

Inter planning authority collaboration: is the County scale due for revival?

There has been a considerable shift over the last 2-3 years in the MHCLG's attitude to local planning activity, which is particularly relevant to the Wider South East outside London. This seems to be driven by the following factors:-

- Recognition that the Duty to Cooperate, whereby individual Local Planning Authorities making or reviewing Local Plans were required to engage neighbouring authorities in the process, has not succeeded in increasing the extent and pace of new housing to meet the Government's targets.
- Recognition that public acceptance of increasing housing provision requires a much clearer focus on increasing infrastructure capacity. The latter is particularly apparent in the WSE, where existing capacity is widely exhausted.
- A growing focus on 'place-based' growth planning which recognises that we need to plan in a more integrated way reflecting the relationship of places, which in many areas means a much wider than an LPA perspective.

These factors have led MHCLG to realise that a spatially wider, more strategic scale of planning is now needed, particularly to integrate infrastructure with housing and other development. It is seeing the Ministry increasingly interested in some planning devolution to combined areas which put in place appropriate governance structures. To date this has resulted in a variety of agreed arrangements on an *ad hoc* basis seen as relevant to particular situations around the region, establishing multi-LPA bodies to share housing needs assessments and prepare joint local plans in formal mechanisms seen as appropriate to the circumstances.

Funding for the infrastructure needed to make housing and related growth acceptable is now seen by MHCLG as requiring a wider spatial scale. In an increasing number of areas the extent of strategic collaboration is becoming a key determinant in securing infrastructure funding decisions, such as through the Housing Infrastructure Fund and Planning Delivery Grant. The County scale is becoming widely recognised as facilitating this. An increasing number of 'growth boards' are being established, based around county, rather than functional, geography. Growth boards or similar now exist in Surrey, Oxfordshire, Buckinghamshire, Hertfordshire, Essex and seem likely to emerge for the central part of the Oxford-Cambridge growth arc.

In some areas MHCLG and combined LPAs have established, on a statutory basis, the production of Joint Strategic Plans, which when adopted following Inspectorate examination, including agreements on the broad distribution of development and infrastructure funding, will set the scene for individual Local Plan allocation of housing and other development. In other areas, formal but non-statutory inter-LPA

arrangements have been agreed and recognised by the Ministry, including acceptance of infrastructure requirements.

The process appears to be ongoing so it seems useful to take stock of the scale and extent of the spatial planning areas which are emerging in the WSE, and where this appears to be leading the region geographically.

An important factor in establishing an appropriate strategic planning geography was highlighted at the 25 October 2019 Symposium: the need to learn lessons from previous governmental top-down imposition of regional scale structures. Crucial now is that new collaborative spatial structures will need to be publicly recognisable entities. This exposes a tension between parts of the WSE which make functional sense in terms of economic and social linkages and those which are meaningful to the planning public. We have seen functional areas defined in the WSE, particularly in a 'corridor' form (recognised in former Regional Spatial Strategies and previous versions of the London Plan, but not the new one) which lack public affinity. The joint spatial arrangements which have recently come into being tend, it does appear, to reflect areas more popularly recognisable, with the county scale increasingly emerging.

Joint planning structures and governance in the Wider South East

Before considering the extent to which combinations of LPAs now exist for statutory local planning purposes, we should recognise the significance of the Government's recent introduction of Sub-National Transport Boards, statutory regional-scale bodies with a remit to produce transport investment strategies. These are explicitly required to relate transport infrastructure priorities to economic development and take account of social and environmental objectives. They can therefore be seen as harbingers of a revived regional planning scale. The strategies are advisory, but the Government is statutorily required to respond to them.

Of seven SNTBs across England, three are in the WSE: a pattern different from the regions established by Government in 1999 for Regional Development Agency and Assembly purposes. Transport for the South East covers Hampshire, East and West Sussex, Kent and the Berkshire unitary authorities; Transport for the East covers Essex, Suffolk and Norfolk, while 'England's Economic Heartlands' covers Oxfordshire, Buckinghamshire, Hertfordshire, Bedfordshire and the Cambridgeshire Combined Authority (and therein the Oxford-Cambridge 'growth arc'). The SNTBs are constituted by the County Councils and Unitary Authorities, with their local transport powers, and provide the leads and staffing capacities. This should enhance the County role in holistic development strategy.

As regards statutory LPA groupings in the WSE, three have been designated and are producing formal Joint Strategic Plans: Oxfordshire (all five LPAs together with the County Council; west Hertfordshire (five LPAs and the CC) and South Essex (six LPAs and Essex CC). The PINS-run public examination process will be critical to the success of this concept, particularly given difficulties are being experienced in Oxfordshire (which steps are being taken to resolve), while elsewhere arrangements in the West of England Combined Authority, which was the furthest advanced,

appear to be unravelling after a hiatus in the public examination. The concept does however seem favoured by the Ministry, so further strategic JSP designations may be in the offing.

