



Newark & Sherwood Local Development Framework

Plan Review

Publication Amended Allocations & Development Management DPD

Duty to Co-Operate Statement of Compliance

November 2022

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1.0 Introduction

- 1.1 This Statement sets out how Newark & Sherwood District Council has complied with the Duty to Cooperate introduced under the Localism Act 2011. The Duty to Cooperate is a legal and soundness test that requires cooperation between Local Planning Authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans in relation to sustainable development.
- 1.2 The first part of the Plan Review has been completed and the Amended Core Strategy ('ACS') was adopted in March 2019. The Inspector (Paul Griffith) concluded in his report dated 25th February 2019 that he was satisfied the Council had engaged constructively, actively and on an on-going basis in respect of the Amended Core Strategy and that the Duty to Co-Operate had been met. The Duty to Co-Operate Statement in respect of the Amended Core Strategy can be viewed at Appendix 1. This Statement is in respect of the Publication Amended Allocations & Development Management DPD ('Publication AADMDPD').
- 1.3 Newark & Sherwood District Council continues to work closely with neighbouring authorities and statutory bodies in order to ensure that strategic issues are appropriately addressed and is seeking to meet the development needs of the District whilst also ensuring that the strategic priorities of the wider area are delivered.

2.0 Background

- 2.1 The 'Duty to Co-operate', as set out in Section 110 of the Localism Act 2011, amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England, and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plans and marine plan preparation.
- 2.2 Whilst the Duty to Co-operate is not a duty to agree, local planning authorities and public bodies should work together to ensure that strategic, cross boundary matters have been adequately addressed prior to the submission of a plan for examination.
- 2.3 Paragraphs 24-27 of the 2021 National Planning Policy Framework ('NPPF') give guidance on planning strategically across local boundaries and highlight the importance of effective and on-going joint working. Paragraph 26 also highlights the importance of joint working in meeting development requirements that cannot be wholly met within a particular plan area and whether they could be met elsewhere.
- 2.4 Paragraph 27 of the NPPF outlines that Strategic policy-making authorities should prepare and maintain one or more statements of common ground (SoCG), documenting the cross-boundary matters being addressed and progress in cooperating to address these.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations 2012 clarifies that the bodies prescribed for the purposes of section 33A (1) (c) of the Localism Act 2011 (in relation to the duty to co-operate) comprise the following:
- Local planning authorities, either neighbouring or making up the Housing Market Area
 - County councils and National Parks Authorities
 - Environment Agency
 - Historic England
 - Natural England
 - Mayor of London
 - Civil Aviation Authority
 - Homes and Communities Agency
 - Primary Care Trusts and successor bodies
 - Office of the Rail Regulator
 - National Highways
 - Transport for London
 - Integrated Transport Authorities
 - Highway Authorities
 - Marine Management Organisation

2.6 However, some of these prescribed bodies are not relevant to Newark & Sherwood:

- National Park Authorities
- Mayor of London
- Transport for London
- Integrated Transport Authorities

2.7 As Local Enterprise Partnerships ('LEPs') are not defined by statute, they are not covered by the 'duty to co-operate'. 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 25 of the 2021 NPPF highlights the benefits of Councils and other bodies working with LEPs to deliver sustainable development.

3.0 Strategic Context

- 3.1 The District of Newark and Sherwood, at over 65,000 ha, is the largest in Nottinghamshire and is situated in the northern part of the East Midlands Region. The District sits within a two tier structure whereby Nottinghamshire County Council have involvement in issues such as highways and education.
- 3.2 Adjoining the District to the west are the Nottingham and Mansfield conurbations; whilst Lincoln lies to the north-east and Grantham to the south-east. In total the District has nine neighbouring local planning authorities; Bassetlaw, Mansfield, Ashfield, Gedling Borough, Rushcliffe Borough (in Nottinghamshire), Melton Borough (in Leicestershire) and South Kesteven, North Kesteven and West Lindsey (in Lincolnshire).
- 3.3 The Newark & Sherwood, Ashfield, and Mansfield District form the Nottingham Outer Housing Market Area, identified in the Nottingham Outer Strategic Housing Market Area Assessment (2015) and Update (2017). The three Districts also form the Nottingham Outer functional economic area, identified in the Nottingham Core and Nottingham Outer Economic Land Forecasting Study 2015 (ELFS) and this was confirmed in the Nottingham Core and Nottingham Outer HMA Employment Land Needs Study 2021. ELFS has established that all three Districts have strong economic links to Nottingham City. Appendix 2 of Appendix 1 (2017 Duty to Co-operate Statement), Schedule D and E show the District in its Sub Regional Setting.
- 3.4 Newark & Sherwood is one of the constituent authorities of the D2N2 Local Enterprise Partnership which covers Nottinghamshire, Nottingham, Derby and Derbyshire. The upper tier local authorities within the D2N2 area (with the support of the District & Borough Councils) have agreed an initial East Midlands Devolution Deal with the Department for Levelling Up, Housing and Communities. This will set up an East Midlands Mayoral Combined County Authority, which will have funding and powers in relations to a number of areas devolved from central government including economic development and regeneration, adult education and skills, transport functions, housing supply.

4.0 History of Compliance / Joint Working

4.1 Newark & Sherwood has a long history of joint working with neighbouring authorities and statutory consultees on strategic planning matters, including work on Structure Plans, presenting evidence at the Regional Plan Examination and more recently working together to ensure that the development needs of the Nottingham Outer Housing Market Area are appropriately identified and met. A close working relationship between neighbouring authorities has been maintained to ensure strategic issues are appropriately addressed. This has resulted in the production of some key evidence documents for the wider area including:

- Nottingham Outer Joint Strategic Housing Land Availability Assessment Methodology (2008);
- Nottingham Outer Strategic Housing Market Assessment (2015);
- Nottingham Core and Nottingham Outer Employment Land Forecast Study (2015);
- Nottingham Outer Strategic Housing Market Assessment Update (2017);
- Nottingham Core & Nottingham Outer Housing Market Area Employment Land Needs Study (2021);
- Clumber Park SSSI & Birklands and Bilhaugh SAC / Sherwood Forest NNR Review (2021);
- Nottingham Core and Nottingham Outer HMA Logistics Study (2022);
- Birklands & Bilhaugh SAC Recreation Impact Assessment (2022);
- Clumber Park SSSI Recreation Impact Assessment (2022); and
- Nottingham Outer Self-Build Register (ongoing).

