

**South West Hertfordshire (SWH) Draft Statement of Common Ground (SoCG) –  
February 2019 - FINAL**

**1.0 INTRODUCTION AND BACKGROUND**

- 1.1 In February 2017, and as part of the Housing White Paper on ‘*Fixing our Broken Housing Market*’, the Government introduced the proposition that all Local Planning Authorities (LPAs) be required to prepare a ‘Statement of Common Ground’ (SCG) to strengthen the Duty to Cooperate and help manage strategic planning matters across local authority areas. The Government’s objectives of the proposal were to:
- *increase certainty and transparency, earlier on in the plan-making process, on where effective co-operation is and is not happening;*
  - *encourage all local planning authorities, regardless of their stage in plan-making, to co-operate effectively and seek agreement on strategic cross-boundary issues, including planning for the wider area’s housing need; and*
  - *help local planning authorities demonstrate evidence of co-operation by setting clearer and more consistent expectations as to how co-operation in plan-making should be approached and documented.*
- 1.2 The revised National Planning Policy Framework (NPPF), issued in July 2018, implemented the Housing White Paper’s plan. In particular, paragraph 27 of the revised NPPF states that
- “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.”*
- 1.3 Paragraph 35 of the NPPF goes on to set out the soundness tests against which local plans are assessed at the examination stage, and proposes a strengthening of the positively prepared and effective soundness tests so that local plans are:
- “informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; and*
- based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by a statement of common ground.”*
- 1.4 In accordance with this guidance, the South West Hertfordshire Local Planning Authorities of Dacorum Borough Council, St Albans City & District Council, Three Rivers Borough Council, Hertsmere Borough Council and Watford Borough Council, together with Hertfordshire County Council, agreed a Memorandum of Understanding (MoU) on joint strategic planning in January 2018 (refer **Appendix 1** of this SoCG).

- 1.5 This MoU sets out how cooperation between the five LPA's along with Hertfordshire County Council will be managed in respect of strategic planning issues.
- 1.6 Of relevance to this SoCG, the MoU includes a commitment to:
- *A Joint Strategic Plan (JSP) setting out strategic spatial and infrastructure priorities across South West Hertfordshire; and*
  - *A Statement of Common Ground setting out how a JSP will be delivered, what the evidence base is, including identification of various development needs.*

### **Statement of Common Ground Structure**

- 1.6 The Government's current advice on the structure of a SoCG is principally set out in the Planning Practice Guidance<sup>1</sup>, (refer to **Appendix 2** of this SoCG which sets out the relevant parts of the PPG and the National Planning Policy Framework). This SoCG has been prepared in accordance with this guidance.

## **2.0 LOCATION – SOUTH WEST HERTFORDSHIRE**

- 2.1 This South West Hertfordshire (SWH) area covers the administrative areas of Dacorum Borough Council, Hertsmere Borough Council, St Albans City and District Council, Three Rivers Borough Council and Watford Borough Council.
- 2.2 This geography is based on the agreed approach that the five LPA area constitutes a single South West Hertfordshire Housing Market Area (HMA) and Functional Economic Market Area (FEMA). This is set out in the MOU and on Map 1 below.

