



**NEWARK & SHERWOOD ALLOCATIONS &  
DEVELOPMENT MANAGEMENT DPD**

**STATEMENT OF COMPLIANCE WITH THE  
'DUTY TO COOPERATE'**

**June 2012**



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## 1.0 Introduction

- 1.1 The Localism Act and the National Planning Policy Framework (NPPF) places a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.
- 1.2 Paragraph 181 of the NPPF states that *'Local planning authorities will be expected to demonstrate evidence of having successfully cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination'*. This Statement of Compliance with the 'Duty to Cooperate' will accompany the Submission Allocations & Development Management Development Plan Document (A&DM DPD) and sets out how Newark & Sherwood District Council has cooperated with other bodies in the production of the document.
- 1.3 This document should be read in conjunction with both the Regulation 22(c) statement, which provides detailed information about the consultation that took place with the various bodies throughout the preparation of the DPD (including how representations made were taken into account), and the Soundness Self Assessment document.

## 2.0 Context

- 2.1 The 'duty to cooperate' is set out in Section 110 of the Localism Act. This applies to all Local Planning Authorities, National Park Authorities and County Councils in England, and to a number of other public bodies. The new duty:
- Relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council;
  - Requires that councils set out planning policies to address such issues;
  - Requires that councils and public bodies to 'engage constructively, actively and on an ongoing basis' to develop strategic policies; and
  - Requires councils to consider joint approaches to plan making.
- 2.2 Paragraph 17 of the NPPF sets out the strategic issues where cooperation might be appropriate. Paragraph 178 to 181 of the NPPF gives guidance on *'planning strategically across local boundaries'*, and highlights the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area, through either joint planning policies or informal strategies such as infrastructure and investment plans. This guidance is set out in figure 1 on page 2.

Figure 1 – Extract from NPPF: Planning strategically across local boundaries

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.
180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.
181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation 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 future levels of development.

Source: Department for Communities and Local Government 2012

- 2.3 The duty to cooperate also covers a number of public bodies in addition to Councils. These bodies set out in PART 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012:

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Civil Aviation Authority            | <b>Local Enterprise Partnerships</b> |
| <b>English Heritage</b>             | Marine Management Organisation       |
| <b>Environment Agency</b>           | Mayor of London                      |
| <b>Highways Agency</b>              | <b>Natural England</b>               |
| <b>Highway Authorities</b>          | Office of Rail Regulation            |
| <b>Homes and Communities Agency</b> | <b>Primary Care Trusts</b>           |
| Integrated Transport Authorities    | Transport for London                 |

- 2.4 These bodies are required to cooperate with Councils on issues of common concern to develop sound local plans. Those highlighted in bold above are of most relevance to Newark & Sherwood District Council.

### 3.0 Newark & Sherwood Context

- 3.1 Newark & Sherwood is the largest District in Nottinghamshire, covering nearly one third of the County. Nottingham and Mansfield conurbations are situated to the south west and west of the District respectively. Lincolnshire adjoins the eastern boundary, with Lincoln to the north east and Grantham to the south east. In addition to Newark this area contains a number of other settlements; Grantham, Lincoln, Gainsborough and Nottingham that have been designated as Growth Points and which will see significant levels of Growth over the coming years.
- 3.2 The Newark Area (as defined in the Core Strategy) covers the eastern side of the District and is dominated by the historic market town of Newark and the Trent Valley. Newark Urban Area (Newark, Balderton and Fernwood) is the principal location for growth identified in the Spatial Strategy. In the north of the Newark Area in the Collingham and Rural North Sub Areas respectively; the Principal Villages of Collingham and Sutton-on-Trent act as important focuses for local services. This is particularly important as within these Sub-Areas accessibility is a particular concern.
- 3.3 The Southwell Area covers much of the southern central part of the District. At its heart Southwell provides an important focus as a Service Centre for the area with a Secondary School, Leisure Centre, town centre with a range of local independent shops and a Market. The town also has a small supermarket and two industrial estates. Southwell is a distinctive town containing the Minster and associated diocesan administration, a wealth of historic buildings and a large Conservation Area.