4.2 There are a number of established joint working groups in Nottinghamshire of which Newark & Sherwood is a member. These include:

D2N2 Local Enterprise Partnership Board	Regular meetings between Nottinghamshire Leaders help to ensure that issues relating to D2N2 are discussed as and when necessary.
The City of Nottingham and Nottinghamshire Economic Prosperity Committee	The Committee is a joint committee of Nottingham City Council, Nottinghamshire County Council and all District Councils in Nottinghamshire. It is a decision making body on strategic economic development issues. It aims to drive future investment in growth and jobs by prioritising, commissioning and monitoring money available to Nottingham and Nottinghamshire via the D2N2 Local Enterprise Partnership and makes recommendations to D2N2 on its investment priorities. The Committee is made up of one councillor from each local authority.
Nottinghamshire Local Government Leaders Group	A group made up of all the leaders of the County and District Councils in Nottinghamshire.
Nottinghamshire Policy Officers Group meetings	Nottinghamshire Policy Officers Group consists of all Nottinghamshire Councils including Nottinghamshire County Council. Planning Officers from each Nottinghamshire Council meet to discuss and, where necessary, take action on strategic priorities.

Nottinghamshire Development Management Liaison Group Meetings	Development Management officers meet on a regular basis to discuss any issues arising from a development management aspect.
Nottinghamshire Ecological and Geological Data Partnership Meetings	The Nottinghamshire Ecological and Geological Data Partnership consists of all the Nottinghamshire Councils and officers from the Nottinghamshire Biological and Geological Records Centre (NGBRC). The group meets annually to discuss biodiversity issues, including all local environmental data. The NGBRC, operated by the Museums and Galleries Service of Nottingham City Council, on behalf of the Partnership, is Nottinghamshire’s local record centre. As such it is the local node in the UK-wide National Biodiversity Network.

4.3 The central element of Newark & Sherwood’s joint working relates to its partner authorities in the Nottingham Outer HMA. However, the Council have also been in regular contact with all neighbouring planning authorities and had regular meetings with those who we share joint issues particularly Bassetlaw District Council and our neighbours in the Nottingham Core. Similarly, the Council have also been in regular contact with the other relevant prescribed bodies (set out in paragraph 2.5 above) and again section 5 provides more detail on what cooperation has been undertaken.

5.0 Strategic Priorities in the Newark & Sherwood Context

5.1 The Plan Review process aims to review and update all elements of the Development Plan as required. The first part of the Plan Review has been completed and the Amended Core Strategy was adopted in March 2019. The Inspector (Paul Griffith) concluded in his report dated 25th February 2019 that he was satisfied the Council had engaged constructively, actively and on an on-going basis in respect of the Amended Core Strategy and that the Duty to Co-Operate had been met.

5.2 All relevant Duty to Co-Operate stakeholders have been officially consulted at every stage of the Plan Review. In instances where matters relate to a strategic priority, the Council and its' Duty to Co-operate partners have undertaken additional activities to meet the requirements of the Localism Act. The following areas have been identified as strategic priorities;

- **Delivering Housing;** to meet the housing market area objectively assessed need (each authority in the Nottingham Outer HMA will meet its own needs as defined by the MOU [30th November 2017]);
- **Gypsy and Traveller need and pitch delivery strategy;** The District Council will meet its own needs;
- **Employment** provision will meet the needs of Newark & Sherwood and the wider functional economic area;
- **Infrastructure provision;** in particular cross-boundary discussions with Lincolnshire County Council regarding the A46 (and National Highways) and education provision;
- **Water Management;** working closely with the Environment Agency, National Highways and Nottinghamshire County Council around the future management of the Tolney Lane area of Newark on future pitch provision and a flood alleviation scheme for this area;
- **Nature Conservation** – in particular considering the impacts of new development in the Sherwood Area (of the District) on the protected species protected under the Habitats Directive and the wider recreational impact of these developments on Birklands and Bilhaugh SAC and Clumber Park SSSI.

6.0 Compliance with Duty to Co-Operate

- 6.1 Introduced by the Localism Act 2011, the Planning and Compulsory Purchase Act 2004 (as amended) places a legal requirement on local planning authorities to engage constructively, actively and on an ongoing basis with other prescribed bodies in relation to **strategic matters**. Strategic matters are defined as those that would either *'have a significant impact on at least two planning areas'* or concern a *'county matter'*.
- 6.2 A *"county matter"* is in effect limited to matters relating to minerals and waste. The policies in the Publication AADMDPD do not relate to, nor have they a significant impact upon, a county matter and therefore no strategic matters arise as a result of that part of the definition.
- 6.3 This leaves consideration of the first part of the definition and whether the policies within the Publication AADMDPD would *"have a significant impact on at least two planning areas"*. The Publication AADMDPD forms the second part of the Council's new Local Development Framework. It follows on from the Amended Core Strategy adopted in 2019. The ACS sets out the spatial development strategy and includes a suite of strategic policies that set the overarching strategy to growth across the District.
- 6.4 The Council are of the view that there are only a limited number of strategic cross-boundary matters relevant to the Publication AADMDPD which engage the duty to co-operate. All other matters are addressed in the Publication AADMDPD by:
- Providing additional detail and clarification to requirements already set out in national policy in order to help provide clarity for both applicants and the decision-maker when assessing development proposals, for example Policy DM3 – Developer Contributions; or
 - Providing for a local approach and having no/insignificant impact on neighbouring authorities, for examples Policy DM5a and DM5b – Design Policies; or
 - Reflecting a strategic approach that has had regard to potential cross-boundary impacts, for example meeting the District's housing need within the District.

