

10 January 2018		ITEM: 12 Decision 0110454
Cabinet		
South Essex 2050		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Mark Coxshall, Portfolio Holder for Regeneration		
Accountable Assistant Director: Steve Cox, Corporate Director of Place		
Accountable Director: Steve Cox, Corporate Director of Place		
This report is Public		

Executive Summary

The purpose of this report is to:

1. Explain the work undertaken by Leaders and Chief Executives of South Essex Councils - Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council - to create a vision and sense of place for the area;
2. Describe the work undertaken by Planning Portfolio Holders/Cabinet Members on the strategic planning policy work necessary to underpin the work in point 1 above, including agreement to act as a pilot scheme for Government in creating a Statement of Common Ground;
3. Seek agreement to further collaboration on the work described in points 1 and 2 above, and to allocate appropriate resources to this as well as submit a bid for funding to the Government's Planning Delivery Fund to assist with this;
4. Further to point 3 above, agree to form a Joint Committee with the title of the Association of South Essex Authorities;
5. Seek agreement to make progress towards the preparation and delivery of a statutory joint strategic plan with an agreed timetable.

1. **Recommendations that Cabinet:**
 - 1.1 **Notes and supports the progress made by Leaders and Chief Executives on strategic place shaping in the South Essex 2050 Vision.**
 - 1.2 **Notes and supports the expression of interests endorsed by Planning Portfolio Holders/Cabinet Members to become a pilot of the Government's Statement of Common Ground for plan-making.**
 - 1.3 **Notes and supports a programme of further collaboration on key strategic place shaping and cross boundary planning policy matters, and agrees to allocate appropriate additional resources to support this.**
 - 1.4 **Notes and supports the expression of interest submitted to the Government's Planning Delivery Fund for up to £250,000 for assistance with joint working.**
 - 1.5 **Notes and supports the creation of a Joint Committee with the title of "Association of South Essex Authorities" as the overarching body responsible for managing these initiatives.**
 - 1.6 **Notes and supports the preparation and delivery of a statutory joint strategic plan for South Essex to ensure that cross boundary strategic planning issues are dealt with in an appropriate way.**

2. **Introduction and Background**

- 2.1 The National Planning Policy Framework (NPPF) 2012 explains at paragraph 178 that;

*"Public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities."*

- 2.2 Planning Practice Guidance (PPG) 2014 at Paragraph: 007 Reference ID: 12-007-20140306 further explains that;

"The duty to cooperate requires local planning authorities and certain other public bodies to cooperate with each other in preparing a Local Plan, where there are matters that would have a significant impact on the areas of 2 or more authorities. A joint Local Plan is one means of achieving this and those preparing Joint Plans will wish to consider a joint evidence base and assessment of development needs. Less formal mechanisms can also be used. In particular, local planning authorities should consider the opportunities

for aligning plan timetables and policies, as well as for sharing plan-making resources.”

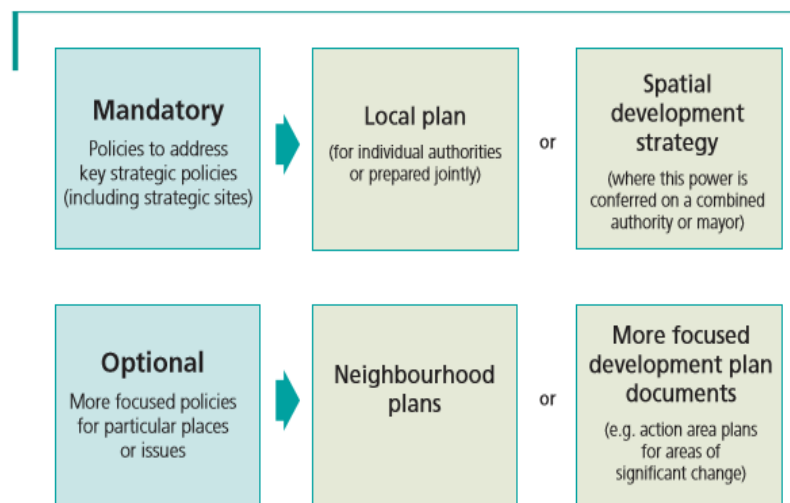
2.3 The Housing White Paper “*Fixing our Broken Housing Market*” published in February 2017, described more clearly the Government’s direction of travel regarding strategic planning. In paragraph 1.9 it explains that:

“..... we will consult on changes to the National Planning Policy Framework, so that authorities are expected to prepare a Statement of Common Ground, setting out how they will work together to meet housing requirements and other issues that cut across authority boundaries.”

