BOLSOVER DISTRICT COUNCIL
LOCAL PLAN EXAMINATION
Matter 1 Legal Compliance including Duty to Cooperate

Issue 2: Is the Local Plan’s preparation compliant with the Duty to Co-operate [DtC] imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?

Rob Routledge and Adele Rhodes on behalf of the Council
Issue 2: Is the Local Plan’s preparation compliant with the Duty to Co-operate [DtC] imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?

Q10 What has been the nature and timing of the co-operation and on which issues?

Council Response

10.1. The Council considers that the preparation of the Local Plan has fully complied with the Duty to Co-operate imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).

10.2. Co-operation in respect of the development of policies in the LPfBD has been ongoing, and proportional to the issues. It is set out in detail in the Council’s Duty to Co-operate Statement. All of the authorities and prescribed bodies were consulted at each of the 4 stages of public consultation on the LPfBD.

10.3. Initial work on the Sustainability Appraisal involved the preparation of a scoping report. Historic England, Natural England and the Environment Agency were involved in developing the indicators used in the Appraisal.

10.4. Work with neighbouring authorities and prescribed bodies in relation to infrastructure requirements has been ongoing as part of the development of the LPfBD. This work is reflected in the Council’s completed Infrastructure Study and Delivery Plan (document EB38 in the documents submitted with the LPfBD) (see also response to Q15 below).

10.5. Section 6.5 - 6.82 of the DtC Statement sets out the issues and bodies the Council has engaged with. Bolsover District Council has a long history of working together with neighbouring authorities on common issues. As a result the Council was a member of sub-regional, county, and HMA wide groups at the start of the process of developing the LPfBD. Working together with these groups has enabled the Council to develop a shared evidence base; and to identify and work together on strategic matters and cross boundary issues early in the process of developing the LPfBD. Collaborative working with other authorities in the HMA led to a joint HMA wide Statement of Common Ground (document KSD 6 in the documents accompanying the LPfBD).

10.6. The Council has had bi-lateral meetings with neighbouring authorities outside Derbyshire and the HMA at key points in the development of each other’s Local Plans. These meetings enabled the Council to discuss specific issues and to establish if there were any emerging strategic matters or cross boundary issues as the Local Plans were developed to different timetables. This engagement led to the development of a SoCG with Mansfield District Council, and a Joint Statement of Common Ground in Respect of the Former Coalite Chemical Works.

10.7. The dates of key meetings/engagement are set out under topic headings at paragraphs 6.5 – 6.83 of the Duty to Co-operate Statement.
Q11  Who did the Council co-operate with?

Council Response

11.1. In respect of strategic matters, the Council has consulted with the bodies prescribed under Part 2 and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further details of this work are set out in the Council’s Duty to Co-operate Statement. An overview of the Council’s engagement with other authorities and prescribed bodies is set out in the table on pages 32 – 40 of the document.

Q12  Are there any failures in the DtC?

Council Response

12.1. The Council considers it has fully complied with the Duty to-Co-operate as set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) in respect of identified strategic matters.

12.2. It is considered significant that no body prescribed under Part 2 and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or any neighbouring local authority has objected to the Publication LPfBD on the basis that the Council has not co-operated with it.

Q13  Is there any identified unmet need in neighbouring authorities which could have been accommodated in Bolsover District under the DtC?

Council Response

13.1. No, there has been no identified unmet need in neighbouring authorities which could have been accommodated in Bolsover District under the DtC. Whilst the Council did receive two preliminary enquiries asking if Bolsover had any land available to meet housing needs arising in other areas, these were not followed up. Details of these requests were set out in the Council’s Position Paper relating to Housing Requirement (PP1 in the supporting document submitted with the LPfBD).

13.2. The first of these was in January 2018 from North East Derbyshire District Council (NEDDC) who asked if Bolsover had any land outside the Green Belt that would in principle be suitable to meet some of NEDDC’s housing target. Bolsover Council responded that whilst land was available within the District there was concern over whether any additional sites in Bolsover District would be well related to NEDDC and the needs arising there. No further correspondence or requests were received from NEDDC. In February 2018, NEDDC started consultation on their Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This contained sufficient allocations within the North East Derbyshire district to meet their proposed housing target.
13.3. In May 2018, the authorities in the Housing Market Area signed a joint Statement of Common Ground. As part of this the four district /borough authorities agreed to seek to meet the identified FOAHN for their individual authority to ensure the overall FOAHN for the HMA was met within the HMA. Within their Local Plan NEDDC has planned to meet its housing target, which is above its FOAHN, within its district and without assistance from any neighbouring authority.

13.4. NEDDC submitted their Plan and the Examination into their Plan, where they proposed to meet their full housing target, was carried out in November and December 2018. There has been no indication post examination of any requirement to help them meet any need.

