

Reviewing the Plan for Purbeck's future

Purbeck Local Plan Partial Review
Duty to Cooperate Background
Paper / Monitoring Report, June 2016



Thriving communities in balance
with the natural environment

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Introduction

1. Section 110 of the Localism Act 2011 requires councils and public bodies to 'engage constructively, actively and on an on-going basis' to develop strategic policies, and consider joint approaches to plan making. This is known as the duty to cooperate (DtC).
2. The DtC is a legal test and therefore a fundamental stage of the plan-making process, without which a local plan cannot proceed at examination.
3. Planning Practice Guidance¹ (PPG) provides more information on the DtC, clarifying that it is not a duty to agree, but councils need to demonstrate they have made every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. All councils must give details of what action they have taken to comply with the DtC in their local authority monitoring reports at least once a year. This should include details of the actions they have taken to respond constructively to requests for cooperation and outcomes².
4. This background paper provides an overview of the Council's approach and demonstrates how it has complied with the DtC. The Council will update it annually, as per the requirements of the PPG.

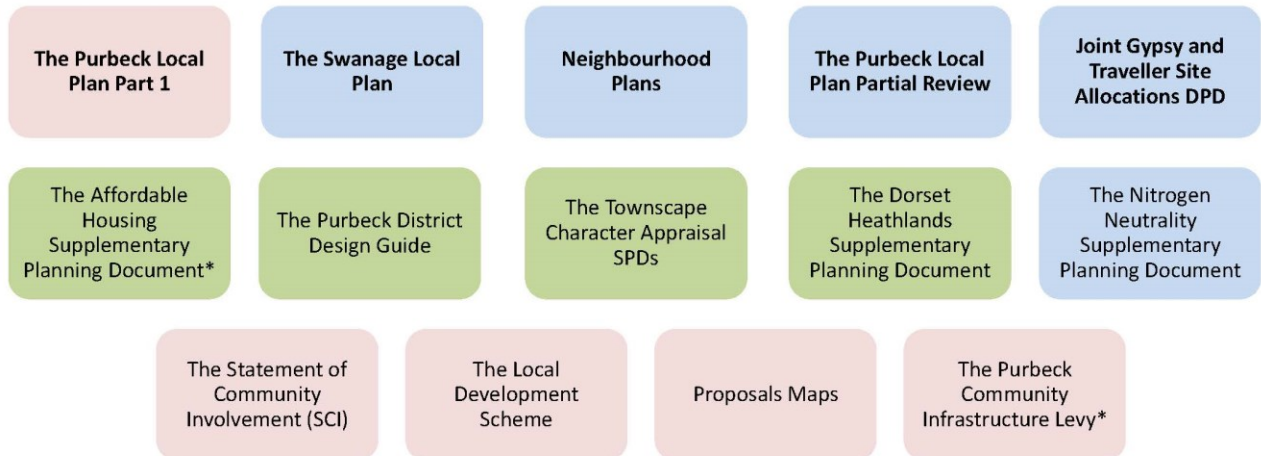
¹ Ref ID: 9-001-20140306

² Ref ID: 9-020-20140306

Context

5. The Purbeck Local Plan comprises the following:

Planning Policy Documents in Purbeck



The pink boxes represent approved documents, the blue boxes represent documents that are currently in preparation, and the green boxes represent adopted supplementary planning documents, all as of March 2016.

* The Purbeck Community Infrastructure Levy and the Affordable Housing Supplementary Planning Document are current adopted documents but both are scheduled for review in the next three years.

6. The councils that Purbeck District Council shares a border with include:

- Borough of Poole
- East Dorset District Council
- North Dorset District Council
- West Dorset District Council

7. In addition, whilst Purbeck does not share a border with Bournemouth Borough Council or Christchurch Borough Council, it falls within the same housing market area (which also includes Borough of Poole, East Dorset District Council and North Dorset District Council).

DtC bodies

8. In addition to neighbouring councils, the following public bodies are relevant to this area, as listed in Part 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012. They are all recorded on the Council's planning policy contacts' database and are invited to submit representations during consultation periods.
- Environment Agency
 - Historic Buildings and Monuments Commission for England (known as Historic England)
 - Natural England
 - Mayor of London
 - Civil Aviation Authority
 - Homes and Communities Agency
 - Each clinical commissioning group established under section 14D of the National Health Service Act 2006
 - National Health Service Commissioning Board
 - Office of Rail Regulation
 - Transport for London
 - Each Integrated Transport Authority
 - Each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
 - Marine Management Organisation.
9. Local Enterprise Partnerships (LEP) and Local Nature Partnerships (LNP) are not subject to the requirements of the DtC. But councils and the public bodies that are subject to the duty must cooperate with them. This means the Council must have regard to the activities of the LEP and LNP when preparing local plans, so long as those activities are relevant to local plan making.
10. Local Enterprise Partnerships have a key role to play in delivering local growth by directing strategic regeneration funds and in providing economic leadership through their strategic economic plans. The commitment of local planning authorities to work collaboratively with Local Enterprise Partnerships across their area is vital for the successful delivery of policies for strategic growth in their local plans. An effective policy framework for strategic planning matters, including joint or aligned planning policies, will be a fundamental requirement for this.

11. Local Nature Partnerships work strategically to help their local areas manage the natural environment and they are encouraged to work at a broader 'landscape scale'. Local planning authorities should seek opportunities to work collaboratively with Local Nature Partnerships to deliver a strategic approach to encouraging biodiversity.
12. The PPG says that the desired outcomes from the DtC are to cooperate to produce effective policies on strategic cross-boundary matters. Paragraph 156 of the National Planning Policy Framework (NPPF) sets out the strategic issues where cooperation might be appropriate. This encompasses (although is not an exhaustive list):
 - homes and jobs needed in the area;
 - provision of retail, leisure and other commercial development;
 - 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);
 - 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.

