

<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation Committee	18/03/2019
<b>Subject:</b> Statements of Common Ground	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of the Built Environment	<b>For Decision</b>
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### Summary

The revised version of the National Planning Policy Framework (July 2018) introduced a new requirement for the preparation and ongoing review of Statements of Common Ground (SCGs) under the duty to cooperate, which applies to local plans and other statutory planning policy documents that raise strategic issues.

The requirement applies to all local planning authorities in England, including the City of London and the London boroughs. The City Corporation will need to agree SCGs with other relevant strategic policy-making authorities, such as neighbouring boroughs, by the time it reaches the formal publication stage of the Local Plan review, currently scheduled for autumn 2019.

Further guidance has recently been published on the preparation of SCGs, which advises local planning authorities to establish appropriate governance and sign-off procedures early in the process to avoid delays at a later stage. This report provides a brief overview of the likely scope and content of SCGs and seeks the Committee's approval to delegate the preparation and review of SCGs to the Planning Policy and Performance Director, in consultation with the Chairman and Deputy Chairman of your Committee, except in certain specified circumstances.

### Recommendations

Members are recommended to:

- Authorise the Planning Policy and Performance Director to prepare and review Statements of Common Ground under the duty to cooperate, in consultation with the Chairman and Deputy Chairman of the Planning and Transportation Committee; and
- Agree that Statements of Common Ground would only be brought to the Planning and Transportation Committee for approval if a significant new cross-boundary strategic issue arises or if there is a fundamental disagreement between the City Corporation and other SCG signatories.

## **Main Report**

### **Background**

1. The Localism Act 2011 introduced a 'duty to cooperate' in relation to the preparation of local plans and other statutory planning policy documents which raise strategic issues. The duty, which was inserted into the Planning and Compulsory Purchase Act 2004 as Section 33A, applies to local planning authorities and to other bodies prescribed in regulations. It applies to the City of London and to London boroughs.
2. Local planning authorities and other prescribed bodies are required to engage "constructively, actively and on an ongoing basis" in orders to maximise the effectiveness of policies for strategic matters in plan-making. Strategic matters are defined as "sustainable development or use of land that has or would have a significant impact on at least two planning areas".
3. In the Housing White Paper: 'Fixing our broken housing market', published in February 2017, the Government acknowledged that in some parts of the country the duty to cooperate had not been successful. The Housing White Paper signalled that local planning authorities would in future be expected to prepare Statements of Common Ground (SCGs) setting out how they will work together to meet housing requirements and other issues that cut across authority boundaries. The revised NPPF (July 2018) formally introduced a requirement for SCGs to be prepared as part of the plan-making process and guidance on the scope and purpose of SCGs was published in the online Planning Practice Guidance (PPG) in September 2018.
4. The Planning Advisory Service (PAS) has been working with groups of pilot authorities to produce initial SCGs and drew upon this experience to prepare a draft advice note and template, published in January 2019. The PAS document includes guidance on the practicalities of SCGs, including signatories, governance arrangements and timetabling matters, as well as a suggested template.

### **The likely scope and content of SCGs**

5. The term 'Statement of Common Ground' has existed for many years in the planning process to document agreements between local planning authorities and other parties. These have normally been produced to assist Planning Inspector's in narrowing down the areas of disagreement between parties at local plan examinations or planning appeal inquiries. However, the SCGs introduced by the 2018 NPPF are more formalised documents specifically produced under the duty to cooperate.
6. SCGs can be prepared by strategic policy-making authorities, which may include the Mayor of London, combined authorities, statutory agencies, infrastructure providers and advisory bodies. Local planning authorities are likely to play a key role in preparing SCGs. The PPG indicates that these statements will be a way of demonstrating at examination that local plans are

deliverable and based on effective joint working across local authority boundaries.

