

Gloucester City Council

Meeting:	Cabinet	Date:	4 May 2022
Subject:	Gloucestershire Statement of Common Ground		
Report Of:	Cllr Stephanie Chambers – Cabinet Member for Housing and Planning		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Gloucestershire Statement of Common Ground		

1.0 Purpose of Report

- 1.1 To seek approval from Cabinet for the Gloucestershire Statement of Common Ground.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** to:

- (1) **Approve the Gloucestershire Statement of Common Ground as set out at Appendix 1.**

3.0 Background and Key Issues

- 3.1 In preparing their local plans, local authorities are legally required to cooperate on strategic, cross-boundary planning matters. In two tier authorities such as Gloucestershire, this includes the County Council, as well as neighbouring authorities and prescribed bodies such as the Environment Agency, the Local Nature Partnership and highways authorities.
- 3.2 To demonstrate effective and ongoing joint working on such matters, local planning authorities are required to prepare and maintain one or more statements of common ground, which should document strategic, cross-boundary matters, and progress in cooperating on them. The statement should be produced using the approach set out in national planning policy and publicly available throughout the plan-making process to provide transparency.

Gloucestershire Statement of Common Ground

- 3.3 In March 2019, Cabinet resolved to support the development of a Gloucestershire Statement of Common Ground (SoCG), to be prepared by the six local planning authorities, Gloucestershire County Council and the GFirst LEP. Following on, an initial draft was produced by a Strategic Planning Coordinator for the County, appointed by the Gloucestershire Economic Growth Joint Committee (GEGJC) in

May 2020. Since then, various revisions to the document have been subject to further discussions at Leaders Board. The final Gloucestershire SoCG is provided at Appendix 1.

- 3.4 The SoCG is a non-statutory document, subject to regular updates, which captures progress in working together and outcomes. The purpose of the statement is to:
- a) Identify and agree an action plan on the strategic planning matters in Gloucestershire that require collaborative working between the parties.
 - b) Identify and demonstrate where common ground exists between the parties.
 - c) Identify in principle the potential response to addressing the strategic spatial planning matters.
 - d) Provide the basis for a 'live' document to allow for regular updates which capture progress in responding to the strategic planning matters, acknowledging that responding to the climate emergency will be a 'golden thread' running through strategic planning activities and the outputs of the SoCG.
 - e) Meet in part the requirement for local planning authorities to discharge the statutory 'Duty to Cooperate' requirement as part of local plan preparation.
 - f) Respond to the GEGJC to develop a SoCG as the basis to consider the development of a Gloucestershire Spatial Development Strategy.
- 3.5 The SoCG includes a series of 34 high level agreements dealing with a broad range of environmental issues and land uses matters including addressing the climate and ecological emergencies, housing and economic needs, the Green Belt, transport provision, the natural environment and green infrastructure, health and social infrastructure, infrastructure delivery and minerals and waste.
- 3.6 Reaching agreement on how to address these strategic planning matters is the start of the SoCG process. Action needs to be taken to address the matters arising from these agreements. The SoCG proposes therefore that an Action Plan is developed to identify the actions to be taken, those responsible for taking that action, and a timeframe and budget to address the actions.
- 3.7 Once the SoCG has been approved by all signatory bodies the intention is that the Action Plan will be developed and reported to GEGJC. Progress on joint working will be reflected in future iterations of the SoCG which should be kept up to date. Any proposals for changes to current strategic planning arrangements or changes to the SoCG will be reported for decisions to Cabinet or to other meetings of this Council, as appropriate.

4.0 Social Value Considerations

4.1 None

5.0 Environmental Implications

5.1 The SoCG sets out various agreements between the signatories that have implications for the environment and will ensure continued and effective engagement on such matters as the various local plans are review and progressed across the county.

6.0 Alternative Options Considered

- 6.1 The preparation of a SoCG is required by national planning policy. The geography and scope/scale of strategic planning matters mean that the preparation of this SoCG at the county level is most appropriate.

7.0 Reasons for Recommendations

- 7.1 The SoCG sets out a set of agreements relating to the consideration of strategic planning matters between the district authorities, Gloucestershire County Council and the GFirst LEP.

8.0 Future Work and Conclusions

- 8.1 Once the SoCG has been approved by all signatory bodies the approach to completing and updating the Action Plan will need to be agreed through GEGJC and Strategic Planning Leaders Board. Progress on joint working will be reflected in future iterations of the SoCG which should be kept up to date. Any proposals for changes to current strategic planning arrangements or changes to the SoCG will be reported for decisions to Cabinet or to other meetings of this Council, as appropriate. The Governance approach is set out at Section 7 of the Gloucestershire Statement of Common Ground at Appendix 1.

- 8.2 In discharging the continuing joint and individual local plan responsibilities, some of the participating local authorities will need to agree additional or supplementary SoCGs or Duty to Cooperate statements with neighbouring local authorities both within and outside Gloucestershire, and with other bodies. Where appropriate, additional or supplementary agreements may be incorporated into the Gloucestershire GSoCG in future iterations, with appropriate explanation, or be presented as separate documents.

9.0 Financial Implications

- 9.1 Addressing strategic planning matters will be addressed by the planning teams and is factored into current resource requirements. Progressing the various commitments will often require the preparation of evidence, the budgets for which are factored into future budgets.

(Financial Services have been consulted in the preparation of this report.)

10.0 Legal Implications

- 10.1 Section 33A(1) of the Planning and Compulsory Purchase Act 2004 which is in respect of the duty to co-operate in relation to the planning of sustainable development provides that each person who is a local planning authority, county council and certain other bodies (such as the Environment Agency and Homes and Communities Agency) must co-operate with each other and local enterprise partnerships in maximising the effectiveness with which certain activities are undertaken. These activities are the preparation of local development plans (including development plan documents) and any activities that can reasonably be considered to prepare the way for/support for such activities so far as relating to a strategic matter.

- 10.2 A strategic matter for the duty is sustainable development or use of land that has or would have a significant impact on at least two planning areas and sustainable development or use of land in a two-tier area if the development or use is a county matter or has or would have a significant impact on a county matter.
- 10.3 Under sections 19(1B) to (1C) of the 2004 Act, each local planning authority must identify strategic priorities for development and use of land in the authority's area and policies to address those priorities must be set out in the local authority's development plan documents (taken as a whole).
- 10.4 Paragraph 20 of the National Planning Policy Framework (2021) sets out the matters that strategic policies should provide for and under paragraph 27 it is stated that in order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.
- 10.5 When soundness of plans are tested under the NPPF (2021) one element of this under paragraph 35 is that the plan should be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground. Therefore, although not a statutory document, statements of common ground dealing with these matters will be expected when plans are at examination. The formal approval of the Statement of Common Ground will remain the responsibility of each of the parties to it.

(One Legal have been consulted in the preparation of this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 The SoCG provides a number of agreements that form the basis for engaging with neighbouring authorities and prescribed bodies on strategic planning matters. There is a risk that that a lack of resources prevent the agreements being implemented effectively, but as mentioned at section 8.0, the necessary financial and other resource requirements are identified.

12.0 People Impact Assessment (PIA) and Safeguarding:

- 12.1 A PIA is not required because the Gloucestershire Statement of Common Ground does not establish specific policies or procedures but only broad areas for seeking future agreement. However, statutory local plans and other planning policy documents prepared in the future to address strategic planning matters will be assessed for any equality implications.

13.0 Community Safety Implications

- 13.1 None.

14.0 Staffing & Trade Union Implications

14.1 None

Background Documents:

None