

**POLICY AND RESOURCES COMMITTEE - 13 SEPTEMBER 2021**

**COUNCIL – 19 OCTOBER 2021**

**PART I – NOT DELEGATED**

**6. SOUTH WEST HERTS JOINT STRATEGIC PLAN – STATEMENT OF COMMON GROUND AND STATEMENT OF COMMUNITY INVOLVEMENT (DCES)**

**1 Summary**

1.1 To seek Council's agreement to a Statement of Common Ground (SCG) and an agreement to consult on a draft Statement of Community Involvement (SCI) to support the preparation of a Joint Strategic Plan (JSP) for South West Hertfordshire.

**2 Introduction to the JSP**

2.1 This Council has begun work on a statutory Joint Strategic Plan (JSP) for the South West Hertfordshire area. This work is being done in partnership with St Albans City & District Council, Hertsmere Borough Council, Dacorum Borough Council and Watford Borough Council; with the support of Hertfordshire County Council.

2.2 In terms of the scope and management of JSP:

- It will be a statutory plan focussing on climate change, infrastructure delivery, strategic housing and employment, and Green Belt/AONB; and
- It will be about more than planning and will create a framework for investor confidence in SW Herts.
- The JSP currently proposes a timeframe of 2036 - 2050, although this is subject to review.
- It will be managed by Chris Outtersides, who was appointed by Dacorum Borough Council on behalf of the programme, to lead preparation of the JSP.

2.3 In terms of the benefits of a JSP, these include:

- Increased potential for unlocking infrastructure investment from Government;
- Creating a bigger canvas to make decisions about future growth;
- Allowing an infrastructure-led approach; not 'planning by numbers'; and
- Enabling a coordinated approach to investment and delivery of infrastructure giving priority to strategic solutions.

2.4 For the avoidance of doubt, the intention will be for all five LPAs to retain 'sovereignty' over the JSP process, with the plan following essentially the same process as individual Local Plans and therefore needing approval from each of the partner authorities at each key stage of its preparation and final adoption.

2.5 As Members will also note from Paragraph 2.2 above, the JSP looks at the period beyond the timescale being followed for the five Boroughs' and Districts' emerging Local Plans. The ongoing work on the JSP does not and will not affect current work on the new Three Rivers Local Plan.

**3 Background to the Statement of Common Ground**

3.1 Under the National Planning Policy Framework (2021 NPPF), local planning authorities are expected to produce, maintain and keep up to date a Statement of

Common Ground (SCG) to highlight agreement on cross boundary strategic issues with neighbouring authorities and other relevant bodies.

- 3.2 In accordance with this guidance (and its earlier iterations), the South West Herts authorities agreed a Memorandum of Understanding (MoU) on joint strategic planning in January 2018. This MoU set out how initial cooperation between the authorities would be managed in respect of strategic planning issues.
- 3.3 This was followed by an initial Statement of Common Ground (SCG) that was agreed by officers in early 2019.
- 3.4 The SCG which is the subject of this report is therefore the third in a series of documents that has been prepared to guide preparation of the JSP.
- 3.5 Although this SCG has been prepared to support the Duty to Cooperate (DtC), as currently required by national planning policy, it is acknowledged that Government is currently reviewing the role of the DtC. Should the role of the DtC be amended, or removed, any resultant impact on the JSP will be reflected in future versions of this SCG.
- 3.6 In accordance with agreed JSP governance arrangements, the SW Herts JSP Planning Members Group (SPMG) – which comprises the Planning Portfolio Holder for each of the SW Herts authorities - considered the draft SCG at their meeting on 29 June 2021. At that meeting, all Members advised that they were happy with the draft SCG. Informal, high level advice on the content of the SCG has also been taken from Simon Ricketts and Mary Cook QC at Town Legal.

