

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Head of Economy	Report Number: N101
To: Executive Committee Strategy Committee	Date of meeting: 13 January 2014 16 January 2014

DUTY TO CO-OPERATE IN PLAN MAKING – ROLE OF THE IPSWICH POLICY AREA BOARD

1. Purpose of Report

- 1.1 To report to strategic committees the outcome of a meeting of the Ipswich Policy Area (IPA) Board held 21st November 2013 based on the minutes of that meeting (Appendix A attached).
- 1.2 To explain to members the importance of the Duty to Co-operate legislation and the role of the IPA Board in meeting this legal requirement.

2. Recommendations

- 2.1 That the importance of the Duty to Co-operate legislation and the role of the IPA Board in meeting this legal requirement be noted.
- 2.2 That revised Terms of Reference (Appendix B) for the IPA Board including frequency of meetings and other working arrangements is agreed.
- 2.3 That all IPA partners work together to agree a position on housing and employment needs across the IPA by the autumn of 2014 including land supply and review of IPA boundary alternatives.
- 2.4 That a mechanism be considered by the Board to support sustainable growth, meet the needs of Duty to Co-operate and the need to plan positively as set out in the National Planning Policy Framework.
- 2.5 That further reports on the above are considered in the future.

The Committee is able to resolve these matters.

3. Financial Implications

- 3.1 These have been considered as an important and integral element of this exercise in arrangements to meet the legal requirements of Duty to Co-operate. Prevailing and future resource circumstances have been taken into account, with an aim for Babergh and Mid Suffolk to work in collaboration with Ipswich Borough, Suffolk Coastal District Council, Suffolk County Council, and other partners as appropriate.
- 3.2 In particular, opportunities have been identified to make notable cost savings in this area through joint evidence bases, collaboration on policies that affect more than one district, integration of work, and sharing of expertise. For example joint evidence bases such as housing market assessments and housing needs surveys would benefit from economies of scale and an understanding of a wider area. Work done individually by districts in the IPA would benefit from formal structures to facilitate co-ordination on complex cross-boundary issues.

To help facilitate the process Ipswich Borough Council will provide a secretariat to service the IPA Board meetings benefiting all the IPA partners including Babergh and Mid Suffolk.

- 3.3 More generally collaborative working has facilitated economic success in towns and their surrounding rural areas. The Norwich Partnership area has maintained strong growth in homes, jobs, and infrastructure with an expanding financial base for Local Authorities. A key ingredient in the economic success of such sub-regions is a strong relationship between settlements that induces an economic multiplier effect benefiting both town and country. The IPA collaboration will help to plan, co-ordinate and integrate more growth building a stronger financial base. The IPA despite good transport links has historically lacked many of the higher order goods and services that are to be found in comparable sub-regions. This means residents and local businesses in the Ipswich sub-region cannot access these services as easily as can be done elsewhere. Co-ordinated growth can help to attract higher order services and major infrastructure making the Ipswich sub-region more self contained and economically resilient.

4. Risk Management

- 4.1 This report is most closely linked with the Council’s Corporate / Significant Business Risk No. SIT2 (Failure to integrate services and staff, leading to full benefits of joint service delivery not being achieved). Key risks are set out below:

Risk Description	Probability	Impact	Mitigation Measures
Failure to demonstrate ‘duty to co-operate’. This could make it impossible to adopt new Development Plans. Would lead to loss of influence over major planning issues and “planning by appeal”	3 (Probable)	3 (Bad)	Member level commitment to work with neighbouring authorities to develop the IPA through the IPA Board.

5. Consultations

- 5.1 This work relates to the Suffolk Growth Group attended by senior officers of Babergh and Mid Suffolk and other partners. Internal consultations have been undertaken with senior managers and members of Babergh and Mid Suffolk Councils. These consultations aim to ensure that key services of the Councils are informed and can benefit from the work. For example work on a shared evidence base for housing needs has been developed with Housing Officers.
- 5.2 It is envisaged that a work programme for the IPA will be produced including what consultation is appropriate.
- 5.3 Finally, although the Transformation Enquiries process is still underway, it is not considered necessary to delay progress on the IPA work. Any inputs or modifications arising from that process will in principle be incorporated and it is considered could be accommodated.