Gypsy and Traveller Accommodation and Pitch Delivery Strategy

- 6.5 The Publication AADMDPD proposes a development strategy and site allocations for Gypsy and Traveller accommodation. There is a need for a minimum of 118 additional permanent pitches to meet the planning definition for Gypsy and Traveller households over the Plan Period to 2033, which extends to 169 pitches overall in order to address the needs of undetermined and non-planning definition Gypsy and Traveller households. The Council are currently able to meet their own planning definition need in full with no dependence on neighbouring areas.
- 6.6 The Council have been working with the Environment Agency, National Highways and Nottinghamshire County Council towards a strategy which integrates a requirement for provision of flood resiliency improvements, alongside additional pitches at Tolney

Lane, Newark.

Evidence Produced Through Joint Working

Employment

- 6.7 Newark & Sherwood District Council has worked with Ashfield District Council, Broxtowe Borough Council, Gedling Borough Council, Erewash Borough Council, Nottingham City Council, Mansfield Borough Council and Rushcliffe Borough Council on the development and production of the Nottingham Core and Outer Employment Land Forecast Study 2015 (ELFS).
- 6.8 This ELFS discusses different ways of estimating future employment land needs and supply within the District. The report concludes that in any case the District has a substantial supply of committed and allocated employment land that meets its need in full. The Amended Core Strategy (2019) sets out a requirement of 83.1 hectares of employment land over the plan period and in all scenarios considered the ELFS identifies a supply considerably greater than this.
- 6.9 Newark & Sherwood District Council has undertaken further work with Ashfield District Council, Broxtowe Borough Council, Gedling Borough Council, Erewash Borough Council, Nottingham City Council, Mansfield Borough Council and Rushcliffe Borough Council on the development and production of the Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study 2021 (ELNS) and Economic Land Forecasting Study (2022). The ELNS reaffirms that the employment requirement of 83.1ha is extant and can still be met in full within the District.
- 6.10 These documents and other evidence base documents will be made available alongside the Publication Amended Allocations & Development Management SPD, and representations are sought from all neighbouring authorities and other interested parties.
- 6.11 There are mechanisms in place to enable the District Council to address any short fall in employment land delivery.
- The District Council undertakes monitoring of employment land to identify take up rates.
 - There are regular meetings between Officers from different Councils where issues are identified. This is reflected in:
 - Nottinghamshire Planning Policy Officers Group meets on a regular basis to discuss strategic issues.
 - Individual meetings are held with neighbouring Councils as and when necessary.

Nature Conservation

- 6.12 The District Council has undertaken a Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), known as ‘the Habitats Regulations’. When preparing development plan documents, Councils are required by law to carry out an HRA. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is also noted in the Government’s planning practice guidance (‘PPG’). The District Council consulted with Natural England during the production of HRA.
- 6.13 Following adoption of the HRA recommendations and consideration of identified factors, the HRA concluded that the Publication AADMDPD would have no adverse impact on site integrity at any Habitats site, or upon the prospective potential Special Protection Area (ppSPA), either alone or in-combination.
- 6.14 The District Council has worked with Bassetlaw District Council to consider the recreational impacts of a new Garden Village proposed in the Draft Bassetlaw Local Plan, together with Natural England. Recreational Impact Assessments have been produced considering possible effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and the Clumber Park Site of Special Scientific Interest (SSSI). Although the proposed allocation for the Garden Village has now been withdrawn by Bassetlaw, these documents form part of the evidence base for both local authorities. There is an on-going working relationship between the two authorities in relation to recreational impact.
- 6.15 The HRA, RIAs and other evidence base documents will be made available alongside the Publication AADMDPD, and representations are sought from all neighbouring authorities and other interested parties.
- 6.16 The District Council will continue to periodically review its nature conservation evidence base, in line with the advice from stakeholders. The District Council is working with other Nottinghamshire authorities and other bodies including the Nottinghamshire Wildlife Trust to develop a county-wide approach to the requirement for minimum Biodiversity Net Gain of 10% introduced in the Environment Act.

Summary

- 6.17 Newark & Sherwood District Council has demonstrated that it has continued to cooperate constructively, actively and on an ongoing basis with all of the relevant bodies and neighbouring local authorities; a process which has informed the preparation of the Publication AADMDPD. The Council considers that all relevant cross boundary issues have been addressed.

Appendix 1: 2017 Duty to Co-Operate Statement



**NEWARK & SHERWOOD LOCAL DEVELOPMENT
FRAMEWORK**

Plan Review - Amended Core Strategy

Statement of Compliance with the Duty to Cooperate

September 2017

1.0 Introduction

- 1.1 This statement sets out how Newark & Sherwood District Council has complied with the Duty to Cooperate introduced under the Localism Act 2011.
- 1.2 Newark & Sherwood District Council continues to work closely with neighbouring authorities and statutory bodies in order to ensure that strategic issues are appropriately addressed and is seeking to meet the development needs of the district whilst also ensuring that the strategic priorities of the wider area are delivered.

2.0 Background

- 2.1 The 'Duty to Cooperate', as set out in Section 110 of the Localism Act 2011, amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England, and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plans and marine plan preparation.
- 2.2 Whilst the duty to cooperate is not a duty to agree, local planning authorities and public bodies should work together to ensure that strategic, cross boundary matters have been adequately addressed prior to the submission of a plan for examination.
- 2.3 Paragraphs 178 to 181 of the NPPF give guidance on planning 'strategically across local boundaries' and highlight 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.
- 2.4 The NPPF states that: "The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities" (NPPF paragraph 178) and further 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." (NPPF paragraph 179).
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations 2012 clarifies that the bodies prescribed for the purposes of section 33A (1) (c) of the Localism Act 2011 (in relation to the duty to co-operate) comprise the following:
 - Local Planning Authorities, either neighbouring or making up the Housing Market Area
 - County Council's and National Parks Authorities

- Environment Agency
- Historic England
- Natural England
- Mayor of London
- Civil Aviation Authority
- Homes and Communities Agency
- Primary Care Trusts and successor bodies
- Office of the Rail Regulator
- Highways England
- Transport for London
- Integrated Transport Authorities
- Highway Authorities
- Marine Management Organisation

2.6 However, some of these prescribed bodies are not relevant to Newark & Sherwood:

- National Park Authorities
- Mayor of London
- Transport for London
- Integrated Transport Authorities

2.7 As Local Enterprise Partnerships and Local Nature Partnerships 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 180 of the NPPF highlights the benefits of Councils and other bodies working with LEPs and LNPs to deliver sustainable development.

