

**Duty to Cooperate: Planning for Housing and Employment in and around the
Broads – Proposed Memorandum of Understanding**
Report by Planning Policy Officer

Summary:	This report presents a proposed Memorandum of Understanding to formalise existing planning practices between the Broads Authority and the Councils in the area, in response to the announced revocation of the East of England Plan (Regional Spatial Strategy).
Recommendation:	That the attached Memorandum of Understanding be approved as the basis of forward planning of housing and employment land provision.

1 Introduction

- 1.1 Regional spatial strategies (and, before them, county structure plans) allocated a certain quantum of housing and employment growth to each local planning area. In common with most national parks, the Broads is given no such allocations in the relevant regional spatial strategy in recognition of the special qualities, purposes and constraints of these areas.
- 1.2 As part of the package of reforms introduced by the Government, the East of England Plan (regional spatial strategy) is due to be revoked on the 3 January. Each local planning authority is now expected to both assess the housing needs in its area, and coordinate delivery of land to meet these needs with neighbouring authorities under the 'duty to cooperate'.
- 1.3 As a result there is now a need to provide new documentary evidence of the customary practice in this regard.

2 Memorandum of Understanding

- 2.1 In the fullness of time it would be desirable to spell out the approach to assessing and delivering housing and employment development in a review of the Core Strategy. However, it is considered that a memorandum of understanding with the adjoining district and county councils would provide a useful interim measure, particularly to put forward in support of the Proposed Site Specific Policies DPD.
- 2.2 This approach was supported in principle by a senior member of the Planning Inspector, and the National Planning Policy Framework (NPPF) specifically

suggests that a Memorandum of Understanding is one potential mechanism for local planning authorities' duty to cooperate on strategic matters.

- 2.3 A draft memorandum has been informally circulated to the adjacent authorities, and amended in response to comments received from them. Officers from several of the authorities have indicated the likely support of their Council for such a memorandum, no objections have been received, and Waveney District Council has already formally agreed the revised version.
- 2.4 A copy of the proposed Memorandum is attached and should be self explanatory. The contents set out briefly the current practice whereby
- the Broads has no target for housing or for employment land;
 - the local councils assess the housing and employment needs for the whole of their district/city/borough and make appropriate provision for the whole of the planned delivery against these needs outside the Broads; and
 - any housing or employment coming forward in the Broads is counted as by the relevant council as 'windfall' towards its delivery target.
- 2.5 The Memorandum records and formalises the current arrangements. In practice the continuing cooperation of the councils in this arrangement is entirely voluntary, and the Authority would not be able to 'enforce' the terms of the Memorandum if any council wished to withdraw or change its cooperation. However, it does provide valuable evidence of these arrangements and some sort of evidence of this will be required to support the Site Specific Policies DPD in the forthcoming examination.

3 Conclusion

- 3.1 The proposed Memorandum of Understanding continues the established practice and cooperation between the Authority and the neighbouring councils in the matter of planning for housing and employment delivery. Agreement of the Memorandum by the parties will not change these arrangements or lock an unwilling party in to them, but while that cooperation continues it will be valuable in providing evidence in support of the Authority's proposed development plans (and possibly planning appeals), starting with the examination of the Site Specific Policies DPD in Spring 2013. Members are recommended to approve the attached Memorandum of Understanding as the basis of continued forward planning of housing and employment land, etc.

4 Financial Implications

- 4.1 There are no financial implications.

Background papers: National Planning Policy Framework March 2012
Letter from DCLG Chief Planner 11 December 2012 (re East of
England RSS revocation)
Copy of signed 11 Dec 2012 Memorandum of Understanding from
Waveney District Council

Author: John Clements
Date of report: 12 December 2012

Appendices: APPENDIX 1 - Draft Memorandum of Understanding.

Duty to Cooperate
Treatment of housing and employment needs and delivery in and around the Broads
Draft Memorandum of Understanding

John Clements Broads Authority Planning Policy Officer
 Tel. 01603 756050
 email john.clements@broads-authority.gov.uk

12 November 2012

Introduction

On the anticipated demise of the Regional Spatial Strategy, there is a need for an explicitly agreed approach to determining the strategic allocation of housing and employment growth with respect to the Broads area, in order to ensure that the Broads is properly conserved and the risks from flooding are minimised.