Non-statutory groupings of LPAs, producing joint development strategies are now established as follows: north-east Essex (three LPAs); Harlow and East Hertfordshire (the Harlow-Gilston Garden Town concept); Cambridgeshire Combined Authority Spatial Framework; strategic planning and infrastructure frameworks in Norfolk and Suffolk; the Partnership for Urban South Hampshire spatial statement; West Sussex and greater Brighton local strategic statement; the Surrey '2050 Place Ambition' (on which the Network had a presentation at its last meeting). County Councils are involved in all these groupings, some heavily, e.g. Essex has coordinated a 'Greater Essex Growth Protocol' looking to 2040. However, while they are increasingly becoming key players, particularly with their infrastructure role, they lack any established governance status in the formal plan-making process and their staff resources are limited.

Changes to local government structures are also occurring at the County scale. In Bedfordshire, three unitary authorities have replaced the previous two-tier system, while in Buckinghamshire a county-wide Unitary Authority comes into existence on 1 April this year. Together with the Cambridgeshire Combined Authority and the statutory Joint Strategic Plan situation in Oxfordshire, the National Infrastructure Commission-originated Cambridge-Oxford growth arc will be covered by a mix of county-level and unitary authorities, with the Ministry taking an overview; it remains to be seen whether this will lead to a coherent governance structure vital for success, particularly regarding arc-wide infrastructure.

It does appear from the above that so far as the WSE is concerned, the County scale is coming to the fore to provide the appropriate scale for effective strategic plan-making. It has two related advantages over alternative spatial formulations (such as Corridors or Local Enterprise Partnership areas): they are communally recognised statutory entities for which people vote, and they possess important transport and other infrastructure powers including education and training. There is therefore a strong and growing case for formally recognising the County authority role in strategic planning.

The question is how this role can be appropriately defined to the satisfaction of central and local government, across a spectrum ranging from full restoration of County Councils as 'upper tier' planning authorities preparing statutory plans as existed prior to 2004, to a codifying of the present *ad hoc* position. In determining where on this spectrum agreement can be reached, the following matters need considering:-

- How to define and relate the County Council role in providing a clear distribution of strategic growth and infrastructure priorities (incorporating SNTB regional strategies) to the continuing statutory role of LPAs;
- Making explicit that County Councils in two-tier areas are equal partners, requiring formal joint governance arrangements in ways which avoid conflict and create harmony between the two tiers, and providing equivalence to the unitary county /combined authority situation;

- Establishing County Councils as the accountable bodies for strategic infrastructure funding arrangements by central government;
- Whether there should be a common approach across the WSE, or whether a 'variable geometry' reflecting different situations across the region would secure easier local agreement;
- Government support to build Counties' essential planning capacity and skills.

As matters stand, there does not seem to be any early prospect for county councils, in two-tier areas regaining a statutory plan-making role. However it is becoming increasingly clear that they are becoming more influential and that their potential for coordinating a strategic capacity across recognisably wide areas looks likely to be progressively realised.

The new government is expected to announce further measures of devolution to local governance. This may involve creating more Mayoral-led Combined Authorities on the Cambridgeshire model where appropriate, or in other areas a strengthening of powers in county-based areas. A Devolution White Paper is envisaged, to put more detail on this. It will stimulate debate on implications and possibilities in the Wider South East.

Conclusion

This review of moves in the Wider South East at central government and local authority levels to meet the increasingly perceived need for a wider and more strategic approach to meeting housing and other development requirements which include necessary increases in infrastructure capacity indicates a seemingly inexorable recognition of the county scale as the most appropriate. It has the particular advantage of public awareness, as County Councils are democratically elected and understood in governance terms.

The picture revealed as of today is however patchy, arising from incremental moves to create wider inter-LPA structures appropriate to particular situations. A common strand however is the inclusion of counties in such arrangements, as non-statutory but necessary partners. Outside this situation, but clearly related to the formal local planning process, is the recent creation in the WSE of three regional-scale Sub-National Transport Boards producing transport strategies which need to take account of economic development, social and environmental issues across their regions, these bodies being resourced by the county level. Also to be acknowledged is the Government-backed Cambridge-Milton Keynes-Oxford 'growth arc'.

The key question arising is how and to what extent the county role can be given formal status, putting it on a statutory footing. This will need to be compatible with and accepted by the borough/district level, which will need careful negotiation. It will also need to be sufficiently flexible, to reflect varying circumstances. Funding will be needed to enhance county resources to adequate levels. Consideration will be required to how counties, with strategic planning capabilities, should relate to the Greater London planning regime.

Finally, as indicated above, this is an evolving situation with further changes to the governance regime surrounding development planning. This could include the development of new combined authorities and a strengthening of wider strategic planning arrangements, involving the county scale.

An update will be given at the meeting.

Martin Simmons
With contributions by Catriona Riddell

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