3.0 Strategic context

3.1 The District of Newark and Sherwood, at over 65,000 ha, is the largest in Nottinghamshire and is situated in the northern part of the East Midlands Region.

3.2 Adjoining the District to the west are the Nottingham and Mansfield conurbations; whilst Lincoln lies to the north-east and Grantham to the south-east. In total the District has nine neighbouring Local Planning Authorities; Bassetlaw, Mansfield, Ashfield, Gedling Borough, Rushcliffe Borough (in Nottinghamshire), Melton Borough (in Leicestershire) and South Kesteven, North Kesteven and West Lindsey (in Lincolnshire).

3.4 Newark & Sherwood, Ashfield, and Mansfield Districts form the Nottingham Outer Housing Market Area, identified in the Nottingham Outer Strategic Housing Market Area Assessment (2015). The three districts also form the Nottingham Outer functional economic area, identified in the Nottingham Core and Nottingham Outer Economic Land Forecasting Study 2015 (ELFS). ELFS has established that all three

districts have strong economic links to Nottingham City. Appendix 2 Schedule D and E show the District in its Sub Regional Setting.

3.5 Newark & Sherwood is one of the constituent authorities of the D2N2 Local Enterprise Partnership which covers Nottinghamshire, Nottingham, Derby and Derbyshire. Until recently the local authorities within the D2N2 area were seeking to develop a combined authority and submit a ‘North Midlands’ Devolution Deal to the government. Whilst this deal was subsequently finalised all of the authorities in the D2N2 area continue to work together closely to help deliver sustainable development.

4.0 History of Compliance/Joint working

4.1 Newark & Sherwood has a long history of joint working with neighbouring authorities and statutory consultees on strategic planning matters, including work on Structure Plans, presenting evidence at the Regional Plan Examination and more recently working together to ensure that the development needs of the Nottingham Outer Housing Market Area are appropriately identified and met. A close working relationship between neighbouring authorities has been maintained to ensure strategic issues are appropriately addressed. This has resulted in the production of some key evidence documents for the wider area including:

- Nottingham Outer Joint Strategic Housing Land Availability Assessment Methodology (2008);
- Nottingham and Nottinghamshire Traveller Accommodation Needs Assessment Methodology (2014);
- Nottingham Outer Strategic Housing Market Assessment (2015);
- Nottingham Core and Nottingham Outer Employment Land Forecast Study (2015); and
- Nottingham Outer Self-Build Register (ongoing).

4.2 There are a number of established joint working groups in Nottinghamshire of which Newark & Sherwood is a member. These include:

D2N2 Local Enterprise Partnership Board	Nottinghamshire Local Authorities are represented at the D2N2 Partnership Board by the Leader of Newark and Sherwood District Council, Cllr Roger Blaney. Regular meetings between Nottinghamshire Leaders help to ensure that issues relating to D2N2 are discussed as and when necessary.
The City of Nottingham and Nottinghamshire Economic Prosperity Committee	The Committee is a joint committee of Nottingham City Council, Nottinghamshire County Council and all District Councils in Nottinghamshire. It is a decision making body on strategic

	economic development issues. It aims to drive future investment in growth and jobs by prioritising, commissioning and monitoring money available to Nottingham and Nottinghamshire via the D2N2 Local Enterprise Partnership and makes recommendations to D2N2 on its investment priorities. The Committee is made up of one councillor from each local authority.
Nottinghamshire Local Government Leaders Group	A group made up of all the leaders of the County and District Councils in Nottinghamshire.
Nottinghamshire Policy Officers Group meetings	Nottinghamshire Policy Officers Group consists of all Nottinghamshire Councils. Planning Officers from each Nottinghamshire Council meet on a quarterly basis to discuss and, where necessary, take action on strategic priorities.
Nottinghamshire Development Management Liaison Group Meetings	Development Management officers meet on a regular basis to discuss any issues arising from a development management aspect.
Nottinghamshire Ecological and Geological Data Partnership Meetings	The Nottinghamshire Ecological and Geological Data Partnership consists of all the Nottinghamshire Councils and officers from the Nottinghamshire Biological and Geological Records Centre (NGBRC). The group meets twice a year to discuss biodiversity issues, including all local environmental data. The NGBRC, operated by the Museums and Galleries Service of Nottingham City Council, on behalf of the Partnership, is Nottinghamshire's local record centre. As such it is the local node in the UK-wide National Biodiversity Network.
Sherwood Forest Regional Park Board	The Board manages the development of a regional park for the Sherwood Forest area of Nottinghamshire. Representatives from across the public and voluntary sector along with local landowners sit on the board.
Mid Nottinghamshire Local Estates Forum	The Forum is a led by the NHS Clinical Commissioning Groups for Mid

	Nottinghamshire and includes representatives from a range of NHS stakeholders and local authorities in the area. It aims to ensure that the public estate and future service requirements created by healthcare needs and new development are appropriately managed.
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4.3 The central element of Newark & Sherwood’s joint working relates to its partner authorities in the Nottingham Outer HMA. Section 5 sets out in detail how the HMA has worked together to produce its joint evidence base and jointly address strategic planning issues. However we have also been in regular contact with all neighbouring planning authorities and had regular meetings with those who we share joint issues particularly Bassetlaw District Council and our neighbours in the Nottingham Core. Similarly we have also been in regular contact with the other relevant prescribed bodies (set out in paragraph 2.5 above) and again section 5 provides more detail on what cooperation has been undertaken.

