



Report to the Partnership for Urban South Hampshire Overview and Scrutiny Committee

Date: 18 December 2018

Report of: Claire Upton-Brown

Subject: Revised NPPF - Duty to Co-operate and Infrastructure Investment

SUMMARY

The paper examines the revision to the NPPF and the implications for PUSH authorities to the reliance that can be given to the PUSH Position Statement under the Duty to Co-operate. The paper further considers the merits of the PUSH authorities working together to explore producing an Infrastructure Investment Plan. Report of 15th October 2018 Joint Committee.

RECOMMENDATION

It is RECOMMENDED that the Overview and Scrutiny Committee NOTES that the Joint Committee: -

1. AGREES that the PUSH Authorities should work together, under the Duty to Cooperate, to seek to produce a Statement of Common Ground; and
2. AGREES to give authority to the PUSH Authorities to explore the production of an Infrastructure Investment Plan.

INTRODUCTION

The final version of the revised National Planning Policy Framework (NPPF) was published on 24th July 2018. The changes made to the final version of the revised NPPF focus on clarification and re-wording and there were very few significant amendments. Therefore the standardisation methodology for housing numbers is agreed together with the Housing Delivery test.

This paper will discuss and make recommendations on two matters;

1. A recommendation on how PUSH should work together under the Duty to Co-operate to produce a Statement of Common Ground
2. A recommendation that PUSH should be given authority to explore producing a PUSH Infrastructure Investment Plan.

The new standardised methodology to assess housing needs and the Housing Delivery Test are two of the most anticipated changes to housing policy that the Government is to bring forward and they are reflected in the revised NPPF and accompanying documents.

In the context of PUSH, the revised NPPF has some significant implications and potential opportunities. Firstly, the changes to the NPPF Housing Delivery test will change the housing numbers for a number of authorities and will potentially increase the current unmet need across the PUSH authorities. It is therefore fundamental that the PUSH authorities establish how to deal with its unmet housing need. Failure to do so is likely to result in Inspectors imposing numbers on authorities at Plan Examination stage.

To inform the extent of the issue the following tables sets out the equivalent yearly rate for new homes in dwellings per annum for the PUSH area. The first table shows the pre NPPF position as in the PUSH Position Statement. The first column sets out the locally assessed housing need (2011-2036) from the PUSH SHMA Update. The second column sets out the housing target in the PUSH Position Statement (2011-2034). The third column sets out the cumulative position over the period 2011-2034 above or under the housing need.

Table 1 - Pre NPPF position

	PUSH SHMA 2011-36 (annual)	Housing distribution 2011-2034 (annual)	Cumulative Over (+) or Under (-) 2011-34
Portsmouth HMA	1,980	1,800	-4,140
East Hants (part)	70	92	+506
Fareham (east)	305	366	+1,403
Gosport	335	146	-4,347
Havant	450	399	-1,173
Portsmouth	740	633	-2,461
Winchester (part east)	60	163	+2,369
Southampton HMA	2,280	2,176	-2,392
Eastleigh	580	650	1,610
Fareham (west)	115	89	-598
New Forest (part)	210	157	-1,219
Southampton	1,115	846	-6,187
Test Valley (part)	185	202	391
Winchester (part)	75	233	3,634

west)			
Isle of Wight	600	563	-851

The second table, below, shows the potential position under Standardisation, noting that these figures may well change again, the latest position will be reported at the meeting. The first column sets out the locally assessed housing need (2011-2036) from the PUSH SHMA Update. The second column sets out the housing target in the PUSH Position Statement (2011-2034), this time without a split between housing market areas. The third column sets out the most recent outputs using the standard methodology.

Table 2 - Standard Methodology

	PUSH SHMA 2011-36	Housing distribution 2011-2034	Standard Methodology 2016-2036
East Hants (part)	70	92	111
Eastleigh	580	650	727
Fareham	420	455	547
Gosport	335	366	238
Havant	450	399	470
New Forest (part)	210	157	386
Portsmouth	740	633	863
Southampton	1,115	846	953
Test Valley (part)	185	202	198
Winchester (part)	135	396	227
Isle of Wight	600	563	641
Total	4,840	4,760	5,361

It must be stressed that these figures are only an approximation. There is no centrally produced figure using the standardised methodology, and the above table has been compiled using the best figures available. Figures for Isle of Wight require updating for the most recent inputs, and figures for districts which only partly fall within PUSH have been apportioned on the basis of the population of those wards which fall within PUSH. Figures for all PUSH authorities will need to be ratified by PUSH members. However, these estimates are produced here to enable a comparison to be made with the previous position.

Each of the PUSH authorities are at different stages of Plan preparation with only one authority, New Forest, progressed enough with its Plan to be taking it forward under the Transitional Arrangements set out in the NPPF. These arrangements enable local planning authorities to promote Plans under the old methodology and not have to use the figures calculated through the Standard Methodology however each authority will need to have an up to date Statement of Common grounds.

BACKGROUND

The Duty to Cooperate was introduced in the Localism Act 2011 and relates to the preparation of local plans and other statutory planning policy documents that are of a

strategic nature. The Act places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters. As set out in the Planning Practice Guidance published in March 2014, the Duty to Cooperate is not a duty to agree, however, local planning authorities are required to make every effort to secure the necessary co-operation on strategic cross boundary matters before they submit their Local Plans for examination.

