

Subject: South Warwickshire Plan
Lead Officer: John Careford
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**Lead Member/
Portfolio Holder:** Councillor D Pemberton

Summary

This report sets out proposals for the preparation of a Joint Local Plan for South Warwickshire to be undertaken by this Council in conjunction with Warwick District Council and seeks approval for this work to progress.

Recommendations

- (1) That Members note the work that has been undertaken by officers to explore how a Joint Local Plan Review may be undertaken with Warwick District Council as set out in Appendix 1;**
 - (2) That the Council working with Warwick District Council to deliver a Joint Local Plan for South Warwickshire be supported;**
 - (3) Subject to Warwick District Council's Executive also agreeing to work with this Council to deliver a Joint Local Plan for South Warwickshire, The Cabinet agrees to the recommendations set out in Appendix 1 as the basis for the Joint Local Plan to be prepared;**
 - (4) Subject to recommendation 3, The Cabinet notes that in respect of the recommendations in Appendix 1 relating to the establishment of a Joint Executive/Cabinet Committee, the details of how this will operate will need to be approved by the respective Council's Cabinet/Executive, and instructs officers to prepare a further report on the options and operations for this;**
 - (5) That the Leader agrees the Terms of Reference and other arrangements for the Local Plan Advisory Group and to appoint its members on behalf of this Council, and that the Chief Executive be authorised to take all other steps necessary to implement the recommendations in Appendix 1.**
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1 Background/Information

- 1.1 In July, The Cabinet endorsed a paper which considered matters relating to local government restructure, and in particular identified a number of
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opportunities for closer working with Warwick District Council (WDC). Specifically, it agreed that in the context of the joint statement that had been prepared by the leaders of the two councils *“that agreement be given in principle to conducting a Joint Core Strategy/Local Plan Review and that a further paper be presented setting out details of a proposed programme, a member and officer governance”*.

- 1.2 Following this decision, officers have begun detailed discussions with officers from WDC to consider whether a Joint Core Strategy/Local Plan Review should be undertaken, and the way in which this work should be undertaken. The outcome of these discussions are set out in the paper attached as **Appendix 1** to this report. This paper will also be considered by WDC’s Executive at its meeting on 1 October 2020.
 - 1.3 **Appendix 1** also considers in more detail a number of specific matters relating to the production of the Local Plan. These are:
 - What might a South Warwickshire Plan (SWP) for SDC and WDC look like?
 - What organisational/staffing structure is required to deliver a SWP?
 - What governance arrangements should we put in place to support and manage the delivery of the SWP?
 - What might be an indicative work programme?
 - What Finance issues need to be addressed?
 - What are the next steps for taking this work forward?
 - 1.4 For the avoidance of doubt, the SWP will replace Stratford-on-Avon District Council’s (SDC) proposed Core Strategy Review in that, when adopted, the South Warwickshire Plan will become part of the statutory Development Plan for both Districts. Until the scope of the SWP is confirmed, its relationship to the emerging Site Allocations Plan is not fully known. They may exist side-by-side (until 2031 when the Site Allocations Plan expires) or the SWP may supersede the Site Allocations Plan with immediate effect. Certainly, the intention of the Site Allocations Plan has always been, at the very least, to provide a plan-making framework in the interim period until such time as a new plan (whether Core Strategy Review or SWP Plan) was adopted.
 - 1.5 The details of the precise scope of the SWP will be agreed as work progresses, including through joint member involvement in the governance of the SWP as well as in public consultation. Importantly, the plan will take a South Warwickshire approach to the development challenges facing both Districts, and in doing so the SWP will be ‘local authority boundary blind’ and the whole of South Warwickshire (SDC and WDC geographical areas) is treated as a single entity for the purpose of the Plan. The preparation of the SWP will also be informed by the lessons learnt from both Councils from preparing their current plans. Reflecting this, the Council is already proposing a more collaborative approach to plan-making.
 - 1.6 It is worth noting that the current government White Paper (“Planning for the future” August 2020) proposes some significant changes to the scope of Local Plans. This will impact on both Councils regardless of how each decides to progress its Local Plan review. However, the advice from the
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Government's Chief Planner is to continue to prepare plans rather than wait for the new system to be introduced.

2 Options available to The Cabinet

- 2.1 The Council has already endorsed the principle of working with WDC to prepare a joint plan at its meeting of The Cabinet on 6 July 2020. As such, the options for consideration in this paper relate to how the two Councils go about achieving that goal. **Appendix 1** considers 4 options and recommends that Option C is progressed, albeit acknowledging that ongoing discussions are required to confirm the detailed arrangements.

As such, this report presents The Cabinet with the following options:

- Option 1 – to endorse Option C as set out in **Appendix 1** to progress the preparation of the South Warwickshire Plan;
- Option 2 – to endorse another option to progress the preparation of the South Warwickshire Plan.

3 Evidence Base

- 3.1 Not applicable.

4 Members' Comments

- 4.1 Cllr Pemberton, Deputy Leader and Portfolio Holder for Policy is fully supportive of this proposal.