5.0 Strategic Priorities in the Newark & Sherwood Context

5.1 The Plan Review process aims to review and update all elements of the development plan as required and at every stage all of the relevant Duty to Cooperate stakeholders have been officially consulted. In instances where matters relate to a strategic priority the Council and its’ Duty to Cooperate partners have undertaken additional activities to meet the requirements of the Localism Act. The following areas have been identified as strategic priorities;

- Delivering Housing; including Gypsy & Traveller provision, to meet the housing market area objectively assessed need (each authority in the Nottingham Outer HMA will meet its own needs as defined by the MOU);
- Employment provision will meet the needs of Newark & Sherwood and the wider functional economic area
- Infrastructure provision
- Water Management
- Nature Conservation – in particular considering the impacts of new development in the Sherwood Area (of the District) on the protected species protected under the Habitats Directive.

Delivering housing

5.2 Ashfield, Mansfield and Newark & Sherwood District Councils have worked in partnership to identify the objectively assessed housing need of the Nottingham Outer HMA (Please see Appendix 1 for details of meetings). Neighbouring authorities and relevant Prescribed Bodies (see full list in Appendix 2) were invited to attend two consultation events in relation to the development of the SHMA. No objections were

received from neighbouring authorities or statutory consultees following the consultation events and subsequent periods of consultation. Neighbouring authorities and statutory consultees were generally supportive of the Nottingham Outer SHMA.

5.3 Following the completion of the Nottingham Outer SHMA all three authorities have pledged to meet their own housing need. To this effect, a Memorandum of Understanding (MoU) has been drafted by the three Councils (See Appendix 3).

5.4 Newark & Sherwood District Council and Bassetlaw District Council led on work for all Nottinghamshire Authorities on the development of a methodology for determining the number of Gypsy and Traveller pitches/plots required (further details are set out in Appendix 4). The MoU sets out the intention for all districts to meet their own needs in respect of all housing, including Traveller needs.

5.5 Evidence:

- Nottingham Outer SHMA (October 2015);
- Meetings have taken place on a regular basis throughout the development of the Nottingham Outer SHMA. In order to ensure that neighbouring authorities and prescribed bodies were involved in the development of the SHMA, the Councils hosted two consultation events. The first consultation event, in December 2014, sought views on the SHMA methodology and HMA boundary. The response from neighbouring authorities and statutory consultees, e.g. Environment Agency, Natural England, was very positive and no objections were received to the proposed methodology and HMA boundary.
- The second SHMA consultation event was a presentation of the Draft SHMA and round table discussion with neighbouring authorities and key stakeholders. This was followed by a period of consultation to enable consultees to formally respond to the Draft SHMA. Neighbouring authorities and statutory consultees were generally supportive of the approach and no objections were received.
- Memorandum of Understanding for the Nottingham Outer Housing Market Area.
- The Council has worked collaboratively with neighbouring authorities to produce the Nottingham and Nottinghamshire Gypsy and Traveller Accommodation Needs Assessment Methodology this includes regular meetings and a workshop to provide qualitative information about the accommodation needs of travellers and help gain an understanding of local issues specific to the study area. The study area for this event included the north Nottinghamshire Districts of Ashfield, Bassetlaw, Mansfield and Newark & Sherwood. Officers from the North Nottinghamshire local authorities also attended the neighbouring Derbyshire GTAA focus group session in February 2014 and in Lincolnshire in March 2013, with the aim of obtaining an overall perspective on issues facing the travelling community in the wider area.

5.6 Governance and working arrangements:

The Nottingham Outer Authorities will continue to meet on a regular basis, at least once every six months, to address cross boundary issues, including delivery of development to meet the identified objectively assessed development needs. This arrangement is formalised through the Nottingham Outer MoU.

Employment provision will meet the needs of Newark & Sherwood and the wider functional economic area

5.7 Newark & Sherwood and our HMA partner authorities (Ashfield and Mansfield District Councils) have worked with the Nottingham Core HMA Authorities on the development and production of the Employment Land Forecast Study (see Appendix 5). This has identified the Functional Economic Areas (FEA) and has informed the employment land requirement for each area. It has established that Newark & Sherwood forms part of the Nottingham Outer functional economic area but it also has strong links to Nottingham City. The three Authorities in the Nottingham Outer FEA have pledged to meet their own requirements for employment land provision.

5.8 Evidence:

- Employment Land Forecast Study (ELFS)
- Position Statement on Economic Forecasts set out within the ELFS

5.9 Governance and working arrangements:

There are a number of mechanisms in place to enable the Councils to address any short fall in employment land delivery.

- All Councils undertake monitoring of employment land to identify take up rates.
- There are regular meetings between officers from difference councils where issues are identified. This is reflected in:
 - Nottinghamshire Planning Policy Officers Group meets on a regular basis to discuss strategic issues.
 - Individual meetings are held with neighbouring Councils as and when necessary.

Infrastructure delivery

5.10 The Plan Review process has been supported by a comprehensively reviewed and updated Infrastructure Delivery Plan, which also updated the Transport Study that were both prepared for the 2011 Core Strategy. The District Council appointed WYG to undertake this area of work and the process involved working with infrastructure providers and neighbouring authorities to understand future infrastructure requirements. WYG already had a good understanding of the context of infrastructure provision within the District having completed the 2011 studies, maintain the Council's highways model for Newark Urban Area and provide ongoing advice on the strategic highways matters particularly relating to the various strategic

sites. They contacted, sort information and where necessary held discussions with the following organisations:

Topic	Organisations
Highways & Transport	<ul style="list-style-type: none"> • Nottinghamshire County Council • Highways Agency/Highways England • Network Rail
Development in neighbouring areas	<ul style="list-style-type: none"> • Neighbouring Planning Authorities
Social & Community Infrastructure	<ul style="list-style-type: none"> • Nottinghamshire County Council (Education, Libraries) • National Health Service – including Newark & Sherwood Clinical Commissioning Group & Sherwood Forest Hospital Trust • Active 4 Today and the District Council
Waste	<ul style="list-style-type: none"> • Nottinghamshire County Council
Utility undertakers	<ul style="list-style-type: none"> • Severn Trent Water • Anglian Water • Western Power • National Grid (gas provision), • British Telecom
Green infrastructure	<ul style="list-style-type: none"> • Newark & Sherwood District Council – Parks team

5.11 The results of this exercise formed the Infrastructure Delivery Plan (IDP) which sets out future infrastructure requirements for the district based on the levels of growth planned for and provides a firm foundation for securing future infrastructure delivery. The IDP also contains information in relation to water management which are detailed in next section of this statement.

