

<p><b>COUNCILLOR PHIL DAVIES</b></p> <p>LEADER OF THE COUNCIL CABINET MEMBER FOR STRATEGIC ECONOMIC DEVELOPMENT, FINANCE AND DEVOLUTION</p>	<p><b>DELEGATED REPORT</b></p> <p><b>LIVERPOOL CITY REGION DEVOLUTION AGREEMENT – ADOPTION OF STATEMENT OF CO-OPERATION ON LOCAL PLANNING</b></p>
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## **REPORT SUMMARY**

One of the agreed actions resulting from the Liverpool City Region Devolution Agreement was to produce and agree a Statement of Co-operation, to explain how the six councils will cooperate on producing future Council and sub-regional planning policy.

The Liverpool City Region Statement of Co-operation on Local Planning, attached to this report, was approved by the Combined Authority on 15 July 2016, to be presented to each Constituent Council (plus West Lancashire) for adoption.

This report therefore recommends that the content and actions arising from the Liverpool City Region Statement of Co-operation on Local Planning is now therefore approved for adoption by Wirral Council.

The Statement of Co-operation will primarily support the delivery of Wirral Plan 20/20 Pledges related to business and the environment but could also support older people living well and contribute towards reducing child and family poverty through the land use planning policies that it would support.

The Statement of Co-operation will not have any Ward-specific implications but will be of Borough-wide importance.

The recommendation is not a Key Decision, as it is about procedures that will be taken to secure cooperation within the Liverpool City Region, rather than an actual decision which will affect a significant number of people.

## **RECOMMENDATION**

**That the Leader recommends to Council that the content and actions arising from the Liverpool City Region Statement of Co-operation on Local Planning is adopted as the basis for future co-operation on strategic planning with Liverpool City Region partners.**

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To adopt the Liverpool City Region Statement of Co-operation on Local Planning, to comply with a requirement of the Liverpool City Region Devolution Agreement with Government and to demonstrate that the Council is complying with the legal Duty to Co-operate on cross boundary strategic land-use planning issues.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There are no realistic alternative options, as the preparation of a Statement of Co-operation is a condition of the Liverpool City Region Devolution Agreement.

### **3.0 BACKGROUND INFORMATION**

- 3.1 One of the agreed actions resulting from the Liverpool City Region Devolution Agreement was to produce and agree a Statement of Co-operation, to explain how the six councils will cooperate on producing future Council and sub-regional planning policy and to support the preparation of a Single Spatial Framework for the City Region (Paragraph 22(a) of the Agreement refers).
- 3.2 The Statement of Co-operation (attached to this report) has been drafted by all six City Region councils plus West Lancashire Council, an Associate member of the LCR Combined Authority. The Statement has been agreed by the Liverpool City Region Housing and Spatial Planning Board and was approved by the Liverpool City Region Combined Authority on 15 July 2016.
- 3.3 The Combined Authority recommended that each City Region local planning authority also adopts the Statement, to ensure that all the councils are aligned, to secure uniformity in the approach to strategic planning and to help each Local Authority meet the statutory requirements of their Duty to Co-operate (see section 5.0 below). West Lancashire District Council will also adopt the document.
- 3.4 The Statement identifies key land use planning policy issues and evidence base development work that requires co-operation between the authorities and other stakeholders. It is required to progress the Liverpool City Region Single Spatial Framework and will also help each Local Authority as it prepares its own Local Plan.
- 3.5 The Statement will help the districts comply with their statutory Duty to Co-operate by:
- a. providing an agreed position of how strategic planning is currently being undertaken;
  - b. providing a description of the key strategic topics affecting the City Region;
  - c. providing an approved mechanism to secure future and ongoing strategic planning; and by
  - d. identifying the areas of joint working that will be required in the period 2016 to 2021.

3.6 The key themes where co-operation is currently needed are covered in chapters 3 to 9 of the Statement and include:

- housing;
- economic development;
- transport;
- utilities infrastructure;
- community infrastructure;
- environment; and
- retail, leisure and tourism.

