

WEST SOMERSET LOCAL PLAN TO 2032 DUTY TO CO-OPERATE STATEMENT



December 2014



West Somerset Local Plan to 2032 Duty to Co-operate Statement

December 2014

Contents

Section	page
1. Statutory requirements and regulations	3
2. NPPF guidance – setting out the duty to co-operate	3
3. Local context	4
4. What are the strategic cross-boundary planning policy issues?	6
5. Identification of the duty to co-operate issues	7
6. Joint evidence base studies	9
7. Infrastructure planning and co-operation	10
8. Co-operation with neighbouring local authorities	10
9. Strategic issues and partnership working	11
10. A description of the engagement undertaken with the S110 bodies	12
11. Conclusion	15

Appendix 1 Letter and response form sent to ‘Duty to Co-operate partners’.

West Somerset Council Draft Duty to Co-operate Statement December 2014

Background

1. STATUTORY REQUIREMENTS & REGULATIONS

Section 33A of the Planning & Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act, places a duty on local authorities and relevant statutory bodies to co-operate on strategic planning issues. This Duty requires ongoing, constructive and active engagement on the preparation of development plan documents.

This requires West Somerset Council to co-operate with other local planning authorities and bodies prescribed in regulation 4(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 to maximise the effectiveness of development plan preparation, so far as it relates to a strategic matter. A strategic matter is defined as “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” (section 33A (4) (a)).

2. NPPF GUIDANCE – SETTING OUT THE DUTY TO CO-OPERATE

The National Planning Policy Framework (NPPF) (paragraph 156) provides guidance on the strategic matters which may relate to the duty to co-operate provided that they satisfy the above S33A (4) (a) definition in the local context, these include:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape

The Council and relevant statutory agencies are required to engage constructively, actively and on an ongoing basis on strategic planning matters. The engagement required includes ‘considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches’ to development plan preparation and the accompanying evidence base so far as it relates to a strategic matter (Section 33a sub section 6a).

The NPPF clarifies this further stating that:

‘Co-operation 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 levels of development.’ (Paragraph 181).

The Duty to Co-operate Bodies:

The 2012 Local Planning Regulations identify the following public bodies with which the Council must co-operate under these provisions:

- Environment Agency
- English Heritage
- Office of the Rail Regulator
- Highways Agency
- Natural England
- Integrated Transport Authorities
- Civil Aviation Authority
- Highways Authorities
- Homes and Communities Agency
- Marine Management Organisation
- NHS Clinical Commissioning Groups

West Somerset Council must also engage closely with the Heart of South West Local Enterprise Partnership (HoSW LEP), in terms of strategic matters in emerging development plans and especially where key development proposals are reliant on public infrastructure funding to assist deliverability (Planning and Compulsory Purchase Act 2004 S.33A (9) and Town and Country Planning Regulations 2012 4(2)).

The Council is also required to co-operate with Local Nature Partnerships and have regard to their activities in relation to Local Plan preparation. Local Nature Partnerships involve a broad range of organisations who aim to deliver improvements to the local natural environment. The Duty to Co-operate requires local authorities to work collaboratively to deliver a strategic approach to encouraging biodiversity.

Consultation with Duty to Co-operate bodies

The NPPF (para 181) states that ‘local planning authorities will be expected to demonstrate evidence of having successfully co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.’

This Statement of Compliance with the ‘Duty to Co-operate’ will be submitted alongside the West Somerset Local Plan to 2032, it describes how the Council has co-operated with relevant organisations as part of the plan preparation process (see summary included below at Table 1).

3. LOCAL CONTEXT

West Somerset Local Plan area Context

The West Somerset Local Plan area consists of those parts of the District which lie outside the Exmoor National Park. The area lies mainly between the southern shore of the Bristol Channel and the sparsely populated uplands of Exmoor to the south and west, the Quantock Hills to the east and Brendon Hills to the south east. The Local Plan area, despite being predominantly rural, contains about two thirds of the District’s population, but only a third of its land area (the remainder of the District being within the National Park LPA area).

Transport links to the neighbouring Districts are limited and relatively inconvenient, helping to contribute towards the high level of self-containment within the area. West Somerset has come to be regarded as distinctly more remote from the main M5 and A303 transport corridors with their relatively high concentrations of population and economic activity, than the other Districts in Somerset.

The A39 runs from the M5 at Bridgwater, through the coastal strip to Minehead and the small coastal towns beyond. The A358 links the M5 at Taunton with the A39 at Williton, and the A396 links the Dunster / Minehead area with Tiverton to the south. In strategic terms then, Minehead is situated in a relatively remote coastal cul-de-sac.

Minehead, despite being relatively small in terms of population, is the main service centre for a large part of the Exmoor National Park LPA area. However, some of the villages in the eastern and southern fringes of the West Somerset LPA area tend to look away from Minehead, towards Bridgwater, Taunton or Tiverton for their main services and employment.

The housing markets of the northern parts of the South Western Peninsula, including parts of North Cornwall, North Devon and West Somerset, share many characteristics. For this reason a Strategic Housing Market Assessment was prepared for the area as a whole in partnership with the other Local Planning Authorities. West Somerset LPA area is also part of the Taunton and South Somerset Housing Market Area, and so was also included in that SHMA as well.

There is a relatively low waged economy within the Local Plan area, relying heavily on tourism and social care. This gives rise to an outflow of young to middle-aged adults seeking employment elsewhere either commuting or by moving to take up work.