5.12 Evidence:

- Newark & Sherwood Infrastructure Delivery Plan
- Infrastructure Funding Gap Review
- Statement of Common ground between Newark & Sherwood District Council and Nottinghamshire County Council

5.13 Governance and working arrangements:

The Council review infrastructure provision on a regular basis to ensure that its CIL Regulation 123 List is up-to-date and to ensure that the last review being undertaken to support the CIL Review and Plan Review processes. The District Council as set out in our statement of common ground and memorandum of understanding work closely with the County Council on this matter. The District Council and the County Council are working closely together along with the Local Enterprise Partnership, the Homes & Communities Agency and Highways England to secure appropriate funding

for highways infrastructure projects to unlock new housing and employment development.

The Council adopts a ‘development team’ approach to major pre-applications and planning applications which require the input of a range of stakeholders, including infrastructure providers. The Council’s development management team arrange meetings between applicants and the various stakeholders to ensure that the appropriate infrastructure is secured as part of new development.

The Business Manager – Planning Policy is the District Council representative on the Mid Nottinghamshire NHS Local Estates Forum. This body aims to coordinate the NHS estate requirements and allow Local Planning Authorities to feed in future development requirements. The Council and the local Clinical Commissioning Group are working on a number of projects together to plan for new healthcare provision in the South of Newark and Ollerton to support new development. These projects also include a range of other local stakeholders including Ollerton & Boughton Town Council.

Water Management

- 5.11 To support the Plan Review process and ensure that matters related to water management have been addressed on the basis of robust and current information updates to the Strategic Flood Risk Assessment (SFRA) and Water Cycle Study (WCS) have been undertaken. Through the SFRA an understanding of the extent of flood risk within the District, from all sources presently and extending into the future, taking account of the impacts of climate change and planned land use change/development has been obtained. Alongside this the WCS has assessed the sustainability of the level and distribution of growth, and whether this would adversely impact on the water environment or cause unresolvable issues around water service infrastructure.
- 5.12 The updates have been progressed on the basis of renewed engagement and collaboration with the Risk Management Authorities as established by the Flood & Water Management Act (2010), including the Environment Agency and Nottinghamshire County Council as Lead Local Flood Authority, as well as other agencies involved in water management. An appropriate governance structure was developed to provide strategic oversight for the work. This involved separate ‘steering groups’ for the SFRA and WCS to guide and regularly feed into the assessments, the agencies involved are set out in the table below. Importantly the two updates have taken account of, responded to and where appropriate informed external plans, programmes and strategies to ensure that, in respect of water management issues, planned growth within the District can be supported.

Assessment	Organisations
Strategic Flood Risk Assessment	<ul style="list-style-type: none"> • Environment Agency • Nottinghamshire County Council (Lead Local Flood Authority)

	<ul style="list-style-type: none"> • Trent Valley Internal Drainage Board • Upper Witham Internal Drainage Board • Southwell Flood Forum
Water Cycle Study	<ul style="list-style-type: none"> • Environment Agency • Nottinghamshire County Council

5.13 In addition Severn Trent Water and Anglian Water were engaged to gain an understanding of issues around water and wastewater infrastructure.

5.14 Through this work no cross-boundary or strategic issues have been identified which relate to water management, and subsequently none have been raised through the engagement carried out in support of the amended Core Strategy. In light of the flooding from local sources in Southwell and Lowdham in July 2013 (and in recognition that there has been a history of flooding from local sources in Southwell) consideration was given by the Steering Group to the designation of these areas as Critical Drainage Areas (CDA). This provided an appropriate forum for the matter to be considered given that statutory responsibility for implementation would reside with the Environment Agency, and any alternative local designation would overlap with the responsibilities of other members on the group.

5.15 The Steering Group concluded that whilst this increased requirement to consider flood risk in conjunction with all new development in a CDA could be beneficial, it would result in a disproportionate burden on the regulatory authorities from applications that have no flood risk implications. Ultimately it was agreed that the introduction of a CDA would not be appropriate, with the parties agreeing that the issue would be better addressed by means of a high level strategic policy within the Core Strategy (Core Policy 10A 'Local Drainage Designations'). The policy therefore establishes the principle for introducing local drainage designations, with the precise extents and standards to be defined at a later stage through Supplementary Planning Documents. The approach to their development will be one of collaboration with the strategic partners necessary for the successful introduction and implementation of the designations.

5.16 Evidence:

- SFRA & WCS Steering Groups Meeting 1 (18th June 2016) – minutes provided in Appendix A to the SFRA update.
- SFRA & WCS Steering Groups Meeting 2 (30th August 2016) – minutes provided in Appendix A to the SFRA update.
- Separate meeting with NCC as Lead Local Flood Authority (12th September 2016) - note of meeting provided in Appendix A to the SFRA update.

5.16 Governance and working arrangements:

The District Council will continue to periodically review its water management evidence base, in line with the advice from stakeholders. The introduction of Local

Drainage Designations will be based on extensive collaboration with those strategic partners necessary for their successful introduction and implementation.

Nature Conservation

5.17 The west of Newark & Sherwood – the Sherwood and Mansfield Fringe Plan Areas – are home to a mosaic of important wildlife habitats which include a number sites of international, national (Sherwood Forest Special Area of Conservation) and local importance. This includes the habitats of Woodlark and Nightjar which whilst not designated as a Special Protection Area, under the precautionary approach to development as set out in a Natural England guidance note should be considered as if they are protected in such a way.

5.18 The Plan Areas are also home to a number of settlements which are considered suitable for growth under the existing Core Strategy and therefore in commencing the review the Council identified that a careful consideration of the impact of the Plan Review should be undertaken through the Habitat Regulation Assessment (HRA) process. The Council consulted the various nature conservation bodies including Natural England and the Local Nature Partnership during the Plan Review process. The emergence of Thoresby Colliery as a potential location for a mixed use strategic site required careful consideration of the impact. This included a meeting with Natural England to discuss air pollution issues relating to the proposed allocation.