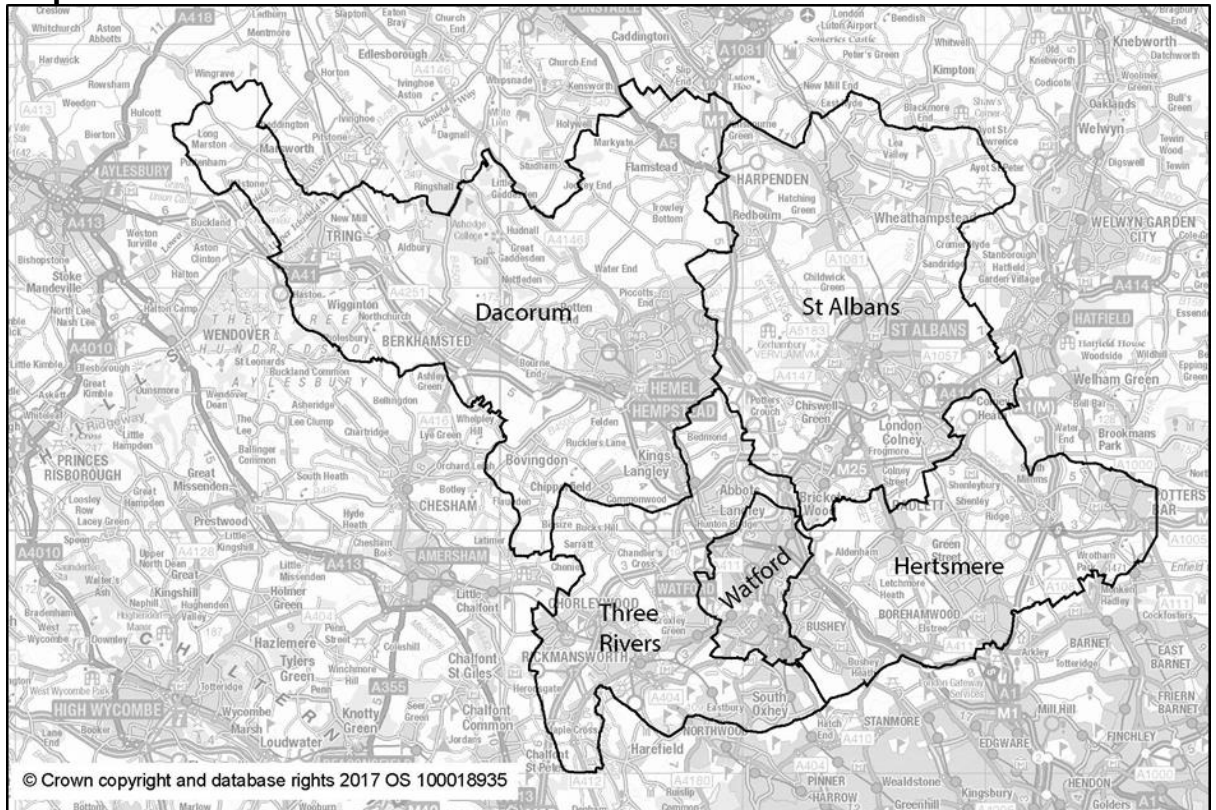
### **South West Hertfordshire Housing Market Area and Functional Economic Market Area**

- 2.3 Evidence for the definition of the SW Herts HMA and FEMA is set out primarily in the following studies:
- SWH Strategic Housing Market Assessment (SHMA) 2016;
  - Draft SWH SHMA Update / Housing Needs Assessment (HNA) 2018/19;
  - SWH Economy Study 2016; and
  - Draft SHW Economy Study Update 2018/19.

---

<sup>1</sup> Paragraph: 003 Reference ID: 61-003-20180913

**Map 1: South West Hertfordshire**



### **3.0 STATEMENT OF COMMON GROUND SIGNATORIES**

3.1 The principal signatories to this SoCG are:

- Dacorum Borough Council (as LPA);
- Hertsmere Borough Council (as LPA);
- St Albans City and District Council (as LPA);
- Three Rivers Borough Council (as LPA);
- Watford Borough Council (as LPA); and
- Hertfordshire County Council (as highways and education authority)

3.2 Additional signatories may be party to future versions of SoCG.

## **4.0 KEY STRATEGIC MATTERS**

4.1 The Joint Strategic Plan (JSP) will provide the strategic context for the statutory development plan portfolio across South West Herts and will be prepared jointly by all of the partner LPAs and Hertfordshire County Council. Its scope will be focused on the following strategic policy matters that are common across all five local planning areas:

- 1: A Spatial Strategy for South West Herts including any Strategic Areas of Opportunity;
- 2: Strategic housing need across South West Herts, Local Plan requirements and provision;
- 3: Strategic employment need across South West Herts, Local Plan requirements and provision, including any priorities and spatial implications of the emerging Local Industrial Strategy
- 4: Strategic infrastructure need across South West Herts, Local Plan requirements and provision; and
- 5: Strategic approach to Green Belt, areas of Outstanding Natural Beauty (AONB) and blue and green infrastructure across South West Herts.