6. Equality Analysis

- 6.1 The nature of this report is such that an equality analysis is not required. The IPA Board is not a decision-making group or body, and subsequent activities or actions requiring a decision by this Council will be fully assessed at the time, as required.

7. Shared Service / Partnership Implications

- 7.1 With a view towards prevailing resource constraints and local authority best practise, the question arises as to how far Babergh and Mid Suffolk can work collaboratively or jointly with other local authorities in future. The Suffolk Growth Strategy exemplifies the need for such a common approach, as does the 'Duty to Co-operate' as explained in more detail below.

8. Key Information

- 8.1 Members will be aware of paper M132, agreed by Executive and Strategy Committees on 14 and 17 Jan (2013) respectively. The Paper presented terms of reference for the IPA Board and its working arrangements that now need to be revised to allow collaboration going forward. Revised Terms of Reference (December 2013) for the IPA Board are therefore attached in Appendix B.
- 8.2 The Localism Act (2011) applies a legal duty on Local Planning Authorities (LPA's), County Councils and public bodies to co-operate with each other regards strategic and cross-boundary issues when preparing Local Plans. The Act requires LPA's to engage constructively, actively, and on an on-going basis when dealing with strategic planning issues. The National Planning Policy Framework further refines the duty to include LPA's working together to meet development requirements that cannot be wholly met within LPA boundaries due to lack of physical capacity. LPA's must show how they have effectively complied with the duty at independent Local Plan Examination. The meaning of "on-going engagement" has been further refined by recent cases to mean a continuous process of engagement from plan inception with regular and constructive engagement throughout.
- 8.3 The Ipswich Policy Area has been in existence since the 1990's in recognition that the town's economic effects are significant beyond the Borough boundary but that land available within it is limited. This means the need for housing, employment, and supporting infrastructure should be considered across the IPA including across LPA boundaries in order to plan in a co-ordinated and integrated way. With the revocation of the East of England Plan responsibility for strategic planning issues falls to Districts, Boroughs, and the County. NPPF requires that LPA's meet objectively assessed housing and employment need. National guidance also requires that a working assumption is made to meet objectively assessed needs in full before taking account of constraints. A review of the IPA boundary alternatives will be required taking account of needs and constraints. The IPA Board has a key role in co-ordinating the above strategic planning work and ensuring the requirements of the Duty to Co-operate legislation are met.
- 8.4 The work of the IPA has been overseen by a Board including senior Members and officers of each LPA. Following a lull in activity the IPA Board was reconvened and reconstituted last year. The Suffolk Growth Group has provided more detailed direction for work on collaboration in the IPA. This formed the basis for the discussion and agreement at the IPA Board meeting (21st November 2013) shown in the attached minutes (Appendix A).

8.5 The key items that were agreed at the IPA Board meeting for recommendation to the IPA Councils were:

- Report to IPA strategic committees on the importance of the Duty to Co-operate and the role of the IPA Board in meeting this legal requirement
- Revise IPA Board Terms of Reference and constitution including frequency of meetings and how these will be serviced (Appendix B)
- Councillor Holdcroft (Suffolk Coastal DC) to Chair IPA meetings on an 8 week cycle, until May 2015
- Ipswich Borough Council to provide Secretariat for the IPA Board including servicing of meetings, providing minutes, and dealing with FOI requests
- The IPA Board will report to the Public Sector Leaders Board
- Agree that all partners work together to agree a position on housing and employment needs and supply across the IPA by the autumn of 2014
- The IPA boundary alternatives are to be reviewed at an early stage
- Objectively assessed housing needs in the IPA to be met in full within the IPA (subject to any revisions to the IPA boundary arising from the above work)
- Use of specific population/employment models which will then be used to produce growth scenarios for Board sign off
- A mechanism be considered by the Board (for example a Memorandum of Understanding) to support sustainable growth, meet the needs of Duty to Co-Operate and the need to plan positively as set out in the National Planning Policy Framework.
- A work programme to be prepared and agreed for the above covering IPA Board sign off of IPA boundary, growth scenarios, housing/employment site identification and necessary infrastructure.

