



# West Somerset Local Plan to 2032

## Matter 1: Legal Compliance and the Duty to Co-operate

February 2016

This document represents West Somerset Council's response to the Inspector's Matter 1. It should be read alongside the Council's submissions in respect to other Matters and also presented to the Examination. West Somerset Council responses to the Inspector's Matters 1 – 8 can be found at the Examination Latest News webpage: <http://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Local-Plan-to-2032/Latest-Examination-news>

The paragraph numbering used in this response relates to the matters identified by the Inspector and his issues identified against each matter.

## **Matter 1.1: Legal Compliance**

- 1.1.1 The Council has prepared an updated Legal Compliance Checklist to accompany the West Somerset Local Plan to 2032 (Appendix 1a). This document has been drafted using the Planning Advisory Service's template and provides commentary and in some instances, evidence of where and how key activities pertaining to Plan preparation have been undertaken. The Checklist should be read alongside the Council's other submissions to the Examination.
- 1.1.2 It is noted that save for Duty to co-operate matters which are addressed elsewhere in this Response, the Participants listed on this Matter: Exmoor National Park, North Devon District Council, the HBF and Gladman Homes have not specifically identified areas where the Plan is deficient when assessing its legal compliance. The Council is confident that the legal requirements relating to development plan preparation have been met by the West Somerset Local Plan to 2032.

## **Matter 1.2: Duty to Co-operate**

### ***Partners in the Northern Peninsula SHMA area***

- 1.2.1 Since the publishing of the Duty to Co-operate (DtC) statement in January 2015 as part of the documents connected with the Publication draft version of the Local Plan to 2032 (**ED17**), the LPA has continued to engage with its neighbouring LPA's as part of the on-going DtC process. Officers of the Council have participated in formal meetings with its partner LPA's in the Northern Peninsula SHMA area.
- 1.2.2 Meetings have taken place in June, October and, December 2015 with officers from West Somerset Council attended all but the last of these meetings. The content of these meetings have been recorded in minutes, which have been made available to all the participating LPA's. This ensures that a formal record

exists of the matters that were discussed at each meeting, a summary of those discussions and, where appropriate, any decisions made.

- 1.2.3 In addition, a meeting involving Officers and Members representing West Somerset Council and Exmoor National Park Authority took place in February 2015. This was to inform and update key elected representatives of the strategic and cross-border issues affecting both LPA's. West Somerset Council was represented by the Portfolio Holder for Housing, Health & Well-Being, Keith Turner, whilst the ENPA's representative was Dr. John Wibberly who was the Deputy Chairman of the National Park's (then) Planning Committee. A set of informal notes was compiled to record the matters that were discussed.
- 1.2.4 In respect of the Exmoor National Park Authority, the Council's Local Development Panel agreed to sign the Duty to Co-operate Protocol produced by the ENPA at its meeting on 10<sup>th</sup> June 2015. The Council, due to its regular contact with its neighbours both as part of the Northern Peninsula SHMA partnership and those in the rest of Somerset, does not see the necessity to go down the route of having formal agreements and/or protocols. Strategic and other planning issues have been successfully dealt with through a more informal regime of meetings. As records are maintained of all these meetings, it does not see there is a need for drafting a more formalised agreement for itself. However, as has been mentioned above, it is prepared to sign-up to those that others have produced as evidence of their DtC responsibilities.

### ***Neighbouring LPA's in Somerset***

- 1.2.5 In terms of DtC meetings with its other neighbouring Somerset LPA's, West Somerset has a long history of participation in meetings and co-operation dealing with strategic planning and other associated matters. The primary source of this has been the Somerset Strategic Planning Conference (SSPC). This was originally established as an initiative proposed by Somerset County Council (SCC) in 1999 to address and inform strategic planning issues that could inform the production of the development plans throughout the county of Somerset. It later evolved into a vehicle whereby both County and District concerns could be used to inform the evolution of the Regional Spatial Strategy for the South West with the SCC staff taking a lead role. The original version of SSPC included two strands. One of these comprised Officers of Local Authorities from a range of departments (e.g. Planning, Housing, Economic Development etc.) plus, representatives from other organisations and agencies. The other involved primarily planning policy Officers from the LPA's, representatives from other organisations and agencies and, elected Members representing each local authority. SSPC also sought to invite participation from local authorities from outside of Somerset.
- 1.2.6 With the removal of strategic planning responsibilities from County Councils in 2010, SCC who had acted as host to SSPC withdrew its participation in the initiative and, the Member participation in the conference effectively ceased.

SCC has continued to host the Officer element on a regular basis with meetings taking place recognising the importance of continued liaison at this level. These meetings have been held on a quarterly basis and discuss a range of strategic and/or spatial issues affecting the authorities both within Somerset and adjoining it. A formal record including, agendas, papers for consideration/presentation on topics relevant to planning, plus detailed minutes is maintained.

- 1.2.7 Due to the nature of the matters considered at SSPC and the predominance of participation from each local authority by Officers engaged in producing development plans, these are considered to be consistent with the DtC requirements. Although the production of a formal DtC agreement or protocol has been discussed by participants at these SSPC meetings, they have not, as yet, resulted in a formal document. West Somerset Council has been a regular and active participant in these meetings ever since its original inception in 1999.