## **5.0 GOVERNANCE**

5.1 The preparation of the Joint Spatial Plan and associated Delivery Strategy will be steered under the governance arrangements of a Joint Member and Officer Board (JMOB). Formal decisions on the JSP at key stages (to be set out in individual Local Development Schemes) will be taken by individual Local Planning Authorities on the advice and recommendations of JMOB. The JMOB will comprise the Leader and the Chief Executive (or equivalent) from each of the District/Borough authorities and the Portfolio Holder and Lead Planning Officer from Hertfordshire County Council.

5.2 A Strategic Planning Members Group (SPMG) will be accountable for the overall project management of the JSP, supported by a Strategic Planning Officers Group (SPOG). The SPMG will comprise political representatives from each of the partners (to be appointed by individual authorities) with appropriate authority to make key decisions on progress with the SoCG and JSP. The SPOG will comprise the Heads of Service (or equivalent) from each of the partner authorities, and the lead officer for strategic planning.

5.3 The preparation of the SoCG is a live process and will reflect the development of both the respective district's local plans and the JSP. It will therefore be

reviewed at key stages in the JSP's preparation as well as at key stages for the individual local plans.

### **JSP Timeline**

5.3 Key milestones for preparing the JSP are set out below.

July 2019:	All SW Herts LPAs and Hertfordshire County Council endorse the first stage Statement of Common Ground
	All SW Herts LPAs update their Local Development Schemes (LDS) and agree to update their Statement of Community Involvement (SCI) to reflect the JSP and associated timeline
February 2020:	The Draft 'Issues and Options' JSP with spatial strategy options is published for Regulation 18 Consultation, in line with the SCI and agreed JSP timetable.
October 2020:	The Draft 'Preferred Options' JSP with preferred spatial option is published for consultation
September 2021:	Final draft version of JSP is published for Regulation 19 Consultation
January 2022:	JSP submitted for Examination
Winter 2022:	JSP adopted by all SW Herts LPAs

## **6.0 MANAGING NEED**

6.1 The JSP will be founded on a robust and proportionate evidence base prepared for South West Herts as a whole, to give a clear understanding of housing and economic needs, infrastructure capacity constraints and opportunities and environmental constraints and characteristics.

6.2 All of the SW Herts partners support the following approach as set out in the PPG<sup>1</sup>:

*“Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework.”*

### **Strategic Housing Need, Plan Requirements and Provision**

---

<sup>1</sup> Planning Practice Guidance: Paragraph: 014 Reference ID: 61-014-20180913

- 6.3 The JSP will set out the total identified housing requirement for South West Herts and the apportionment for each Local Authority area.
- 6.4 The calculation of housing need figures will be based upon the Government's finalised methodology for calculating local housing need 2018/19.
- 6.5 The most recent and relevant figures as set by the Government's consultation proposals within the '*Technical consultation on updates to national planning policy and guidance method*' 26 October 2018 are detailed below:

Dacorum	1,035 dpa
Hertsmere	714 dpa
St Albans	902 dpa
Three Rivers	615 dpa
Watford	798 dpa
<b>SWHG Total</b>	<b>4,164 dpa</b>

- 6.6 In accordance with the PPG, the distribution of housing need will be determined on the principle that each LPA will seek to make provision to meet their own local housing need in the first instance (refer table above). This is unless the evidence prepared to support the JSP suggests that by doing so would contradict policies set out in the NPPF, and is therefore not possible. Such evidence and reasoning will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP. If such reasons are identified (and evidenced) the unmet housing need may need to be distributed within South West Herts or elsewhere.