3.7 For each theme, the current position in the Liverpool City Region is described and the key cross boundary strategic issues identified. Each chapter then identifies future approaches to working and provides a closing summary of key actions (including their timescales and who is undertaking them) and who the key prescribed and other bodies for the topic area would be. Chapter 10 then provides a brief summary of the existing key documents which are shaping the Liverpool City Region.

3.8 'The Action Plan for Continued Joint and Strategic Working' is set out at Appendix 1 (on page 52) of the Statement of Co-operation.

3.9 The Statement will be reviewed and updated, on at least an annual basis, to ensure that it remains relevant and up to date.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 The Statement of Co-operation has been prepared using existing resources in each of the contributing districts.

4.2 The preparation of the principal evidence base for the Single Spatial Framework was approved in a Delegated Report published on 24 November 2015.

4.3 Any further financial commitments arising from the adoption of the Statement will be reported separately, for approval as they arise.

#### **5.0 LEGAL**

5.1 The Council has a legal duty to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation regarding strategic cross-boundary land-use planning matters (known as the 'Duty to Co-operate', under the Localism Act 2011). The Duty includes activities, such as the preparation of the evidence base, and the consideration of preparing agreements on joint approaches to strategic planning.

5.2 The Duty requires co-operation at officer level, but also at elected Member level and so, while the Chief Executives from each authority have agreed upon the Statement and endorsed it, it also needs to be endorsed by Elected Members.

5.3 A failure to comply with the Duty can be fatal to the legal compliance of district Local Plans and could require them to be withdrawn when they reach independent examination.

5.4 The Statement will therefore help the Council to meet the requirements of the Devolution Deal and will reduce the risk of both the Liverpool City Region Single Spatial Framework and the Council's Local Plan being found unsound by failing to meet the Duty to Co-operate.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 The Statement of Co-operation has been prepared by officers from the six partner authorities using existing resources.

6.2 The Statement will help identify areas where joint planning research may be possible to reduce costs through economies of scale.

## **7.0 RELEVANT RISKS**

7.1 Failure to adopt the Statement of Co-operation could jeopardise the full implementation of the Devolution Agreement and a failure to update and act on the Statement, by any of the partners, could put the soundness of the Single Spatial Framework and Wirral Local Plan at risk, leading to abortive costs and/or unnecessary time and expense being incurred in the fulfilment of the Council's statutory duties for spatial planning.

## **8.0 ENGAGEMENT / CONSULTATION**

8.1 There is no requirement to undertake public consultation on the preparation of the Statement of Co-operation.

8.2 The Statement has been prepared by district Planning Policy Managers, together with Merseytravel and the Merseyside Environmental Advisory Service, under the direction of District Planning Officers, on behalf of the Liverpool City Region Housing and Spatial Planning Board.

8.3 The Statement was approved by the Liverpool City Region Housing and Spatial Planning Board on 21 June 2016 and by the Liverpool City Region Combined Authority on 15 July 2016.

## **9.0 EQUALITY IMPLICATIONS**

9.1 The Statement of Co-operation will have no negative impacts for staff or service users under the Public Sector Equality Duty.

9.2 The relevant Equality Impact Assessment can be viewed at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-0>

**REPORT AUTHOR:**           **Andrew Fraser**  
**Forward Planning Manager**  
telephone: (0151) 691 8218  
email: andrewfraser@wirral.gov.uk

## **APPENDICES**

Appendix 1 – Liverpool City Region Statement of Co-operation on Local Planning

## **REFERENCE MATERIAL**

Localism Act 2011 (section 110 refers)

<http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

The Liverpool City Region Devolution Agreement (November 2015) can be viewed at  
<http://democracy.wirral.gov.uk/documents/s50029518/Liverpool%20CR%20Devolution%20Agreement.pdf>

The National Planning Policy Framework can be viewed at  
<http://planningguidance.communities.gov.uk/> (paragraphs 178 to 181 refer)

National Planning Policy Guidance on the duty to co-operate can be viewed at  
<http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/what-is-the-duty-to-cooperate-and-what-does-it-require/>

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Council - Potential Devolution of Powers and Resources – Liverpool City Region	19 November 2015 (Minute 69)
Delegated Decision – Approval of Liverpool City Region Strategic Housing and Employment Land Market Assessment	24 November 2015