The Duty to Cooperate and Engagement with Neighbouring Authorities

The Duty to Cooperate seeks to ensure that local planning authorities deliver effective strategic planning through their Local Plans by working with other local planning authorities beyond their own administrative boundaries. Engaging with other local authorities can help to ensure that social, environmental and economic issues are addressed effectively, for example, housing market, travel to work areas and ecological networks which may represent a more effective basis on which to plan for housing, transport, infrastructure, flood risk management, biodiversity and climate change mitigation and adaptation. All these issues are not confined to administrative boundaries and require considerations across administrative boundaries.

In 2016, the PUSH Joint Committee of Council Leaders noted the completion and publication of the Position Statement as useful evidence for Councils to fulfil their duty to cooperate in reviewing Local Plans. The Position Statement sets out the distribution of development, which has been informed by the National Planning Policy Framework, evidence on housing and employment needs, environmental, transport and infrastructure issues, and substantial ongoing discussions with all Councils, the Solent LEP, Solent Transport and key statutory agencies and infrastructure providers. The Position Statement has been based on robust and joined up evidence and therefore has been seen as a key document to help Councils meet their statutory 'duty to co-operate' with each other.

The publication of the revised NPPF and the changes to the way housing numbers are now calculated means that the PUSH authorities can no longer rely on the PUSH Position Statement as being sufficient for each authority to meet their statutory 'duty to co-operate'.

The revised NPPF requires that an authority's Local Plan should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidence by the Statement of Common Ground. The full guidance accompanying the NPPF that will set out further detail on the administrative arrangements for statements of common ground is yet to be published.

It is vital that work now commences across the PUSH authorities to try and establish how we are going to accommodate unmet housing need across the PUSH area. Each authority may also try and get an agreed position with its adjoining authority; the timing of the work may not meet the timing for individuals Plan progress but a statement that the PUSH Councils are working together will be a positive position for those authorities that are progressing at speed with Plan preparation.

Why the PUSH authorities need a Statement of Common Ground

The revised NPPF requires that plans should be *based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.*

Notwithstanding this lack of clear guidance at this point on the content of a Statement of Common Ground there remains an urgent need for each of the PUSH authorities to have a Statement of Common Ground that is up to date to support Local Plans as they progress. It is clear from the information from each of the PUSH authorities that there is a need for further work to take place under the Duty to Cooperate and that authorities cannot rely on the PUSH Position Statement alone or agreement bilaterally.

What is the risk for PUSH authorities of not having worked towards a Statement of Common Ground?

It goes without saying that no authority is going to progress its Local Plan without having had meaningful engagement with adjoining authorities. As all authorities are now progressing Plans with Plan periods up to 2036 there remains a current issue around unmet need as the PUSH Position Statement only takes authorities to 2034.

Need for a Strategic Infrastructure Plan in the medium term across a wider area than the geography of individual authority area

The NPPF confirms that development plans must include strategic policies to address each local authority's priorities for the development and use of land in its area. These strategic policies can be produced in different ways depending on the issues and opportunities facing each area. They can be contained in joint or individual local plans produced by authorities working together or independently and/or spatial development strategy produced where there is a combined authority.

There is a recognised need by PUSH Planners for a single document that brings together a comprehensive picture of the infrastructure needed to deliver housing numbers across the PUSH authorities to the period 2036. This document would not replace Local Plans or individual Infrastructure Delivery Plans but act as a single document to bring together infrastructure needs and priorities to unlock and support housing and employment growth across the PUSH authorities.

A single Infrastructure Plan can be used to support bids for up front strategic infrastructure to enable housing delivery. Joint working by the PUSH authorities would bring together a total understanding of infrastructure needs in a comprehensive manner but could also be used to support any Housing Deal bids that might be submitted for the area.

Housing Delivery Action Plans

At Paragraph 75 of the NPPF, it is stated that to maintain a supply of housing local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local authority's housing requirement over the previous three years, the authority should prepare an Action Plan in line with national guidance to assess the causes of under delivery and identify actions to increase delivery in future years.

Whilst such Action Plans will have to be produced by those authorities, a single Infrastructure Plan across the PUSH authorities could help to identify actions for future years to ensure housing delivery can be achieved. It is worth noting that the Housing Delivery Test ratchets up over a 3 year period rising from 25% to 75%. The Implication for not meeting Housing Delivery is that Councils could lose control of their plans.

CONCLUSION

There is now an urgent need for all PUSH authorities to seek to achieve an up to date position on Duty to Co-operate and a Statement of Common Ground. It is acknowledged that the PUSH authorities are each at different stages of advancement of Plan making. The New Forest are relying on the Transitional arrangements of the NPPF and submitting its Plan in October 2018, whilst other authorities are only just starting on evidence gathering. The difference in timescales that each authority is working under means that the work required under the Duty to Cooperate will be less advanced for some as they enter into Plan submission. Nevertheless the ability to confirm that there is on-going work being carried out under the Duty to Co-operate will be positive.

Notwithstanding the requirement under the Duty to Co-operate the PUSH authorities see considerable merit in exploring working together to produce an Infrastructure Investment Plan across the PUSH area. Authority is sought from Joint Committee to prepare a detailed report on how such a document could be produced, together with a scope of works and budget.

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Background Papers:

Revised NPPF July 2018
PUSH Position Statement 2016

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