- 3.4 The Nottingham Fringe Area lies to the south west of the District within the Nottingham–Derby Green Belt and looks to Greater Nottingham for most of its services and jobs. The main settlement in the area is Lowdham, which provides a focus for day to day services and has a station on the Nottingham to Lincoln Railway Line.
- 3.5 The Sherwood Area is characterised by a wide and diverse range of landscapes including the heartland of the historic Sherwood Forest and extensive parklands and large estates of the Dukeries. The area, rich with historical, ecological and landscape features, is intrinsically linked to a number of historic themes including the internationally renowned Robin Hood legend. It also has a role to play in offering a variety of leisure and tourism activities within a natural setting.
- 3.6 The settlements in the Mansfield Fringe Area are all closely related to Mansfield Sub-Regional Centre, in terms of jobs, public transport and other facilities. Various parts of the utilities infrastructure are also connected to systems in Mansfield. In economic terms the Mansfield Fringe Area has some of the highest unemployment levels in the District (Clipstone) and relatively high levels of long term unemployment (Rainworth, Blidworth). Rainworth and Clipstone are 2 of 5 wards within the District with the lowest level of businesses per 1,000 population (NSDC - State of the District Report 2009).

#### **4.0 Cooperation to Date**

- 4.1 Whilst the 'Duty to Cooperate' came into effect in November 2011, it is considered that the work which has been undertaken by the District Council as part of the preparation of the Allocations & Development Management DPD is in fact a continuation of the 'cooperation' which began when the Core Strategy DPD was produced.
- 4.2 The level of cooperation which took place as part of the development of the Core Strategy influenced that which occurred when producing the A&DM DPD therefore this section of the report is split into two parts. The first looks at what took place as part of the Core Strategy process, it then moves on to the cooperation that has occurred throughout the various production stages of the A&DM DPD.

##### **Cooperation in the preparation of the Core Strategy DPD**

- 4.3 The Core Strategy went through a number of stages prior to its adoption in March 2011. As key stakeholders, all relevant local authorities and public bodies were contacted and invited to submit representations during both statutory and non

statutory consultation periods. A number of them were also invited to appear at the Examination Hearing which took place in November / December 2010 and those who appeared at the sessions included Nottinghamshire County Council, Lincolnshire County Council, NHS Nottinghamshire County, Environment Agency and Highways Agency.

#### Evidence Base

- 4.4 Newark & Sherwood District Council produced or commissioned various reports which fed into the evidence base for the LDF. A number of these studies involved co-operating with other bodies such as Nottinghamshire County Council, The Environment Agency, Anglian Water, Severn Trent Water and the Highways Agency.
- 4.5 Two of the key pieces of evidence which have had a significant influence on the content of the Core Strategy and subsequently the A&DM DPD, are the Infrastructure Delivery Plan (IDP) and the Strategic Housing Land Availability Study (SHLAA).

#### IDP

- 4.6 Some of the most important cooperation took place between Newark & Sherwood District Council and authorities / agencies with special responsibility for technical or infrastructure issues during the preparation of the IDP. Nottinghamshire County Council was a particularly significant partner, and wide-ranging cooperation took place regarding issues such as school provision, highways and public transport and library improvements. In addition discussions and information / data sharing took place with organisations including utility providers; The Highways Agency and the Environment Agency to identify what infrastructure improvements were required to meet the level of growth within the District.

#### SHLAA

- 4.7 The main purposes of the SHLAA was to assess the potential suitability of sites for residential development (prior to policy considerations at the LDF stage); assess the achievability / availability of sites in five year tranches up to 20 years; and to provide a comprehensive evidence base for the LDF concerning the availability of land suitable for housing.

- 4.8 There was cooperation throughout the production of the SHLAA. Firstly there was the development of the SHLAA methodology which was a partnership between the three Local Authorities in the Nottingham Outer Housing Market Area (Newark & Sherwood DC, and Ashfield DC, Mansfield DC).
- 4.9 The second aspect was in relation to the assessment of sites. As part of the exercise a SHLAA Partnership Group was established and involved key stakeholders, such as the Home Builders Federation, house builders, land owners, property agents, housing associations, environmental campaign groups, Council Leaders/Members, Town and Parish Council Members, and other organisations relating to the delivery of housing. The SHLAA Partnership Group was consulted at various stages throughout the assessments.
- 4.10 As the SHLAA Partnership Group was quite large, it was considered necessary to establish a smaller working group for each Local Authority. These were smaller working groups which consisted of representatives from the public, private, and voluntary sectors and the community. The three SHLAA Steering Groups were involved in the assessment of suitability, availability and achievability of sites identified in the three SHLAA documents. All members of the SHLAA Steering Groups had an equal input in the assessment process.
- 4.11 In addition Parish Councils and District Councillors, Nottinghamshire County Council, Government Agencies and the utilities sector were contacted requesting information. The requests were for accessibility and highway information, information with regard to minerals and waste planning matters, water supply, drainage and flood risk, utilities, nature conservation and rail issues. The information provided by these organisations was used to assess whether the sites were considered to be suitable, maybe suitable or unsuitable.
- 4.12 There was also public consultation on the Draft SHLAA document, the object of which was to ensure that both the public and those who submitted sites had an opportunity to review the assessments and provide any additional information which they believed would have an impact on the conclusions. A number of representations were received and as a result a number of changes were made to the detail, site areas and indeed the conclusions of some of the site Assessments.
- 4.13 Further information about the cooperation that took place as part of the preparation of the Core Strategy and the evidence can be found on the 'Making of the Core Strategy' webpage: <http://www.newark-sherwooddc.gov.uk/corestrategy/> and 'LDF Evidence Base' webpage: <http://www.newark-sherwooddc.gov.uk/evbase/>