2.4 Furthermore, in the Annex at paragraph A.16 it states that;

“As suggested by the Local Plans Expert Group, we will remove the policy expectation that each local planning authority should produce a single local plan. We will make clear instead that authorities should identify the most effective way of setting out their key strategic priorities (which may be jointly with other authorities), with the expectation that more detailed matters are addressed through neighbourhood plans or more focused development plan documents”

2.5 This model of development plan preparation is described by Government in the illustration below:



2.6 Finally in his recent speech of 16th November 2017, the Secretary of State announced that he had written to 15 local planning authorities expressing concern at lack of progress with plan-making. 3 of the fifteen authorities are in south Essex – Basildon, Brentwood and Castle Point.

2.7 In deciding whether to intervene in local plan-making, the Secretary of State wishes to “.....be informed by the wider planning context in each area (specifically the extent to which authorities are working co-operatively to put strategic plans in place...”

- 2.8 It is therefore evident that the Government accepts that the “duty to co-operate” is not an effective mechanism for strategic planning across local authority boundaries, through its recent announcements and imminent reforms, and that joint statutory strategic plans are seen as the best way to achieve more effective mechanism for delivering growth, and by providing a framework for the preparation of other local development plan documents.

3. South Essex

History of Joint Work

- 3.1 The local planning authorities in South Essex have for some time been defined as Basildon, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council. More recently Brentwood has been incorporated in the group, given its close relationship with Basildon, Thurrock and key infrastructure affecting the area, such as the A127.
- 3.2 There is a long established tradition of working in partnership on strategic planning matters, dating from the era of the former Thames Gateway South Essex Board. Examples of this work include a Planning & Transport Strategy for the Thames Gateway South Essex area, a series of Strategic Housing Market Assessments, Strategic Flood Risk Assessments, and more recently an Economic Development Needs Assessment.
- 3.3 Furthermore Planning Portfolio Holders/Cabinet Members acknowledged in 2016 that a strategic planning framework of some kind was necessary for the area in order to assist with the preparation of individual local plans and demonstrate that the “duty to cooperate” was being effectively discharged. A Memorandum of Understanding for Strategic Planning in South Essex was subsequently agreed in early 2017.

Leaders & Chief Executives

- 3.4 Following discussions regarding devolution at an Essex level, and having regard to the “duty to cooperate” failings identified by the Planning Inspector examining the Castle Point Local Plan in early 2017, Leaders and Chief Executives of the seven authorities have come together to describe overarching strategic principles for South Essex. This work has been supported by the East of England Local Government Association, recognising that it could act as a model for other areas of local government.
- 3.5 The Leaders and Chief Executives have met on a regular basis since the summer of 2017. Their meetings, a series of workshops have been facilitated by an independent consultant, and supported by independent strategic planning advice.
- 3.6 The purpose of the discussions has been to prepare a strategic “vision” for the area, which goes beyond the normal 15 year time frame of local plans, and beyond the normal confines of strategic planning policy but embraces a range

of public and private enterprises that together have the ability to create a sense of place.