#### Strategic Employment Need, Plan Requirements and Provision

- 6.7 The JSP will set out the total identified employment requirement for South West Herts and the apportionment for each Local Authority area.
- 6.8 The evidence to support the JSP will build on the existing economic evidence base, as well as the emerging Local Industrial Strategy, to assess the strategic suitability of all existing employment sites, along with any other areas, including any Strategic Areas of Opportunity, to assess and strategically plan for the future employment needs of SW Herts.
- 6.9 The distribution of employment provision will be determined on the principle that each LPA will seek to make to meet their own employment need in the first instance. This is unless the evidence prepared to support the JSP suggests that by doing so would contradict policies set out in the NPPF, and is therefore not possible. Such evidence and reasoning will need to be agreed through the JSP governance process and then embodied in Local Plans and subsequently the JSP. If such reasons are identified (and evidenced) the unmet employment need may need to be distributed within South West Herts or elsewhere.

#### Strategic Infrastructure Need and Provision

- 6.10 Strategic infrastructure priorities across SW Herts will be one of the key determinants of the agreed spatial strategy and the locations of the emerging

Strategic Areas of Opportunity. This approach will be based on the following guiding principles as set out in Hertfordshire's Local Transport Plan 2018 - 2031:

- Integration of land use and transport planning;
- Application and adoption of technology;
- Cost effective delivery and maintenance; and
- Modal shift and encouraging active travel

- 6.11 As with housing and employment needs, the evidence to support the JSP will build on the existing infrastructure evidence base and will assess the strategic suitability of any existing and proposed infrastructure corridors, along with any strategic areas of opportunity, to assess and strategically plan for the future infrastructure needs of SW Herts. Working with the Hertfordshire Infrastructure and Planning Partnership (HIPPP), this work will also assist in identifying and supporting any SW Herts strategic infrastructure funding opportunities

#### Strategic approach to Green Belt, Areas of Outstanding Natural Beauty and Green and Blue Infrastructure

- 6.12 Green Belt (Metropolitan Green Belt) and landscape (Chilterns Area of Outstanding Natural Beauty) policy constraints apply to the very large majority of the SW Herts area.
- 6.13 The evidence to support the JSP will assess the existing Green Belt across SW Herts, along with any Strategic Areas of Opportunity, to assess and strategically plan for the future Green Belt requirements of SW Herts.

### **7.0 OTHER STRATEGIC MATTERS**

- 7.1 It is intended that the emerging JSP will provide the 'effective strategic planning mechanism' to ensure compliance with the requirements of the Duty to Cooperate, with the existing joint work, evidence base and shared governance demonstrating that cooperation is proactive, positive and ongoing.

#### Relationship of the JSP to Local Plans

- 7.2 While the JSP will be a jointly prepared and adopted strategic planning framework, each of the partner LPA's will maintain responsibility for preparing its own Local Plan to guide more detailed planning decisions at a local level.

#### Other Strategic Matters

- 7.2 The LPA partners have agreed that all Local Plans will be aligned by use of a common Local Plan period end date of 2036. The plan period for the JSP will have an end date of 2050.
- 7.3 The LPA partners have agreed that all Local Plans, where adopted before the JSP is adopted, will be reviewed at the earliest practicable time in order to achieve conformity with the JSP.
- 7.4 Functional housing and economic relationships exist beyond the HMA / FEMA. Strategic issues in relation to these areas are to be addressed as follows:

#### Greater London

- 7.5 Liaison and cooperation with The Greater London Authority, Transport for London, as well as any adjoining North London authorities will be undertaken directly by the SW Herts authorities themselves.
- 7.6 Based on this process, it is understood that, for the foreseeable future, Greater London is planning to meet its own development needs and to maintain the Metropolitan Green Belt within its area (emerging London Plan 2018).
- 7.7 There is therefore no need for a further / formal arrangement, or SoCG/MOU on strategic matters at this stage.

