

Thursday, 15 December 2022

**Report of the Portfolio Holder for Skills, Planning, Economy & Waste**

**Statements of Common Ground on Planning Issues**

**Exempt Information**

None.

**Purpose**

To seek Cabinet approval for the signing of Statements of Common Ground with South Staffordshire District Council and the councils in the Greater Birmingham and Black Country Housing Market Area.

**Recommendations**

It is recommended that:

1. Approval is granted for the signing of the Statement of Common Ground with South Staffordshire District Council;
2. Approval is granted for the signing of the Statement of Common Ground with the councils in the Greater Birmingham and Black Country Housing Market Area; and
3. Authority is delegated to the Assistant Director Growth & Regeneration and the Portfolio Holder for Skills, Planning, Economy & Waste to make any final minor amendments to and sign the documents.

**Executive Summary**

The National Planning Policy Framework places local planning authorities under a duty to cooperate with each other to identify the relevant strategic matters which they need to address in their plans. In order to demonstrate effective and on-going joint working, councils are expected to prepare and maintain statements of common ground documenting the cross-boundary matters being addressed and progress in cooperating to address these.

This report seeks approval for the signing of two statements of common ground, one with the 13 other local planning authorities in the Greater Birmingham and Black Country Housing Market Area, and the other with South Staffordshire District Council. Copies of the draft statements are appended to the report.

**Options Considered**

Cabinet could resolve not to sign either or both of the SoCG; however, for the reasons set out in the legal/risk implications section below, this is not considered the most appropriate option.

**Resource Implications**

There are no resource implications associated with signing up to either agreement at this time.

**Legal/Risk Implications Background**

Information on the requirements of the duty to cooperate are set out in the background information section below. The council is currently in the early stages of preparing a new local plan for Tamworth. The potential implications of not complying with the duty to cooperate are that the new local plan could be found unsound at an examination making it unable to be adopted and potentially leaving the council without an up to date local plan to guide development within the borough.

### **Equalities Implications**

There are no equalities implications associated with the recommended actions.

### **Environment and Sustainability Implications (including climate change)**

The proposals set out relate to process of plan making to support the sustainable development of Tamworth. There are no additional sustainability implications as a result of the proposals set out in this report.

### **Background Information**

#### *Duty to cooperate*

The National Planning Policy Framework (NPPF) places local planning authorities (and county councils in two-tier areas) under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries (paragraphs 24).

This means that strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is seen as integral to the production of a positively prepared and justified plans. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere (NPPF paragraph 26).

Paragraph 27 of the NPPF states: *“In order to demonstrate effective and on-going joint working, strategic policy-making 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.”*

The Council already has statements of common ground in place with the neighbouring areas of Lichfield and North Warwickshire covering, amongst other things, Tamworth’s unmet housing need arising from the current adopted local plan.

#### *Greater Birmingham and Black Country Housing Market Area (GBBCHMA)*

Tamworth is part of the GBBCHMA along with 13 other local planning authority areas. The strategic geography of the GBBCHMA was defined through two studies commissioned from Peter Brett Associates in accordance with guidance at the time based on analysis of migration flows and commuting patterns and was subsequently endorsed by all authorities. A list of local planning authorities that are within the GBBCHMA is set out within section 1 of the draft Statement of Common Ground (SoCG) included at appendix A.

The SoCG has been prepared to facilitate and record cross-boundary engagement between the local planning authorities in addressing existing and emerging housing shortfalls within the GBBCHMA. It records cooperation and progress to date in addressing this strategic issue, demonstrating that the participating authorities have engaged constructively, actively and on an ongoing basis under the duty to cooperate. This is particularly important as a number of the councils are approaching or at the examination stage of their new local plans.

The document sets out a summary of the key issues affecting the GBBCHMA, areas of agreement between the councils involved, and areas where agreement is still being sought. Section 6 of the SoCG contains further details of these points, and section 7 contains future

objectives and work streams to address key issues and areas where an agreement is still being sought.

The SoCG reflects the position that Tamworth has an unmet housing need from the adopted local plan, and that part of that need is included within the wider GBBCHMA unmet need. Tamworth's current position as set out within the SoCG is that, given the existing development constraints within Tamworth's border, it is unlikely that a significant contribution to the HMA shortfall could be made at this time.

#### South Staffordshire District Council

The second SoCG is between South Staffordshire District Council (SSDC) and Tamworth Borough Council. Although both councils are part of the wider GBBCHMA area, and are therefore expected to sign up to the SoCG on wider strategic issues, it is still expected that councils have other SoCGs in place to address specific issues at a more local level. The draft SoCG attached at appendix B relates solely to South Staffordshire and Tamworth, and covers the following matters:

- Housing (including housing needs across the GBBCHMA);
- Employment land;
- Transport and infrastructure matters;
- Gypsy and traveller accommodation; and
- Natural environment.

The SoCG reflects the fact that both councils are part of the wider GBBCHMA and many of the wider strategic issues are covered as part of their work in cooperation with the other councils within the GBBCHMA. The document also reflects that both councils agree Tamworth is currently unable to assist SSDC with meeting their unmet Gypsy and Traveller pitch need.

#### **Report Author**

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#### **List of Background Papers**

None.

#### **Appendices**

Appendix A – Draft Statement of Common Ground with the councils in the Greater Birmingham and Black Country Housing Market Area

Appendix B – Draft Statement of Common Ground with South Staffordshire District Council

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