

Report To:	LOCAL PLAN DEVELOPMENT COMMITTEE
Date:	26th FEBRUARY 2024
Heading:	ASHFIELD LOCAL PLAN 2023-2040: DUTY TO COOPERATE AND STATEMENTS OF COMMON GROUND UPDATE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To present a summary of how the Council has met its legal obligations under the Duty to Cooperate in accordance with Section 33A of the Planning and Compulsory Purchase Act 2004.

Recommendation(s)

Members are asked to note the contents of this report.

Reasons for Recommendation(s)

To inform Members of the steps the Council has taken in meeting its legal obligations under the Duty to Cooperate throughout the preparation of the Ashfield Local Plan 2023-2040.

To provide an update on the status of the Statements of Common Ground being prepared by the Council.

Alternative Options Considered

Not to update Members on how the Council has met its legal obligations under the Duty to Cooperate. Members would not be aware of the steps the Council has taken in meeting its legal obligations under the Duty to Cooperate throughout the preparation of the Ashfield Local Plan 2023-2040.

Detailed Information

1. Duty to Co-operate – Background

- 1.1 The Localism Act 2011 introduced the Duty to Cooperate as set out in (Section 33A of the Planning and Compulsory Purchase Act 2004). The Act places a legal duty on local authorities to engage constructively, and on an ongoing basis, with prescribed bodies to address strategic matters relating to the Local Plan.
- 1.2 Whether or not a local planning authority has brought forward a Plan in line with the Duty to Co-operate is a key legal test which the Plan will be assessed against when it is considered at Examination.
- 1.3 A strategic matter is defined in the Act as:
 - (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
 - (b) sustainable development or use of land in a two-tier area if the development or use is a county matter or has or would have a significant impact on a county matter’.
- 1.4 The Local Plan Strategic Policies address aspects which the Council considers to be strategic matters which should be considered under the provisions of the Duty to Cooperate. However, there may also be cross boundary issues where local authorities have worked together, but this is not necessarily a strategic matter.
- 1.5 The following areas are considered to be strategic matters for Ashfield: -
 - Housing – Delivering housing required to meet housing market area needs.
 - Employment - Provision of jobs and employment land to meet Ashfield’s needs and to contribute to the wider functional economic market area.
 - Gypsy, Traveller and Travelling Showpeople provision.
 - Retail - Scale and location of retail development.
 - Green Belt.
 - Infrastructure provision arising from the development needs.
 - Management of flooding and water quality both within and outside Ashfield.
 - Sustainable transport and connectivity, including the Maid Marian Railway Line proposal.
 - Nature Conservation – in particular considering the impacts of the new possible potential Special Protection Area (ppSPA) for Sherwood Forest.
 - Historic environment – Conservation and enhancement.
- 1.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out a list of prescribed bodies to which the Duty to Cooperate applies. Those relevant to the preparation of the Ashfield Local Plan are:

- Local Planning Authorities, either neighbouring or making up the Housing Market Area
- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes England
- Clinical Commissioning Groups (now NHS Integrated Care Board)
- Office of Rail and Road
- National Highways
- Nottinghamshire County Council and Derbyshire County Council as highways authorities
- D2N2 Local Enterprise Partnership

2. Joint Working

- 2.1 A full list of prescribed bodies, the methods of engagement, and the relevant strategic issues being addressed between the Council and each body is set out in Table 1 below.
- 2.2 The Council has a history of joint working with neighbouring authorities and statutory consultees on strategic planning matters. It has a close working relationship with the authorities in both the Nottingham Outer Housing Market Area (HMA) and the Nottingham Core Housing Market Area, other adjoining authorities, and Nottinghamshire County Council. The Council is also one of the constituent authorities of the D2N2 Local Enterprise Partnership (LEP) which covers Nottinghamshire, Nottingham City, Derbyshire, and Derby City.
- 2.3 The Council has put in place a range of governance arrangements to address the range of strategic matters and to meet its legal obligations under the Duty to Cooperate. The Council has engaged with the prescribed bodies throughout the preparation of the Local Plan via a number of methods, including formal consultation (Regulation 18 and 19 consultations), membership of various working groups and partnerships, collaboration on joint evidence base studies to address strategic and cross boundary issues, and meetings to discuss issues as and when required.