Central Bedfordshire Council, South Bucks / Wycombe Councils and Buckinghamshire County Council, Welwyn & Hatfield District

- 7.8 Individual MoU's will be sought with these LPAs (to be negotiated) as appropriate.
- 7.9 This will be approached on the basis that:
- the defined SWH area is accepted by the adjoining LPAs as an appropriate HMA / FEMA; and
  - there is currently no intention, or reasonable prospect, of transferring development requirements and provision between the SWH area and other adjoining functional areas, however defined. However, this is subject to further testing as part of the evidence that will support the JSP. Should this evidence conclude that some or the SW Herts development needs will need to be met from outside SW Herts, and should this position be supported by the partner LPA's, this position may need to be revisited.
- 7.10 There are no other Statements of Common Ground covering the same area.
- 7.11 There are no other strategic matters to be addressed.

**8.0 STATUS**

- 8.1 This SoCG cannot override the statutory duties and powers of the parties and is not enforceable by law. However, the parties agree to the principles set out in this SoCG.

**Signed by**

Local Authority	Planning Policy Lead	Date
Hertsmere Borough Council		
St Albans District Council		
Three Rivers District Council		
Watford Borough Council		



<b>Dacorum Borough Council</b>		
<b>Hertfordshire County Council</b>		

**APPENDIX 1**

**MEMORANDUM OF UNDERSTANDING  
FOR STRATEGIC PLANNING  
IN SOUTH WEST HERTFORDSHIRE**

**February 2018**

# STRATEGIC PLANNING IN SOUTH WEST HERTFORDSHIRE

## Memorandum of Understanding

between

Dacorum Borough Council

Hertsmere Borough Council

St Albans City & District Council

Three Rivers District Council

Watford Borough Council

Hertfordshire County Council

This Memorandum of Understanding (MoU) sets out how cooperation between the five local planning authorities in South West Hertfordshire and Hertfordshire County Council will be managed in respect of strategic planning issues.

The Localism Act 2011 places a Duty to Cooperate on local planning authorities and county councils<sup>3</sup> (amongst other public sector organisations), requiring them to engage constructively, actively and on an on-going basis in the preparation of plans where this involves strategic matters. Local planning authorities will be tested in relation to legal compliance with the Duty at examination, as well as whether strategic cooperation has resulted in a 'sound' and robust approach to delivering strategic objectives.

The Neighbourhood Planning Act 2017<sup>4</sup> requires local planning authorities to "identify the strategic priorities for the development and use of land in the authorities' area and set out policies to address those priorities in the development plan documents, taken as a whole. This clause was included to allow greater flexibility in the way that local planning authorities prepare local planning documents, and specifically to support the preparation of 'strategic' local plans, whether prepared individually or jointly with neighbouring authorities. However, several recent announcements from Government on proposed planning reforms indicates

---

<sup>3</sup> Localism Act 2011, Section 110.

<sup>4</sup> Neighbourhood Planning Act Part 1, Section 8

strongly that the Government's preferred approach is for strategic priorities to be managed on a joint basis across housing market areas through the use of joint spatial plans.

Building on the existing strong foundations of cooperation developed through the Duty to Cooperate, the Local Authorities have agreed to move to a more formal approach to strategic planning. This will be developed through a 'portfolio' of plans, with a Joint Strategic Plan (JSP) setting out strategic spatial and infrastructure priorities that are considered to be of mutual benefit, prepared alongside a suite of Local Plans to manage delivery within each of the local planning areas.

Work on the JSP will be steered within the governance structure of the Joint Member and Officer Board (JMOB) to ensure that it aligns with other strategic priorities. Although the JSP will be prepared on the basis of collaboration, formal decisions on the JSP at key stages in its preparation (identified in each local planning authorities' Local Development Scheme) will be taken by the individual local planning authorities which will continue to retain the statutory local planning duty (as set out in the 2004 Planning and Compulsory Purchase Act and the 2017 Neighbourhood Planning Act).