5.19 As part of the discussions on air pollution with Natural England the District Council committed to further work on air quality and this has been proposed as part of an amendment to Core Policy 12 to reflect the importance of resolving this matter.

5.20 Evidence

- Newark & Sherwood Habitat Regulations Assessment

5.21 Governance and Working arrangement:

The District Council will continue to periodically review its nature conservation evidence base, in line with the advice from stakeholders. The District Council is will The District Council has committed to further work on Air Quality with Natural England and other partners. An approach will be developed once the Amended Core Strategy has been examined.

Appendix 1 – Record of Nottingham Outer SHMA HMA Meetings

Date	Meeting venue	Attendance	Meeting notes/actions
16 June 2014	ADC Offices	D. Broad (ADC), M. Bailey (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D. Bellingham (MDC)	Meeting to agree approach to the Joint SHMA/identification of OAHN. Initial agreement that each Council would meet its own needs if possible.
8 July 2014	Nottinghamshire Policy Officers Group meeting	Dean Bellingham, MDC, Lisa Bell, NCC Graeme Foster, GBC, Tom Bannister, BDC, Matthew Norton, NSDC, Karen Shaw, Nottingham City Council, Steffan Saunders, BBC, Lisa Furness, ADC Neil Oxby, ADC, Andrew Johnson, EBC, Mark Candlin, EA, Tony Donaldson (Flood Risk Management), NCC, Gary Wood (Group Manager, Highway Planning Access & Commissioning),NCC	Discuss proposal for a joint SHMA with all Nottinghamshire Planning Authorities. Ascertain if there is any interest from other authorities to be included in the joint SHMA.
12 August 2014	ADC Offices	D. Broad (ADC), M. Bailey (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D.Bellingham (MDC)	Meeting to discuss and agree the tender brief for the Joint SHMA.
10 October 2014	ADC Offices	D. Broad (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D. Bellingham (MDC), P. Beales (Bassetlaw DC – Procurement Officer)	Meeting to evaluate submitted Tender Briefs and confirm appointment of consultant.

24 October 2014	ADC Offices	D. Broad (ADC), C. Sarris (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D.Bellingham (MDC)	Inception meeting with appointed consultant G. L. Hearn. Agree/confirm approach to undertaking the SHMA. This includes agreement on the consultation process with stakeholders – neighbouring authorities, DTC Prescribed Bodies, relevant organisation, developers and planning agents.
11 December 2014	ADC Offices	D. Broad (ADC), C. Sarris (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D. Bellingham (MDC); See Appendix 2 for details of invitees including all neighbouring Councils and relevant DTC Prescribed Bodies.	Stakeholder Consultation Meeting to present and discuss the SHMA Methodology and HMA Boundary to neighbouring authorities, DTC prescribed bodies, developers, planning agents and other relevant organisations. This included an invitation to respond on the proposed methodology and HMA boundary.
22 June 2015	ADC Offices	D. Broad (ADC), C. Sarris (ADC), E. Jackson (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D.Bellingham.(MDC)	Meeting to discuss draft Nottingham Outer SHMA and identify any areas for further clarification prior to meeting with G L Hearn.
22 June 2015	ADC Offices	D. Broad (ADC), C. Sarris (ADC), E. Jackson (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D. Bellingham, P. McColgan (G. L. Hearn), J. Gardner (JGA).	Meeting with G. L. Hearn to discuss areas for further clarification.
22 June 2015	ADC Offices	D. Broad (ADC), C. Sarris (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D. Bellingham (MDC); See Appendix 2 for details of invitees including all neighbouring Councils and relevant DTC Prescribed Bodies.	Stakeholder Consultation Meeting to present the draft Nottingham Outer SHMA to neighbouring authorities, prescribed bodies, developers, planning agents and other relevant organisations. The three authorities then invited comments on the draft SHMA over a three week period.
17 July 2015	Kelham Hall NSDC Offices	D. Broad (ADC), D. Bellingham (MDC), D.Dickinson (NSDC)	Meeting to discuss comments received following the SHMA consultation and to agree any amendments and a joint response.

1 October 2015	Kelham Hall NSDC Offices	D. Broad (ADC), E. Jackson (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R. Routledge (MDC), D.Bellingham. (MDC)	Meeting to discuss and agree further SHMA amendments.
13 October 2015	Kelham Hall NSDC Offices	D. Broad (ADC), S. Wiltshire (ADC), M. Norton (NSDC), D. Dickinson (NSDC), R.Routledge (MDC), D.Bellingham. ADC,NSDC, and MDC Councillors	Meeting to present the final Nottingham Outer SHMA to Members of the three Councils. Members were very supportive of the SHMA.

Appendix 2 Nottingham Outer SHMA Invitation List (Neighbouring Authorities and relevant Prescribed Bodies)