Table 1: List of Duty to Co-operate prescribed bodies and methods of engagement.

Prescribed Body	Method(s) of Engagement	Strategic Matters
Nottingham Core HMA Authorities: (Nottingham City Council, Rushcliffe Borough Council, Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council)	<ul style="list-style-type: none"> • Statement of Common Ground between Ashfield District Council and the Nottingham Core HMA. • D2N2 Partnership Board • The City of Nottingham and Nottinghamshire Economic Prosperity Committee • Nottinghamshire Local Government Leaders 	Quantity and Location of Housing Development Gypsy, Traveller and Travelling Showpeople provision. Provision of Employment Land Green Belt Infrastructure delivery Flooding

Prescribed Body	Method(s) of Engagement	Strategic Matters
	<ul style="list-style-type: none"> • Nottinghamshire Policy Officers Group meetings • Nottinghamshire Development Management Liaison Group Meetings • Greater Nottingham Joint Planning Advisory Board (JPAB) • Greater Nottingham Planning Partnership – Officer Group • Nottingham Core HMA Monitoring Group • Nottinghamshire Ecological and Geological Data Partnership Meetings • Ashfield Major Projects Group • Numerous joint evidence base studies 	<p>Ecology and Heritage</p> <p>Blenheim Industrial Estate boundary</p>
<p>Nottingham Outer HMA Authorities: (Mansfield District Council, Newark & Sherwood District Council)</p>	<ul style="list-style-type: none"> • Statement of Common Ground between Ashfield District Council and the Nottingham Outer HMA • D2N2 Partnership Board • The City of Nottingham and Nottinghamshire Economic Prosperity Committee • Nottinghamshire Local Government Leaders Group • Nottinghamshire Policy Officers Group meetings • Nottinghamshire Development Management Liaison Group Meetings 	<p>Main Urban Area Boundaries</p> <p>Quantity and Location of Housing Development</p> <p>Gypsy, Traveller and Travelling Showpeople provision.</p> <p>Provision of Employment Land Infrastructure delivery</p>

Prescribed Body	Method(s) of Engagement	Strategic Matters
	<ul style="list-style-type: none"> • Nottinghamshire Ecological and Geological Data Partnership Meetings • Ashfield Major Projects Group • Joint Self- Build and Custom Build Register with Ashfield administering on behalf of the three councils. • Numerous joint evidence base studies 	
Bolsover District Council	<ul style="list-style-type: none"> • Statement of Common Ground between Ashfield District Council and Bolsover District Council • Meetings between the two local planning authorities at an officer level are held as and when needed to address cross boundary matters, including delivery of development to meet the identified needs. 	<p>Quantity and Location of Housing Development</p> <p>Gypsy, Traveller and Travelling Showpeople provision.</p> <p>Provision of Employment Land</p> <p>Infrastructure delivery</p> <p>Sustainable Transport Modes and Connectivity</p> <p>Flooding</p> <p>Ecology and Heritage</p>
Amber Valley Borough Council	<ul style="list-style-type: none"> • Statement of Common Ground between Ashfield District Council and Amber Valley • Meetings between the two local planning authorities at an officer level are held as and when needed to address cross boundary matters, including delivery of development to meet the identified needs. 	<p>Quantity and Location of Housing Development</p> <p>Gypsy, Traveller and Travelling Showpeople provision.</p> <p>Provision of Employment Land</p> <p>Infrastructure delivery</p> <p>Sustainable Transport Modes and Connectivity</p> <p>Flooding</p> <p>Ecology</p>