South Essex Vision 2050

- 3.7 The work has an interim title of “South Essex Vision 2050” and its intention has been to describe a joint “place-based” vision, together with the growth and strategies necessary to support this, the infrastructure required in the area, and how local authorities might work together to deliver these aspirations.
- 3.8 It is accepted and agreed by the Leaders and Chief Executives that the shared mutual ambitions for South Essex require a “no border” approach to collaboration and joint working. It is only by working more closely together the major challenges in the area can be addressed, and opportunities taken forward.
- 3.9 Consequently following extensive discussion, working together the Leaders and Chief Executives have agreed on eight industrial and infrastructure strategic priorities for the area;
1. *Place leadership, proposition and brand*
 2. *Opening up spaces for development (green infrastructure, housing and commercial)*
 3. *Transforming transport connectivity*
 4. *Supporting our seven sectors of industrial opportunity:*
 - *Advanced manufacturing*
 - *Construction*
 - *Environmental technologies and energy*
 - *Digital and creative services*
 - *Finance and business services*
 - *Life sciences and healthcare*
 - *Transport and logistics*
 5. *Shaping local labour and skills markets*
 6. *Creating a fully digitally-enabled place*
 7. *Securing a sustainable energy supply*
 8. *Enhancing health and social care through co-ordinated planning.*
- 3.10 South Essex Leaders and Chief Executives are committed to continuing with the “vision” work beyond January 2018. This includes formalising the collaboration by creating an Association to:

- Prepare an initial statement of intent explaining what has been done through the work shop programme and how it is intended to take the collaboration forward
- Build a forward plan of work to fully develop the outline proposition and ideas created through the work shop programme
- Implement a wider engagement plan and programme

This includes three key tasks

- Design a place proposition to promote South Essex
- Take a joined – up and strategic approach to growth and spatial planning
- Co-ordinate an infrastructure strategy delivering a series of game – changing initiatives.

Planning Portfolio Holders and/or Cabinet Members

- 3.11 Planning Portfolio/Cabinet Members have been briefed and kept informed of the Leaders and Chief Executives work. In order to assist with the work, at their meeting in October 2017, Planning Portfolio/Cabinet Members agreed to send a joint South Essex response to the recent Government consultation on “*Planning For The Right Homes In The Right Places*” and more importantly to offer South Essex as a pilot scheme for the preparation of a Statement of Common Ground, as described in the Housing White Paper. Officials at the Government have welcomed this offer and are keen to make progress with this.

Future leadership and governance in South Essex

- 3.12 Leaders and Chief Executives recognise that this important work “vision” and strategic planning work should be accorded appropriate priority and funding to ensure that the successful collaboration is carried forward and is robust enough to withstand the traditional electoral cycle and potential for change. Examples of governance and leadership from other parts of the country have been examined and of most interest is the creation of a Joint Committee, supported by Chief Executives which would provide strategic direction on policy formulation, delivery and implementation. Each constituent authority would retain sovereignty over local matters but would acknowledge and accept that the work of and direction from the Joint Committee would be in the overall best interests of the area as a whole.
- 3.13 The working title of the Committee is the “Association of South Essex Authorities”, comprising the councils of Basildon, Brentwood, Castle Point, Rochford, Southend–on-Sea, Thurrock and Essex County Council. A Memorandum of Understanding has been prepared by the authorities describing the necessary governance arrangements, as has a prospectus describing work completed to date and next steps.

Potential funding

- 3.14 These decisions have coincided with the recent announcement by Government of a Planning Delivery Fund, again heralded in the Housing White Paper earlier in the year. The Government's intention is that the Fund would support:
- more and better joint working, across local authority boundaries, ensuring that there are the skills and capacity where they are needed to plan strategically for housing growth, and to manage delivery of new homes and infrastructure;
 - a step change in the design quality of new development, as well as design advice and support to local authorities delivering growth; and,
 - innovation in the planning system, to improve the efficiency and effectiveness of processes and enable the delivery of more high quality homes.
- 3.15 Expressions of interests for funding are invited by 11th January 2018, and the Government is expected to announce the successful bids by the end of January. For joint working and design, successful bids are expected to be up to £250,000 per bid for expenditure incurred by the end of March 2018. For innovation, no award amount information is yet available since this will be dependent on the number and nature of bids.
- 3.16 The Government has made clear that bids will need to demonstrate:
- Scale and strength of ambition and commitment to housing growth – for example by showing that the activity funded will contribute to the area planning to meet or exceed local housing need in the future, and accelerate effective planning across authority boundaries;
 - Strength of commitment to joint working; and
 - Strength of proposal and timetable for delivery of the joint planning work.
- 3.17 In making awards, priority will be given to those groups of authorities with the highest housing need, where affordability is a major issue, or where funding is necessary to overcome difficult planning issues; for instance, to distribute unmet housing needs in highly constrained areas or plan for infrastructure across a wider geography.