7. Paragraph 20 of the NPPF sets out the matters that strategic planning policies should make provision for, which includes housing, employment, retail, leisure and other commercial development; infrastructure requirements; community facilities; and conservation and enhancement of the natural, built and historic environment, together with measures to address climate change mitigation and adaptation. Guidance makes clear that the extent to which these issues should be addressed in SCGs will need to be tailored to local circumstances.
8. The scope of SCGs is complicated in London because of the role of the London Plan. Whereas agreement on housing targets and the distribution of housing is likely to comprise the key element of SCGs in many areas of the country, in London this issue is primarily addressed through the London Plan.
9. Nonetheless, the City Corporation engages in other strategic cross-boundary matters which are likely to fall within the remit of a SCG. These matters include: the use of financial contributions from developers to deliver affordable housing on City Corporation housing estates in neighbouring boroughs; local and strategic protection of views of St Paul's Cathedral; and cooperation with Waste Planning Authorities within and beyond London to plan for suitable facilities to manage the City's waste.
10. The PPG encourages the preparation of single SCG, where possible, but recognises that it may be appropriate for authorities to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working. It adds that multiple statements may be appropriate where authorities work in different groupings to address certain strategic matters.
11. Officers consider that a single statement is unlikely to be practical for the City of London, given the complex network of cooperation with London boroughs, the Mayor and other agencies. It is likely that several SCGs may be needed, albeit that these should be grouped as far as possible to reduce the administrative burden for the City Corporation and its partners.

### **Proposed Governance Arrangements**

12. The governance and management arrangements for SCGs will be key to their implementation and effectiveness. The PAS guidance indicates that the statements should be signed by an agreed individual in a leadership position from each of the contributory organisations. For local planning authorities, this would normally be a Member such as a leader or portfolio holder. Authorities are encouraged to establish appropriate governance and sign-off procedures early in the process to avoid delays at a later stage.
13. Each SCG is expected to be reviewed and updated on an ongoing basis. While the City Corporation will need to prepare SCGs to support its plan-making activities, neighbouring boroughs and other partners will be doing the

same according to their own plan-making timescales. This means that the City Corporation may be approached at any time by partners seeking to agree and sign-off updates to an SCG.

14. Accordingly, it is necessary to ensure that the governance arrangements are flexible and that updates can be progressed in a timely manner. Given the often very large agendas of the Planning and Transportation Committee and the lead-in times for the preparation of committee reports, it is considered that the use of delegated powers would be a more efficient and appropriate mechanism for signing off SCGs than requiring each one to be approved by the Planning and Transportation Committee.
15. The City Corporation's current Scheme of Delegations to Officers sets out certain functions which are delegated to the Planning Policy and Performance Director. These include:  
  
*"76. To carry out public consultation in the preparation of Local Development Documents in accordance with the Statement of Community Involvement and the duty to cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004."*
16. It is recommended that this existing delegated authority in relation to the duty to cooperate be extended to the preparation and subsequent review of SCGs (which are themselves a mechanism for demonstrating compliance with the duty to cooperate). It is recommended that the Policy and Performance Director would exercise such delegated authority in consultation with the Chairman and Deputy Chairman of the Planning and Transportation Committee to ensure Member level ownership and oversight of the process as set out in the PAS guidance.
17. In addition, it is recommended that an SCG would be brought to the Planning and Transportation Committee for approval only if a significant new cross-boundary strategic issue arises or if there is a fundamental disagreement between the City Corporation and other signatories, which cannot be resolved at officer level.

### **Next steps**

18. The requirements of the 2018 NPPF only apply to local plans submitted for examination after 24<sup>th</sup> January 2019, so there are currently few published examples of SCGs elsewhere in the country. The guidance indicates that local planning authorities should publish their SCGs on their website by the time they formally publish their draft local plans under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations.
19. This will be the next stage of the City Corporation's Local Plan review, currently scheduled to take place in autumn 2019. It is therefore a priority workstream for the Development Plans Team to prepare SCGs with key partners over the next few months, since any delays would be likely to have knock-on consequences for the City's Local Plan timetable. Progress on this

matter will be reported to the Local Plans Sub-Committee of the Grand Committee as it oversees the next stage of the Local Plan review process.

### **Corporate and Strategic Implications**

20. Cooperation with neighbouring boroughs and other strategic policy-making authorities will support the review of the Local Plan, which in turn will support the 12 priorities of the Corporate Plan 2018-23. The emerging Local Plan review provides a spatial planning framework to support key corporate projects and SCGs provide a mechanism to help ensure that a vibrant and thriving City supports a diverse and sustainable London within a globally-successful UK, as set out in the Corporate Plan.
21. There are no financial, equalities or resourcing implications arising from this report. The process of preparing and reviewing SCGs will be led by the Development Plans Team and will be met within existing local risk budgets.

### **Appendices – Nil**

#### **Background Papers**

- Planning Advisory Service, Statement of Common Ground Advice and Template (Draft), January 2019. <https://www.local.gov.uk/pas/pas-topics/local-plans/statement-common-ground>

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