

**Committee Name and Date of Committee Meeting**

Cabinet – 23 December 2019

**Report Title**

Sheffield City Region Statement of Common Ground

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

Local planning authorities have a statutory “duty to cooperate” with other relevant bodies in order to encourage and enable strategic planning. The Council has met this duty in preparing its adopted Local Plan. Rotherham’s Local Plan has already identified the sites required to deliver the housing and employment development required during the plan period.

The duty also operates at a wider scale and the Sheffield City Region (SCR) local planning authorities have worked together on a Statement of Common Ground for the city region as a whole. The statement covers housing, employment, transport, digital connectivity and other matters of strategic interest.

The statement will be beneficial to the other local planning authorities in the city region as they prepare and review their local plans, as it demonstrates they have met the duty to cooperate at a strategic scale. Being a signatory to the statement will also benefit the Council as it completes the partial update to the Local Plan Core Strategy currently underway. When the updated Core Strategy is submitted to government for independent examination, the planning inspector will require evidence that the duty to cooperate has been met. The Sheffield City Region Statement of Common Ground will form a significant part of this evidence.

Endorsing the Sheffield City Region Statement of Common Ground will not require the Council to identify any additional housing land, nor will it require any review of the Local Plan Sites and Policies Document prior to the timescales required by legislation

## **Recommendations**

1. That the Council be a signatory to the Sheffield City Region Statement of Common Ground.

## **List of Appendices Included**

Appendix 1 Equality Analysis Screening

Appendix 2 Sheffield City Region Statement of Common Ground

## **Background Papers**

Sheffield City Region Infrastructure Board 9 July 2019 (item 8)

<https://moderngov.sheffieldcityregion.org.uk/ieListDocuments.aspx?CId=154&MId=227&Ver=4>

Sheffield City Region Housing Board 17 July 2019 (item 8)

<https://moderngov.sheffieldcityregion.org.uk/ieListDocuments.aspx?CId=152&MId=226&Ver=4>

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

## **Sheffield City Region Statement of Common Ground**

### **1. Background**

- 1.1 Councils preparing local plans are under a duty to cooperate with others on strategic planning matters. This is usually evidenced by joint plans, statements of common ground or memorandums of understanding. The Council has, for example adopted a Joint Waste Plan with Barnsley and Doncaster Councils and also previously secured a memorandum with Sheffield City Council on housing targets to provide evidence of cooperation for the Local Plan Core Strategy examination process.
- 1.2 Officers have been working on a statement of common ground with the other Sheffield City Region (SCR) councils. Its main purpose is to set out the areas of broad agreement in terms of local plan work. Councils taking their local plans through the examination process would then use the SCR statement as evidence of meeting the duty to cooperate.
- 1.3 The SCR statement covers housing, transportation, employment and digital connectivity across the city region. It also refers to other topics in less detail. Being a signatory to the SCR statement will help the Council complete the partial update of the Local Plan Core Strategy. It will demonstrate to the planning inspector, who examines the updated strategy, that appropriate cooperation with neighbouring authorities on strategic planning matters has been achieved.

### **2. Key Issues**

- 2.1 The Statement of Common Ground covers the Sheffield City Region. This encompasses ten local authorities that are responsible for preparing Local Plans – four metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield; five district councils of Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire and an area of the Peak District National Park which falls within the western area of city region and is a local planning authority in its own right.
- 2.2 The SCR statement sets out the authorities' commitment to work together at the city region scale on matters of shared strategic significance. These matters relate to:
  1. Housing
  2. Employment
  3. Transport
  4. Digital connectivityThese are summarised in the following paragraphs. The full statement is attached at Appendix 2.
- 2.3 Housing – all local planning authorities in SCR are planning to ensure that their own housing need is met within their local authority boundaries. The evidence from adopted local plans, emerging local plan targets and local housing need figures, demonstrates that there is no housing shortfall or re-distribution of unmet need required in the city region. Rotherham has already identified all the housing sites required during the plan period through adopting a Local Plan Sites and Policies Document in 2018. All SCR local planning authorities are currently working to maximise the delivery of new homes in their area and across the city region and in Rotherham this will be on sites

allocated for residential purposes in the Local Plan. Endorsing the Sheffield City Region Statement of Common Ground will not require the Council to identify any additional housing land, nor will it require any review of the Local Plan Sites and Policies Document prior to the timescales required by legislation.

- 2.4 Employment – the SCR Strategic Economic Plan (SEP) was agreed in 2014. It sets out the economic ambitions for SCR and authorities are currently working to ensure that local plans help to deliver the SEP and its growth ambitions. Although local plans in SCR are at different stages of preparation, and have established job figures relating to different time periods, together they ensure that the overall number of jobs being provided for across the city region meets the 70,000 jobs target set in the SEP. Rotherham is able to meet this need through the site allocated for employment related development in its adopted Local Plan. The current refresh of the SEP will be reflected in future updates to the statement.
- 2.5 Transport – the SCR Transport Strategy sets goals and policies for South Yorkshire but recognises the importance of the wider city region economic geography. It was adopted by the Mayoral Combined Authority in January 2019 as a basis supporting the economic aspirations of the city region. Importantly, the strategy also looks beyond the immediate boundaries of SCR to include interventions that benefit the wider Northern Powerhouse and Midlands Connect sub-national areas, as well as the rest of the UK. The SCR authorities will work closely together on all relevant aspects of the city region Transport Strategy, with local plans and planning decisions particularly helping to deliver priorities around economic growth, housing, health and air quality.
- 2.6 Digital connectivity – a Digital Action Plan for Sheffield City Region has been developed and implemented by a number of local bodies since the launch of the Government's Superfast Broadband Programme in 2013. However, both Superfast Broadband and 4G technologies are incapable of meeting future demands for speed, capacity, reliability, and responsiveness; and are fast approaching end of life. To meet these new challenges, the authorities will:
- Support the implementation of policies in Local Broadband Plans.
  - Help to bring forward a range of local and city region interventions to improve digital connectivity, improving speeds and addressing gaps in provision across the whole of SCR.
  - Create a supportive planning framework for digital connectivity, including consistent planning conditions.
- 2.7 The statement also sets out other issues of common interest that the authorities agree to work together on:
- Green Belt
  - Energy and climate change
  - Flood risk
  - Minerals Planning
  - Waste Planning
  - Natural Environment
  - Peak District National Park
  - Health