5 Implications of the proposal

5.1 Legal/Human Rights Implications

- 5.1.1 There are a number of potential legal issues that need to be considered in implementing this proposal including both Human Resources and ensuring that the Council's statutory responsibilities in respect of plan-making can be fulfilled. Officers are confident that all of these issues are capable of satisfactory resolution as part of the formal implementation of the proposal. In respect of the former, it is agreed that the new posts will be filled from existing staff resources although some roles and responsibilities may change as a result of the two Councils working together.
- 5.1.2 To re-enforce the fact that this will be a plan for the whole of South Warwickshire, and for this proposal to be successful, it will require new joint structures to be established. Section 4 of **Appendix 1** sets out the proposed arrangements. These arrangements are based on the collaborative approach proposed and already endorsed for the preparation of SDC's Core Strategy Review.
- 5.1.3 The recommendation in **Appendix 1** is that, except for those matters that need to be referred to the Full Councils of both authorities, the two councils establish a Joint Cabinet/Executive Committee. Given that the two councils are actively exploring much closer working, the creation of a single decision-making body for key decisions relating to the JLPSW would be strong expression of the desire of both councils to work closely together to address key development challenges across both districts.
- 5.1.4 The Joint Executive Committee would be established in accordance with section 101 of the Local Government Act 1972 and section 9EB of the
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Local Government Act 2000 and powers would be delegated to it by the Leader. The Joint Executive Committee would exercise the executive functions relating to the preparation of a joint plan, with decisions on its submission to the Secretary of State and its adoption reserved to the respective full Councils. Because the Joint Executive Committee will exercise statutory functions on behalf of both authorities, it will be necessary to agree formal arrangements for its governance and operation and a separate report will be brought to The Cabinet and the Leader at the earliest opportunity. Work can get under way on establishing the other arrangements proposed in the appendix and beginning the investigatory work for the review in advance of establishing the Joint Executive Committee.

- 5.1.5 It is also proposed to establish a Joint South Warwickshire Plan Advisory Group that would, in essence, replace SDC's Strategic Policy Advisory Group (SPAG). This group would provide an early steer on the preparation of the Plan and provide some oversight to the operational management of the Plan. It will need to reflect the new South Warwickshire geography and importantly, it would be cross party.
- 5.1.6 Section 28 of the Planning and Compulsory Purchase Act 2004 allows for two or more planning authorities to agree to prepare a single development plan document for both their areas.

5.2 ***Financial***

- 5.2.1 In preparing the South Warwickshire Plan, both SDC and WDC commit to funding 50% of its costs, both in terms of staff and operational costs. As far as practical, the staffing aspects of this proposal are expected to be cost-neutral, although this will reflect how the new team is staffed.
- 5.2.2 Preparing a Local Plan is expensive. SDC has already committed up to £1.6m to undertake its Core Strategy Review. This budget would be made available as SDC's equal contribution to the South Warwickshire Plan. Importantly, preparing a plan with WDC will be more efficient and cost-effective than each Council preparing its own separate plan. As such, it is not expected that the full £1.6m would need to be drawn down.
- 5.2.3 It is understood that WDC will confirm its plan-making budget as part of its corporate budget setting process in Spring 2021. This will not delay establishing the team and commencing work on the plan.

5.3 ***Environmental/Climate Change Implications***

- 5.3.1 The environment does not respect local authority boundaries and as such, there is greater scope for a more environmentally-focused approach across a wider geography, including to take account of environmental opportunities.
- 5.3.2 Although not specific to the South Warwickshire Plan itself, reviewing the Core Strategy provides an opportunity to establish a new suite of climate focused planning policies. Alongside the economy and infrastructure, climate change will sit at the heart of the new plan.

5.4 ***Council Plan***

- 5.4.1 As a Development Plan Document, the South Warwickshire Plan will help the Council achieve all five of the objectives of the Council Plan.

5.5 ***Analysis of the effects on Equality***

5.5.1 No direct impacts. The plan itself (which will be accompanied by an EqIA) will fully address issues relating to equality. In respect of staffing, it is proposed to staff the SWP team from existing staff resources.

5.6 **Data Protection**

5.6.1 There are not considered to be any specific implications regarding data protection although it will need to be made clear, through amendments to privacy notices etc, that data is being collected for plan-making purposes on behalf of both SDC and WDC. Officers will liaise with the Information Governance Manager in this respect.

6 **Risk Assessment**

6.1 There are many risks associated with undertaking a Local Plan review in any event, although local planning authorities are now legally required to ensure that Local Plans are kept up-to-date. These are financial, reputational and, sometimes, legal. All local authorities are required to prepare Local Plans and this Council is experienced in managing these risks. All stages of the Local Plan are subject to councillor advice, scrutiny and approval and so there is plenty of opportunity for councillors to have proper oversight of the technical work and procedures that are being undertaken.

6.2 There are additional risks in undertaking a joint Local Plan review with another local authority as is being proposed here. These are largely political and relate to the willingness of both councils to continue to work together to approve the document. Although many key decisions are being made jointly through a Joint Executive Committee the Local Plan will require to be approved at key stages by each Council.

6.3 Failure of either Council to approve the Local Plan will mean that it cannot progress beyond that stage. This risk will be managed through close joint management of the Local Plan by both Councils together, and significant levels of involvement from councillors of both Councils as well as wider stakeholders through the proposed governance arrangements.

7 **Conclusion**

7.1 Given the economic and geographic functional synergies between the two Districts and the fact that both Districts are keen to commence early reviews of their adopted Local Plan/Core Strategy, it is sensible that SDC and WDC work together to prepare a new Local Plan to enable both Councils the best opportunity to address the significant development challenges facing South Warwickshire.

7.2 Whilst working with another Council is not without risk, there are considered to be greater benefits in terms of efficiency, effectiveness and outcome through working together. The proposed approach with WDC is also a precursor to the closer relationship of the two Councils.

Tony Perks
Deputy Chief Executive

Background papers:

None.