Hinkley Point C new nuclear power station is located within the north eastern part of the LPA area, this is a major National Strategic Infrastructure Project which has strategic, cross-boundary implications which have required active co-operation from the local authorities involved to co-ordinate a joint approach to management of the attendant issues.

Neighbouring Local Planning Authorities (See Map 1 below):

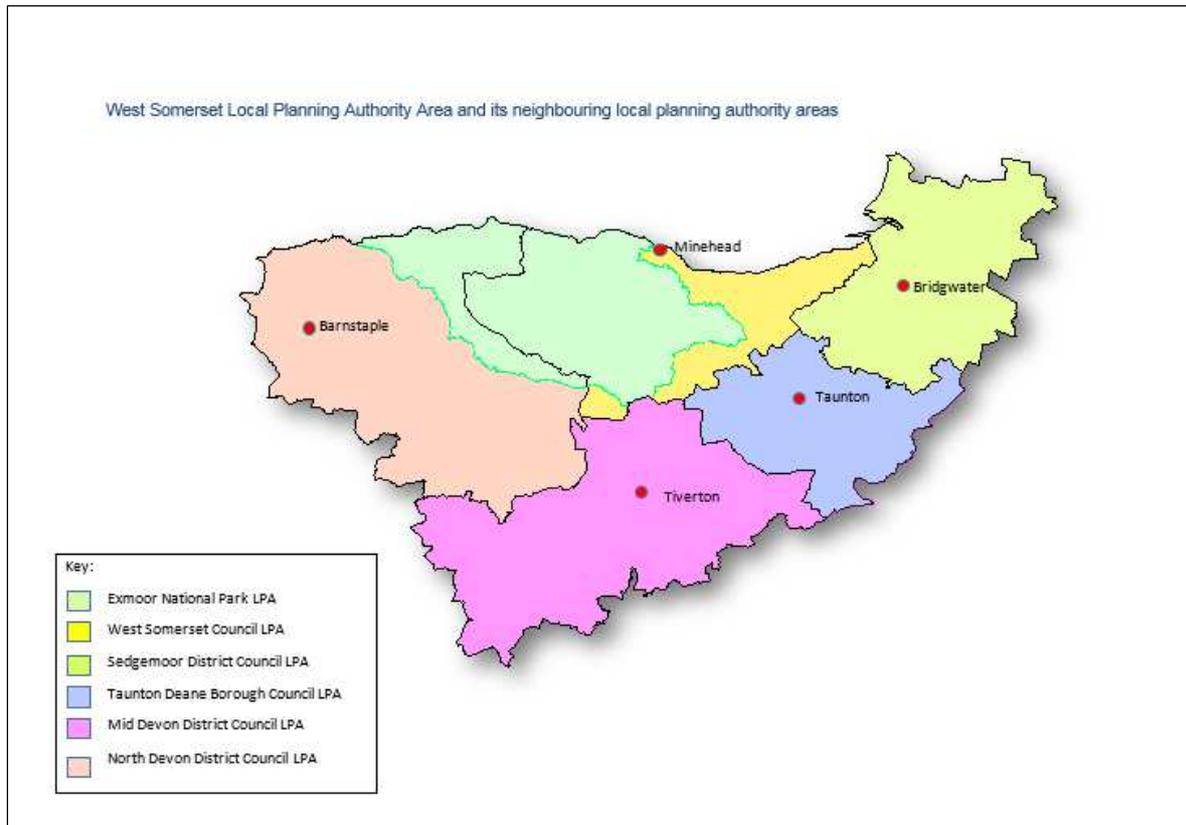
- The Exmoor National Park Authority is the neighbouring Local Planning Authority to the west and south west.
- North Devon District Council has a small length of common boundary with the detached southern part of the Local Plan area, including Brushford and part of Dulverton Parish.
- Mid Devon District Council also borders parts of the southern edge of the LPA area.
- Taunton Deane Borough Council lies to the south east, and
- Sedgemoor District Council to the north east.

Somerset County Council is the Minerals and Waste Local Planning Authority for the area. There are no major centres of population close to the Local Plan area within any of these neighbouring Local Planning Authority areas, and no strategic transport routes pass through the West Somerset LPA area. West Somerset LPA's three main settlements are all located in the relatively remote western part of the District's coastline.

West Somerset Local Plan preparation

West Somerset Council adopted its previous Local Plan (the West Somerset District Local Plan) in April 2006, and many of the policies in that plan have been saved by the Secretary of State. Since that time the Council has been preparing a Core Strategy / Local Plan under the 2004 Planning and Compulsory Purchase Act and subsequently the Localism Act 2011. This process of policy development and review has involved a significant degree of historic co-operation with the neighbouring LPAs.

Map 1: West Somerset Local Planning Authority Area in relation to its neighbouring LPA areas.



4. WHAT ARE THE STRATEGIC CROSS-BOUNDARY PLANNING POLICY ISSUES?

Having identified the key issues for the plan to address through use of the evidence base and a process of community and stakeholder engagement, the Council developed strategic objectives and justified policies for the LPA area. As this process has developed, the evidence and policy development work have informed the identification of the cross-boundary strategic issues relevant to the Duty to Co-operate’s requirements.

