

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	25 July 2019
<b>Subject:</b>	Liverpool City Region 'Statement of Common Ground' - approval		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	(All Wards)
<b>Portfolio:</b>	Cabinet Member - Planning and Building Control		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### Summary:

To seek approval of the Liverpool City Region 'Statement of Common Ground' in relation to development plans and the planning process. This is due to be approved by the Liverpool City Region Combined Authority and all the constituent local authorities between July and September 2019. The 'Statement of Common Ground' demonstrates effective and on-going joint working, cooperation and progress on cross-boundary strategic planning matters between the neighbouring strategic policy-making authorities, and that they meet the statutory 'duty to co-operate'.

### Recommendation(s):

(1) That Cabinet approves the Liverpool City Region 'Statement of Common Ground' subject to:

- a) The delegation to the Chief Planning Officer of the authority to agree minor wording changes to the Statement of Common Ground if proposed by other Liverpool City Region Districts or the Combined Authority

(2) To authorise the Leader of the Council to sign the final approved 'Statement of Common Ground' on behalf of Sefton Council once the document has been approved by the Combined Authority.

(3) Cabinet are also requested to authorise the Cabinet Member - Planning and Building Control to approve and sign any future versions of the SOGC in future years.

### Reasons for the Recommendations:

Under the Localism Act 2011 Sefton Council has a legal 'duty to co-operate' to engage constructively and actively, and to address strategic cross-boundary matters when preparing Local Plans. Paragraph 27 of the National Planning Policy Framework (2019) states that this should be demonstrated through joint preparation of statements of common ground. National planning guidance sets out more detailed information. While the Sefton Local Plan is relatively recently adopted (2017), on-going co-operation is required as this will feed into any future Local Plan review.

**Alternative Options Considered and Rejected:** (including any Risk Implications)

Not to participate in the preparation of a Statement of Common Ground or to approve one would make it difficult for Sefton Council to demonstrate, in any future Local Plan review, that it had met the statutory duty to co-operate.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

The costs of on-going, day-to-day co-operation with the other local planning authorities in the Liverpool City Region and with the Combined Authority will be met from existing budgets. Currently there are no additional revenue costs associated with the Statement of Common Ground.

**(B) Capital Costs**

There are currently no capital costs associated with the Statement of Common Ground.

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> On-going, day-to-day costs will continue to be met from existing budgets.
<b>Legal Implications:</b> There are no legal implications.
<b>Equality Implications:</b> There are no equality implications.

**Contribution to the Council's Core Purpose:**

<b>Protect the most vulnerable:</b> Not applicable
<b>Facilitate confident and resilient communities:</b> Not applicable
<b>Commission, broker and provide core services:</b> The Statement of Common Ground will help to identify strategic needs such as employment land and cross-boundary infrastructure, which will help meet the needs of Sefton's communities.
<b>Place – leadership and influencer:</b> The Statement of Common Ground provides a supporting framework to help Sefton Council achieve the 2030 vision.
<b>Drivers of change and reform:</b> Not applicable.
<b>Facilitate sustainable economic prosperity:</b>

The Statement of Common Ground covers issues including housing delivery, economic development, transport planning and digital inclusion, where a cross boundary approach will help to facilitate sustainable economic prosperity.

**Greater income for social investment:**  
Not applicable

**Cleaner Greener:**  
The Statement of Common Ground also includes green infrastructure and natural assets, where a cross boundary approach will help contribute to Sefton's economy, people's wellbeing and the achievement of the 2030 Vision.

## **What consultations have taken place on the proposals and when?**

### **(A) Internal Consultations**

The Head of Corporate Resources (FD.5699/19) has been consulted and notes the report indicates any costs for the Authority will be met from existing budgets. Currently there are no additional revenue costs associated with the Statement of Common Ground. The Chief Legal and Democratic Officer(LD.4823/19) has been consulted and any comments have been incorporated into the report.

### **(B) External Consultations**

The Statement of Common Ground is a joint document and has been prepared in consultation with Halton, Liverpool, St Helens, West Lancashire and Wirral Councils and the Liverpool City Region Combined Authority. No other consultations are appropriate.

