

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	24 January 2023
Subject:	Gloucestershire Statement of Common Ground
Report of:	Head of Development Services
Head of Service/Director:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

Executive Summary:

The Gloucestershire Statement of Common Ground (GSoCG) has been prepared by the six local planning authorities in Gloucestershire, Gloucestershire County Council, and the GFirst LEP. It is a non-statutory document, and when approved will be subject to regular updates, which captures progress in working together and GSoCG outcomes.

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 Leaders Board (consists of Leaders of all of the District Councils, the Leader of the County Council and LEP representatives).

The GSoCG includes a series of 37 high level agreements dealing with a broad range of environmental issues and land use 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.

The Gloucestershire Statement of Common Ground (GSoCG) has been through a number of iterations and has been approved by all of the other five district Councils and the County Council. It is now being recommended to Council to approve the Gloucestershire SoCG which is provided at Appendix 1.

Recommendation

To APPROVE the Gloucestershire Statement of Common Ground as set out at Appendix 1.

Financial Implications:

None arising from the report.

Legal Implications:

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 England) 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.

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.

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).

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.

Appendix 1 of the GSoCG sets out what under the national planning policy guidance a statement of common ground is expected to contain and this includes a record of where agreements have (or have not) been reached on key strategic matters.

Once published, authorities responsible for the statement will need to ensure that it reflects the most up to date position in terms of joint working across the area. Updates can occur when either agreements are reached, or a decision is taken to update strategic policies in the area covered by the statement.

When soundness of plans is 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.

Environmental and Sustainability Implications:

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.

Resource Implications (including impact on equalities):

None arising from this report.

Safeguarding Implications:

None arising from the report.

Impact on the Customer:

None arising from the report.

1.0 INTRODUCTION

- 1.1** 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.
- 1.2** 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 the cross-boundary matters being progressed 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.

2.0 GLOUCESTERSHIRE STATEMENT OF COMMON GROUND

- 2.1** The Gloucestershire Statement of Common Ground (GSoCG), has been prepared by the six local planning authorities of Gloucestershire, Gloucestershire County Council, and the GFirst LEP.

At the Executive Committee in March 2019, approval was given for the Council to work in partnership with the other five Local Planning Authorities, Gloucestershire County Council and the GFirst LEP to develop a broad Strategic Planning Framework for Gloucestershire, to 2050 and beyond, via the preparation of a Statement of Common Ground.

This process has been overseen by the Gloucestershire Economic Growth Joint Committee (GEGJC) since 2019. This has included establishing the governance and working arrangements for the project including the setting up of the Leaders Board (which consists of Leaders of all District Councils, the Leader of the County Council and the LEP representatives, and associated officer group under the auspices of the GEGJC).

The Strategic Planning Co-ordinator produced an initial draft of the GSoCG in May 2020. Since then, numerous revisions to the document have been subject to further discussions at Gloucestershire Leaders' Board. The final Gloucestershire SoCG is provided at Appendix 1.

- 2.2** 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.

2.3 At the initiation of the preparation of the GSoCG, a key driver for preparation was to meet the government requirement around Duty to Co-operate. This is a legal duty set by the Planning and Compulsory Purchase Act 2004 as detailed in the legal implications of this report and Appendix 1 of the GSoCG. This Duty is placed 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.

2.4 The SoCG includes a series of 34 high level agreements dealing with a broad range of environmental issues and land use 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.

2.5 Appendix 3 of the SOCG allows for the provision of a List of 'Agreements' not agreed by any and/or all parties. For Tewkesbury Borough there are some elements that have not been agreed and are therefore contained with Appendix 3. The areas not agreed relate to concern over agreements being too restrictive and/or concern over the agreements do not reflect the rural nature of the borough.

2.6 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. At the Gloucestershire Economic Growth Joint Committee (GEGJC) meeting held on 16 November 2022, it was agreed that the County Council would lead on the preparation of the Action Plan.

3.0 CONSULTATION

3.1 The development of the GSoCG has been subject to numerous rounds of feedback from each of the member authorities. Portfolio holders and/or Leaders have had input and an informal agreement on this final version.

4.0 ASSOCIATED RISKS

4.1 None.

5.0 MONITORING

5.1 The GSoCG contains an Action Plan template. This will allow the document to be iterative and to grow and change as the circumstances demand. The administration arrangements for the Action Plan have not yet been finalised by the GEGJC but it is anticipated that this will be discussed and agreed imminently.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 to 2031 adopted (December 2017).

Tewkesbury Borough Local Plan 2011-2031 adopted June 2022.

Background Papers: None.

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Appendices: 1 – Gloucestershire Statement of Common Ground.