- 2.8 The statement has been prepared by the SCR Heads of Planning group, which brings together senior planning managers across all the local planning authorities as well as from Nottinghamshire and Derbyshire County Councils. The group has responsibility for the Statement of Common Ground alongside other pieces of collaborative work. It will ensure that the statement is consistent with local planning practice and will be updated on an annual basis to reflect any changes to local practice or arrangements at the city regional scale. Oversight for the statement and other joint planning work is the responsibility of the SCR Infrastructure Board and through this to the wider governance arrangements established for the city region.

### **3. Options considered and recommended proposal**

#### **3.1 Option 1: the Council is a signatory to the SCR Statement of Common Ground**

Being a signatory to the SCR statement will assist the Council in completing the partial update of the Local Plan Core Strategy. It will help demonstrate to the planning inspector that the Council has met the duty to cooperate.

#### **3.2 Option 2: the Council does not sign the SCR Statement of Common Ground**

If the Council does not sign the SCR statement, it still has the option to pursue separate statements of common ground with neighbouring authorities. The Council may take this approach for specific issues between authorities that require more depth than the SCR statement. However, being a signatory to the SCR statement would be of significant benefit to the Council in demonstrating to the planning inspector an active engagement in strategic planning across the city region. Meeting the duty to cooperate is a statutory requirement, if the inspector deems it has not been met a local plan examination cannot continue. The duty cannot be met retrospectively. It is therefore advisable that the Council does all it can to meet the duty in the preliminary stages of the Local Plan Core Strategy partial update prior to submitting the plan for examination.

- 3.3 Option 1 is the recommended option.

### **4. Consultation on proposal**

- 4.1 Consultation on the SCR statement is not a requirement. When local planning authorities consult on draft local plans, the statement will form part of the supporting evidence for the plan. The public, stakeholders and interested parties can then comment on the plan and supporting evidence as appropriate.

- 4.2 Rotherham officers have input to the draft SCR statement at various stages and are content with the wording. Internal consultation has been undertaken as appropriate with colleagues in other services. The statement has been endorsed by the SCR Heads of Planning group.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 If the report recommendation is approved, officers will make the necessary arrangements for Rotherham to be a signatory to the SCR statement. It is anticipated that the Cabinet Member for Jobs and the Local Economy would sign the statement.

5.2 The SCR statement was reported to and supported by the SCR Infrastructure Board on 9 July 2019 and the SCR Housing Board on 17 July 2019. The papers and minutes of these meetings are publicly available on the SCR website, links are provided under Background Papers.

5.3 The other SCR local planning authorities are making arrangements for their cabinet members, portfolio holders or leaders to sign the statement. The SCR Mayoral Combined Authority meeting of 27 January 2020 is due to endorse the statement.

## **6. Financial and Procurement Advice and Implications**

6.1 There are no financial implications arising from this report. The cost of RMBC officer time, involved in the development of this SCR Statement of Common Ground, has been contained within existing approved revenue budgets.

6.2 There are no direct procurement implications in this report.

## **7. Legal Advice and Implications**

7.1 Section 110 of the Localism Act sets out the 'duty to co-operate'. This applies to all local planning authorities, national park authorities and county councils in England. The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council
- requires that councils set out planning policies to address such issues
- requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies
- requires councils to consider joint approaches to plan making.

7.2 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination. The adoption of the SCR Statement of Common Ground demonstrates how the Council has complied with the duty to cooperate.

## **8. Human Resources Advice and Implications**

8.1 There are no human resources implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for children and young people and vulnerable adults arising from this report.

## **10. Equalities and Human Rights Advice and Implications**

10.1 An equalities screening has been completed and is attached at Appendix 1. A full equalities analysis is not required.

## 11. Implications for Partners

- 11.1 The implications for partners or other directorates are mainly associated with the draft plans that are influenced by the SCR Statement of Common Ground. There will be opportunity to comment on these draft plans when they are subject to public consultation.

## 12. Risks and Mitigation

- 12.1 The Council has a statutory duty to meet the duty to cooperate. This is set out in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The National Planning Policy Framework elaborates on the duty in relation to plan making.
- 12.2 When a local plan is considered at independent examination it is subject to a legal “test of soundness”. To pass this test, the Council must demonstrate it has met the duty to cooperate. The duty cannot be met retrospectively so to mitigate any risk, the Council should do all it can to meet the duty prior to submitting its local plan for examination.

## 13. Accountable Officers

Bronwen Knight, Head of Planning and Transport, Regeneration & Environment

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	12/12/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/11/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	28/11/19

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