It is proposed that districts continue to assess needs for whole of their area, and provide land to meet whatever level of planned delivery derived from that within their planning areas or elsewhere outside of the Broads. Hence there would continue to be no strategic housing or employment target for the Broads area. Housing and employment development completions in Broads area (usually windfalls) would, however, continue be counted by the relevant districts towards meeting their housing targets.

Memorandum of Understanding

Parties:

Broads Authority (as sole local planning authority and special purpose statutory authority for the designated Broads area);

Broadland District, Great Yarmouth Borough, North Norfolk District, Norwich City, South Norfolk District and Waveney District Councils (as housing authorities, in their role supporting economic development in their administrative areas, and as local planning authorities for that part of their areas outside the Broads) [*hereinafter referred to as 'the Districts'*];

Norfolk and Suffolk County Councils (in their role in strategic planning under the 'duty to cooperate', in development monitoring and economic development, etc.).

In recognition of

- a. the responsibilities of all the parties as planning and related authorities for areas in and around the Broads;
- b. the responsibilities of the Districts as housing authorities, and of all the council parties for economic development of, their areas;
- c. the duty to cooperate on strategic planning matters imposed on the parties by the Localism Act 2011;
- d. the duty of all the parties to have regard to the Broads statutory purposes imposed by the Norfolk and Suffolk Broads Act 1989 (as amended), these purposes being
 - i. conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - ii. promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - iii. protecting the interests of navigation.

- e. the Government's stated intention to revoke the regional spatial strategy (East of England Plan) which formally allocated strategic housing and employment targets to the districts but not the Broads;
- f. the general inappropriateness of significant housing and employment development in the Broads, and the potential risks to the area associated with housing and employment targets, in the light of
 - i. the status of the Broads as a national park equivalent, which the National Planning Policy Framework states has the highest status of protection in relation to landscape and scenic beauty, and where conserving landscape and scenic beauty, wildlife and cultural heritage should be given the greatest weight;
 - ii. the 'National Parks and the Broads - UK Government Vision and Circular 2010', which states 'The Government recognises that [these areas] are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them'.
 - iii. the serious risk of flooding affecting almost the whole of the Broads area (the boundary of which largely follows the extent of the flood plain); and
- g. the relatively limited housing need arising within the Broads as a result of its small population, and generally relatively aged and wealthy residents;

The parties agree the following approach to the strategic planning of housing and employment growth for the area:

2. The Districts will assess, for planning purposes, the housing and employment needs of their whole administrative areas, and plan for the delivery wholly outside of the Broads area (whether in the same district or elsewhere) of such housing and employment development as considered appropriate, except where specific circumstances are identified, and agreed with the Broads Authority, where a development to meet a particular need (e.g. local or affordable) can be satisfactorily accommodated within the constraints of the Broads area.
3. The Broads area will have no strategic housing target, or any other need to deliver a particular quantum of housing or employment development.
4. The Broads Authority will continue to support limited housing and employment development within the Broads area where this meets identified local needs or supports Broads purposes,
5. The Broads Authority will give particular weight to the desirability of developing affordable housing within its area where this can be accommodated within the constraints outlined above. It will also seek provision of affordable housing, or contributions to affordable housing provision, from market housing development within its area, in line with the adopted standards of the relevant district council.
6. Such housing and employment development as does take place within the Broads will be reported to the relevant district, and will be counted as windfall by the district towards its housing and employment delivery target(s). (It will, however, continue to be counted as within the Broads for the purposes of New Homes Bonus.)

7. Without prejudice to the generality of the above, in any case where the potential for a significantly large development is identified within the Broads, the desirability of making a specific variation to the above arrangements will be considered jointly by the Broads Authority and the relevant council.
8. The approach outlined above will inform the preparation of the parties' development plans, so far as it is relevant.
9. This Memorandum of Understanding shall expire at the end of March 2021 (the RSS plan period), or on such earlier date as mutually agreed.
10. In the event of any of the parties deciding to unilaterally withdraw from operation of this understanding they will give the other parties 6 months notice of this.

[Ends]

Signed.....

On behalf of.....

Date.....