



CABINET: 10 September 2019

Report of: Director of Development and Regeneration

Relevant Portfolio Holder: Councillor David Evans

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**SUBJECT: LIVERPOOL CITY REGION SPATIAL PLANNING STATEMENT OF
COMMON GROUND**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek agreement of a Statement of Common Ground covering cross-boundary spatial planning matters with Liverpool City Region partner authorities, as required under the Duty to Co-operate.

2.0 RECOMMENDATIONS

2.1 That the Liverpool City Region Spatial Planning Statement of Common Ground provided at Appendix A be agreed for signature by the Leader or Portfolio Holder for Planning.

2.2 That authority be delegated to the Director of Development and Regeneration to make any minor amendments to the Statement of Common Ground arising from consideration of the document by the Combined Authority or the six local planning authorities in the Liverpool City Region before it is signed by the Leader or Portfolio Holder.

3.0 BACKGROUND

3.1 The Localism Act 2011 introduced the Duty to Co-operate ("the Duty") on local planning authorities which requires each authority to co-operate with neighbouring authorities and a number of statutory bodies in preparing their

Local Plan (and to co-operate with their neighbouring authorities as they prepare their Local Plans). This Duty must be evidenced as part of the Local Plan submission for Examination. If the Examining Inspector considers that an Authority has not fulfilled the Duty he/she can find that the Local Plan preparation has not complied with the necessary legal requirements and fail the Local Plan, thus requiring the authority to start preparation all over again.

3.2 Even if the Inspector does not fail the Local Plan on legal compliance, the Duty can still be considered when the Inspector assesses whether the Local Plan is “sound”, because if the authority is considered not to have co-operated, or not arrived at reasonable decisions based on that co-operation, with neighbouring authorities or the prescribed statutory bodies, the Inspector may find the Local Plan unsound. Therefore, fulfilling the Duty is a key requirement of any authority preparing a Local Plan.

3.3 The recently revised National Planning Policy Framework (NPPF) introduced a new requirement to help local planning authorities to demonstrate that they have fulfilled the Duty to Co-operate:

In order to demonstrate effective and on-going joint working, strategic policymaking 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. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency. (NPPF, paragraph 27)

3.4 As a result, officers from the Liverpool City Region (LCR) Combined Authority and the local planning authorities within the Combined Authority, together with officers from West Lancashire Borough Council, have prepared a Spatial Planning Statement of Common Ground to cover this requirement, and this is provided at Appendix A.

3.5 This Statement of Common Ground will be considered by the LCR Combined Authority on the 6th September 2019, to seek the agreement of the Mayor and Leaders on the Combined Authority, and has been / will also be considered by each constituent authority for agreement in the same way as Cabinet are being asked to agree it on behalf of West Lancashire.

3.6 With regard the Statement of Common Ground itself, it covers a number of strategic, cross-boundary, planning-related issues and sets out the current position in the City Region (including West Lancs) regarding those issues and identifies future approaches to working together on those issues, where relevant. It is intended that the Statement will be updated regularly, as and when an Authority reaches a key milestone in its Local Plan preparation (e.g. Publication or Submission stage).

3.7 As well as co-operating with Liverpool City Region Authorities, the Council also has a duty to co-operate with neighbouring authorities in Lancashire and Greater Manchester and continues to do so. In particular, the Council is engaging with Lancashire County Council and with Wigan, and equivalent Statements of Common Ground may be required to document co-operation and agreement

regarding cross-boundary planning matters between West Lancashire Borough Council and those Councils.

4.0 SUSTAINABILITY IMPLICATIONS

4.1 This report has little or no implications for sustainability or the community strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no financial and resource implications of the Statement of Common Ground other than a minimal amount of Council officer time providing input to its ongoing review moving forward.

6.0 RISK ASSESSMENT

6.1 There are no risks associated with the recommendations above, although there are risks associated with not contributing to / being a part of such a Statement of Common Ground, as the Council's evidence of fulfilling the Duty to Co-operate would be considerably weaker.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix A – Liverpool City Region Spatial Planning Statement of Common Ground