The limited range of choice of strategy options within West Somerset’s LPA area arises to a large extent from its geography, with thinly populated upland areas surrounding its main settlements and giving rise to a challenging transport and communications context as described above. The main centres of population within the LPA area, lying as they do at some distance from the M5 corridor, are of limited attractiveness to larger employers requiring easy access from the motorway / trunk road network for operation purposes. This issue has given rise to a relative lack of pressure for development within West Somerset, and in particular for large scale development. These factors have resulted in there being few strategic, cross-boundary issues requiring active co-operative action under the duty to co-operate requirements within the emerging Local Plan.

5. IDENTIFICATION OF THE DUTY TO CO-OPERATE ISSUES

An initial exercise to identify strategic cross boundary issues resulted in the following being identified:

- Hinkley Point C impacts – a major national infrastructure project being planned for implementation within the north-eastern boundary of the LPA area,
- Biodiversity networks – by their nature, not constrained by administrative boundaries,
- Minehead as a sustainable service centre for Exmoor National Park communities – this is chiefly addressed through maintaining or enhancing Minehead's commercial and service functions, wholly within the control of West Somerset Council as LPA
- Flood risk and coastal management – whilst these are cross boundary issues, they have largely been addressed through the Joint commissioning of the Strategic Flood Risk Assessment and are in the hands of the Environment Agency and Defra,

These matters were the subject of a letter sent to all the duty to co-operate bodies in January 2013 (attached at Appendix 1), in which it was suggested that of these four issues, Hinkley Point C and flood risk / coastal management were the only two which might warrant active cross boundary co-operation.

Housing provision was not included in the list of issues at the time, it then being considered that the issue was being appropriately addressed from a Duty to Co-operate point of view through the joint production of strategic housing market assessments.

Since then, partly through discussions with neighbouring LPAs, it has become clear that in addition to planning and liaison over the Hinkley Point new nuclear proposal, the issue of housing evidence / provision is the other main duty to co-operate issue relevant to the area.

The housing issue has arisen because of two different factors:

- A. In the case of the West Somerset Local Plan to 2032 it has not been possible for Officers to set out a strategy which will see the entire objectively assessed affordable housing need being met. This is because the need identified by the Strategic Housing Market Assessment includes 60% of total housing requirement being provided as affordable housing. Given that viability considerations in the area provide a maximum affordable housing component of 35% on the strategic development allocations, it is quite impossible to deliver 60% of the whole housing need as affordable housing.
- B. Secondly, further to an ongoing series of regular officer meetings between the two LPAs, West Somerset Council has recently been approached by Exmoor National Park with a request for West Somerset to accommodate the Park's open market housing requirement. Although all possibilities have been thoroughly examined the Council has not been able to agree to this request. The housing target proposed in the West Somerset Local Plan to 2032 already significantly exceeds the historic long-term average achieved for housing delivery in the LPA area and it is questionable whether increasing the housing requirement further would result in a justified and deliverable plan with an achievable housing target. It would be inappropriate for the Council to deviate from the justification underpinning the strategic housing requirement established in the Revised Preferred Strategy consultation.

The co-operative working which has taken place in respect of these issues can be summarised as follows:

A. Hinkley Point C New Nuclear Project:

Planning to prepare for / mitigate the impacts of the Hinkley Point C new nuclear project. This National Infrastructure Project has warranted a very substantial process of joint

working between the host authority – West Somerset Council – and Sedgemoor District Council, Taunton Deane Borough Council and Somerset County Council together with other government and private sector parties. This has included working through the Somerset Nuclear Environment Group, and also, latterly the Planning Obligations Board. These bodies have met regularly in order to help the project to be implemented with minimum adverse impact to the local area and its population and maximising the benefits. The work carried out has included the preparation of a Supplementary Planning Document for the project, and the negotiation of the Community Impact Mitigation Fund for the purpose of mitigating the impacts of the Site Preparation Works which have been permitted. The management of traffic and movement of materials and impact on the wider economy and housing market have all been the subject of substantial joint working during the evolution of the Local Plan. These have involved a mixture of high level officer, and member forums which have had substantial outcomes, preparing the way for the final investment decision and potential implementation. This co-operation will continue throughout the build period which is likely to continue until the latter part of the Local Plan period.

B. Co-operation with the Exmoor National Park Authority:

There has been a considerable amount of co-operation involving regular meetings with the Exmoor National Park Authority over cross-boundary issues relating to housing requirements and development strategy, and also over the appropriate way to treat development in proximity to the National Park within the West Somerset LPA area. West Somerset and Exmoor National Park Planning Policy officers have met regularly to discuss matters arising from the assessment of housing requirements for their respective areas and the parallel emergence of the two local plans. The Exmoor National Park Authority has requested that West Somerset should accommodate the National Park's open market housing requirements. The request is not considered to be appropriate since the housing target proposed in the West Somerset Local Plan to 2032 already exceeds the historic long-term average achieved in the area and it is questionable whether adjusting the figures upwards would result in a deliverable plan with an achievable housing target. Amendments have however been proposed in the West Somerset Local Plan to 2032 requiring appropriate design treatment of development close to the National Park boundary at Minehead as a result of the co-operative working, and joint work has also constructively addressed the relative roles and functions of settlements on both sides of the National Park boundary.