9. Appendices

Title	Location
(a) Ipswich Policy Area Board held 21 st November 2013 meeting minutes (Appendix A attached).	Attached
(b) Ipswich Policy Area Board Revised Terms of Reference and constitution of December 2013 (Appendix B attached).	Attached

10. Background Documents

10.1 None

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IPSWICH
BOROUGH COUNCIL

Action Notes

Meeting	Ipswich Policy Area Board
Date	Thursday 21 st November 2013
Time	14:00
Location	Council Chamber, Suffolk Coastal District Council
Present	Cllr John Hinton (JH) – Babergh District Council Cllr Carole Jones (CJ) – Ipswich Borough Council Cllr John Whitehead (JW) – Mid Suffolk District Council Cllr Geoff Holdcroft (GH) – Suffolk Coastal District Council Lindsay Barker (LB) – Babergh/Mid Suffolk District Councils Rich Cooke (RC) – Babergh/Mid Suffolk District Councils Robert Hobbs (RH) – Ipswich Borough Council Matthew Ling (ML) – Ipswich Borough Council Steve Miller (SM) – Ipswich Borough Council Desi Reed (DR) – Suffolk Coastal District Council Phil Ridley (PR) – Suffolk Coastal District Council John Pitchford (JP) – Suffolk County Council
Apologies	Cllr Graham Newman (GH) – Suffolk County Council
Distribution	Attendees only
Action Notes Agreed	To be agreed

Items:


		Action	Attachments
1.0	Nominations and agreement of Chair		
1.1	It was agreed that GH would chair the meeting as it was being held at Suffolk Coastal District Council offices.	All	

2.0	Action Notes of last meeting (information only)		
2.1	Action notes of the last meeting on 19 th November 2012 were noted for future reference.	All	
3.0	Presentation on Duty to co-operate	PR	
3.1	PR introduced changes to the planning environment since the IPA Board met in November 2012, in particular the loss of the regional planning with the revocation of the East of England Plan. In its place was an emphasis on the duty to co-operate introduced by the Localism Act in November 2011 and amplified by the National Planning Policy Framework (NPPF) in March 2012. PR emphasised the first test at an Examination in Public is to be able to evidence co-operation.		
3.2	Local authorities are now the strategic and local plan makers. The duty to co-operate (referred hereinafter to as the duty) places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation relating to strategic cross boundary matters.		
3.3	Public bodies include the Environment Agency, English Heritage and Natural England. Other parties not subject to this duty but that local planning authorities must have regard to their activities in plan preparation include the New Anglia local enterprise partnership and the Wild Anglia local nature partnership. Private utility companies and providers are also expected to engage positively.		
3.4	Strategic priorities to be covered by the duty include the homes and jobs needed in the area, the provision of infrastructure, health, climate change mitigation and adaptation, and conservation and enhancement of the natural and historic environment.		
3.5	It was noted that the duty is an ongoing collaborative process, which is to be recorded and evidenced, and that the focus is on outcomes to deliver effective local plan policies. There is no set way to undertake the duty but it was agreed that the IPA Board presented a forum to discuss matters of cross boundary strategic significance and to report back recommendations to the respective local planning authority strategic committees.		
	Action: That each local planning authority and Suffolk County Council report to their strategic committees the importance of the duty to co-operate and the role of the IPA Board in meeting this requirement.		

