

Report to	-	Cabinet
Date	-	11 February 2019
Report of the	-	Executive Director
Subject	-	Local Plan Review – Joint Working with Hastings Borough Council

Recommendation: It be **RESOLVED:** That:

- 1) the development of joint working arrangements on the Local Plan Reviews for both Rother and Hastings be welcomed;
 - 2) the Executive Director be granted delegated authority in consultation with the Strategic Planning Cabinet Portfolio Holder to prepare and sign a Memorandum of Understanding for joint working arrangements as outlined in this report; and
 - 3) a non-decision making Advisory Board be established comprising three Members (Cabinet Portfolio Holder for Strategic Planning plus one rural and one Bexhill Member) to be appointed by the Leader of the Council following the Annual Council meeting in May 2019.
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Head of Service: Tim Hickling

Lead Cabinet Member: Councillor G.P. Johnson

Introduction

1. This report has been prepared following initial discussions with officers of Hastings Borough Council (HBC) regarding the efficient and effective preparation of both Councils' respective Local Plan Reviews.
2. It is considered that there is an ideal opportunity at the present time to collaborate closely in relation to strategically important cross-boundary issues, including strategic development sites, transport, economic development and major social, leisure, educational and health provision, ensuring they support the aspirations of all our local communities.
3. Proposals for collaborative cross-boundary working are accordingly presented below. These are not only regarded as appropriate and timely for this Council, it is noted that such arrangements are increasingly expected under the new National Planning Policy Framework (NPPF 2018) in order to meet the 'duty to cooperate' and to demonstrate soundness in plan-making.

Background

4. Both Councils have now committed to reviewing their Local Plans with a new 15+ year time horizon, in line with the new NPPF 2018. There is a degree of urgency around this process following changes to the NPPF in 2018. The existing Local Plans of both Councils run to 2028 and will be more than five

years old – and therefore “out-of-date” in NPPF housing supply terms – in 2019 (in Rother District Council’s case after 29 September 2019). The review process needs to be completed as expediently as possible in order to maintain a high degree of local control over fundamental planning decisions.

5. A “*shared approach*” to future prosperity for the Hastings and Bexhill area was agreed by the Councils for inclusion in the respective Local Plan Core Strategies, which were both adopted in 2014.
6. Close liaison has continued in relation to respective “part 2” Local Plans, leading to HBC submitting very supportive representations on the proposed submission Development and Site Allocations Local Plan (“DaSA”).

The need for close collaboration

7. It is evident that both Councils operate within the same housing market area and employment market/travel to work area. There is also considerable cross-boundary movement for shopping and leisure/recreation activities. Thus, there are very similar socio-economic issues affecting both areas. It follows that the analysis and responses to these would benefit from joint consideration. The Government has made it clear through the new NPPF that robust planning arrangements need to be in place across housing market areas. Moreover, this will be central to meeting the ‘Duty to Co-operate’ and needs to be documented in a ‘Statement of Common Ground’. Guidance accompanying the NPPF states that this Statement will need to include (but not limited to):
 - working together at the outset of plan-making to identify cross-boundary matters which will need addressing;
 - producing or commissioning joint research and evidence to address cross-boundary matters;
 - assessing impacts of emerging policies; and
 - preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).
8. In financially difficult times for local government, it is particularly vital to achieve efficiencies in service delivery. Experience in the preparation of the existing Core Strategies showed that the ability to share the overall costs of the process, notably in the preparation of key evidence base documents, but also in the pooling of staff knowledge and skills yields significant cost savings. For the forthcoming Reviews, it will be necessary, for skills and timing reasons, to make full use of consultants. Joint appointments are estimated to save each Council around a third of its consultancy costs.

Proposed approach

9. Given the successful track record of joint working on respective 2014 Core Strategies, together with close on-going liaison, there is clear potential for a high level of cooperation on the Local Plan Reviews. This should focus on strategic cross-boundary issues, developing the earlier *shared approach*.
10. It is also expected that, as well as jointly commissioning key evidence studies, there is also scope to identify an agreed set of issues and strategic options for consultation. Furthermore, with parallel timetables and, as far as practicable,

agreed objectives, Local Plans should be able to develop the same or at least mutually compatible strategic policies, taking account of the wider picture.

11. At the same time, each Council will retain its autonomy and will progress its Local Plan to examination and adoption independently.
12. Outside of the agreed strategic matters, housing and other “non-strategic” land-use allocations specific to each area would be dealt with (i.e. drafted, consulted upon and adopted) by the relevant Council individually, as would more detailed policies.
13. To effectively manage risks, it is envisaged that a Memorandum of Understanding (MoU) will be drawn up. While not legally binding, this document would set out both Councils’ intent, specifically:
 - Arrangements for the establishment of a non-decision making Member-level Advisory Board to oversee the process and make recommendations to respective Councils. It is suggested that this be up to three Members from each Council, including the respective Portfolio Holders and for Rother a rural and Bexhill member.
 - The strategic matters to be within the remit of the Advisory Board.
 - The political and senior management commitment to collaborative working and to agree governance and project management arrangements.
 - A parallel Officer Group to report to the Advisory Board, with respective planning policy managers being jointly responsible for day-to-day management of the plan-making process.
 - Provisions for sharing costs.
 - A commitment to an integrated consultation strategy.
 - A commitment to an evidence-based approach and taking decisions for the overall benefit of the Hastings and Rother area.
14. The MoU may also provide a basis for the preparation and maintenance of ‘a statement of common ground’, as required under the NPPF 2018, setting out agreed collaborative working arrangements not only between the two Councils, but also with other neighbouring Councils and other agencies on strategic matters where they have a wider relevance.

Conclusion and Next Steps

15. The benefits of the proposed working arrangements include helping deliver technically sound and legally compliant local plans, by demonstrating that the “duty to co-operate” has been met, and in terms of presenting a strong, unified voice in terms of bidding for infrastructure and related funding.
16. It is recommended that Cabinet endorse the principle of collaborative working and that delegated authority be given to the Executive Director in consultation with the Strategic Planning Portfolio Holder to prepare and sign a MoU as outlined above.

17. Given the timing of the establishment of the Advisory Board, it is also recommended that the Leader of Council is authorised to make the appointments thereto, following the Annual Council meeting in May.
18. It is envisaged that a MoU could be drafted for consideration the Advisory Board towards the end of March 2019 before being duly signed on behalf of both Councils.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The proposals for collaborative working are, in part, to address risks in relation to meeting the duty to cooperate, which have a particular importance in relation to planning across a single housing and labour market area.

There are risks of the timetables for the respective Local Plans not maintaining the same alignment. This risk is to be minimising through detailed project planning, as well as the commitment to expediting the Local Plans by both Councils through the MoU. Disagreements on policy options should be minimised through the understanding that each Council brings, by both members and officers, to the appreciation of overarching issues and needs. However, ultimately, each Council retains the responsibility for planning in its own administrative area.