

Cornwall Local Plan : Site Allocations DPD Inquiry.

Position Statement : Legal Compliance – The Duty to Co-operate.

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representing the North and Middle Pill Landowner Consortium Saltash, Cornwall.

Recommendation :

1. That the Inspectors satisfy themselves :-

a. that the Duty to Co-operate with Plymouth City Council and other neighbouring planning authorities in the preparation of the Saltash DPD, is sufficiently compliant with NPPF guidance; and

b. that the integrity of the strategic housing allocation under the Saltash DPD pays sufficient regard to their findings.

1.0. Introduction

1.1. This Position Statement examines the integrity and quality of the Duty to Co-operate by Cornwall Council (CC) with Plymouth City Council (PCC) in the preparation of the Saltash DPD. By association such Duty would also extend to the City Council's partner authorities South Hams DC and West Devon with whom it has prepared the Plymouth and SW Devon Joint Local Plan.

1.2. This is one of two Position statements prepared by the landowner consortium for the Inquiry. The second addresses general and specific issues and associated risks pertinent to **Matter 11 : the Saltash DPD**. Here, the Duty to Co-operate is regarded as one of a number of areas of concern, the cumulative effect of which is to warrant the integrity of the Saltash DPD as unsafe and requiring the introduction of contingency measures prior to final approval.

2.0. Defining The Duty to Co-operate

2.1. The Allocations DPD looks at the wider strategy for the 10 towns and 2 eco communities including economic growth and the delivery of infrastructure that will support both existing and future residents.

2.2. The Localism Act 2011 establishes the Duty to Co-operate. It stipulates inter alia, that a Council is required to engage constructively, actively and on an on-going basis in the preparation of Development Plan Documents, so far as they relate to strategic matters. The engagement should include consideration of whether to consult on, prepare, and enter into and publish, agreements on joint approaches towards the preparation of planning documents. The Act also confirms that regard must be given to any guidance from the Secretary of State on the matter. That guidance is primarily the National Planning Policy Framework (NPPF), as supplemented by planning guidance.

2.3. The NPPF confirms that public bodies have a Duty to Co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities, such as the delivery of jobs, homes, jobs, retail, and transportation/highway and waste disposal issues.

2.4. Moreover, strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual Local Plans and Development Plan Documents (DPDs). The implication is that local planning authorities should work together to assess the opportunities that exist for the substantiated unmet development requirements of one local authority to be met within the area of one or more nearby local authorities within the housing market area, employment market and so forth.

2.4. As well as the legal requirement regarding the Duty, the DPD must also be found sound, which includes a requirement for it to be positively prepared and effective. This means it must be based on effective joint working on cross-boundary strategic priorities.

2.5. It is acknowledged that there is no duty on local planning authorities to agree to accommodate the needs of a neighbouring authority but if that is the conclusion that has been reached, it must be based on clear and robust evidence and on a proper consideration of all the issues by all the relevant parties. Because nearby local planning authorities are at different stages in the plan making process does not negate the requirement for co-operation.

2.6. Compliance is typically tested with reference to the following issues.

Issue 1 : The Appropriateness and Robustness of the Processes Undertaken.

Issue 2 : Has Engagement been Constructive?

Issue 3 : Has Engagement been Active?

Issue 4 : Has Engagement been On-going?

Issue 5 : Has Engagement been Collaborative?

Issue 6: Has Engagement been Diligent?

Issue 7 : Has Engagement been of Mutual Benefit ?

2.7. Looking at the importance of this issue the Government's White Paper : **Planning for the Right Homes in the Right Places: Consultation Proposals Sept 2017** sets out a plan for more effective joint working where planning issues go beyond individual authorities through a Statement of Common Ground, where there would be an obligation to setting out how they intend to work together to meet housing needs that cut across authority boundaries. This signifies an important direction of travel and best practice approach for the whole Local Plan process including Site Allocation DPD's.

3.0. The Relationship of Saltash with the City of Plymouth

3.1. The officer's response proposals for the Saltash DPD does improve the description of the relationship however the presence, magnitude of gravitational pull and zone of

influence of Plymouth is not believed to be addressed adequately. See Appendix A – Map showing the proximity of Saltash to Plymouth and Appendix B - Plymouth Zone of Influence.

3.2. The relationship between Saltash and Plymouth is important and symbiotic but is a relationship tempered and complicated by the fact that the River Tamar is a County, Parliamentary, Political and Cultural divide between “Cornwall and England.”

3.3. This divide makes for a very sensitive, interesting and on occasions tense political and local dynamic. Choosing and using the right words is important! However strong and purposeful joint working does exist between the two authorities for example in terms of the Tamar Bridge and Torpoint Ferry Joint Committee and Mt. Edgcumbe Country Park Committee. There may be others.