### Community Infrastructure Levy (CIL)

- 4.14 To help fund strategic infrastructure improvements that is required as a result of cumulative growth in the District up to 2026, and which cannot be attributed to the development of one particular site the District Council has introduced the Community Infrastructure Levy (CIL).
- 4.15 Alongside this, localised infrastructure, including facilities and services that are essential for development to take place on individual sites, or which are needed to mitigate the impact of development at the site or neighbourhood level, will be secured through Planning Obligations in line with the Policies of the Core Strategy and the Allocations & Development Management DPD, utilising a Developer Contributions Supplementary Planning Document (SPD).
- 4.16 Production of the CIL Charging Schedule and associated Regulation 123 'List of Infrastructure to be funded by CIL' was based on a range of evidence including construction costs and land valuation studies, viability appraisals and the IDP. The process was undertaken in accordance with the CIL Regulations and included two statutory periods of consultation; on the Preliminary Draft Charging Schedule (Regulation 15) and the Draft Charging Schedule (Regulation 16). This involved seeking the views on the content of the charging schedule and what CIL should be used for from various agencies and organisations including adjoining District and County Councils, infrastructure providers and their agents and the development industry.
- 4.17 Following Independent Examination the CIL Charging Schedule was approved by a meeting of the Council in September 2011 and came into effect on the 1<sup>st</sup> December 2011. Further details about the cooperation that took place throughout this process can be found in the Planning Act Declaration which can be viewed at <http://www.newark-sherwooddc.gov.uk/cilexam/> whilst the CIL Charging Schedule can be viewed at <http://www.newark-sherwooddc.gov.uk/cil/>

### **Cooperation in the preparation of the Allocations & Development Management DPD**

#### Local Enterprise Partnership (LEP)

- 4.18 As LEPs are not defined by statute, they are not covered by the 'duty to cooperate'. They have however been identified within the Regulations as bodies that those covered by the duty 'should have regard to' when preparing local plans and other related activities. In addition paragraph 160 of the NPPF highlights the benefits of Councils and other bodies working with Local Enterprise Partnerships.

- 4.19 As part of the preparation of the Core Strategy the District Council worked with the LEP's predecessor bodies and, as stated in paragraphs 4.26 – 4.32 below have worked extensively with Nottinghamshire County Council (who forms part of the Derby, Derbyshire, Nottingham and Nottinghamshire LEP) throughout the production of the A&DM DPD.
- 4.20 Now that it has been established the District Council will be seeking to work in partnership with the LEP to:
- Identify ways in which the LEP can help with the delivery of the LDF; and
  - Identify how the Council can be involved in helping meet the overarching aims of the LEP
- 4.21 As part of the period of representation on the Publication DPD (see also paragraphs 4.37 and 4.38 below), the District Council has written to the LEP inviting them to make representations on the document.

#### Production of the Options Report

- 4.22 This report set out the options for allocation of land for new housing, employment and other development in the main settlements in the District. It also set out the proposed scope of the Development Management Policies.
- 4.23 The site selection process employed by the District Council comprised four distinct stages:
- Stage 1 – Information Gathering;  
Stage 2 – Selecting a “pool” of sites;  
Stage 3 – Analysis of the “pool” of sites; and  
Stage 4 – Settlement Analysis
- 4.24 At this stage each potential development site was assessed against the criteria within Core Strategy Policy SP9 'Selecting Appropriate Sites for Allocation' in order to ensure that all reasonable alternatives had been considered by the Council. This assessment drew upon information in the SHLAA, IDP, the Northern Sub Region Employment Land Study and other evidence base studies as well as the knowledge and judgement of Planning Officers. The information within these documents was considered to be up to date and to be of sufficient detail to inform the initial site selection (as they had recently informed the Core Strategy). However this was supplemented by discussions with public bodies and infrastructure providers where considered appropriate e.g. the Homes and Communities Agency were involved with what has become the York Drive Policy Area (NUA/Ho/4).