A Statement of Common Ground (SoCG) will be prepared by the Authorities, setting out the process and timetable for the plan, what local delivery plans will be needed (and how current local plans will be managed through the transition process), governance and working arrangements, and the key evidence needed to support the JSP. Although the focus will be strategic development (housing and economic development) and infrastructure, other strategic priorities may be included where they are required to support delivery of the long term shared vision for South West Hertfordshire. The Statement will be reviewed on an ongoing basis and updated as and when needed. This will form key evidence to support the JSP and individual Local Plans and should therefore be made available on each of the partner authority's websites.

In preparing the JSP, all partners agree to:

- Engage constructively, actively, openly and on an on-going basis in relation to strategic planning matters under the Duty to Cooperate (or equivalent processes);
- Ensure a broad and consistent approach to strategic planning and development issues in South West Hertfordshire;
- Support better alignment between strategic planning, infrastructure and investment priorities in South West Hertfordshire;
- Adhere to the governance structure set out in this document and ensure that activities are delivered, actions are taken and communications are made as required;
- Be accountable for ensuring that the role and responsibilities as agreed in the Statement of Common Ground are adhered to;
- Be open and communicate about concerns, issues and opportunities in respect of collaboration and joint working;

- Act in a timely manner, recognising the time critical nature of consultations, technical projects and plan preparation;
- Adhere to statutory requirements. Comply with applicable laws and standards, data protection and freedom of information requirements;
- Encourage, develop and share best practice in strategic planning matters;
- Ensure adequate resources and staffing are in place to undertake effective collaboration and joint working (resources to be agreed by the South West Hertfordshire Authorities through the Statement of Common Ground).
- Seek to align informal and formal decision making to ensure the completion of key stages works effectively for all partners

### **Area Covered**

For the purposes of this MoU the geographic area of South West Hertfordshire applies to the administrative areas of Dacorum Borough Council, Hertsmere Borough Council, St Albans City & District Council, Three Rivers District Council and Watford Borough Council.

### **Status**

This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However, the parties agree to the principles set out in this MoU.

This MoU is not a development plan, nor a legally binding document, but will be used in the consideration of how the local authorities have jointly approached strategic planning issues and legal compliance with the Duty to Cooperate.

This MoU may be supported by other documentation, and other subject specific MoUs, which set out in more detail how the parties will work together to tackle more detailed matters with respect to strategic planning in South West Hertfordshire.

It is accepted that an individual party or group of parties that are signatories to this MoU may also be signatories to other MoUs between themselves, or with other parties outside South West Hertfordshire in respect of the Duty to Cooperate.

### **Key outputs of this MoU are:**

- A Joint Strategic Plan (JSP) setting out strategic spatial and infrastructure priorities across South West Hertfordshire;
- A Delivery Strategy setting out how the strategic policy framework of the JSP will be delivered, accompanied by a risk assessment and risk management plan;
- A Statement of Common Ground setting out how a JSP will be delivered, what the evidence base is, including identification of various development needs;
- A JSP monitoring process to chart and monitor delivery of the JSP.

## **Governance, Roles and Responsibilities**

Preparation of the Joint Spatial Plan and associated Delivery Strategy will be steered under the governance arrangements of a Joint Member and Officer Board (JMOB). Formal decisions on the JSP at key stages (to be set out in individual Local Development Schemes) will be taken by individual Local Planning Authorities on the advice and recommendations of JMOB. The JMOB will comprise the Leader and the Chief Executive (or equivalent) from each of the District/Borough authorities and the Portfolio Holder and Lead Planning Officer from Hertfordshire County Council.

A Strategic Planning Members Group (SPMG) will be accountable for the overall project management of the JSP, supported by a Strategic Planning Officers Group (SPOG). The SPMG will comprise political representatives from each of the partners (to be appointed by individual authorities) with appropriate authority to make key decisions on progress with the SoCG and JSP. The SPOG will comprise the Heads of Service (or equivalent) from each of the partner authorities, and the lead officer for strategic planning.