3.4. Plymouth’s strategic intent and vision for the future “**to be one of Europe’s most vibrant waterfront cities where an outstanding quality of life is enjoyed by everyone.**” is ambitious and is predicated on economic growth but is not mentioned or reflected in the Saltash DPD.

3.6. Here are some basic facts and figures which emphasise the importance of the relationship between Plymouth and Saltash

a. Plymouth Population c. 260,000 at 2015 rising to c.300,000 by 2030.
Saltash Population c. 16,700 at 2015 rising to c. 19,000 by 2030.
Cornwall Population c. 549, 000 at 2014 rising to 620,000 by 2030.

b. Driving Distance of The City of Plymouth to Saltash – 0.3 km.
Driving Distance of The City of Truro to Saltash – 79km.

c. According to Cornwall’s Officer Response to Plymouth City council’s comments to para 13.36 *“There are over 9,000 daily commuter trips between South East Cornwall and Plymouth and the vast majority of these are from Saltash. Total daily eastbound and westbound flows through Carkeel junction reach around 14,000 in each direction. During the AM peak the dominance of east bound trips through the junction is clear (approximately 3,500 compared to 2,400 westbound). This is partly due to an imbalance between housing and jobs in the town with 43% of the town’s working population commuting to Plymouth.”*

3.7. This situation is unique in Cornwall and differentiates it from all the other key towns in the County included in the Town DPD process. A special and a more detailed consideration would be expected but if not warranted then should be justified as such.

3.8. The officers have made helpful suggestions to improve the wording within the Saltash DPD, *“13.10 Although Saltash lies within the administrative boundary of Cornwall, it is important that the cross border impacts of growth and the functional relationship with the neighbouring city of Plymouth are recognised. For example, the town’s major growth area will attract people working in Plymouth and residents of the city may also work in businesses locating in the new employment areas. It will therefore also be necessary to consider improvements to transport links to/from Plymouth including a range of measures that encourage the use of all modes of sustainable transport*

crossing the Tamar Bridge. Such projects will contribute to strengthening the existing links with the city."

3.8. The underlined portion of that statement does however raise an important matter requiring clarification within the Saltash DPD and particularly in relation to the housing component. That is whether the apportioned housing allocation and provision of the major urban extension, described as "the town's major growth area" above, reflects any growth element for Plymouth. If it does, then it would be expected to have been a conclusion of cross-border strategic planning, recorded as such within the Duty to Co-operate evidence base and thereafter included in the text of the Saltash DPD. If it does not then this is a troubling matter for conceivably the housing allocation has excluded a material factor. This matter needs to be clarified.

4.0. Conclusion on the Duty to Co-operate

4.1. The thrust of the Duty to Co-operate is that effective and deliverable policies on strategic cross boundary matters such as employment, housing and transportation should be produced. Effective co-operation is likely to require a positive commitment to a business-like joint working structure and agenda involving elected members across all relevant authority tiers being unitary, district town/parish. There is insufficient or undisclosed evidence to suggest that this has underpinned the preparation of the Saltash DPD.

4.2. **However, and it is a big however**, although there are questions as to whether the Saltash DPD reflects strategic cross-boundary matters properly and so be adjudged as not in compliance with the expected "Duty to Co-operate," there is probably little to be gained at this stage in condemning the total integrity of the Saltash DPD and declaring it unsound!

4.3. Retail, Employment and Transport strategies and policies are not controversial. There is however one key question where the true answer is difficult to establish. This is whether the Saltash housing allocation and principally the Urban Extension at Broadmoor takes account of Plymouth's growth prospects or not.

4.4. Cornwall Council undertook a Strategic Housing Market Needs Assessment (SHMNA) in collaboration with Plymouth City Council, South Hams District Council, West Devon Borough Council and Dartmoor National Park to better understand housing need in the wider housing market area.

4.5. This study prepared in July 2013 provided the evidence base needed to inform the development of planning policy and local housing strategies for the whole of Cornwall. GVA working with Edge Analytics were the consultants appointed to carry out this work. It is an extremely lengthy and technical document with Saltash having only 2 cursory mentions neither of which discuss housing allocations in the Town.