13.5. The second request was from Sheffield City Council (SCC) in April 2018. This ‘round robin’ request, which was sent to all authorities in the Sheffield City Region, asking if any authority would be in a position to allocate land for housing that would contribute towards Sheffield city’s housing needs. Key points in Bolsover District Council’s response to SCC were that:

a) Bolsover District does not share a boundary with Sheffield City Council (the Housing Market Area is made up of the Sheffield city, and Rotherham Metropolitan Borough Council areas).

b) Bolsover was not one of the authorities specifically mentioned as being best placed to meet Sheffield’s needs;

c) The Publication LPfBD was agreed by members on the 18th April 2018. (The day after the request from SCC was made);

d) At the Identified Strategic Option stage of Bolsover’s Plan, Sheffield City Council had stated that it did not seem reasonable to set a housing target significantly above the level of identified need, specifically in order to meet any of the City’s housing needs.

13.6. Bolsover District Council also noted that due to the timing of the request and uncertainty about what was required we would be proceeding with consultation in the Publication Local Plan (PLP). We also advised that our approach to the scale of housing provision would be set out in the PLP if the City Council wanted to make any representations. No representation was made.

13.7. Currently, Sheffield City Council have yet to finalise their FOAHN, and are not proposing to consult on their Local Plan under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012 until next year (2019). In August 2018, Sheffield’s Chief Planning Officer confirmed at that time that they intended to set out options to meet their entire housing need.

13.8. In short, there is no identified unmet housing need and no outstanding requests under the Dtc for Bolsover DC to meet the identified FOAHN of any other authority.
Q14  Were any standing arrangements/protocols/memorandums of understanding in place?

Council Response

14.1. The following Memorandums of Understanding/ Terms of Reference were in place during the development of the LPfBD. The documents are attached in full as appendix 1 for reference. They have been updated during the process of the development of the Local Plan. Where this has occurred both documents are appended. The following is a summary of the relevant parts of the documents:

• **Sheffield City Region Planning Officers Group. Terms of Reference.**
  Meetings to take place every two months. Purposes of the group g & h include: g) to share and develop information and joint evidence bases in order to satisfy and meet requirement under the ‘Duty to Co-Operate’ in relation to the planning of sustainable development, h) to consult with neighbouring authorities on emerging Local Plans (as part of the ‘Duty to Co-operate').

• **Derbyshire Planning Policy Officers Group. Terms of Reference.**
  Meetings to take place three times a year. Aims of the Group include:
  - To work collaboratively and provide a discussion forum in order to define strategic, cross boundary issues and help achieve complementary planning related strategies, plans, policies and programmes in and affecting Derbyshire in accordance with the National Planning Policy Framework and the Duty to Cooperate, including the preparation of Statements of Common Ground.
  - To establish the need for, develop and undertake joint working and research initiatives where beneficial and feasible (including joint funding and commissioning of consultants where appropriate)
  - To ensure the sharing of information and approaches on strategic and local planning issues, including the implications of new legislation and guidance
  - To share and develop information and joint evidence bases in order to comply with the ‘Duty to Co-operate’ and meet the tests of soundness
  - To collaborate on the delivery of strategic infrastructure, informed by the Derbyshire Infrastructure Investment Plan, Derbyshire Developer Contributions Protocol, Infrastructure Delivery Plans, Investment Plans and Local Economic Strategies

• **Local Plan Liaison Group Memorandum of Understanding. Purpose of the Memorandum of Understanding – Effective from April 2012 – May 2018.** Meetings at least quarterly. The purpose of the Memorandum of Understanding was to set out the agreed arrangements for co-operation and liaison on local plans work and development of local strategy statements within the Northern Housing Market Area of the East Midlands. It provides a framework for delivery of the duties and obligations arising from the Section
110 of the Localism Act in particular that authorities engage constructively, actively and on an on-going basis on matters such as development plans.

- **Local Plan Liaison Group. North Derbyshire and Bassetlaw Housing Market Area Statement of Common Ground May 2018.** Meetings at least quarterly. The SoCG provides a framework for delivery of the Duty to Co-operate duties and obligations arising from Section 110 of the Localism Act 2011, and paragraphs 178 and 179 of the 2012 NPPF; in particularly that authorities should engage constructively, actively and on an on-going basis on matters such as development plans. The Statement was prepared having regard to the proposals in the new (2018) NPPF.

- **North Derbyshire Infrastructure Planning Group 2012 - Terms of Reference.** Meetings quarterly. ToR includes: commenting on and supporting the preparation of each local authority’s Infrastructure Delivery Plan; identifying potential links with neighbouring authorities in Nottinghamshire, Derbyshire, and South Yorkshire (including the Sheffield City Region) on cross-boundary infrastructure; and, to foster closer links with the various agencies that manage and deliver new infrastructure within Derbyshire to advance the infrastructure and development in plan making.