## **Implementation Date for the Decision**

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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**Appendices:** none

### **Background Papers:**

Final Draft Liverpool City Region Statement of Common Ground – see <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/evidence-and-studies/duty-to-co-operate.aspx>

National Planning Policy Framework (2019) – see <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National planning guidance – see <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

## 1. Introduction/Background

- 1.1 The National Planning Policy Framework (February 2019) requires neighbouring strategic policy-making authorities such as Sefton Council to document effective and on-going joint working, cooperation and progress on cross-boundary strategic planning matters. Paragraph 27 of the National Planning Policy Framework states that this should be documented in Statements of Common Ground which are to be made publicly available. Statements of Common Ground also form part of the evidence required by local planning authorities to demonstrate compliance with the 'duty to co-operate' set out in the Localism Act 2011. This places a legal duty on local planning authorities to engage constructively and actively, and to address strategic cross-boundary matters in preparing Local Plans. Importantly the duty to co-operate is not a duty to agree but rather a commitment to engage in a meaningful and substantive way in respect of cross border issues.
- 1.2 The seven local planning authorities in the Liverpool City Region (Halton, Knowsley, Liverpool, St. Helens, Sefton, West Lancashire which is an associate member, and Wirral), along with the Liverpool City Region Combined Authority have jointly prepared and are seeking to agree a strategic planning Statement of Common Ground. These authorities will be referred to below as the LCR authorities. The Statement of Common Ground can be seen at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/evidence-and-studies/duty-to-co-operate.aspx>.
- 1.3 The Statement of Common Ground covers the areas of the LCR authorities. They consider this to be the most practical geography for the Statement to cover; building as it does on a range of existing evidence as well as established working arrangements in the LCR. Adopting this Statement does not reduce the signatory authorities' recognition of the need to continue to cooperate and work closely on planning matters with other bodies or neighbouring local authorities where relevant. Other bodies may be invited to be additional signatories to future reviews of this Statement of Common Ground as necessary and appropriate, for example the LCR Local Enterprise Partnership, the Environment Agency or Homes England.
- 1.4 The Statement of Common Ground is in line with national planning policy advice and best practice, set out in the National Planning Policy Framework (2019), national planning practice guidance and the Local Government Association (Planning Advisory Service (PAS)) 'PAS Statement of Common Ground Draft Advice and Template'.
- 1.5 Chapters 1-3 of the Statement of Common Ground set out the authorities involved, signatories for each Council and strategic geography of the LCR. The Planning Advisory Service's draft Advice and template states that *"The Statement of Common Ground needs to be signed by an agreed individual in a leadership*

*position from each of the local authorities and strategic bodies. For the local planning authorities this will be a Councillor such as a leader or portfolio holder of the Council. The signatories give the public commitment that agreement has been or will sought to be reached”.* It is proposed that the Leader of the Council sign the final, approved ‘Statement of Common Ground’ on behalf of Sefton Council.

1.6 Chapter 4 of the Statement of Common Ground sets out the range of relevant spatial planning matters. Points of common ground – either already established, or setting out areas where the LCR authorities will work together to deal with cross-boundary strategic matters – are highlighted in boxes, alongside with supporting text and explanation. There are 22 points of common ground, covering:

- Liverpool City Region Spatial Development Strategy
- Housing - housing delivery and unmet need
- Employment land – strategic B8 (storage& distribution) sites
- Green Belt
- Retail hierarchy
- Transport planning – rail, roads, Port of Liverpool, Liverpool John Lennon Airport
- Digital Inclusion
- Utilities
- Renewables – Mersey Tidal Barrage
- Environment and green infrastructure - protecting internationally important habitats, Northern Forest and Mersey Forest, flood and coastal erosion risk management, air quality
- Waste and Minerals.

1.7 Chapter 5 of the Statement of Common Ground explains how the statement will be adopted by the signatory authorities. At LCR level it draws on the established mechanism for agreeing City Region-wide documents: the LCR Housing and Spatial Planning Advisory Group (comprising the Portfolio Holders from each of the 6 constituent local authorities and other stakeholders), and the Liverpool City Region Combined Authority (on which Mayor / Leaders of the 6 constituent local authorities and the Liverpool City Region Mayor have voting rights). It is also due to be adopted by each of the seven LCR local authorities. The LCR Statement of Common Ground will be made publicly available on the local authorities’ and Combined Authority’s website.

1.8 Chapter 6 of the Statement of Common Ground explains how it will be kept up to date. The Statement of Common Ground is a live document and will be reviewed and updated, as determined by the preparation timetables of each authority’s Local Plan or if relevant new or updated evidence becomes available. As a minimum, the LCR authorities will consider annually if a review is necessary. Future versions of the statement will be agreed by the Combined Authority and local authorities as outlined above.

## **2 Key strategic, cross-boundary planning issues in the Statement of Common Ground**

2.1 The range of relevant cross-boundary spatial planning issues in the SOCG is set out in paragraph 1.6 above. Issues of particular importance to Sefton are discussed in more detail below.