'Task and finish' groups will be used to develop specific policy areas, to be identified by the SPMG as and when needed.

Terms of Reference for all groups will be established, setting out the roles, responsibilities and administration. These will be agreed by all partners and reviewed annually to ensure they remain relevant.

Local authorities should ensure that adequate resources are provided in order to undertake the joint work programme as set out in the Statement of Common Ground. Additional resources may be provided by other relevant bodies, as agreed to undertake specified tasks under the work programme.

## **Review of the MoU**

This MoU is effective from the date it is signed by the Chief Executive and Leaders of all parties. It will be reviewed as and when indicated through the Statement of Common Ground.

**Table of Signatories**

<b>Signature</b>	<b>Role</b>	<b>Authority</b>	<b>Date</b>
	<b>Leader of Council</b>		
	<b>Chief Executive</b>		

## **APPENDIX 2**

### **PPG Update 13.9.18**

#### **What is a statement of common [ground] expected to contain?**

*It is expected to contain the following:*

- a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*
- b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*
- c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*
- d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
- e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*
- f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*
- g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and*
- h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.*

*The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites.*

*Paragraph: 003 Reference ID: 61-003-20180913*

*Revision date: 13 09 2018*

#### **What information will a statement of common ground be expected to contain about the distribution of identified development needs?**

*When authorities are in a position to detail the distribution of identified needs in the defined area, the statement will be expected to set out information on:*

- a. the capacity within the strategic policy-making authority area(s) covered by the statement to meet their own identified needs;*

*b. the extent of any unmet need within the strategic policy-making authority area(s); and*

*c. agreements (or disagreements) between strategic policy-making authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the statement.*

*Paragraph: 004 Reference ID: 61-004-20180913*

*Revision date: 13 09 2018*

***When is it appropriate for plan-making authorities to prepare more than one statement of common ground?***

*Authorities are expected, wherever possible, to detail cooperation in a single statement. They may feel it is appropriate to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working. This will depend on the matters being addressed and authorities and bodies cooperating with each other. For example, multiple statements may be appropriate where authorities work in different groupings to address certain strategic matters.*

*Paragraph: 005 Reference ID: 61-005-20180913*

*Revision date: 13 09 2018*

***What are the strategic matters on which cooperation is required?***

*Paragraph 20 of the National Planning Policy Framework sets out the matters that the strategic policies should make provision for, this is not an exhaustive list and authorities will need to adapt this to meet their specific needs. For local planning authorities this is linked to matters set out in sections [33A\(4\)](#) and [19\(1B\) to 19\(1E\)](#) of the Planning and Compulsory Purchase Act 2004.*

*Paragraph: 006 Reference ID: 61-006-20180913*

*Revision date: 13 09 2018*

***What activities are expected to be documented in a statement of common ground?***

*Strategic policy-making authorities are expected to document the activities undertaken when in the process of addressing strategic cross-boundary matters whilst cooperating. These will include (but are not limited to):*

- working together at the outset of plan-making to identify cross-boundary matters which will need addressing;*
- producing or commissioning joint research and evidence to address cross-boundary matters;*
- assessing impacts of emerging policies; and*



- *preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).*

*These activities will need to be tailored to address local circumstances.*

*Paragraph: 007 Reference ID: 61-007-20180913*

*Revision date: 13 09 2018*

### ***How can effective cooperation address strategic infrastructure needs?***

*Effective cooperation enables strategic policy-making authorities and infrastructure providers to establish whether additional strategic cross-boundary infrastructure is required. The statement is evidence that the strategic policy-making authorities have sought agreement with the relevant bodies. It can also inform the [Community Infrastructure Levy](#), and can form part of the evidence base for the Infrastructure Funding Statement, especially when forecasting contributions required for future planned development.*

*Authorities which agree to take additional housing from other areas may in turn require investment in infrastructure provision to support this. Where effective cross-boundary working can be demonstrated in the statement of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.*