- **North Derbyshire Infrastructure Planning Group - Terms of Reference updated 2017.** Meetings quarterly. Largely as 2012 ToR, but with the addition ‘To provide a forum to meet the requirements on each authority under the Duty to Co-operate’.

- **Lowland Derbyshire Biodiversity Partnership. Steering Group – Terms of Reference 2008.** Meetings twice a year. This includes working together with other parties (other local authorities, Natural England, Derbyshire Wildlife Trust and around 100 other organisations) towards the delivery of the Lowland Derbyshire Local Biodiversity Action Plan targets and actions. (Steering Group currently mothballed).

14.2. Working with these groups over the development of the LPfBD has helped the Council to engage with a wide range of organisations and meet its Duty to Co-operate.

**Q15  How has the co-operation influenced the preparation of the Local Plan?**

**Council Response**

15.1 Working with our colleagues across the HMA and within neighbouring and County authorities, has had a considerable impact on the development and
preparation of the Local Plan. From informal discussions of advice and guidance to formalised work structures, Cooperative working has given rise to many benefits.

15.2 In respect of clear and notable outcomes of co-operation, joint working has produced a number of key positive outcomes.

15.3 The Council’s Infrastructure Study and Delivery Plan (document EB38 in the documents submitted with the LPfBD). The Council has worked with a number of key bodies, including: Derbyshire County Council in respect of: the Strategic Green Infrastructure Network; Education; Libraries; Transport (walking and cycling, bus transport in addition to highways transport), Municipal Waste; Flood Risk,
   a. NHS Derbyshire County PCT;
   b. Derbyshire Community Health Services NHS Foundation Trust;
   c. East Midlands Ambulance Service NHS Trust;
   d. Derbyshire Fire and Rescue Service;
   e. Derbyshire Constabulary;
   f. Post Office Ltd;
   g. Bus Companies and Network Rail/East Midlands Trains;
   h. Highways Agency;
   i. National Grid, Cadent and Central Networks;
   j. Openreach and Digital Derbyshire;
   k. Environment Agency;
   l. Severn Trent and Yorkshire Water water companies;

15.4 The outcome of this work has been to ensure the infrastructure needs of the development proposed in the LPfBD can be met in the right places, and the right times over the Plan period.

15.5 We have also had a jointly produced a range of evidence base documents as set out at pages 15 – 18 of the Duty to Co-operate Statement. These have helped to ensure that the needs of development and the potential consequences arising from this are identified and addressed collaboratively at an appropriate scale.

15.6 A joint SHMA for the Housing Market Area (EB25 and 26 in the documents submitted with the LPfBD) was a major piece of joint working impacting on all of the authorities. This has been updated during the process of plan development to ensure it remains up to date and relevant through a Sensitivity Testing Analysis (EB24 in the documents submitted with the LPfBD); and an Objectively Assessed Needs Update report (EB23 in the documents submitted with the LPfBD). These have ensured that planning for housing across the Housing Market Area is based on robust and up to date evidence.

15.7 We worked on and utilised a Sheffield City Region wide approach to Green Belt reviews which confirms a common methodology to inform each individual authorities Green Belt Review across the Sheffield City Region including the Bolsover Green Belt Review (EB34 in the documents submitted with the LPfBD).
15.8 We helped to generate Joint transport evidence base documents (EB40-50 of the documents submitted with the LPfBD) that identify transport considerations in the district and wider area.

15.9 A joint SoCG was agreed with Bassetlaw, Chesterfield, and North East Derbyshire Councils’ and Derbyshire and Nottinghamshire County Councils’ (KSD6 in the documents submitted with the LPfBD), setting out an agreed approach to identified strategic matters, and cross boundary issues to ensure these are addressed.

15.10 A specific joint SoCG was agreed with North East Derbyshire and Chesterfields Councils, and Bolsover Land Ltd (the Developers) dealing with a large cross boundary, predominantly brownfield site at the former Coalite Chemical Works (KSD7 in the documents submitted with the LPfBD). The SoCG sets out the joint work that has taken place to shape the local plan policies for the site.

15.11 Bolsover, North East Derbyshire and Chesterfield Council’s, Derbyshire County Council, and Highways England also agreed a joint SOCG relating to the cumulative impact of Local Plan allocations across the North Derbyshire area on the operation of M1 junction 30 and the A616/A619 Treble Bob roundabout.

15.12 A joint SoCG was agreed between the Council and Mansfield Council (KSD8 in the documents submitted with the LPfBD) setting out an agreed position in relation to 2 sites close to their shared boundary; the potential impact of development on the strategic highway network; and a common approach to the provision of Gypsy and Traveller Accommodation.

15.13 A jointly agreed SoCG with Historic England proposing modifications to the LPfBD to improve the robustness of policies in relation to the historic environment.

15.14 However, whilst these documents do clearly indicate the degree of joint working, bringing forward tangible documents, the real proof lies in the general agreement and understanding between authorities and relevant bodies and the lack of major objections to any part of the Plan.