C. Co-operation with Taunton Deane and Sedgemoor District Council:

In the light of the Council's inability to meet the full affordable housing element of the objectively assessed housing need for the area as described above, approaches were made to both Taunton Deane Borough Council and Sedgemoor District Council to ascertain whether either authority could accommodate an element of the affordable housing need. Whilst neither authority has been able to accept the housing need, as all Somerset Local Authorities are part of the Choice Based Lettings System 'Homefinder Somerset' there can be some assurance that those in greatest housing need within West Somerset could still access accommodation in other parts of the County should they wish to do so and their need be greater than other applicants. In setting the strategic housing requirements for the West Somerset Replacement Local Plan officers have attempted to maximise the delivery of affordable housing.

6. JOINT EVIDENCE BASE STUDIES

West Somerset Council has also jointly commissioned a number of evidence base studies which together make up a substantial part of the evidence base for the Core Strategy / Local Plan. These include:

Strategic Housing Market Assessment

Two Strategic Housing Market Assessments have been prepared covering the West Somerset LPA, one carried out with the other Somerset planning authorities (Taunton Deane Borough Council, Sedgemoor District Council and South Somerset District Council and the other with those on the north coast of the south west peninsula in north Devon and north Cornwall with whom West Somerset shares a number of important characteristics.

The Taunton and South Somerset SHMA was commissioned by the Somerset Strategic Housing Officers Group in December 2007. The work has been taken forward and managed by a Project Team of housing and planning officers from the four districts. The Project Team appointed Fordham Research to undertake the study.

At various stages throughout the project, the views of a wide range of stakeholders were sought. In the later stages of the project, developers, builders, housing associations and other agencies came together with the local authorities to form the Taunton and South Somerset Housing Market Partnership. The Partnership considered the comments that were made on draft reports during consultation in autumn 2008, and decided on the final content of the reports.

Two SHMAs were prepared because the District falls within two separate Housing Market Areas. These studies were prepared to better understand the operation and structure of the housing market within West Somerset and the housing demand, need and supply within the area in order to plan for the future. The SHMA identifies the level of self-containment demonstrated in the HMA areas.

The SHMAs also show that the stock of dwellings within the Plan area is biased towards larger detached homes and with a very high level of outright owner occupation. There is also a significant mismatch between the prices of the houses in the market and the average local wage, which have a high relative factor of x14. The SHMA provides an evidence base for the development of housing policies within the West Somerset Local Plan. Unsurprisingly, in the light of the above, the SHMAs highlighted a serious shortfall in the level of affordable housing provision compared to local need.

Gypsy and Traveller Accommodation Assessment

The Somerset Gypsy and Traveller Accommodation Assessment (GTAA) was prepared jointly by the Somerset Local Authorities (although without the Exmoor National Park Authority). Subsequently, the Somerset district councils jointly commissioned an update of the GTAA from De Montfort University to assess the need for residential and transit pitches for the gypsy and travelling community in the county. The GTAA working group involves representatives from each of the districts and a representative from the Somerset Strategic Housing Officer Group and the Somerset Equality and Diversity Group. The GTAA has provided the necessary evidence base for the Gypsy and Traveller pitch/plot requirements to inform the Site Allocations and Development Management Plan.

The West Somerset SHLAA

The SHLAA studies in Somerset have been prepared to an agreed common methodology endorsed by the Somerset Housing Market partnership (SHMP), which also signed off each LPA's study once complete. SHMP included representatives from West Somerset, Taunton Deane, South Somerset and Sedgemoor District Councils, as well as Somerset County Council.

There were also private housebuilder and registered social housing provider representatives on the group. In each case a panel including the latter parties carried out each of the SHLAA studies.

Strategic Flood Risk Assessment

The Strategic Flood Risk Assessment (Level 1) was commissioned jointly between West Somerset Council and the Exmoor National Park Authority. The SFRA Level 1 identifies the extent of the Environment Agency's flood risk zones across both local planning authority areas in order to allow the application of the sequential test, and is intended to help enable a common approach to flood risk management across the two areas.

The SFRA Level 2 was commissioned solely by West Somerset Council because the Exmoor National Park Authority does not propose any major development within its LPA area.

7. INFRASTRUCTURE PLANNING AND CO-OPERATION

West Somerset Council has prepared an infrastructure delivery plan setting out the infrastructure implications of the Local Plan's strategy, through working with Somerset County Council (as the Highway Authority, Education Authority and Lead Local Flood Authority) to consider the infrastructure implications arising from the Local Plan to 2032.

This work has proved challenging, chiefly because of the modest scale of strategic development sites within the Local Plan strategy. The delivery of the strategy is not dependent on any specific large-scale infrastructure projects, and none of the infrastructure providers within the area have any significant infrastructure projects planned for the area during the plan period. Essentially, the infrastructure requirements of each development will be addressed on a site by site basis as for any planning proposal of comparable scale to include items such as: affordable housing, appropriate highway works, surface water management measures, any necessary sewerage enhancements, educational and biodiversity provision etc.

The Council will continue to review the most appropriate means of securing developer contributions, and in particular whether or not to seek approval for a Community Infrastructure Levy instead of relying on S106 agreements.

Two major infrastructure issues which fall outside the area of what is required to deliver the Local Plan strategy, but which affect development, transport and land use within the area are firstly the Hinkley Point C new nuclear project, a NSIP, and secondly, the development of the coastal management works necessary to implement the proposals of the Shoreline Management Plan 2. The final draft of Shoreline Management Plan 2 currently includes a policy approach of 'managed realignment' of the coastal defences between Minehead and Blue Anchor, and in the Stolford – Wall Common area, however the work to determine what form (and alignment) these proposals should take remains to be carried out. The Local Plan includes the indicative realignment lines set out in SMP2.

