

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date: 6 June 2018

**REPORT TITLE** Duty to Cooperate Statement of Common Ground between Newcastle-under-Lyme Borough Council, Staffordshire Moorlands District Council, Stoke on Trent City Council, and Stafford Borough Council.

**Submitted by:** Head of Planning Services

**Portfolio:** Planning and Growth

**Ward(s) affected:** All

#### **Purpose of the Report**

To advise Members, that in accordance with the Council's Scheme of Delegation relating to matters of urgency the Executive Director for Regeneration and Development and the Portfolio Holder for Planning and Growth have a) agreed and; b) signed a Statement of Common Ground with Staffordshire Moorlands District Council (SMDC), Stoke on Trent City Council and Stafford Borough Council demonstrating performance of the Duty to Cooperate, pursuant to section 33A of the Planning and Compulsory Purchase Act, for submission to the Examination in Public of the Staffordshire Moorlands Core Strategy Review.

#### **Recommendations**

- a) That Cabinet note that the Executive Director for Regeneration and Development has taken urgent action to agree and sign a Statement of Common Ground, countersigned by the Portfolio Holder for Planning and Growth, with Staffordshire Moorlands District Council, Stoke on Trent City Council and Stafford Borough Council.
- b) That Cabinet note that the Statement of Common Ground has been submitted to SMDC for inclusion in their Duty to Cooperate Statement to form part of the evidence supporting the Submission version of the Staffordshire Moorlands Core Strategy Review at its Examination in Public.

#### **Reasons**

The matter does not make or change policy and therefore in accordance with the Council's Scheme of Delegation (appendix 4 relating to matters of Urgency) any action taken as a 'matter of urgency,' shall be reported to the next available committee.

More specifically, the Statement of Common Ground was required by SMDC by 25<sup>th</sup> May in order to enable them to submit their Core Strategy Review to the Council Assembly meeting in June prior to submission to the Examination in Public of the said Review.

#### 1. **Background**

- 1.1 In this case the "Statement of Common Ground" that has been agreed primarily relates to the preparation of Development Plans and also sets out a framework for future collaboration on identified strategic cross boundary planning issues between the four Local Planning Authorities (LPAs) in North Staffordshire; as Members will be aware Newcastle-under-Lyme

Borough Council is a neighbouring Authority to Staffordshire Moorlands District Council and it lies adjacent to both Stoke on Trent and Stafford Borough. The Statement of Common Ground (SCOG) is made within the context of the Duty to Co-operate as required under Section 110 of the Localism Act 2011. Its purposes are:

- a. To establish area of agreement in relation to strategic planning and development matters between the four LPAs;
  - b. To identify areas where further work is required and;
  - c. To set the framework for future cooperation, including the monitoring and project management of required works.
- 1.2 The SCOG sets the planning context; describes the geographical area that it covers; reviews each of the three Strategic Housing Markets Assessments (SHMAs), the joint 2015 Gypsy and Traveller and Travelling Showperson Accommodation Assessments; the three Employment Land Reviews and; the position with respect to the North Staffordshire Green Belt within each LPA's area.
- 1.3 In terms of strategic cross boundary matters the following have been agreed by the four local authorities as strategic cross-boundary matters which require co-operation to meet future development requirements:
- a. Housing – the provision of housing across the four local planning authority areas;
  - b. Gypsies, Travellers and Travelling Showpeople – provision for accommodation;
  - c. Employment – the provision of employment across the four local planning authority areas;
  - d. Co-ordination of shared infrastructure:
    - i. Green Infrastructure
    - ii. Traffic growth on A50
    - iii. Education
  - e. Green Belt – co-operation on the approach to Green Belt;
  - f. Constellation Partnership – co-operation on any future joint strategy in support of the potential HS2 hub at Crewe;
  - g. Blythe Vale Strategic Allocation – consideration of the cross boundary implications of the allocation as identified in the proposed Staffordshire Moorlands Local Plan.
- 1.4 A number of matters are indicated in the SCOG as being agreed between the parties. Details of these are provided within the attached Appendix 1. At a summary level there are no adverse implications arising from the SCOG whilst the implications for the Borough Council, as it moves from the Preferred Options stage to draft Joint Local Plan, are as follows:
- a. Housing – that along with SoTCC the Borough is unable to assist in meeting SMDC's housing development requirements due the fact that the Joint Local Plan is in the early stages of preparation and the Preferred Options Document has identified a shortfall in housing supply within the Housing Market Area which would need to be resolved before consideration of housing need arising from Staffordshire Moorlands could be considered.
  - b. Gypsies and Travelling Showpeople – that at this stage the Borough Council is not in a position to identify suitable and /or available land within the Borough to accommodate its own needs, or the needs of other local authorities. Furthermore the shortfall of housing and employment land within the Borough means that the Borough Council is unable to accommodate any potentially arising unmet gypsy and traveller needs from neighbouring authorities due to a lack of available land
  - c. Employment – that all four authorities will liaise on future consideration and evidence gathering in relation to employment requirements and provision undertaken as part of future plan making