Prescribed Body	Method(s) of Engagement	Strategic Matters
Environment Agency	<ul style="list-style-type: none"> Statement of Common Ground between Ashfield District Council and the Environment Agency 	<p>Flood risk</p> <p>Biodiversity</p> <p>Protection of water resources and quality</p>
Historic England	<ul style="list-style-type: none"> Statement of Common Ground between Ashfield District Council and Historic England Officer meetings to discuss the Heritage Impact Assessment and outstanding issues. 	<p>The Local Plan's approach to the protection and enhancement of the Historic Environment.</p> <p>The conclusions of the Ashfield Heritage Impact Assessment, with particular regard to the allocation of two Strategic Employment Sites under Policy S6:Land to the North-east of Junction 27, and Land South-east of Junction 27.</p>
Natural England	<ul style="list-style-type: none"> Statement of Common Ground between Ashfield District Council and Natural England Consulted Natural England on the preparation of the Habitat Regulation Assessment 	<p>Ashfield Habitat Regulation Assessment</p> <p>Strategic land use policies relating to the conservation, enhancement and management of the natural environment</p>
Civil Aviation Authority	Consulted at Regulation 18 and Regulation 19 stages of the emerging Local Plan	No issues raised
Homes England and Regulator of Social Housing	Consulted at Regulation 18 and Regulation 19 stages of the emerging Local Plan	No issues raised
NHS Nottingham & Nottinghamshire Integrated Care Board	<ul style="list-style-type: none"> Statement of Common Ground between Ashfield District Council and the NHS Nottingham & Nottinghamshire Integrated Care Board Collaboration and liaison on the Infrastructure Delivery Plan (IDP) to inform the preparation of the Ashfield Local Plan 2023-2040 	<p>The key strategic matters in relation to health care provision, including strategic land use policies</p> <p>The level of financial contributions needed in order to deliver the necessary health care infrastructure to meet the housing growth and population increase proposed in the Ashfield Local Plan 2023-2040</p> <p>Partnership and collaboration between ADC and NHS Nottingham and Nottinghamshire Integrated Care Board on priority spending on health care provision</p>

Prescribed Body	Method(s) of Engagement	Strategic Matters
Office of Rail and Road	Consulted at Regulation 18 and Regulation 19 stages of the emerging Local Plan	No issues raised
National Highways	Statement of Common Ground between Ashfield District Council and National Highways	All matters relating to the impact on the Strategic Highway Network (M1 Motorway) resulting from proposals in the emerging Local Plan. Ashfield Local Plan Strategic Transport Assessment Ashfield Local Plan Infrastructure Delivery Plan
Nottinghamshire County Council (as the highways authority)	<ul style="list-style-type: none"> • Statement of Common Ground between Ashfield District Council and Nottinghamshire County Council • The Maid Marian Line Steering Group • D2N2 Local Enterprise Partnership Board • The City of Nottingham and Nottinghamshire Economic Prosperity Committee • Nottinghamshire Local Government Leaders Group • Greater Nottingham Joint Planning Advisory Board (JPAB) • Greater Nottingham Planning Partnership – Officer Group • Ashfield Major Projects Group • The LNRS Strategic Oversight Group • Bus Service Improvement Plan - Nottinghamshire 	<p>Transport – mitigation and the delivery of key infrastructure</p> <p>Education provision and contributions arising from proposed growth.</p> <p>Employment provision</p> <p>Protection and enhancement of Heritage Assets</p> <p>Protection and enhancement of Green Infrastructure and Biodiversity</p> <p>Local Nature Recovery Strategy</p> <p>Flood Risk and Management</p> <p>Minerals matters.</p> <p>Waste matters</p>