Whilst the Council has continued to raise the issue of the need for improvements to the main roads into West Somerset these have not resulted in any raising of priority

8. CO-OPERATION WITH NEIGHBOURING AUTHORITIES

Somerset Strategic Planning Conference (SSPC)

SSPC was formed in 2001 to consider strategic land use and transport matters across Somerset. This group involves all Somerset local authority officers and members. An officer

working group was also established to consider the need for joint cross boundary evidence based studies. The duty to co-operate requirements have been incorporated into the SSPC work. Officer meetings take place quarterly and member meetings have been taking place every six months. Participation has also taken place in specific Duty to Co-operate meetings to consider cross-boundary strategic planning issues and the commissioning of joint evidence base studies.

Somerset Duty to Co-operate Group

The Council participated during 2012 and 2013 in this joint Somerset member and officer group meeting six monthly to progress the operation of the Duty to Co-operate and the development of DTC protocols.

Somerset County Council

WSC officers have worked with Somerset County Council to consider the feasibility of the proposed Key Strategic Development sites in the Local Plan in term particularly of safe access from the existing highway network.

Mid Devon District Council

Engagement with Mid Devon District Council has taken place regarding their emerging Local Plan including a strategic employment site adjacent to the M5 at Junction 27. WSC officers raised concerns about the initial proposal for a strategic employment site at Junction 27 in Mid Devon.

9. STRATEGIC ISSUES AND PARTNERSHIP WORKING

Somerset Strategic Housing Partnership

The SSHP was formed in 2004 to bring together key stakeholders from all housing and related fields (including health and social care) to:

- Share ideas and experience and work towards a greater understanding of the housing needs and aspirations of the sub-region's diverse population;
- Raise awareness of the issues affecting the sub-region and lobby for additional funding;
- Work together to improve the standards of new and existing housing within the sub-region; and
- Ensure the provision of appropriate, affordable homes, in the right locations, for future generations.

The partnership comprises the five housing authorities, representation from Registered Providers, Somerset County Council and NHS Somerset and reports into the Somerset Health and Wellbeing Board.

This partnership has already delivered a number of key Somerset wide projects:

- Homefinder Somerset Choice Based Lettings scheme
- Overarching Somerset Vision for Strategic Housing and Somerset Housing Strategy Framework
- Skills mapping exercise to establish where the strengths and weaknesses lie within the partnership.
- Financial Inclusion Strategy
- Youth Housing Strategy
- A foundation document for the Housing, Health, Care and Support Strategy for Older People

- A multi-agency approach to the Gypsy & Traveller Accommodation Assessment (GTAA)
- Somerset Tenancy Strategy (in conjunction with key social landlords within the Homefinder Somerset partnership)
- Somerset Homelessness Strategy (in preparation)
- Cost and Performance Analysis project for housing authority partners

The Somerset Growth Plan

The Somerset Local Authorities, business representative organisations and other key stakeholders have developed a Somerset Growth Plan. The Growth Plan outlines Somerset's plans to promote growth between now and 2020. The Plan also served to inform the Heart of SW LEP's Strategic Economic Plan.

The Plan was endorsed by the Somerset Chief Executives and Leaders Group on 17th January 2014.

The Countywide Regeneration Directors group are responsible for developing the investment projects and proposals into delivery plans. This group is also considering how the Somerset authorities can develop collaborative governance for the Plan. This group has a district representative that sits on the Heart of SW LEP Board (this is currently a Sedgemoor District Council representative).

Hinkley Point C Development

As the host authority for this complex, large scale infrastructure project West Somerset Council has been deeply involved in co-operation over planning for its delivery and the management of impacts on the community. The Council has been involved in the Socio-Economic Advisory Group and the Hinkley Strategic Delivery Forum with Sedgemoor District Council, Taunton Deane Borough Council, North Somerset and relevant Section 110 bodies (eg Highways Agency, Environment Agency and LEP) to consider the strategic impact of the Hinkley Point C development. Check this, we were probably involved in more than this

Somerset Levels and Moors Flood Action Plan

Following the significant flooding events in Somerset in late 2013 and early 2014 the Somerset authorities in partnership with the Environment Agency and a number of other interested groups developed the Somerset Levels and Moors Flood Action Plan to guide water and land management policies and investment on Somerset's Levels and Moors.

10. A DESCRIPTION OF THE ENGAGEMENT UNDERTAKEN WITH THE S110 DUTY TO CO-OPERATE BODIES DURING THE PREPARATION OF THE WEST SOMERSET LOCAL PLAN TO 2032.

During the Local Plan preparation process West Somerset Council has undertaken a substantial amount of engagement and discussion with its neighbouring local planning authorities, particularly Sedgemoor District Council and the Exmoor National Park Authority, also Somerset County Council, as well as other public organisations to ensure that there is an appropriate level of co-operation over planning policy matters.