- 4.25 As the proposed allocations and policies were refined and more detail emerged, further discussions were undertaken to identify specific issues / requirements relating to sites and settlements. Further information about this is set out below.

#### Options Report Consultation

- 4.26 Public consultation on the Allocations & Development Management Options was undertaken between the 3rd October and 25<sup>th</sup> November 2011 during which a number of consultation events were held in the settlements where allocations were proposed. As part of this process the District Council consulted the general consultation bodies, relevant authorities and specific consultation bodies as defined in The Town & Country Planning (Local Planning) (England) Regulations.
- 4.27 In addition a specific event was held for infrastructure providers on the 11<sup>th</sup> October. Organisations invited to this event included:

- Emergency Services;
- Highways Agency;
- Highways Authorities (Nottinghamshire & Lincolnshire County Councils);
- Network Rail;
- NHS Trust;
- Train & Bus Operators; and
- Utility Providers & their agents

- 4.28 The purpose of this was:

- To raise awareness of the work that was being undertaken in terms of preparing the document and to invite infrastructure providers to be involved in its production by speaking to the Council and making representations;
- Give organisations the opportunity to say if there were any additional infrastructure issues in the settlements where allocations were proposed and which could influence the allocation of a site; and
- Give providers the opportunity to say if they were proposing any new infrastructure within the District that the Council needed to be aware of and protect land for.

#### Additional Sites Consultation

- 4.29 As part of the response to the Options Report four sites were put forward which had not previously been considered as part of the allocations process. These sites had the potential to be considered as reasonable alternatives to the sites which the

Council had previously considered. As a result it was necessary for consultation to be undertaken on these additional sites and this was undertaken between the 20<sup>th</sup> March and 1<sup>st</sup> May 2012. All the organisations referred to in paragraph 4.27 above were given the opportunity to make representations on these sites. Due to the proximity of one of these sites to a number of key road junctions (A1/A17 and A1/A46) a meeting was held with the Highways Agency (HA) to allow the possible impacts of this site on the road network to be discussed. A formal response to this consultation was also received from the HA and this was used to help inform the Councils approach to allocating sites in the Newark Urban Area which was taken forward in the Publication DPD.

#### Production of Publication DPD

- 4.30 Following the feedback received from both the Options Report and Additional Sites consultation a number of issues emerged in terms of delivering the proposals within the DPD. In particular these related to transport, utilities, local services and heritage / environment. To help identify how these could be addressed either by the Council and / or 'public bodies', a number of meetings or discussions were held and these are summarised in table 1 below.

Table 1 Summary of Meetings / Discussions held to Discuss Implementation Issues

| <b>Organisation</b>                         | <b>Matters for Discussion</b>  |
|---|--|
| Coal Authority                              | Exploration of comments made at the Options Consultation Stage in terms of identifying coal mining legacy issues in respect of site selection and the ways to address them                                       |
| English Heritage                            | Workshop to discuss and address concerns relating to the evidence underpinning the spatial extents of the proposed Southwell Views Designation (Policy So/PV)  |
| National Trust                              | Workshop to discuss and address concerns relating to the evidence underpinning and the spatial extents of the proposed Southwell Views Designation (Policy So/PV)  |
| Network Rail                                | Ways of addressing issues at Hatchets Lane foot crossing (North of Newark Northgate Station), Northgate Station Area, Newark Flyover, Car parking provision at Collingham & Lowdham                              |
| Nottinghamshire County Council (Highways)   | Highway / junction issues in relation to various sites   |
| Nottinghamshire County Council (Education)  | Primary & Secondary education across the District including capacity of schools, impact of development in adjoining Districts, methods of delivering education infrastructure                                    |
| Nottinghamshire County Council Rail Officer | To allow for the possible reopening of the Dukeries Railway Line (from Shirebrook to Ollerton) for passenger services, identification of possible locations for stations / car parks at Edwinstowe and Ollerton. |
| Severn Trent Water                          | Water provision, sewerage capacity, infrastructure requirements and timescales for delivery (District Wide)  |

