

ECONOMIC DEVELOPMENT & CULTURE COMMITTEE

Agenda Item 28

Brighton & Hove City
Council

Subject:	City Plan - Duty to Co-operate: Request to Adjoining Local Planning Authorities to Assist in Meeting City's Housing Requirements		
Date of Meeting:	20th September 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Mike Holford	Tel: 29-2501
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Ward(s) affected:	All		

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Coalition Government has indicated its intention to revoke Regional Plans and has dismantled the mechanisms which previously existed to facilitate planning at the strategic level. However, there remains a need to plan for cross-boundary planning issues, and to enable this to continue the "Duty to Co-Operate" has been introduced through the Localism Act and given further emphasis through the National Planning Policy Framework.
- 1.2 The fact that the City Plan's housing provision does not match the assessed full level of housing requirement requires cooperation with the City's neighbouring local authorities.

2. RECOMMENDATIONS:

- 2.1 That:

The Committee agree to request local planning authorities in the Brighton and Hove strategic housing market area (see appendix) to consider the extent that they are able to assist in meeting the City's unmet housing requirements.

The Committee note that the results of this request will be reported to the Policy and Resources Committee/Full Council in November/December at the time the City Plan is considered for submission.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Previously strategic planning issues including housing requirements have been set out in regional spatial strategies, such as the South East Plan, and before that in County Structure Plans. The Coalition Government has indicated its intention to revoke regional plans and has already abolished the mechanism which previously existed to facilitate planning at the strategic level.

- 3.2 However, there remains a need to plan for cross-boundary strategic issues, and to enable this to continue the "Duty to Co-Operate" has been introduced through the Localism Act and National Planning Policy Framework (NPPF) which places a requirement on planning authorities to work together on such issues. The duty relates, amongst other things to development or use of land that would have a significant impact on at least two local planning areas and that councils... "engage constructively, actively and on an ongoing basis" to develop strategic policies."
- 3.3 The NPPF introduces a new "soundness" requirement to be met through compliance with the duty:
- Plans must be "positively prepared" - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
 - Joint working should be diligently undertaken for the mutual benefit of neighbouring authorities and enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.
 - Planning Authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.
- 3.4 It is a duty to cooperate not a duty to agree, but there must be a genuine, positive and continuous dialogue with the intention of reaching agreement.
- 3.5 Based on demographic and economic factors, the City's housing requirements have been assessed as likely to fall within a range of 15,800 – 19,400 new homes over the plan period to 2030. This would equate to an annual average of 790-970 new homes per annum.
- 3.6 There are, however, very significant constraints on the capacity of the City to physically accommodate this amount of development and this is particularly so in terms of environmental considerations such as the sea to the south and the South Downs (now a designated National Park) to the west, north and east of the City.
- 3.7 The draft City Plan's housing requirement of 11,300 new homes reflects the capacity and availability of land/sites in the city, the need to provide for a mix of homes to support the growth and maintenance of sustainable communities, the need to provide land in the City for other essential uses (such as employment, retail, health and education facilities and other community and leisure facilities) and the need to respect the historic, built and natural environment of the city.
- 3.8 The draft City Plan's aim is to seek a balanced and sustainable approach to accommodating growth over the plan period. Over the last 15 years the average rate of new housing development in Brighton & Hove has been around 560

dwellings per year, the City Plan makes provision slightly above this rate for at least 565 dwellings to be built per year.

- 3.9 Although the City has a good track record for the delivery of affordable housing the demand for such housing significantly exceeds supply. The City Council considers that the most pragmatic approach is to require that all new suitable residential development provides a viable and deliverable proportion of affordable housing or where appropriate, an equivalent financial contribution in lieu of onsite provision.
- 3.10 The City is expected to continue to function as an economic growth hub for the wider sub-region and the Council with its partners share an ambition to improve the City's employment rate. Recent studies have consistently identified employment premises and employment land supply as threats to business and employment growth in the city. The City Plan therefore seeks to ensure that employment sites across the City are safeguarded and upgraded.
- 3.11 The fact that the City's housing requirement does not match the assessed full level of housing means that there is a 'duty to cooperate' with the city's neighbouring local authorities. Brighton & Hove's housing market area extends westwards incorporating Adur District and parts of Worthing Borough; eastwards incorporating parts of Lewes and Wealden Districts and Eastbourne Borough and northwards to Mid Sussex District, Horsham District and Crawley Borough.
- 3.12 The City Council acknowledges that all of these areas also face similar challenges in meeting housing requirements. In accordance with government guidance, the City Council will engage constructively, actively and on an ongoing basis with neighbouring authorities and public bodies with regard to strategic planning matters including the provision for housing over sub-regional areas.
- 3.13 To meet with Government guidance on constructive engagement and to assist in ensuring that the City Plan is found sound at examination the recommendation is that the City Council should now formally request adjoining Councils to consider the extent to which they are able to meet the City's unmet housing need. The responses will be reported back when the City Plan is considered by the Policy & Resources Committee and Council later this year.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 There have been various stages of consultation on the City Plan the last ending on 20th July 2012. Two meetings between officers of the relevant local planning authorities have been held to date.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications associated with the recommendations of this report, other than the cost of officer time, which has been met from within existing Planning revenue budgets.

Finance Officer Consulted: Karen Brookshaw Date: 16/08/12

Legal Implications:

- 5.2 As stated in the report, the report, the duty to co-operate was introduced by the Localism Act 2011, the specific statutory requirements regarding the duty to co-operate are found in section 110 of that Act and the recommendation contained within this report is in accordance with the same.

It is not considered that any adverse human rights implications arise from this report.

Lawyer Consulted: Hilary Woodward Date: 16/8/12

Equalities Implications:

- 5.3 None arising directly from this report

Sustainability Implications:

- 5.4 Plans must be "positively prepared" - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Crime & Disorder Implications:

- 5.5 None arising directly from this report.

Risk and Opportunity Management Implications:

- 5.6 Failure to co-operate effectively with adjoining local authorities over housing requirements could lead to the City Plan being found unsound by a Planning Inspector at the forthcoming public examination. This would lead to increased cost to the City Council in having to re-submit the plan and delay in adopting a planning framework to guide development in the City.

Public Health Implications:

- 5.7 None arising directly from the report

Corporate / Citywide Implications:

- 5.8 See paragraph 5.6 above.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The do nothing option would almost certainly lead to the City Plan being found unsound at public examination

- 6.2 Another option would be to carry out joint working with local authorities in the sub-region. This would lead to additional costs and delay for the City Plan.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendation is necessary to reduce the risk of the City Plan being found unsound at public examination

SUPPORTING DOCUMENTATION

Appendices:

1. List of other local authorities in the Brighton & Hove Strategic Housing Market Area

Documents in Members' Rooms

1. None

Background Documents

1. None

