

Thursday, 20 January 2022

Report of the Portfolio Holder for Skills, Planning, Economy and Waste

Statement of Common Ground with Lichfield District Council (Planning)

Exempt Information

None.

Purpose

Delegated authority is sought from Cabinet to allow the Assistant Director Growth and Regeneration to negotiate and agree to a Statement of Common Ground (SoCG) between the Council and Lichfield District Council (LDC) relating to issues surrounding the Lichfield District Local Plan 2040.

Recommendations

It is recommended that:

1. Cabinet delegate authority to negotiate and sign a Statement of Common Ground with Lichfield District Council to the Assistant Director Growth and Regeneration in consultation with the Portfolio Holder for Skills, Planning, Economy and Waste.

Executive Summary

On 19 August 2021 Cabinet resolved to submit comments in response to LDC's Local Plan 2040 Regulation 19 consultation which included concerns around whether the duty to cooperate had been complied with. LDC are seeking to enter into a SoCG with the Council in order to overcome this issue, and this report seeks delegated authority from Cabinet for the Assistant Director Growth and Regeneration, in consultation with the Portfolio Holder for Skills, Planning, Economy and Waste, to negotiate and sign the SoCG on behalf of the Council.

Options Considered

The alternative option would be for officers to negotiate the SoCG and then present a draft version for approval at a later Cabinet meeting. However, this option lacks the flexibility required to be able to reach an agreement in a timely fashion given the required lead in times for Cabinet meetings. It is considered that the proposed option would allow a level of flexibility whilst retaining an appropriate level of oversight and is therefore considered to be the most appropriate option.

Resource Implications

There are no resource implications associated with the decision.

Legal/Risk Implications Background

There are no legal/risk implications associated with the proposed course of action.

Equalities Implications

There are no equalities implications associated with the recommended actions.

Environment and Sustainability Implications (including climate change)

There are no sustainability implications associated with the recommended actions.

Future development outlined within the draft Lichfield District Local Plan has the potential to generate adverse impacts within the Borough of Tamworth. Entering into a SoCG with LDC will provide an opportunity for the Borough Council to continue to raise cross boundary issues and seek to resolve them by exploring potential measures to mitigate adverse impacts in order to achieve sustainable development.

Background Information

At the Cabinet meeting of 19 August 2021, members resolved to submit comments to LDC in response to their Local Plan 2040 Regulation 19 consultation. The submitted comments raised concerns around two main areas. Firstly that there was not sufficient highways evidence available to be able to establish any potential impacts of the proposed housing allocations within Lichfield District on Tamworth Borough; and secondly, that the duty to cooperate had not been sufficiently complied with.

It was acknowledged at the time of the consultation that the relevant highways evidence had been delayed as a result of the ongoing global pandemic, but that the evidence would likely be available in time for the examination in public of LDC's proposed plan. This is therefore an issue that can be resolved at a later date, and the Council reserved the right to take part in the examination if the issue is unable to be resolved before that point.

Whilst the highways concerns are a technical issue that can be considered during the examination, the duty to cooperate is a statutory requirement and so, if LDC cannot demonstrate that it has complied with the duty, the local plan may not be able to proceed to examination.

Within the consultation response, the Council acknowledged that regular Duty to Co-operate meetings occur at officer level, where strategic cross-boundary issues are discussed, and that there is an existing Memorandum of Understanding and Statement of Common Ground in which it is agreed that Lichfield will seek to provide a proportion of Tamworth's unmet housing and employment needs. However, both of these documents are now a number of years old and require updating. In particular, within the existing SoCG it states that work will continue to provide appropriate infrastructure to support developments with cross border impacts. It is considered that further work is required to ensure appropriate mitigation measures are in place for the existing permitted developments on the border before any further development on the border is considered, and this will need to be reflected in an updated SoCG.

It should be noted at this point that the duty to cooperate is not a duty to agree; however local authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plan for examination. It is for this reason that LDC are seeking to enter into a SoCG with the Council prior to submitting their plan for examination.

The agreement to a SoCG with LDC would effectively alter the duty to cooperate element of the response to LDC's consultation that was originally agreed by Cabinet at the 19 August 2021 meeting. For this reason it is considered appropriate to seek delegated authority to negotiate and sign the agreement.

Report Author

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List of Background Papers

Report of the Portfolio Holder for Regulatory & Community Safety - Lichfield District Local Plan 2040 Regulation 19 Consultation Response – Cabinet, 19 August 2021

Appendices

None.

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