- 4.31 As a result of these discussions a number of changes were made to the content of the DPD. In settlements such as Blidworth and Bilthorpe some sites, which had previously been considered appropriate for development were removed and replaced by sites which had previously be identified as 'Alternative Sites.' Where appropriate additional development requirements were added into the policies which allocated sites for development including:
- Provision of sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of development;
  - Preparation of an appropriate Transport Assessment to identify impacts of development on the highway network and the provision of appropriate and mitigating measures;
  - The implementation of suitable measures to address the legacy of former coal mining activities; and
  - Phasing Policies
- 4.32 More detailed information about these changes is set out in detail in the 'Consultation Responses Document: Report on the Production of the Allocations & Development Management DPD'. This can be viewed on the Councils website [www.newark-sherwooddc.gov.uk/planningpolicy](http://www.newark-sherwooddc.gov.uk/planningpolicy) , Kelham Hall and in libraries within the District.
- 4.33 Linked to the above the District Council has sought to take account of how its proposed allocations could impact on adjoining Districts and also how development in other Districts could affect Newark & Sherwood.
- 4.34 In terms of the former; concerns were raised about the possible impact of development in Clipstone on road junctions within the Mansfield District. To address this, and other possible highway issues within Newark & Sherwood, the policy which allocates the former Clipstone Colliery site (CI/MU/1) includes reference to the requirement for appropriate contributions to infrastructure provision. In addition contact was made with Mansfield District Council to raise awareness of this issue, and to confirm that where appropriate contributions would be sought to address such cross boundary issues.
- 4.35 Mansfield DC also confirmed that as part of the work on their Core Strategy they had commissioned a two part transport study which, in addition to looking at the impacts of development in their administrative area would also have consideration to those proposed within Newark & Sherwood.

- 4.36 In respect of the impacts of development in other areas on Newark & Sherwood; following concerns from local Members about the impact of a large mixed use scheme which has been granted at Lindhurst (to the south of Mansfield), Newark & Sherwood District Council commissioned WYG (who produced both the transport study and IDP) to undertake a review of the impact of additional traffic generated by this development along with the proposed allocations within Newark & Sherwood. The results concluded that whilst there will be additional traffic generated through Rainworth, Clipstone, and Blidworth the cumulative impact will not be to the detriment of highway link capacity through the villages. However WYG recommended that the impact of individual development proposals on specific junctions on the local highway network is assessed separately as part of any supporting traffic information issued in connection with individual planning applications or site promotions.

#### Representations on the Publication DPD

- 4.37 As key stakeholders, all relevant local authorities and public bodies were contacted and invited to submit representations on the Soundness of the DPD. In respect of the Police and Crime Commissioner this role does not come into force in this area until 22<sup>nd</sup> November, therefore the District Council has written to Nottinghamshire Police Authority as the relevant body.
- 4.38 Representations received as part of this stage will be submitted to the Secretary of State together with the Submission Allocations & Development Management DPD and associated documents.

## **5.0 Summary / Future Cooperation**

- 5.1 To date Newark & Sherwood District Council has had a high level of cooperation with public bodies and other authorities which they consider has resulted in a robust and solid basis for the approach set out within the A&DM DPD.
- 5.2 The process of cooperation will not end once the A&DM DPD has been adopted; there will be a need to work with public bodies and Councils to deliver the various policies within the DPD along with the Core Strategy and other elements of the LDF. Details of how this will be achieved and monitored are set out in appendix C of the A&DM DPD and appendix G of the Core Strategy.
- 5.3 A key aspect of implementing these documents will be ensuring that the infrastructure required to support the development proposed is funded and implemented. The policy basis for achieving this is set out in Core Strategy Policy

SP6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions' of the A&DM DPD and as stated in paragraph's 4.14 -4.17 above the District Council has introduced the CIL and will continue to use planning obligations for local infrastructure.

- 5.4 This will require cooperation between the District Council and the various infrastructure providers to identify what is required, when it will need to be implemented and who will be responsible for its design and delivery. Such actions will help inform future reviews of the IDP and the Councils 'Regulation 123 List of projects to be funded by CIL'.
- 5.5 In recognition of the importance of identifying and delivering the necessary infrastructure the District Council has appointed an 'Infrastructure / S106 Officer'. One the main roles of this post are to assist in the delivery of the Council's objectives with regard to Growth, in terms of housing, employment and infrastructure and to develop, maintain and co-ordinate the provision of a monitoring and delivery infrastructure framework to support the Authority.