

## **Appendix D: Duty to cooperate**

This paper seeks to review the implications of the new ‘duty to cooperate’ introduced in Section 110 of the Localism Act and set out within the National Planning Policy Framework (NPPF). (see annex on Government Guidance & Legislation)

### **Introduction**

The Government recognise that many social, environmental and economic issues can only be effectively addressed at a ‘larger than local’ scale. As people and businesses do not confine their activities to one council area. For example employees may live in one area and work in another, thus local plan-making will have a ‘strategic’ element to it.

The term ‘strategic planning’ is more commonly used to describe policies that address ‘larger than local’ issues that cannot be dealt with by one local planning authority working alone for example new housing across a wider ‘housing market area’. Strategic Planning therefore essentially replaces the requirement for strategic Plans (such as Regional Spatial Strategies) that previously dealt with these wider planning issues. The Government explains that the priority given to these issues will depend on local circumstances and that strategic approaches may not be required in every situation.

The ‘duty to cooperate’ applies to all local planning authorities (LPA), national park authorities and county councils in England – and to a number of other public bodies of which 9 are relevant to South Somerset and are listed<sup>1</sup>.

The new duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
- requires that councils set out planning policies to address such issues;
- requires that councils and public bodies *‘engage constructively, actively and on an ongoing basis’* to develop strategic policies; and
- requires councils to consider joint approaches to plan making.

The NPPF anticipates joint working to occur on areas of common interest taking into account different geographical areas where appropriate and for mutual gain, for South Somerset this is considered to be principally the Somerset LPAs<sup>2</sup> and its relevant neighbouring LPAs<sup>3</sup> although this is not necessarily inclusive.

Paragraph 180 of the NPPF also sets out an expectation that public bodies should also work collaboratively on strategic planning issues with the private sector bodies, utilities and infrastructure providers. Local Enterprise Partnerships and Local Nature Partnerships are specifically mentioned but are not covered by the ‘duty to cooperate’.

Most significantly the NPPF expects LPA to demonstrate ‘evidence’ of having effectively cooperated at the examination stage of Local Plan preparation. The NPPF suggest this could either be simply be way of plans / policies being prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy and that there is a continuous process of engagement.

South Somerset has worked closely with many of the relevant bodies listed above but has not until now been required to demonstrate how joint working has occurred. It is therefore felt prudent to collate where South Somerset has already undertaken joint strategy work to date and where the District Council needs to improve and enhance relationships and this is set out in summary form below.

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<sup>1</sup> the Environment Agency; English Heritage; Natural England; the Civil Aviation Authority; the Homes and Communities Agency; Primary Care Trusts; the Office of Rail Regulation; the Highway Authority (i.e. Somerset County Council) the SOS as Highways Authority (i.e. the Highways Agency) ”.

<sup>2</sup> Somerset County Council, Mendip District Council, Taunton Deane Borough Council, Sedgemoor District Council, West Somerset District Council

<sup>3</sup> Dorset County Council, Wiltshire Council, Devon County Council, East Devon District Council, North Dorset District Council, West Dorset District Council.

## **Joint Working & Engagement**

Attendance at Somerset Strategic Planning Conference Officer group & Somerset Waste Board has taken place on a continuous basis as well as the following joint studies (or partnerships):

- Somerset Strategic Housing Market Assessment Group (all Somerset authorities with the exception of Mendip)
- Somerset Strategic Housing Market Partnership (with Taunton Dean BC, West Somerset DC, Sedgemoor DC & Somerset CC)
- Strategic Housing Land Availability Assessment (joint agreed methodology with all Somerset authorities)
- Somerset Gypsy and Traveller Accommodation Assessment (all Somerset authorities)
- Somerset Levels and Moors – Habitats Regulation Assessment (Somerset CC, Taunton Dean BC, Sedgemoor DC, Mendip DC)
- County-wide Parking standards (all Somerset authorities)
- Yeovil Transport Modelling (Somerset CC)
- Ecological Networking (Somerset CC)
- Chard Regeneration Framework (Somerset CC)
- Yeovil Eco-town - Summerhouse Village Masterplan, Renewable Energy Study and Waste & Resource Plan (Somerset CC)
- Engagement through consultation on Somerset CC Minerals & Waste Core Strategies

## **Neighbouring Authorities**

All neighbouring authorities have been consulted on the draft Core Strategy & they have indicated broad support.

- West Dorset District Council - Officers & Members have met specifically to discuss the Yeovil Urban Extension on two occasions 29<sup>th</sup> March 2010 & 15<sup>th</sup> April 2010 as well as on-going consultation at Officer level. Other relevant cross-boundary issues include the retail impact of the Peel Centre on Yeovil Town centre and any future expansion proposals.
- North Dorset District Council - Officers met on the 24<sup>th</sup> September 2011 to discuss joint issues with Henstridge Airfield forming a continuing cross-boundary issue. SSDC has prepared a joint Masterplan with NDDC on this issue and are continuing to re-instate a Henstridge Airfield policy currently saved.
- Dorset County Council have suggested joint working arrangements relating to route management to specific routes several of which cross into South Somerset, support for sustainable transport and improvements to heavy rail through the Heart of Wessex and South West main lines. These should be pursued with Dorset and Somerset County Councils through their LTP work.
- East Devon District Council - Although cross-boarder issues are negligible the two authorities share a Joint Chief Executive.
- Wiltshire Council, Devon County Council & Dorset County Council - Nominal cross-border issues

## **Public Bodies**

All 'Public Bodies' have been involved through the Core Strategy consultation process and SSDC attended a CABE peer review on the 23<sup>rd</sup> September 2010. A meeting has been held with the Primary Care Trust on the 21<sup>st</sup> March 2012 to discuss continued engagement.