#### **4 Content of the Statement of Common Ground**

- 4.1 The SCG (**Appendix 1**) will set the scene for the SW Herts JSP, outlining the area, the authorities, the role of the county council, the role of the Hertfordshire Growth Board and their commitment to preparing a JSP including an outline of the Plan and its timetable.
- 4.2 The SCG will also set out the areas of common strategic interest within which the group will work together to prepare the JSP, and the methodology and project management arrangements that they will use to prepare it.
- 4.3 The SCG and commitment to prepare a JSP reflects the ongoing strong collaborative working amongst all six partner authorities, and the desire to “place shape” the future growth of the area. As stated previously, the SCG and JSP do not however, remove the local authority’s sovereignty in Local Plan making.
- 4.4 The SCG will be a “live” document and will evolve and be updated at key stages in the preparation of the JSP. The signed SCG will also be used by the authorities as a ‘pre-commencement’ commitment document for the JSP.
- 4.5 All of the South West Herts authorities are now being asked to approve the Statement of Common Ground, as endorsed by the SPMG.

#### **5 Background to the Statement of Community Involvement**

- 5.1 The role of a Statement of Community Involvement is to set out the Council’s approach for involving the community, both in preparing and revising planning policy documents and, where appropriate, in the assessment of planning applications. The

requirements for preparing SCIs are set out in Section 18 of the Planning and Compulsory Purchase Act 2004.

5.2 Planning Practice Guidance issued by central government states that:

*Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement.*

*A local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan.*

## **6 SW Herts JSP Statement of Community Involvement**

6.1 The Statement of Community Involvement (SCI) (**Appendix 2**) sets out how future consultations on the JSP will be undertaken. The proposed SCI for the JSP is limited in scope – covering only the consultation that will be carried out as part of the strategic plan-making process. Development Management matters will remain the responsibility of the local authority area in which they are located and consultation on planning applications will therefore continue to be governed by the SCI for the relevant council area.

6.2 The statutory JSP SCI will be supplemented by a more detailed and public facing Communications and Engagement Strategy that will be drawn up to support the JSP. This strategy will run alongside the SCI, and will be updated for each plan-making stage, setting out the detailed consultation arrangements. It is not considered appropriate to cover these detailed arrangements within the SCI itself, as they will be tailored to the nature of each consultation, and insofar as time and resources allow, thereby allowing the evolution of the JSP to reflect and respond to emerging best practice in terms of approaches to engagement.

6.3 Hertfordshire County Council do not need to formally endorse the SCI but have confirmed their support for the approach set out within it.

### **6.4 Consultation**

6.5 There is no longer a legal requirement to consult on the content of SCIs. However, a number of the other Councils within the SW Herts area, have previously chosen to carry out targeted engagement on their documents. For consistency it is therefore recommended that this approach is applied to the SCI for the SW Herts JSP.

6.6 The SW Herts JSP Director will co-ordinate consultation with statutory consultees. These are listed in Appendix 1 of the document. Individual districts will be responsible for carrying out any consultation they feel is appropriate with relevant local consultees. For Three Rivers this will comprise town and parish councils, local residents associations. As the SW Herts SCI does not cover planning application matters, it is not considered necessary to consult local planning agents and developers.

6.7 Provided that approval to consult on the SCI is granted by all five SW Herts districts, targeted consultation will be carried out on the SW Herts JSP SCI for a 6 week period. This is currently scheduled for autumn 2021.

6.8 Following the consultation, the SCI will then be brought back to Policy & Resources Committee and Full Council to seek formal approval for the final version of the document – incorporating any changes required as a result of the consultation process. Members should note that formal approval for the SCI from all five districts that make up the SW Herts JSP area must be in place before any statutory consultation on the SW Herts JSP takes place.

## **7 Next Steps for the JSP**

7.1 The signing of the SCG and preparation of the SCI represents two of the JSP's key work priorities for 2021/22. In addition to the SCG, the principal elements of the JSP work programme propose:

- JSP Visioning Engagement
- JSP Regulation 18 Consultation – Issues and Options.