Strategic joint working

13. Paragraphs 178 to 181 of the NPPF highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local authority planning area, through either joint planning policies or informal strategies such as infrastructure and investment plans. The guidance states that 'local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans'. It also talks of the cooperation between county and district authorities in delivering sustainable development. The mechanisms by which this is achieved should be made clear, and not be a one-off consultation but an on-going, continuous process from planning through to delivery.

Cooperation to date

14. This Council has a track record of working with neighbouring authorities and other strategic organisations through consultation, collaboration and partnership working. Some examples of the Council undertaking joint work with neighbouring authorities include:
- Housing needs: the Council has commissioned a Strategic Housing Market Assessment jointly with all the councils in eastern Dorset (Borough of Poole, Bournemouth Borough Council, Christchurch Borough Council, East Dorset District Council and North Dorset District Council). The purpose is to assess the housing needs of the eastern Dorset housing market area.
 - Heathlands: the Council has been working jointly for a number of years with Borough of Poole, Bournemouth Borough Council, Christchurch Borough Council and East Dorset District Council to mitigate the impacts of visitor pressure on the south east Dorset heaths.
 - Poole Harbour nitrates: the Council is working jointly with Borough of Poole, West Dorset District Council and Weymouth and Portland Borough Council to produce a strategy for mitigating the impacts of nitrates on Poole Harbour.
 - Gypsies, Travellers and Travelling Showpeople: all of the local authorities in Dorset have been working together to allocate permanent and transit sites to meet identified needs for the next 15 years.
 - Joint retail study with Borough of Poole.
 - The Council is committed to joint working with West Dorset District Council and Dorset County Council (as minerals authority) to help facilitate strategic growth in the Moreton Station / Crossways area. Any work should have a particular focus on infrastructure requirements and may result in a joint masterplan.

Strategic Planning Forum

15. The PPG says that the DtC requires active and sustained engagement and it is unlikely to be met by an exchange of correspondence, conversations or consultations between

authorities alone. Section 33A(6) of the 2004 Act requires local planning authorities and other public bodies to consider entering into agreements on joint approaches. The PPG notes that a way to demonstrate effective cooperation, particularly if local plans are not being brought forward at the same time, is the use of formal agreements between councils, signed by elected members, demonstrating their long term commitment to a jointly agreed strategy on cross boundary matters.

16. There has previously been a strong focus for joint working with other local authorities in the Dorset sub-region and Dorset County Council in the preparation of Structure Plans and in regional planning. Since the abolition of regional planning and the introduction of the duty to co-operate, the councils have formed the Strategic Planning Forum. The PPG notes that officers and councillors have an important role in the DtC process, being responsible for leading discussion, negotiation and action.
17. This forum includes two councillors from each council; a representative from the Local Enterprise Partnership; a representative from the Local Nature Partnership; and a council officer per council.
18. Adjoining local authorities to Dorset are invited to meetings where there are duty to cooperate matters beyond the boundaries of Dorset that require consideration, but are not entitled to vote.
19. The main purpose of the Strategic Planning Forum is to fulfil the obligations under the legal duty to co-operate by:
 - guiding strategic planning at the 'larger than local' scale through effective policy development across boundaries; and
 - working with the LEP and LNP in the development of strategy to inform and align spatial and investment priorities.
20. The Strategic Planning Forum has no executive powers and will:
 - consider the strategic planning and transport issues that affect cross boundary matters;
 - consider and advise on common policy approaches to include in Local Plans;
 - integrate into the plan making process the LEP and LNP approaches to growth of the economy and protection and enhancement of biodiversity;
 - consider any other planning and other matters of common interest; and
 - discuss any updates on key Government policy changes which significantly affect strategic planning in Dorset.
21. The Strategic Planning Forum works on a consensus basis and advise local authorities on the outcomes of discussions in the wider interest of a collective approach to strategic planning matters.

22. The first meeting of the Strategic Planning Forum took place on 18 November 2015. The agenda included consideration of a paper which provided a summary of the key cross boundary planning issues in Dorset, to inform the scope of the Dorset strategic planning work. The main outcome of the first meeting was the recommendation that each local authority agree the summary of cross boundary planning issues as the starting point for progressing further strategic work.
23. Purbeck District Council considered this matter at its full Council meeting on 12 April 2016, and resolved to agree the summary of cross boundary planning issues³.

Future cooperation

24. The PPG says that if a council preparing a local plan provides robust evidence of an unmet requirement, such as unmet housing need, other councils in the housing market area will be required to consider the implications, including the need to review their housing policies⁴.
25. One of the key areas the Strategic Planning Forum will investigate is how to meet any council's unmet needs elsewhere. At present, it is not possible to say whether or not this will be necessary, as the district and borough councils in the forum are at different stages of plan preparation. As plans progress, the forum will gain a better understanding of unmet needs and will work to devise the best strategy.
26. In doing so, the councils will be mindful that the PPG is clear that councils are not obliged to accept the unmet needs of other councils if they have robust evidence that this would be inconsistent with the policies set out in the National Planning Policy Framework, for example policies on green belt, or other environmental constraints⁵.

³ The Council papers, including the 'summary of cross boundary planning issues' can be accessed online here: <https://www.dorsetforyou.com/article/421935/Council-Meeting---12-April-2016>

⁴ Ref ID: 9-020-20140306

⁵ Ref ID: 9-021-20140410