Prescribed Body	Method(s) of Engagement	Strategic Matters
	<p>Enhanced Partnership Stakeholder Reference Group</p> <ul style="list-style-type: none"> • The Community Rail Partnership (CRP) • Engagement meetings to discuss the Nottinghamshire and Nottingham Waste Local Plan and subsequent Statement of common Ground between Nottinghamshire County Council and Ashfield District Council 	
Derbyshire County Council (adjoining highways authority)	<ul style="list-style-type: none"> • Consulted at Regulation 18 and Regulation 19 stages of the emerging Local Plan • Greater Nottingham Joint Planning Advisory Board (JPAB) • Greater Nottingham Planning Partnership – Officer Group 	Transport – mitigation and the delivery of key infrastructure
D2N2 Local Enterprise Partnership	<ul style="list-style-type: none"> • D2N2 Local Enterprise Partnership Board • The City of Nottingham and Nottinghamshire Economic Prosperity Committee 	Low carbon economic growth

3. Statements of Common Ground

- 3.1 The purpose of a Statement of Common Ground (SoCG) is to inform the Inspector of the Ashfield Local Plan and other interested parties about the areas of agreement, or otherwise, between the Council and the prescribed bodies in respect of strategic planning matters.
- 3.2 A Statement of Common Ground is one mechanism by which the Council can demonstrate it has met its legal obligation under the Duty to Cooperate. Table 2 provides a list of the SoCG completed and those currently being prepared through ongoing discussions with the respective bodies.

Table 2: Status of Ashfield District Council's Statements of Common Ground

Prescribed Body	Statement of Common Ground: Status	Outstanding Areas of Disagreement
NHS Nottingham & Nottinghamshire Integrated Care Board	Draft.	None to date
Environment Agency	Signed	None
National Highways	Signed	None
Natural England	Signed	None
Nottinghamshire County Council	Draft	The allocation of two Strategic Employment Sites under Policy S6 and their cumulative impacts on heritage assets: a) Land to the North-east of Junction 27 and west of Sherwood Business Park comprising a gross site area of approximately 20.47 hectares. b) Land South-east of Junction 27 comprising a gross area of approximately 25 hectares towards the latter end of the Plan Period.
Nottingham Core HMA Authorities: <ul style="list-style-type: none"> • Nottingham City Council • Rushcliffe Borough Council • Broxtowe Borough Council • Erewash Borough Council • Gedling Borough Council 	Draft	Standing objection to housing allocation H1Va, Land at Plainspot Farm, New Brinsley, Underwood for 42 dwellings from Broxtowe Borough Council.
Nottingham Outer HMA Authorities: <ul style="list-style-type: none"> • Mansfield District Council • Newark & Sherwood District Council 	Signed	None.
Historic England	Draft	The allocation of two Strategic Employment Sites under Policy S6 and their cumulative impacts on heritage assets: a) Land to the North-east of Junction 27 and west of Sherwood Business Park comprising a gross site area of approximately 20.47 hectares.

		b) Land South-east of Junction 27 comprising a gross area of approximately 25 hectares towards the latter end of the Plan Period.
Bolsover District Council	Signed	None.
Amber Valley Borough Council	Draft	None to date

4. Next Steps

- 4.1 Officers will continue to engage with the prescribed bodies to address any outstanding strategic matters and to progress with the Statements of Common Ground (SoCG), seeking, where possible, agreement on any outstanding issues prior to the submission of the Local Plan to the Secretary of State in April 2024.
- 4.2 Statements of Common Ground will be published on the Council's website prior to submission.

Implications

Corporate Plan: Planning, and the Local Plan in particular, has a cross cutting role to play in helping to meet and deliver the 6 priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, maximising economic growth especially around transport hubs and improving green spaces and the natural environment.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) ("the Act") and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward, including the Duty to Co-operate. Under Section 20 of the Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the regulations and the document is ready for independent examination. [RLD 14/02/2024]

Finance: There are no direct financial implications contained within this report. [PH 16/02/2024].

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
Planning Inspector considers that Ashfield have not met with the Duty to Co-operate in preparing the Ashfield Local Plan.	All Statements of Common Ground to be finalised and published prior to submission of the Local Plan for Examination.

Human Resources: There are no direct HR implications contained within this report.[KB 14/02/2024}

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment has been undertaken as part of the consideration of the Regulation 19 Local Plan.

Other Implications:

Not applicable

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Not applicable

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