7.2 The indicative timescale for this work, including going through the relevant Committee processes at all the partner authorities, shows the 'JSP Regulation 18 Consultation: 'Issues and Options' is likely to be in early 2022.

7.3 A SWH JSP website to host all JSP related materials and the future public consultations is also planned. This is likely to be ready by the end of summer 2021.

7.4 The JSP programme also continues to work closely with senior officials from MHCLG in relation to the proposed amendments to the planning system and the planning White Paper. The JSP programme submitted a detailed submission to the Planning White Paper advocating for stronger Government support for strategic planning. Government officials have clearly indicated that they are keen to work with South West Hertfordshire officers to test potential strategic planning solutions moving forward.

## **8 Options and Reasons for Recommendations**

8.1 Members could choose not to recommend to Council that the Statement of Common Ground is agreed but this would mean that the Council would be withdrawing from the SW Herts JSP.

8.2 Not agreeing the draft SCI for the SW Herts JSP would mean that this document cannot go out for the necessary targeted consultation and will therefore not be in place in time for the first consultation on this new joint plan, scheduled for spring 2022. It is a legal requirement to have an adopted SCI in place before consultation commences on any statutory plan. Relying on existing broad references to JSP engagement processes within current district-level SCIs could result in confusion and a lack of consistency across the SW Herts area regarding how engagement on the joint plan is carried out. To fail to have an agreed SCI in place, or to have an inconsistent approach to consultation arrangements could potentially result in a successful future legal challenge to the JSP.

## **9 Policy/Budget Reference and Implications**

9.1 The recommendations in this report are within the Council's agreed policy and budgets.

## **10 Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre Implications**

10.1 None specific.

## 11 Financial Implications

11.1 None arising from this report. The JSP programme is funded through contributions of £40,000 per annum from TRDC and each of the member authorities, and awards of external funding from Government.

## 12 Legal Implications

12.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement. Local Planning Authorities must comply with SCIs in the preparation of Local Plan documents and if there is non-compliance, a Local Planning Authority may be open to legal challenge at examination.

## 13 Staffing Implications

13.1 None arising from this report as SOCG and SCI prepared by SW Herts Officer Group.

## 14 Communications and Website Implications

14.1 None. The SW Herts JSP will have its own dedicated website. Communications Officer consulted as part of any communications/consultations.

## 15 Risk and Health & Safety Implications

15.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

15.2 The subject of this report is covered by the Economic & Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
Preparation of SW Herts Joint Strategic Plan fails to meet key project milestones	Will impact on the timing of the adoption of the JSP		Tolerate	4

15.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- ▼ <b>Remote</b>	<b>Low</b> 4	<b>High</b> 8	<b>Very High</b> 12	<b>Very High</b> 16
	<b>Low</b> 3	<b>Medium</b> 6	<b>High</b> 9	<b>Very High</b> 12
	<b>Low</b> 2	<b>Low</b> 4	<b>Medium</b> 6	<b>High</b> 8
	<b>Low</b> 1	<b>Low</b> 2	<b>Low</b> 3	<b>Low</b> 4
<b>Impact</b> Low -----► <b>Unacceptable</b>				

**Impact Score**

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

**Likelihood Score**

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

15.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

**16 Recommendation**

16.1 That Policy & Resources Committee recommends to Full Council:

That the Statement of Common Ground (SCG), attached as Appendix 1, be approved as a guide to the preparation of a Joint Strategic Plan (JSP) for South West Hertfordshire, and

That the new Statement of Community Involvement (SCI) 2021 for the South West Herts Joint Strategic Plan, be approved for targeted consultation with arrangements for this consultation and any minor amendments to the document to be agreed by the Head of Planning Policy & Projects in consultation with the Director of Community and Environmental Services and the Leader of the Council under delegated authority.

Report prepared by: Claire May, Head of Planning Policy & Projects

## **APPENDICES**

Appendix 1 SW Herts JSP Statement of Common Ground

Appendix 2 SW Herts JSP Statement of Community Involvement