West Somerset Strategic Partnership:

The initial stages of plan production were carried out in the context of the Somerset Strategic Partnership and the West Somerset Strategic Partnerships' West Somerset Sustainable Community Strategy (WSSCS) and the Somerset Local Area Agreement. These partnerships facilitated the input of a wide range of groups, for example, the West Somerset Strategic Partnership including (in addition to West Somerset Council):

- Avon and Somerset Constabulary
- Local chambers of trade
- The Exmoor National Park Authority
- Somerset County Council
- West Somerset Business Network
- West Somerset Voluntary Sector Forum
- Forum 21
- Somerset Primary Care Trust
- Minehead Town Council
- Watchet, Williton and Quantock Area Panel
- Dunster Area Panel
- Exmoor Area Panel
- Magna West Somerset Housing Association
- Butlins

The WSSCS set out a vision for the area's future development and enhancement, and the Core Strategy / Local Plan took its objectives as a starting point as a means of helping to realise this vision for the area's future. The Planning Policy Team made presentations to the WSSP about the issues and options in the emerging Core Strategy, answered questions and engaged in debate about these matters.

Local Development Framework Officer Group meetings

West Somerset Council participates in regular Somerset Local Development Framework Officer Group meetings, which includes officers from:

- Taunton Deane Borough Council,
- Sedgemoor District Council,
- South Somerset District Council,
- Mendip District Council and
- Exmoor National Park Authority in addition to
- Somerset County Council's Highways, Estates and Economy functions together with
- a representative from the West of England Partnership.

These meetings of lead planning policy officers were used to discuss cross boundary strategic issues affecting more than one local authority, such as transport, waste, environment and biodiversity and provision for gypsies and travellers.

There have been additional on-going discussions with the Exmoor National Park Authority particularly to discuss the relationship of the service centre town of Minehead with the adjacent sparsely populated areas within Exmoor. Engagement continues concerning particularly the development of the two adjacent local plans and housing requirements.

Co-operation with Other Statutory Bodies

Environment Agency

West Somerset Council officers have worked with the Environment Agency on the preparation of the strategic flood risk assessment documents underpinning the Local Plan. Liaison has also taken place on the development of the Shoreline Management Plan 2 for the North Devon and West Somerset coast and its strategic proposals for coastal management.

WSC continues to work closely with the EA and other key partners on the Somerset Levels and Moors Flood Action Plan.

English Heritage

English Heritage have confirmed that they are not aware of any strategic cross-boundary issues relating to their work that requires consideration as part of the WSC Local Plan and duty to co-operate requirements. The Historic Environment Issues Paper prepared by the Somerset

County Heritage Service as part of the evidence base was prepared with the involvement of English Heritage.

Office of the Rail Regulator

There are no main line railways within West Somerset.

Highways Agency

The Local Plan strategy has been monitored by the Highways Agency so that it can assess any potential highway impact of the Plan's proposals, alongside the anticipated changes and on the wider strategic route network.

Natural England

Have been involved in the process through the Habitat Regulations Assessment mechanism.

NHS Commissioning Bodies

Initially this role was performed with the Primary Care Trust for the area. Significant joint working took place through the Active Environments initiative between health professionals, sports centre managers and others involved in physical activities together with the planning policy team. Advancing the cause of public health through planning policy was one of the key aims of the initiative.

The health infrastructure requirements are outlined in the Infrastructure Delivery Plan update.

Homes and Communities Agency

WSC works with the Homes and Communities Agency chiefly through its membership of the:

1. Somerset Strategic Housing Officer Group
2. West Somerset Affordable Housing Group
3. County Enablers Meeting

The HCA will continue to be consulted on future development plan reviews.

Marine Management Organisation

Contact has been made with the Marine Management Organisation, which has not as yet made any specific input to the Local Plan process.

Heart of South West Local Enterprise Partnership

The Heart of the South West Local Enterprise Partnership (LEP) was established in June 2011 under the leadership of the private sector supported by the local authorities from Devon, Plymouth, Somerset and Torbay and the areas' District Councils.

WSC officers have been involved in the LEP Infrastructure Working Group to inform the development of the LEP Strategic Economic Plan submitted to Government in March 2014.

The Somerset local authorities, business representative organisations and other key stakeholders have developed a Somerset Growth Plan. The Growth Plan outlines Somerset's plans to promote growth between now and 2020 and also informed the Heart of SW LEP's Strategic Economic Plan. The Countywide Regeneration Directors group is considering how the Somerset authorities can develop collaborative governance for the Plan and a district representative (currently Sedgemoor DC) sits on the Heart of the South West LEP Board.

Local Nature Partnership

The Somerset Local Nature Partnership was established in 2012.

The Somerset Wildlife Trust (a key partner on the LNP) in partnership with Somerset County Council are developing a mapping system that identifies the current ecological infrastructure in Somerset. The work identifies existing areas and features of importance for protected and priority species and habitats as well as new opportunities for biodiversity and the linkages required to ensure connectivity between the ecological networks. For ecological networks to be effective, they need to be implemented strategically, rather than on a piecemeal basis and the LNP are promoting the Somerset Ecological Networks mapping information to promote the inclusion of policies in development plans across all the local planning authorities in Somerset.

The Somerset Ecological Networks mapping information was not available to support the inclusion of a specific Ecological Networks policy in the Local Plan, however a policy which acknowledges the importance of ecological networks and seeks to protect them has been drafted for the plan with the assistance of the County Council's Ecologist.