Joint statutory strategic plan

- 3.18 Given the commitment demonstrated by South Essex authorities to continue joint working it is recommended that a bid be submitted on behalf of the 7 authorities to support further joint work on governance and on preparation for strategic planning.
- 3.19 Furthermore since the Government's expectation is that local planning authorities should cooperate effectively to plan for issues with cross boundary

impacts, and that joint plans and strategies are the preferred means by which this may be demonstrated, it will be necessary for South Essex to agree to make progress on the preparation, publication and delivery of a joint statutory strategic plan.

- 3.20 The agreed Memorandum of Understanding can be updated to reflect this new approach, and the Statement of Common Ground can describe the strategic cross-boundary matters to be addressed, the means by which the analysis and distribution of growth can be agreed and the priorities for infrastructure investment, and the risk to delivery of growth if that investment is not made available.
- 3.21 The benefits of working on a joint statutory strategic plan for south Essex, as opposed to work on individual local plans can be summarised as follows;
- **Provide a more effective way of place-shaping**, providing a bigger canvas to direct development to the right areas that deliver growth and that are (or can be) supported by the right infrastructure.
 - **Deliver potentially significant cost savings** as a result of a combined plan-making process (e.g. local plan examinations; public consultation and stakeholder engagement; evidence-base) and a more efficient and effective use of staff resources.
 - **Increase funding opportunities and secure wider support from Government**, with a strong emphasis on joint plans in all Government bidding processes (e.g. Housing Infrastructure Fund and Planning Delivery Joint Working Fund) and set the potential for a bespoke housing deal to deliver strategic infrastructure.
 - **Help local planning authorities manage housing delivery more effectively** (e.g. the Government is proposing to allow 5 Year Housing Land Supply and Housing Delivery Tests to be managed across strategic areas where there is a joint local plan in place).
 - **Provide a more robust and coherent basis for negotiating with the GLA/ Mayor** to ensure that there are mutual benefits arising from London's growth.
 - **Help deliver a technically sound and legally compliant local plan** (e.g. by demonstrating that the "duty to co-operate" has been met) through examination.
- 3.22 Having reviewed the current position with local plan preparation a transition from that approach to a joint statutory strategic plan is manageable and deliverable.
- 3.23 The following steps would need to be put in place to demonstrate commitment to this new work:

- Commitment from all Councils to prepare a joint spatial plan in January 2018 in time to meet the Secretary of State's deadline for responses to his intervention letter.
- Working and governance arrangements to support preparation of the new plan should be agreed by the end of February 2018, with work initiated as soon as possible from this date.
- Working and governance arrangements, a provisional timetable for the plan, evidence base requirements and other key information should be set out in a draft Statement of Common Ground by the end of March 2018.
- All South Essex Authorities to update their Local Development Scheme with details of the joint strategic plan process and timetable and how their individual local plans relate to this, by the end of April 2018.

4. Issues, Options and Analysis of Options

Timescales for Implementation and Risk Factor

- 4.1 South Essex Leaders and Chief Executives are committed to continuing with the "vision" work beyond January 2018, and for this reason are presenting this report to all constituent authorities for consideration in early 2018.
- 4.2 Expressions of interest for funding bids must be with the Government by 11th January 2018, and a draft expression has been submitted in order not to lose this important opportunity. The progress of the 2050 work will not be affected if the bid is not successful.
- 4.3 The three South Essex local planning authorities which have received the letter regarding intervention from the Secretary of State have been asked to respond by 31st January 2018.
- 4.4 The risks of not pursuing further collaborative work across South Essex are not simply confined to those three named local planning authorities - if the Secretary of State were to decide to intervene in those three councils, the preparation of local plans across other South Essex councils would be more complicated by for example not being able to demonstrate effective strategic planning and requiring a significantly greater number of Statements of Common Ground with the risk that agreed strategic infrastructure priorities may not be aligned.
- 4.5 Although the preparation of a joint plan may take as long as a conventional plan, it does represent an opportunity to demonstrate strategic planning across local authority boundaries and bring forward key strategic sites.

