

Statements of Common Ground and the Plan Making Process

Relevant Portfolio Holder	Cllr Adam Kent
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford
Wards Affected	All Wards
Ward Councillor Consulted	Not Applicable
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The Duty to Cooperate (DtC), introduced by the Localism Act in 2001, placed a legal duty on those engaged in plan making to work constructively together. The 2018 version of the National Planning Policy Framework (NPPF) introduced the need for Statements of Common Ground (SoCG) to be prepared to help document how cross boundary issues are being progressed under the DtC. The 2019 version of the NPPF retains the need for SoCGs to be prepared.
- 1.2 This report outlines that officers are and will continue to be engaged in DtC discussions and suggests a proposed approach about how the SoCG that Bromsgrove District Council (the Council) will need to prepare and/or enter into, will be managed and agreed.

2. RECOMMENDATION

- 1. That Members note officer attendance is required at DtC/SoCG meetings where cross boundary issues and draft SoCG agreements are discussed and prepared.**
- 2. That Council delegates to the Leader and Portfolio Holder for Planning, to sign off all relevant SoCG where cross boundary growth is not included.**
- 3. That all SoCG which include agreements on cross boundary housing, employment or other development needs or any other key planning issue are reported to Council for consideration prior to signing.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications associated with this report.

Legal Implications

- 3.2 The duty to cooperate was introduced by the Localism Act 2011, and is set out in an updated section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plans in the context of strategic cross boundary matters.

Service / Operational Implications

- 3.3 SoCG are required when plan making and will be a key consideration of the Inspector when holding the Examination in Public into the emerging local plan. It is both important that the Council is proactive in preparing its SoCG and also engaging in SoCG discussions with other authorities to allow the Councils local plan to progress smoothly and in good time.
- 3.4 Previously there have been concerns expressed that officers have been agreeing cross boundary housing numbers with other local authorities, which is simply not the case as any previous agreements have always been endorsed by Members through the Council decision making processes which surrounded the Bromsgrove District Plan (BDP) approval process.
- 3.5 The SoCG requirement was not a policy of government when the current BDP was being prepared and examined and therefore this is the first time that the Council has been expected to demonstrate cross boundary agreements in this way. Previously more simple DTC statements were prepared which explained how Councils were co-operating on plan making; as stated above any agreements for growth were articulated and agreed within the wording of the plan, which was then agreed by Members.
- 3.6 It is important for officers to engage in discussions around cross boundary development with officers of other local authorities. This is very important to be able to understand what challenges exist that need to be tackled in the plan making process. This report seeks to clarify the role of officers and Members in the process of reaching any cross boundary growth agreements.
- 3.7 The planning practice guidance outlines the broad scope that needs to be contained within a SoCG, this is intended to be a much more structured and focused approach to strategic planning than simple DTC statement. The scope is as follows:

- a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*
 - b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*
 - c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*
 - d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
 - e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*
 - f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*
 - g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and*
 - h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.*
- 3.8 Appendix 1 contains guidance provided by the Planning Advisory Service (PAS) on the preparation of SoCG. The role of PAS is to *'provide consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform'*. PAS is directly funded by the Department for Communities and Local Government.
- 3.9 An element of this guidance advises on the importance of understanding the governance and sign off arrangements of SoCG. At this stage this is the only element of the SoCG process that this report is addressing.
- 3.10 In terms of Recommendation 1 above, it is important that officers have discussions with other authorities to understand and progress any cross boundary issues. It is envisaged that the outcome of those discussions will regularly be fed back through the Strategic Planning Steering Group (SPSG) and with the Portfolio Holder for Planning. It is envisaged that as part of these discussions the Councils draft SoCG will emerge and also

the draft SoCG from other authorities; again the SPSG will be the forum for discussion around any drafts.

- 3.11 Once the statements have progressed to a state where an agreement needs to be reached this will then be covered by Recommendations 2 to 3 above.
- Any SoCG which do not contain cross boundary cross and no other key planning issues can be signed off by either the Portfolio Holder for Planning or the Leader of the Council.
 - Any SoCG which contain cross boundary growth will have to be presented to the Council for wider consideration.
 - It could also be the case that other issues arise within a SoCG which are not specially providing cross boundary growth but where it is felt it should be highlighted to members in the formal decision making process. In that event it would be for the head of planning in conjunction with the portfolio holder and leader to present a report to the Council.

Customer / Equalities and Diversity Implications

- 3.12 There are no Customer / Equalities and Diversity Implications associated with this report.

4. RISK MANAGEMENT

- 4.1 The risks associated with not preparing SoCG documentation is not having a new Local Plan adopted and not having the Councils views incorporated into the plans of other councils.

5. APPENDICES

- 5.1 PAS Statement of Common Ground Advice and Template January 2019 v1.0

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