11. CONCLUSION: HAS THE DUTY TO CO-OPERATE BEEN SATISFIED?

- **How has the duty been met?** – By a mixture of regular partnership meetings and processes, statutory consultations, seminars and joint evidence procurement.
- **What sub-regional assessments have been done in consultation with others? -**
The Council has participated in the commissioning of:
 - two joint Strategic Housing market Assessments, one comprehensive update and a further piece of joint work to take account of the 2012 based household projections.
 - Worked with other Somerset local planning authorities and both private sector and housing association partners to carry out Strategic Housing Land Availability Assessments for the districts within Somerset using a common methodology.
 - The Level 1 Strategic Flood Risk Assessment was jointly commissioned with the Exmoor National Park Authority.
 - In addition a joint Hinkley Point C Local Impact Report has been prepared in partnership with Sedgemoor District Council and Somerset County Council
 - A Gypsy and Traveller Accommodation Assessment, and update have been carried out jointly with the other Somerset Local Planning Authorities.
- **Can identified needs be met within the area?** – it is not possible for the West Somerset Local Plan to meet the full Objectively Assessed Need of housing for the area due to the very high proportion (60% of the total) of affordable housing which is demonstrated to be required and the impracticality of delivering this proportion in the light of viability considerations. Discussions regarding this issue have taken place with neighbouring LPAs, neither Taunton Deane nor Sedgemoor have been able to formally accommodate the request through planning policy documents.
- Will the cooperation deliver the right outcome? – as set out in this document, the geographic context of West Somerset limits the potential for cross-boundary co-operation over strategic issues to a considerable extent. The partnership working described in this document has contributed significantly to producing the best achievable outcome.

- There has been co-operation with the Somerset Primary Care Trust (PCT) regarding GP services and public health policy,
- The response to the Hinkley Point C project has been the most significant area of joint working which the Council has been involved in, quite properly in view of the very significant cross-boundary impacts the construction of the new nuclear power station is likely to have.

West Somerset Council is not aware of any fundamental objections to the overall soundness of the Local Plan by district or county councils in or adjoining West Somerset (as reflected in public representations or subsequent discussions).

The tables below summarise how West Somerset Council has cooperated with other authorities and public bodies in the preparation of the West Somerset Local Plan.

Table 1. Core Strategy – Summary of Co-operation

Organisation	Nature of Co-operation
The Homes and Communities Agency	Statutory consultations involvement in Affordable Housing Group and other housing management partnership groups
Environment Agency	Statutory consultation <ul style="list-style-type: none"> ○ Involvement in the Strategic Flood Risk Assessment ○ Discussions regarding infrastructure provision ○ Shoreline Management Plan 2 process.
Marine Management Organisation	Statutory consultations
The Civil Aviation Authority	Statutory consultation
Office of Rail Regulation	Statutory consultations
English Heritage	Statutory consultation – involvement in the preparation of the Historic Environment Issues Paper with Somerset county Council's Heritage Service.
Natural England	Statutory consultation – involvement in HRA process
Local Enterprise Partnership	Statutory consultations <ul style="list-style-type: none"> ○ West Somerset Council participates in the LEP's infrastructure theme working group.
Local Nature Partnership	Statutory consultations and correspondence.
Primary Care Trust / NHS Commissioning bodies	Statutory consultation <ul style="list-style-type: none"> ○ Discussions regarding infrastructure provision
Somerset County Council	Continuous informal discussion and statutory consultations <ul style="list-style-type: none"> ○ Engagement at LDF Officers Group ○ Engagement at Somerset Planning Policy Officer Liaison meetings ○ Participation in Hinkley Point joint working process ○ Joint evidence studies – Somerset SHMA

	<ul style="list-style-type: none"> ○ Historic Environment Issues Paper ○ Discussions regarding infrastructure provision
Devon County Council	Statutory consultations
Sedgemoor District Council	<p>Continuous informal discussion and statutory consultations</p> <ul style="list-style-type: none"> ○ Engagement at LDF Officers Group ○ Engagement at Somerset Planning Policy Officer Liaison meetings ○ Participation in Hinkley Point joint working process ○ Participation in Hinkley Point Supplementary Planning Document process. ○ Joint evidence studies – Somerset SHMA ○ Discussions regarding infrastructure provision ○ Formally written to Portfolio Holder to request affordable housing requirement be met.
Taunton Deane Borough Council	<p>Continuous informal discussion and statutory consultations</p> <ul style="list-style-type: none"> ○ Engagement at LDF Officers Group ○ Engagement at Somerset Planning Policy Officer Liaison meetings ○ Participation in Hinkley Point joint working process ○ Joint evidence studies – Somerset SHMA ○ Discussions regarding infrastructure provision ○ Formally written to Portfolio Holder to request affordable housing requirement be met.
North Devon District Council	Statutory consultations as well as a series of meetings together with Torrridge District Council and the Exmoor National Park Authority to liaise on SHMA preparation and housing requirement issues.
Mid Devon District Council	Statutory consultations as well as meetings which have taken place together with other neighbouring LPAs of Mid Devon regarding potential impact of major development proposals within their District and the emerging Mid Devon Local Plan.
Exmoor National Park Authority	<p>Continuous informal discussion and statutory consultations</p> <ul style="list-style-type: none"> ○ Engagement at LDF Officers Group ○ Engagement at Somerset Planning Policy Officer Liaison meetings ○ Joint evidence studies – SFRA level 1 ○ Discussions regarding affordable housing provision ○ Formally responded through Portfolio Holder to request from Park to meet market housing element of ENP Objectively Assessed Housing Need arising.