Conclusions

- 4.6 There has been significant recent work undertaken across South Essex in recent months to understand the importance of and develop ideas around place making and the role which strategic planning can perform in delivery of infrastructure and growth.
- 4.7 The publication of the “South Essex Vision 2050” by Leaders and Chief Executives has provided context, and Planning Portfolio Holders/Cabinet Members are keen to play a role as a pilot for the Government’s Statements of Common Ground.
- 4.8 In developing the “South Essex Vision 2050” it is fundamental that a “no border” approach to collaborative and joint working is required. It is only by working more closely together the major challenges the area can be addressed and opportunities taken forward.
- 4.9 The natural progression of this work is to ensure that suitable governance arrangements are in place, to allow joint work to progress whilst respecting the “sovereignty” of individual local planning authorities, to ensure that the right level of resources is available, and to make progress with the preparation and delivery of a joint strategic plan.

5. Reasons for Recommendation

- 5.1 Agreement to the recommendations is required in order for Thurrock Council to continue its joint work with other South Essex authorities.

6. Implications

6.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager

The cost of preparing an individual local plan can be significant. The preparation, collection and analysis of evidence, extensive consultation requirements, legal and specialist technical advice, and then engagement of Programme Officers and Planning Inspectors at Examination are likely to result in substantial sums.

The benefits of aligning this expenditure with joint strategic planning work are evident from paragraph 4.20 above. However it is unlikely that planning policy resources alone will be sufficient to bring about the step change required to deliver a joint strategic plan.

It is therefore necessary not only to seek additional Government funding of up to £250,000 through the Planning Delivery Fund, but also to augment this with further resources at each individual local planning authority level for joint work.

At this stage a provisional sum of £75,000 has been suggested, although this may need to be revised should the bid for Government funding not prove successful.

6.2 Legal

Implications verified by: **David Lawson**
**Assistant Director of Governance & Law and
Monitoring Officer**

Section 101 of the Local Government Act 1972 allows a local authority to perform any of its functions jointly. Section 50 of the Town & Country Planning Act 1990 allows for the joint preparation of local plans.

The Housing & Planning Act 2016 at Section 146 introduced powers to allow the Secretary of State to intervene where he believes that a local planning authority has not prepared a development plan.

Section 9 of the Neighbourhood Planning Act 2017 will give the Secretary of State the power to direct local planning authorities to prepare joint development plans.

6.3 Diversity and Equality

Implications verified by: **Natalie Warren**
**Community Development & Equalities
Manager**

There are none arising directly from this report.

6.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There are significant planning resource implications arising from a commitment to prepare a joint local plan. A number of South Essex local planning authorities have found it difficult to fill planning policy posts if vacant, simply to continue with existing commitments.

The introduction of a new work stream associated with a joint local plan will add pressure to existing resources, and additional resources will be necessary to attract and retain key planning policy staff in the area.

However the prospect of being involved with ground breaking sub-regional planning policy work across a number of authorities may well prove to be an aid in recruitment.

The work described in Section 4 above will allow all local planning authorities in the area to demonstrate effective on-going cooperation on strategic planning matters, thereby satisfying the “duty to cooperate”.

Where those local planning authorities are in the advanced stages of preparing or submitting a local plan for its area, the intention is that work on that plan should proceed, and be seen as supporting the ultimate delivery of a joint strategic plan by putting in place initial policies and proposals and early review mechanisms which will support and feed in to a subsequent joint plan.

Where those authorities have been identified by the Secretary of State of being at risk from intervention, the work described in Section 4 demonstrates on-going commitment to joint working on strategic planning matters as advocated by Government.

Furthermore for those authorities with no up-to-date local plan or five year housing land supply, the on-going commitment to joint working on strategic planning matters is likely to prove an important material consideration in resisting unwelcome or ill-timed development proposals, pending the completion of the joint strategic plan.

7. Background papers used in preparing the report (including their location on the Council’s website or identification whether any are exempt or protected by copyright):

- Memorandum of Understanding for Strategic Planning in South Essex 2017

8. Appendices to the report

- Appendix 1 - Memorandum of Understanding for Strategic Planning in South Essex 2017

Report Author:

Steve Cox

Corporate Director of Place