local planning authorities in any way. [Decision required on whether meetings will be held in public/private]

Membership
The Board shall have equal representation from each of the partner Councils comprising x elected members for each.

Observers
The Board may invite Members of other Local Authorities and organisations to attend as observers.

Appointment of Members
Each LPA to appoint Members to the Board in accordance with their own constitution. Appointments should include the relevant Portfolio holder with responsibility for Planning.

Meetings
To be held quarterly with the ability of the Chair to both cancel scheduled meetings if there is insufficient business to conduct and call special meetings should issues arise between scheduled meetings?
Venue and Administration
[Rotating venues – Democratic Services support to be provided by the local authority of the Chair from time to time]

Chairmanship
[To rotate annually by convention]

Technical Support
Programme Board – Senior Officers with lead responsibility for Planning from each LPA.
Joint Planning Unit – as per restructure.