*Paragraph: 008 Reference ID: 61-008-20180913*

*Revision date: 13 09 2018*

### ***Which geographical area does a statement of common ground need to cover?***

*The statement will need to cover the area which strategic policy-making authorities and public bodies cooperate during plan-making. This will depend on:*

- *the strategic matters being planned for, informed by a [review of the matters affecting the area](#) and [early engagement](#) with neighbouring authorities, communities and other key stakeholders; and*
- *the most appropriate functional geographical area to gather evidence and develop policies to address these matters, based on demonstrable cross-boundary relationships.*

*For example housing market and travel to work areas, river catchments, or landscape areas may be a more appropriate basis on which to plan than individual local planning authority, county, or combined authority areas. Cooperation between these different tiers (counties, districts and combined authority areas) may be needed. Authorities may well work in different groupings to address different strategic matters. Authorities should be pragmatic in determining the areas.*

*Paragraph: 009 Reference ID: 61-009-20180913*

*Revision date: 13 09 2018*

**When should the statement of common ground be prepared, published and updated?**

*Statements should be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a statement should be published when the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined. If all the information required is not available (such as details of agreements on strategic matters) authorities can use the statements to identify the outstanding matters which need to be addressed, the process for reaching agreements on these and (if possible) indicate when the statement is likely to be updated.*

*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated. Authorities may consider using independent bodies as arbiters or facilitators to aid discussions such as county councils in two-tier areas, or Mayors in combined authority areas.*

*Once published, authorities responsible for the statement should ensure that it reflects the most up to date position in terms of joint working across the area. Updates should occur when either agreements are reached, or a decision is taken to update strategic policies in the area covered by the statement.*

*Paragraph: 012 Reference ID: 61-012-20180913*

*Revision date: 13 09 2018*

**How is the statement of common ground expected to be published?**

*The statement is expected to be published on the websites of all the authorities responsible for its production, and should comply with any template or data standards produced by or on behalf of the government.*

*Paragraph: 013 Reference ID: 61-013-20180913*

*Revision date: 13 09 2018*

**Are strategic policy-making authorities required to reach agreement on strategic matters, and what should an authority do if they are unable to secure these agreements?**

*Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework. If there they are unable to do so they should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework.*

*Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved; this will be thoroughly tested at the plan examination.*

Paragraph: 014 Reference ID: 61-014-20180913

Revision date: 13 09 2018

### **Who are additional signatories to the statement of common ground?**

*Additional signatories will be those bodies who have a role in the matters covered in a statement of common ground, and with whom an authority needs to cooperate in order to plan for these matters. These may include: other relevant public bodies (such as: Local Enterprise Partnerships, Local Nature Partnerships, and the Marine Management Organisation in coastal areas); other authorities (such as county councils, combined authorities without plan-making powers, and strategic policy-making authorities outside of the area covered by the statement); infrastructure providers; or any other non-government organisations (such as advisory bodies) the authority cooperates with to address strategic matters through the plan-making process. This is not an exhaustive list.*

*In the case of local planning authorities and county councils, prescribed bodies under the duty to cooperate can be treated as additional signatories. Engagement between authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports.*

Paragraph: 015 Reference ID: 61-015-20180913

Revision date: 13 09 2018

### **Duty to cooperate**

#### **How is the duty to cooperate different from the statement of common ground?**

*The statement of common ground is the means by which strategic policy-making authorities can demonstrate that a plan is based on effective cooperation and that they have sought to produce a strategy based on agreements with other authorities.*

*The duty to cooperate was introduced by the [Localism Act 2011](#), and is set out in [section 33A of the Planning and Compulsory Purchase Act 2004](#). It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.*

## **NPPF 2018**

### *Strategic policies*

20. *Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) community facilities (such as health, education and cultural infrastructure); and*
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.*

### *Examining plans*

35. *Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*

...

- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;*

137. *Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

...

- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.*