- d. Infrastructure – that all four authorities agree to coordinate green infrastructure strategies and any subsequent delivery plans to ensure a consistent and complementary approach
- e. Green Belt – that the authorities will liaise on any future Green Belt reviews that would affect shared Green Belt boundaries in order to consider the merits of a consistent approach
- f. Constellation Partnership – that emerging or future Local Plans will have regard to the Constellation Partnership’s Growth Strategy
- g. Blyth Vale Strategic Allocation – that the Borough Council considers that the proposed employment land allocation at Blyth Vale (the southern part of the ‘site’ ) should be protected from being developed for housing and promoted for B2/B8 uses, the site having been identified in the 2015 Employment Land Review as playing an important role in meeting the investment needs of the Stoke and Newcastle conurbation.

1.5 The SCOG concludes by listing various decision-making and project management tasks as follows:

- a. An officer working group with representatives from each authority is to liaise quarterly to determine and agree the scope for further engagement on strategic planning matters. This will include consideration of the need to involve wider stakeholders, including those named in this Statement of Common Ground.
- b. Details of activities undertaken in relation to this Statement of Common Ground are to be recorded and published in a monitoring report.
- c. The Statement of Common Ground is to be reviewed in whole or in part as required and as a minimum at the time of a relevant Development Plan update or Development Plan review. Any such review will require Member approval from each respective authority.
- d. The Statement of Common Ground does not fetter the discretion of the local authorities in the determination of any planning application, or in the exercise of any of its statutory powers and duties, or in its response to consultations, and is not intended to be legally binding. The terms of the Statement of Common Ground can be dissolved at the written request of any of the parties.

## 2. **Issues**

2.1 The Council is required by statute to prepare such Statements of Common Ground. In this instance the Council was required to engage in this matter and respond in a timescale which did not provide for the Council to respond via the usual decision making processes. Therefore the provisions within the Council’s Scheme of Delegation for making urgent decisions were invoked and the relevant officer made the necessary decision in consultation with the relevant Portfolio Holder (Planning and Growth).

## 3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

3.1 The decision has potential implications for all of the Council’s corporate priorities in the context of the future long term planning to meet the Borough’s development requirements.

## 4. **Legal and Statutory Implications**

4.1 The preparation of a Statement of Common Ground (SCOG) is made within the context of the “Duty to Co-operate” as required under Section 110 of the Localism Act 2011.

5. **Equality Impact Assessment**

5.1 The SCOG would seek to ensure that the future, long term, needs of all of the Borough's communities will be provided for in the most coherent and sustainable manner.

6. **Financial and Resource Implications**

6.1 There are no direct financial implications arising from preparation of the SCOG other than the officer time required to complete the task.

7. **Major Risks**

7.1 There are no major risks to the Council arising from the actions taken.

8. **Sustainability and Climate Change Implications**

8.1 There are no direct implications arising specifically from the SCOG. However by establishing key principles about future development across the four Ipa areas should optimise the prospects of achieving sustainable development.

9. **Key Decision Information**

9.1 This is a key decision because it affects more than two wards.

10. **List of Appendices**

10.1 Statement of Common Ground document.