### **Liverpool City Region Spatial Development Strategy**

2.2 Through the Devolution Deal the Liverpool City Region Mayor is responsible for the preparation of a Liverpool City Region Spatial Development Strategy (SDS). The policy coverage of the SDS has not been established to date. However the LCR Scrutiny Panel review of the SDS recommended that it only covers high level strategic issues and left detailed policies to the Local Plans of each constituent local authority. The Combined Authority intends to undertake initial consultation to inform the scope of SDS's policies and work collaboratively with the constituent local authorities on policy preparation. The 1st point of common ground states that:

*“1. This Statement of Common Ground will inform the policy matters to be covered by the first Liverpool City Region Spatial Development Strategy (SDS) prepared by the Combined Authority. The LCR authorities agree to work collaboratively on SDS policy preparation”.*

### **Housing**

2.3 The key cross-boundary housing issues within the LCR are how each authority determines its Objectively Assessed Need and, linked to this, whether each authority can meet its own needs (or whether they need to be met in other districts). Of the 7 authorities, Sefton has the most recently adopted Local Plan (2017); its housing needs can be met until the end of the Plan period in 2030. The 2nd point of common ground sets agreed parameters for Objectively Assessed Need, and states that “.....*The LCR authorities agree that there is no unmet housing need to be redistributed among or beyond the seven local authorities during current local plan periods.*” and that this will be reviewed in future Statements of Common Ground.

### **Employment land – strategic B8 (storage& distribution) sites**

2.4 The key cross-boundary issue is the need for the LCR authorities to identify strategic B8 sites - sites suitable for large scale Class B8 (storage or distribution) (at least 397 hectares before 2037). This need is driven substantially by transformational growth at the Port of Liverpool, and other inward investment opportunities. The LCR authorities have commissioned work to identify potential areas and sites to accommodate this demand. This report is due in mid-2019. Further work arising from this, including agreed approaches to apportion future site supply between the 7 local authorities, will be addressed in later versions of the Statement of Common Ground. The 3<sup>rd</sup> point of common ground sets out the LCR authorities' agreement to work collaboratively on this.

### **Green Belt**

2.5 Since the Merseyside Green Belt was established in 1983, individual authorities have reviewed Green Belt boundaries in their own areas through their development plans. There has been no sub-regional review. The 4<sup>th</sup> point of common ground recognises that this approach is likely to continue and agrees both that LCR authorities will continue involving each other closely when reviewing their Green Belts and that *“If they decide in future that it is necessary to conduct a joint strategic review of the Green Belt in the LCR, the reasons and agreed approach will be set out in a future Statement of Common Ground”*.

**Transport planning – access to the Port of Liverpool**

2.6 Transport and land-use have always been interlinked. Transport links and connectivity planned as an integral part of development and regeneration can lead to improved quality of life and more economically productive places, where people have a genuine choice about how they get around. The Statement of Common Ground refers to rail, roads and Transport for the North initiatives, and gives particular consideration to the Port of Liverpool (paragraphs 4.22 to 4.26) and Liverpool John Lennon Airport.

2.7 The Statement of Common Ground recognises that the Port of Liverpool (in Sefton, Liverpool and Wirral) is one of the UK’s top five container ports and the leading transatlantic port for the UK, with the largest volume and density of large warehousing (over 97,000 ft<sup>2</sup>/ 9,000m<sup>2</sup>) of any UK region located within a 70 mile radius of Liverpool. It recognises the role of the Manchester Ship Canal, rail freight and roads in moving goods. The 9<sup>th</sup> point of common ground covers a range of issues. It also reflects the LCR authorities’ commitment to work together and to respect the individual concerns of local authorities regarding two broad road corridors; the A5036 corridor (within Sefton) and the A580 (‘East Lancs Road’ which is outside it):

*“9. The LCR authorities support measures to support the growth of the Port and its aspirations set out in the Port Master Plan through investment in infrastructure, education, training and skills and the environment.*

*The LCR authorities will continue to work together to address capacity issues on the A5036 Dunning’s Bridge Road corridor linking the port to the motorway network.*

*The LCR authorities agree that there are junction bottlenecks along the A580 (which is a prime corridor for development of new logistics sites to support the Port of Liverpool), and will continue to work together to address these issues”.*

2.8 The related text of the Statement of Common Ground also sets out the current position regarding Highways England’s proposals on the wider A5036 Dunning’s Bridge Road corridor:

*“4.25 The current road access to the Port is constrained due to traffic congestion at peak times and will need to be improved during the plan*

*period. The area adjacent to the main entrance to the Port suffers from poor air quality. It is recognised that major road improvements to facilitate port access will be required in the long term.*

*4.26 A scheme has been included in the national Road Investment Strategy, and Highways England is developing proposals to improve access to the Port of Liverpool and address traffic congestion in the area. A new dual carriageway route through the Rimrose Valley was announced as the preferred option in 2017. The proposals will be considered directly by the Planning Inspectorate through the Development Consent Order process for Nationally Significant Infrastructure Projects, and the proposals are currently at the pre-application stage. The judicial review of the consultation process requested by Sefton Council has been dismissed and Highways England is continuing to develop its preferred option”.*

### **Digital Inclusion**

- 2.9 The Statement of Common Ground refers to the fact that the LCR Combined Authority is actively progressing the intention to create a resilient full fibre network interlinking the 6 LCR Local Authority areas, in order to accelerate the development of comprehensive local access networks to deliver ultrafast connectivity for homes and businesses, unlock major investment, and stimulate tech clusters plus growth across all sectors.
- 2.10 In addition to taking a holistic approach to developing digital infrastructure across other LCR policies (energy, planning, housing, skills and transport), a defining feature of the approach is the desire to “dig once”, i.e. maximise opportunities to install ducting and fibre when the ground is already open for other purposes (e.g. Key Route Network upgrades or installation of extensive new cycle routes).

### **Environment and green infrastructure**

- 2.11 The Statement of Common Ground recognises the role and importance of the City Region’s natural assets and green infrastructure network, such as protecting internationally important habitats, Northern Forest and Mersey Forest, flood and coastal erosion risk management and air quality. Of these, protection of internationally important habitats (such as the Sefton Coast), and air quality are the most important for Sefton.
- 2.12 *Protecting internationally important habitats* – The Statement of Common Ground acknowledges that the Habitats Regulations Assessments of development plans identified direct impacts and especially the ‘in combination’ impact of housing and tourism-related development in increasing recreation pressure on the internationally important nature sites on the Sefton and Wirral Coasts. Common ground point 16 is an on-going commitment to address this.



- 2.13 *Air Quality* – The Statement of Common Ground refers to the on-going LCR air quality study and the recent establishment of an Air Quality Task Force by the Combined Authority. It recognises that:

*“4.47 ... Vehicle emissions linked to volumes of traffic movement are an increasingly important cross-boundary issue for the City Region. Nitrogen dioxide (NO<sub>2</sub>) is still contributing to pollution levels that continue to be damaging to public health; and older people, children, people with pre-existing lung and heart conditions, and people on lower incomes may be most at risk. ...”*

- 2.14 Accordingly, the 19<sup>th</sup> point of common ground states that:

*“25. The LCR authorities and other partners will work together to address cross-boundary air quality issues and to deliver mitigation and measures to deliver air quality improvements across the City Region”.*

### **3 Next steps and recommendations**

- 3.1 The Cabinet are requested to approve the Liverpool City Region ‘Statement of Common Ground’, reflecting Sefton’s agreement to the document. Members should be aware that while they are agreeing to the current document and the points of common ground it sets out, the Statement of Common Ground will be subject to review, updating and further approval in the future, as set out in paragraph 1.8 above and chapter 6 of the document.
- 3.2 The Statement of Common Ground also needs to be approved by the other LCR authorities and the Combined Authority. These approval processes are due to take place in July and September 2019. While Sefton adopted its Local Plan in 2017 following an Examination in Public by an independent Inspector, other authorities are currently at earlier stages and the Statement of Common Ground is necessary evidence to demonstrate they have fulfilled their legal and other requirements.
- 3.3 There is a small risk that during this city region-wide approval process minor changes will be proposed (for example, phrasing or typographical/grammatical changes). Cabinet are asked to delegate to the Chief Planning Officer the authority to agree minor wording changes to the Statement of Common Ground if proposed by other Liverpool City Region Districts or the Combined Authority, prior to the signing of the Statement of Common Ground by the Leader of Sefton Council.
- 3.4 The Cabinet are also requested to authorise the Leader of the Council to sign the final, approved ‘Statement of Common Ground’ on behalf of Sefton Council, once the document has been approved by the Combined Authority.
- 3.5 Cabinet are also requested to authorise the Cabinet Member - Planning and Building Control to approve and sign, on behalf of Sefton Council, any future versions of the Statement of Common Ground in future years.