

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	10 January 2024
Subject:	Gloucestershire Statement of Common Ground
Report of:	Director: Communities
Head of Service/Director:	Executive Director: Place
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 Local Enterprise Partnership (LEP). It is a non-statutory document and was approved by Council in January 2023.

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.

At that time, Tewkesbury Borough Council approved a version of the GSoCG with a number of caveats to the agreements. The Council now wishes to fully sign up to all of the agreements within the GSoCG and remove any caveats. This will bring Tewkesbury Borough Council into alignment with partners across the county.

Recommendation:

To RECOMMEND TO COUNCIL that:

- i) the revised version of the Gloucestershire Statement of Common Ground be APPROVED with the dashes in the “agreements” section removed and the removal of Appendix 3 to the previously approved version; and**
- ii) authority be delegated to the Executive Director: Place, in consultation with the Lead Member for Built Environment, to make the amendments set out at i) above, along with any necessary minor amendments, corrections and additions to in respect of any spelling, grammatical, cross-referencing, typographical errors and/or factual updates prior to signing by the Leader or Chief Executive.**

Financial Implications:

None arising directly as a result of this 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 (December 2023) 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.

National planning policy guidance sets out what 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 (December 2023) 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 reviewed and progressed across the county.

Resource Implications (including impact on equalities):

None arising directly as a result of this report.

Safeguarding Implications:

None arising directly as a result of this report.

Impact on the Customer:

None arising directly as a result of this 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.
- 1.3** This Council approved a version of the Gloucestershire Statement of Common Ground (GSoCG) with considerable caveats in January 2023. The full version that Council approved at that time is attached as Appendix 1.

2.0 GLOUCESTERSHIRE STATEMENT OF COMMON GROUND

- 2.1** The GSoCG 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 GSoCG.
 - e) Meet in part the requirement for local planning authorities to discharge the statutory 'Duty to Cooperate' requirement as part of local plan preparation.
- 2.2** The Leader of the Council has indicated that he would like to adopt the entire GSoCG without any caveats. To indicate this, it is proposed to amend the document to remove the dashes to the "agreements" section of the document (pages 6 – 12) and to remove Appendix 3 - List of 'Agreements' not agreed by any and/or all parties (pages 29 – 30).
- 2.3** In terms of the associated action plan set out at Appendix 4, this is in development in order to identify more detailed county-wide actions to support the GSoCG and a consultancy has been appointed by Gloucestershire County Council to support this work.

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. Other partners have been informed that it is TBCs intention to bring themselves into line with the other partners and are supportive of this.

4.0 ASSOCIATED RISKS

4.1 None

5.0 MONITORING

5.1 None

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: Appendix 1 - Gloucestershire Statement of Common Ground