

**West of England Partnership
Planning, Housing & Communities Board
18 March 2010**

Infrastructure & Delivery Investment Plan

Purpose of report

1. To inform Members of the actions required to ensure the Infrastructure and Delivery Investment Plan is a 'material consideration' within the statutory planning system and to seek their views.

Background

2. The Joint Infrastructure & Delivery Investment Plan (IDIP) was first proposed in the West of England Multi-Area Agreement to:
 - Support the delivery of the local authorities Core Strategies.
 - Contribute to the implementation of economic, social and environmental infrastructure, to deliver growth in homes, jobs and mixed and sustainable communities.
 - Contribute to working with the development industry, both to assist market recovery and to provide confidence to investors in the sub-region.
 - Provide a well-evidenced plan for the sequencing and phasing of development in the sub-region, including engagement of the development industry and discouragement of inappropriate development.
3. Furthermore the MAA made the commitment that the IDIP would be embodied into a Supplementary Planning Document that would be underpinned by a sub-regional development trajectory. CLG endorsed this approach.
4. Through the Single Conversation with the HCA a Delivery & Infrastructure Investment Plan has been prepared by the Authorities. It has the endorsement of the Partnership Board and is currently being considered for approval by Council Cabinets; Bath & North East Somerset has adopted the Plan.
5. Officers have engaged with GOSW to consider how the Investment Plan may have status as a "material consideration" in planning appeals, to support spatial planning policy in the emerging and final core strategies. This report sets out the effects and procedural requirements in preparing an SPD, and considers the broader content that it may cover.

Supplementary Planning Documents

6. PPS12 states that Planning Authorities may prepare Supplementary Planning Documents to provide greater details on policies contained with Development Plan Documents. Authorities should consider some key questions when determining which DPDs other than Core Strategies they should produce. Of particular relevance are: Does the issue need treatment in the development plan? Does the RSS and/or Core Strategy adequately cover the issue?
7. In the absence of a final adopted RSS and in the context of emerging Core Strategies the authorities are facing increasing development pressures, from proposals that if granted would lead to unsustainable, piecemeal development, that is not able to maximise opportunities of a strategic, co-ordinated approach to development.
8. In addition to this, the Authorities consider that there are some potential policy gaps that are not adequately covered by the emerging RSS and that may be best addressed at sub-regional level and contained within an SPD. The policy gaps to be addressed may include issues (at the strategic level) that would contribute to delivering the place making agenda. These may include:
 - Identifying infrastructure constraints and how the sub-region can secure investment and deliver homes and jobs over the next five years that will contribute to delivering the longer term housing and job requirements to support the economic potential of the sub-region.
 - Identification of opportunities to provide, maintain or enhance Strategic Green infrastructure necessary for functioning, sustainable communities.
 - Strategic urban design principles to ensure consistent delivery of high quality development across the sub-region.

Material Consideration

9. PPS 12 states that Authorities should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the coordination of development. The production of an SPD is the best option to ensure that the plan is given material consideration by an Inspector in making decisions.
10. However the weight given is not guaranteed and is subject to the Inspectors discretion. The weight given to an SPD, is in part dependent upon the procedural aspects that have been performed to produce the SPD and in part on the robustness of the evidence base that underpins it.

11. In line with any other DPD, an SPD must do the following:

- Be prepared in accordance with the Statement of Community involvement and be subject to appropriate consultation
- Reflect the Sustainable Community Strategy of the authorities
- Conform generally with the Regional Spatial Strategy
- Be based upon a robust evidence base
- Be flexible and demonstrate that it is based upon 'sound' planning principles.

12. The normal process for including an SPD as part of the planning framework requires there to be a higher development plan from which to 'hang' the SPD. In the absence of an adopted RSS or Core Strategy, the SPD would normally be considered in the context of current Regional Planning Guidance (RPG10). However CLG have recently considered the position on SPDs and have indicated that an SPD could be prepared in advance of an adopted RSS or Core Strategy. This approach is yet to be formalised or tested in the courts and whilst it cannot be guaranteed that the SPD will defend against every unwelcome development proposal, this approach could provide an opportunity for the Authorities to have some material consideration given to the phasing and quality of development.

Actions required

13. Authorities need to complete Strategic Housing Land Availability Assessments to contribute to the evidence base to support emerging Core Strategies and the SPD.

14. West of England Partnership Office (WEPO) need to write to GOSW to seek the endorsement of the Single Conversation Delivery Plan and its development trajectory for the next five year period. The provision of the five year land supply is in compliance with PPS3 para 71.

15. WEPO with GOSW need to agree the terms for an SPD, and to engage with partner agencies including CABE and Natural England to consider the opportunity to include wider considerations such as Green Infrastructure and Strategic Urban Design.

16. WEPO and Authorities need to agree with GOSW an appropriate timetable for the production of the SPD and to investigate the resource requirements.

17. Authorities to agree a communication strategy for public consultation on the content of the SPD.

Recommendation

That the Members endorse the further action required to ensure the Infrastructure Delivery and Investment Plan is a 'material consideration' within the statutory planning system.

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