Letter and response form sent to ‘Duty to Co-operate partners’ January 2013.

9th January 2013

Dear

Re: West Somerset Local Plan to 2032 - Section 33A of the Planning and Compensation Act 2004 and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 – Duty to Co-operate.

I am writing to you, as an organisation subject to the new duty to co-operate, in connection with the implementation of the duty, which is set out in S.33A of the Planning and Compensation Act 2004, Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and also through the provisions of the National Planning Policy Framework (the NPPF).

It is recognised that much valuable co-operative working and partnership activity has already taken place between the duty to co-operate bodies (and many other parties) during the plan preparation process so far. This is in addition to the more formal consultation exercises which have punctuated the frontloading period.

In order to continue this work in compliance with the new duty, I am writing with the aim of identifying, discussing and hopefully agreeing on, the strategic cross-boundary issues which affect both of our organisations.

The terms of the legislation and guidance require that the specified organisations should:-

- engage constructively, actively and on an ongoing basis in relation to planning of sustainable development, and;
- consider whether to enter into agreements on joint approaches or prepare joint local plans (if a Local Planning Authority).

The duty applies to planning for cross-boundary strategic matters in relation to the preparation of local and Marine Plans, and other activities that prepare the way for these activities.

The strategic issues identified in the National Planning Policy Framework are as follows:-

- The provision of homes and jobs,
- Retail, leisure and commercial development,
- Infrastructure for transport, telecoms, waste, water, flood-risk, coastal change, minerals & energy,
- Health, security, community & cultural infrastructure,
- Climate change mitigation and adaptation, and;
- Conservation & enhancement of the natural & historic environment, including landscape.

Context of the Local Plan area:

The West Somerset Local Plan area is comparatively isolated from the nearest major centres of population to the east and south, these being Taunton, Bridgewater and Tiverton. The thinly populated Exmoor National Park to the west and south, and the Bristol Channel to the north, make up approximately two thirds of the Local Plan area boundary. The main centres of population in the Local Plan area (Minehead, Watchet and Williton) are not on a strategic transport route and there is currently no prospect of significant investment to change this situation. It is suggested that this context means that there are relatively few strategic issues which require a collaborative cross-boundary approach. The issues outlined below for which

such an approach is considered appropriate are already the subject of cross-boundary partnership working. I enclose an outline plan of the Local Planning Authority Area.

Suggested West Somerset cross-boundary 'strategic' issues to be addressed:

We believe that the following four issues to be addressed by the West Somerset Local Plan are both strategic and of a cross-boundary nature:

- **The impact of the Hinkley Point C new nuclear project,**
- **Flood risk and coastal management,**
- **Biodiversity networks,**
- **Sustainable service centre provision in Minehead, also serving the Exmoor National Park communities.**

It is suggested that the following two of these issues require active co-operation between the duty to co-operate partners:

- The impacts of the Hinkley Point C new nuclear project, which have already given rise to a joint Supplementary Planning Document prepared by West Somerset Council and Sedgemoor District Council, as well as a substantial process of co-operative working between the two district councils, Somerset County Council and other bodies including the Environment Agency in relation to the Development Consent Order and strategic impact. Joint working over the period of planning and implementation of the HPC project will need to continue for the duration of the project.
- The management of responses to coastal change, erosion and sea level rise will also require working between parties including: West Somerset Council, Somerset County Council (as local lead flood risk body), the Environment Agency, the Somerset Drainage Boards Consortium, the Marine Management Organisation and in relation to the Steart Peninsula, Sedgemoor District Council.

The other two, whilst being cross boundary strategic issues, are considered unlikely to require active collaboration between the duty to co-operate bodies in strategic planning terms.

It is suggested that there is no need to prepare any further joint planning documents to address any of these issues, and that the existing consultation and co-operation processes may be fully effective in addressing them under the terms of the duty.

Do you agree with this assessment of the cross-boundary strategic issues affecting the West Somerset Local Plan area, and whether they require active plan making co-operation in order to positively prepare an effective local plan for the area?

It is emphasised that these questions relate purely to cross-boundary issues, the co-operative working process on the full range of local plan issues within the local plan area is not the subject of this letter.

I would be grateful if you could please make your response to me at the address above on the attached sheet (with additional pages should that be necessary) by Friday 22nd February 2013.

Yours sincerely,

Toby Clempson,

Principal Planning Officer – Policy

Response section.

West Somerset Local Plan to 2032 - Section 33A of the Planning and Compensation Act 2004 and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 – Duty to Co-operate.

Organisation:	
name	
position	
signature	
Date	

In order to help both of our organisations fulfil the Localism Act's duty to co-operate and to help West Somerset Council positively prepare an effective local plan for its local planning authority area, please indicate below whether you / your organisation agree(s) with:

1. the summary of cross-boundary strategic issues affecting the West Somerset Local Plan area set out in the attached letter, and;
2. the way in which the letter suggests that they should be addressed.

If you do not agree with part or all of the above, could you please briefly set out why your view differs and provide your own summary of cross-boundary strategic issues affecting West Somerset's Local Plan area and the way in which you consider they should be addressed.

It is the intention that this is part of a continuing conversation between partners rather than a one-off exercise.

Response (please continue over or on additional sheets as necessary):