4.6. It is difficult to establish whether there has been a Saltash focussed housing assessment with the neighbouring authorities which takes account of the town's unique proximity and relationship with Plymouth. It would have been possible to have extended the scope of the SHMNA report to address the specific and unique situation relating to Saltash and perhaps other parts of SE Cornwall within the Zone of Influence of Plymouth. This might be an improvement for the future ! What should not be of doubt as is evidenced by previous

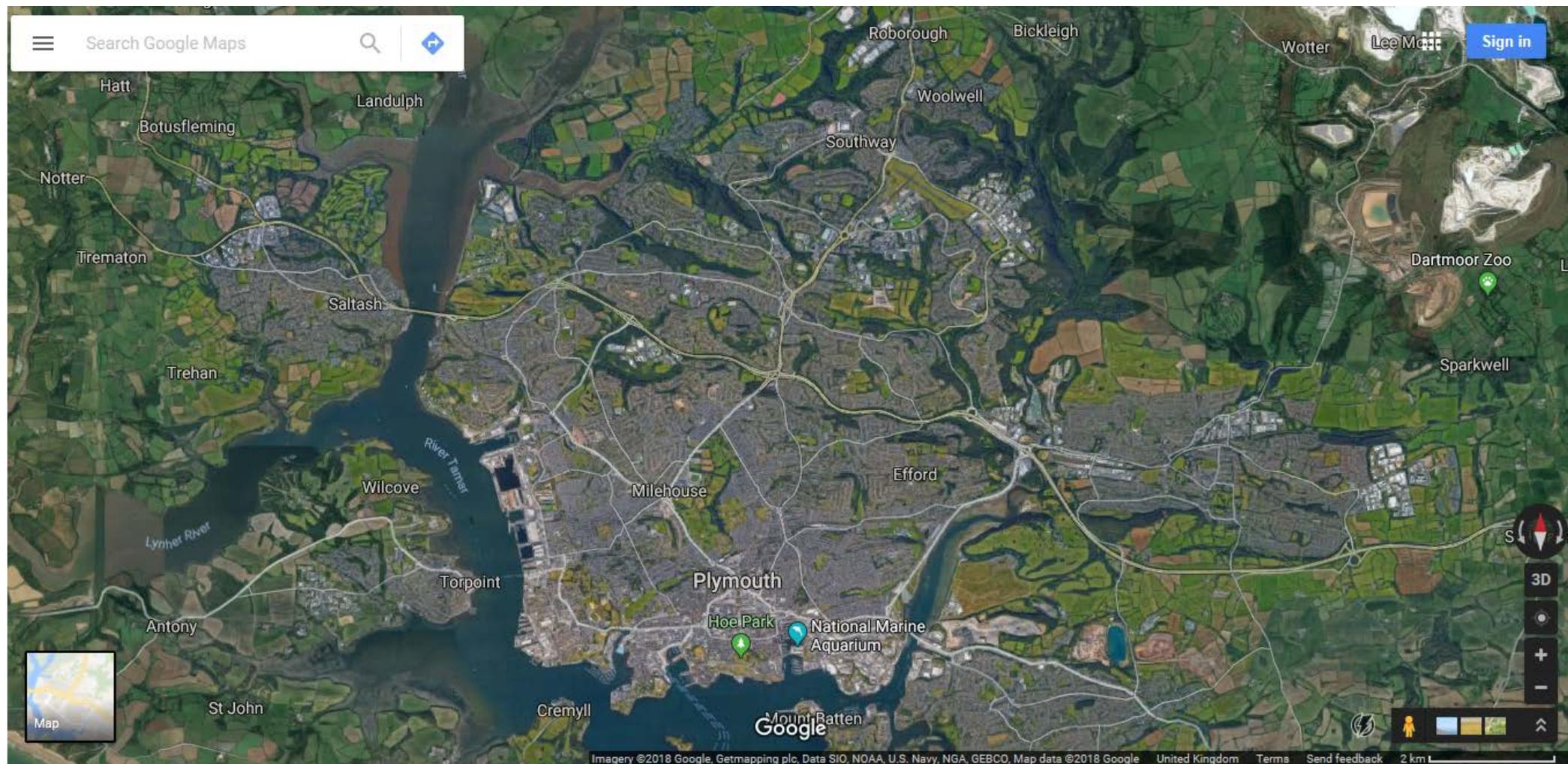
housing developments in Saltash, a number of households will be moving across the River Tamar from Plymouth and into the Broadmoor development. This will diminish the effectiveness of the Saltash DPD housing allocation for Cornwall.

4.7. Consequently, and noting that the study is now almost five years old, it is considered prudent to clarify whether this matter is covered adequately under the Duty to Co-operate requirements and whether a review of the specific housing allocation under the Saltash DPD is justified. Moreover, government policy pronouncements on general levels of house-building and in particular the additional legal responsibilities on Cornwall Council under the Self-build and Custom housebuilding Act 2015 as amended and supplemented by the Housing and Planning Act 2016 are considered to add to the weight of case to revisit the quantum of housing allocation applicable to the Saltash DPD

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APPENDIX A

MAP SHOWING THE PROXIMITY OF THE PARISH OF SALTASH (CORNWALL) TO THE CITY OF PLYMOUTH (DEVON)

APPENDIX B : Plymouth Zone of Influence
taken from the Strategic Housing Market Needs assessment 2013.

Plymouth Zone of Influence.