Other study work:

- Somerset Infrastructure Delivery Plan (All public bodies listed under footnote (1) above have been engaged in this)
- Yeovil Historic Environmental Assessment (English Heritage)
- South Somerset Strategic Flood Risk Assessment (Environment Agency)
- Yeovil Urban Extension – Traffic Modelling (Highways Agency)
- Somerset Levels and Moors – Habitats Regulation Assessment (Natural England)

## **Local Enterprise Partnership**

- Although not covered by the duty to cooperate the Somerset LEP – Heart of the South West forms a collaborative body and South Somerset DC sit on their steering group.

## **Travel to Work & Housing Market Area**

It is considered that Travel to Work and Housing Market Areas are two of the key determinants of the requirement for joint working. Plans of the Yeovil Travel to Work Area and South Somerset Housing Market Area are set out in an annex to this paper. The Yeovil Travel to work area broadly reflects South Somerset District but with some notable in-commuting from neighbouring authorities. The Strategic Housing Market Partnership work confirmed initial work by consultants acting for the Regional Assembly (in producing a South West Regional Spatial Strategy) that indicated that South Somerset formed a clearly defined Housing Market Area.

## **Conclusion**

Existing evidence demonstrates that South Somerset DC already broadly complied with the ‘Duty to cooperate’ however there is scope to enhance relationships specifically at Member level where evidence of cooperation is less evident. This is particularly the case since Somerset County Council withdrew from member involvement in the Somerset Strategic Planning Conference.

The Key cross border issues have already been discussed by officers including crucially the decision on the direction for Yeovil’s growth which could have had cross boundary implications at Draft Core Strategy stage but which can now be accommodated entirely in South Somerset’s administrative boundary. Suggestions for transport joint working with Dorset are yet to be taken up and need to be through the Councils’ respective transport plans.

The new ‘duty to cooperate’ indicates that South Somerset should continue to actively engage with adjacent authorities including continued attendance at the Somerset Strategic Planning Conference. Re-integration of Member engagement in the Somerset Strategic Planning Conference should be applied as an easy way to re-establish a forum of member engagement in joint matters. A meeting with members of non Somerset neighbouring authorities should be progressed early to confirm work undertaken at Officer level.

## **Recommendations**

It is considered that co-operation with neighbouring authorities has occurred and the duty to co-operate has been addressed. There is a need however to provide stronger evidence of Member co-operation. The Council should

1. continue attendance at Somerset Strategic Planning Conference Officer group and seek re-engagement of Member involvement as a priority.
2. continue to engage with adjacent LPAs in the preparation of joint policies or evidence base documents were relevant and a meeting of Members should be arranged to confirm work undertaken at Officer level as a priority.
3. Continue to co-operate with SCC and Infrastructure providers and form new links with the relevant Local Enterprise Partnership & Local Nature Partnerships

## Annex: Government Guidance & Legislation

National Planning Policy Framework (NPPF), paragraph 178-181.

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.

181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

The Localism Act 2011 (c20) provides further detail regarding the definition of 'Public bodies' within which the 'Duty to Cooperate' applies and this is set out in 'Part 6 – Planning: Chapter 1 – Plans and Strategies: Section 110: Duty to co-operate in relation to planning of sustainable development' and forms a new section within the Planning Compulsory Purchase Act 2004 (local development '33A Duty to co-operate in relation to planning of sustainable development'). This section is further expanded within the 'Town and Country Planning (Local Planning) (England) Regulations 2012: Part 2: Duty to Cooperate'.

## Annex: South Somerset Travel to Work Area & Housing Market Area

Figure 1: South Somerset Housing Market Area

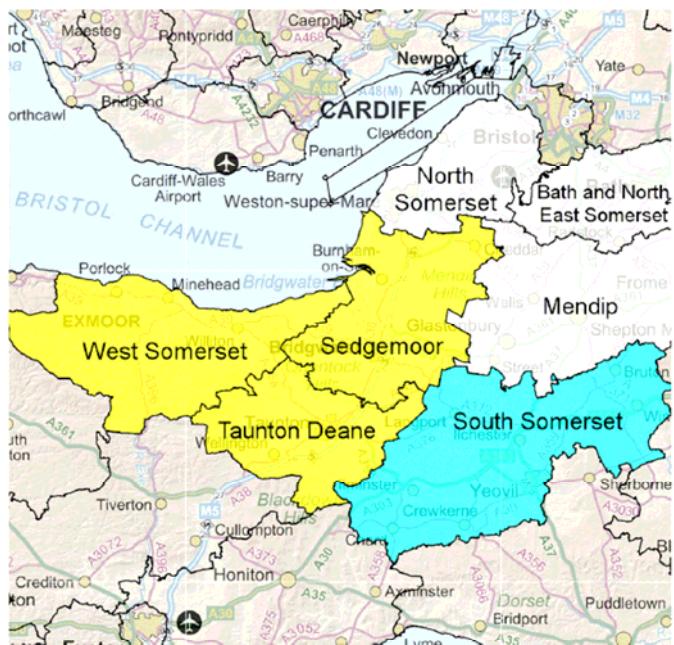


Figure 2: South Somerset Travel to Work Area