4.0	<p>Ipswich Policy Area proposed work programme</p>	SM/All	
4.1	<p>It was agreed that all IPA partners would work together to agree a position on housing and employment needs and supply across the IPA by the autumn of 2014.</p>		
	<p>Action: A work programme to be drafted by the next meeting of the IPA Board.</p>		
4.2	<p>It was agreed that a paper would be produced considering alternative options to the existing IPA boundary. The current IPA boundary is based upon that identified in the former East of England Plan. Supporting maps showing employment locations on a Suffolk wide basis to be produced.</p>		
	<p>Action: A paper considering alternatives to the IPA boundary to be prepared, supported by appropriate locational maps.</p>		
4.3	<p>It was agreed that the IPA use the Pop Group model and the current scenarios used by Ipswich Borough Council for population and household forecasting modelling. A paper explaining the scenarios and their conclusions to be presented.</p>		
	<p>Action: A paper explaining the scenarios used by Ipswich Borough Council in the population and household forecasting to support their draft Core Strategy Focused Review, to be presented to the Board.</p>		
4.4	<p>It was agreed that the objectively assessed housing needs of the IPA should be met in the IPA.</p>		
	<p>Action: Objectively assessed housing needs to be established across the IPA.</p>		
4.5	<p>In addressing Gypsy and Traveller provision in the IPA, it was noted that work was being undertaken Suffolk wide and that the IPA Board should feed in recommendations to this work.</p>		
	<p>Action: IPA Board to engage with the Suffolk wide work being undertaken on Gypsy and Traveller provision.</p>		
4.6	<p>It was agreed that the East of England Forecasting Model (EEFM) is used in evidencing employment forecasting data but to be taken alongside work from both the Local Enterprise Partnership, and Suffolk Growth work being undertaken by local planning authorities and Suffolk County Council.</p>		

4.7 4.8 4.9 4.10	<p>Action: An economic paper to be produced explaining the evidence, assumptions and strategy.</p> <p>A formal planning mechanism was discussed and options are to be presented to a future IPA Board meeting.</p> <p>Action: A paper explained options to be presented to a future IPA Board meeting.</p> <p>In respect of the Community Infrastructure Levy (CIL), work is being undertaken on a Suffolk wide scale around charging schedules.</p> <p>Action: The IPA Board to be kept informed of the progress of CIL charging schedules and their respective infrastructure lists.</p> <p>A work programme is to be prepared for the next IPA Board meeting.</p> <p>Action: A work programme to be presented to the next IPA Board meeting.</p> <p>It was agreed that GH chair the IPA Board meetings, which will be held every other month, until May 2015. Ipswich Borough Council will provide the secretariat.</p>		
5.0 5.1	<p>Any Other Business</p> <p>JP suggested the IPA Board report to the Public Sector Leaders Board, which was agreed.</p>	JP/All	
6.0 6.1	<p>Date of Next Meeting</p> <p>A provisional date was agreed of Friday 10th January 2014.</p>	All	

The full minutes of this meeting are assumed to be accessible to the public and to staff, unless the chair claims an exemption under the **Freedom of Information Act 2000**. For detailed guidance about applying the exemptions visit <http://www.ico.gov.uk/>

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	12. Other Please describe	

Ipswich Policy Area Board

Revised Terms of Reference, December 2013

- To provide a forum in which the five local authorities can work together to develop, promote and deliver their vision for the Ipswich Policy Area as a major economic growth area within the Haven Gateway sub region, County of Suffolk and New Anglia Local Enterprise Partnership.
- To enable them to co-operate as local planning authorities on the preparation and monitoring of their Local Plans and share relevant evidence and intelligence.
- To provide a mechanism to ensure that all partners and stakeholders work together to deliver the housing and employment growth targets for the Ipswich Policy Area and coordinate the delivery of the necessary infrastructure – including transport, education, skills, power, green infrastructure, flood and coastal defences etc

Constitution

The Board will consist of one Councillor and one Officer from the following authorities:

Ipswich Borough Council
Suffolk Coastal District Council
Mid Suffolk District Council
Babergh District Council
Suffolk County Council

Each authority will nominate its representatives to the Board.

Ipswich Borough will provide the Secretariat to the Board, including Minutes of all meetings and processing all Freedom of Information requests.

The Board will be chaired by Suffolk Coastal DC until March 2015

The Board will meet every 2 months but additional meetings may be called if required.

Sub-groups may be established by agreement. Other organisations may be co-opted onto sub-groups or invited to attend meetings.