Amber Valley District Council	Rob Thorley Planning Policy Manager
Bassetlaw District Council	Beverley Alderton Sambrook Planning Service Manager
Bassetlaw District Council	Tom Bannister Principal Planner
Bolsover District Council	Helen Fairfax Planning Policy Manager
Broxtowe BC	Stephan Saunders Planning Policy Manager
Central Lincolnshire Joint Planning Unit	
Derbyshire County Council	David Dale Planning Policy and Monitoring
Derbyshire County Council	Nigel Groom Children & Younger Adults Department
Erewash Borough Council	Adam Reddish Senior Planning Policy Officer
Gedling Borough Council	Alison Gibson/ Joanna Gray Planning Policy Manager
Gedling Borough Council	Peter Baguley Planning Director
Leicestershire County Council	L. Wojtulewicz Planning Policy
Leicestershire County Council	Matt Bagley Planning Policy
Lincolnshire County Council	A. Norton Strategic Planning
Lincoln City Council	Jenny Stephenson Planning Policy Officer
Melton Borough Council	Keith Reed Planning Policy
North Kesteven District Council	Jane Wells Planning Policy
Nottingham City Council	Matthew Gregory Policy and Research Manager
Nottinghamshire County Council	Lisa Bell Team Manager Planning Policy
Rushcliffe Borough Council	Richard Mapletoft Planning Policy Manager
South Kesteven District Council	Karen Sinclair Planning Policy
West Lindsey District Council	Rob Lawton Planning Policy
D2N2 LEP	Matthew Wheatley Coordinator
Environment Agency	Andrew Pitts Planning
Highway Agency	Kamajit Khokhar Asset Manager
Homes and Communities Agency	Mr Alan Bishop Area Manager
Lowland Derbyshire and Nottinghamshire LNP	Heather Stokes Coordinator
Lowland Derbyshire and Nottinghamshire LNP	Rosy Carter Coordinator
Natural England	Roslyn Deeming Land Use Advisor
NHS Clinical Commissioning Group	Andrea Brown
NHS Clinical Commissioning Group	Hazel Buchanan
Nottinghamshire County Council	Kevin Sharman Team Leader, Transport
Anchor Trust (Housing Association)	Ali Marika
Derwent Living (Housing Association)	
East Midlands Housing Association	
English Churches Housing Group (Housing Association)	
Framework Housing Association	P. Pearson

Leicester Housing Association Ltd	P. Harrison
Midlands Rural Housing (Housing Association)	
NCHA (Housing Association)	Richard Vickery
Raglan Housing Association Ltd	
Waterloo Housing Group (Housing Association)	Sarah Robinson
Nottinghamshire County Council	Supporting People Beth Cundy
Nottinghamshire County Council	Social Care Protection Rosamunde Willis-Read Project Manager for Strategic Quality and Risk

Appendix 3 Nottingham Outer Housing Market Area Memorandum of Understanding



DATED: _____

MEMORANDUM OF UNDERSTANDING

between

ASHFIELD DISTRICT COUNCIL

and

MANSFIELD DISTRICT COUNCIL

and

NEWARK AND SHERWOOD DISTRICT COUNCIL

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THIS AGREEMENT is dated [DATE]

PARTIES

- (1) Ashfield District Council of Urban Road, Kirkby in Ashfield, Nottinghamshire, NG17 8DA; (“**Authority One**” and/or “**ADC**”)
- (2) Mansfield District Council of Civic Centre, Chesterfield Road, Mansfield, Nottinghamshire, NG19 7BH; (“**Authority Two**” and/or “**MDC**”)
- (3) Newark and Sherwood District Council, Kelham Hall, Kelham, Newark, Nottinghamshire, NG23 5QX; (“**Authority Three**” and/or “**NSDC**”)

Collectively known as the “**Authorities**”.

Background

The Authorities have agreed to work together to deliver the development requirements of the Nottingham Outer Housing Market Area and to ensure that the objectives of this agreement are delivered as detailed in Schedule A of the Annex to this Memorandum of Understanding (“MoU”).

The Authorities wish to record the basis on which they will collaborate with each other. This MoU sets out:

- the key objectives of the Project;
- the principles of collaboration;
- the governance structures the Authorities will put in place; and
- the respective roles and responsibilities the Authorities will have during the Project.

Key objectives of the Project (“Key Objectives”)

The Authorities shall undertake to achieve the key objectives set out in Schedule A of the Annex to this MoU.

The Authorities acknowledge that the current position with regard to the contributions already made (financial and otherwise) are as detailed in Schedule C in the Annex to this MoU.

Principles of collaboration (“Principles”)

The Authorities agree to adopt the following Principles when carrying out the Project:

collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure that all activities are delivered and actions taken as required;

be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;

be open. Communicate openly about major concerns, issues or opportunities relating to the Project;

learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;

adopt a positive outlook. Behave in a positive, proactive manner;

adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation. In particular the Authorities agree to comply with the requirements of the Information Sharing Protocol attached in Schedule B in the to this MOU;

act in a timely manner and respond accordingly to requests for support;

manage stakeholders effectively;

deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU. In particular the Authorities agree to make the contributions detailed in Schedule D in the Annex of this MoU; and

act in good faith to support achievement of the Key Objectives and compliance with these Principles.

Project Governance

Overview

The governance structure defined below provides a structure for the development and delivery of the Project.

Guiding principles

The following guiding principles are agreed. Governance will:

provide strategic oversight and direction;

be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
align decision-making where possible and necessary; and
provide coherent, timely and efficient decision-making.

Member Agreement and Involvement

(a) Each Authority will be responsible for seeking formal approval of the objectives, amendments and signing of agreements in relation to the Key Objectives of the MoU through their own formal decision making procedures.

(b) The Cabinet Member responsible for Planning or the appropriate Committee Chairman (or their representative) from each Authority shall sit on a Sponsors' Board to provide strategic member oversight and direction of the process.

Sponsors' Board Role

The Sponsors' Board provides overall strategic oversight and direction to the delivery of the key objectives of the Project. This group will consist of:

ADC: Chief Executive

ADC: Deputy Leader

MDC: Mayor

MDC: Chief Executive

NSDC: Chief Executive

NSDC: Chairman Economic Development Committee.

The Sponsors' Board shall be managed in accordance with the terms of reference set out in Schedule B in the Annex to this MoU.

Project Board Role

The Project Board will provide support to the Sponsor's Board at workstream level. It will provide assurance to the Sponsors' Board that the Key Objectives are being met and that the Project is performing within the boundaries set by the Sponsors' Board.

The Project Board consists of representatives from each of the Authorities. The Project Board shall have responsibility for the day to day management of meeting the Key Objectives and deliverables of the MoU, The core Project Board members are:

ADC – Forward Planning Team Leader

MDC – Planning Policy Team Leader

NSDC – Business Manager – Planning Policy

The Project Board shall be managed in accordance with the terms of reference set out in Schedule C in the Annex to this MoU.

Reporting

Project reporting shall be undertaken at three levels:

Project Board: Minutes and actions will be recorded for each Project Board meeting. Any additional reporting requirement shall be at the discretion of the Project Board.

Sponsors' Board: Reporting shall be at least once per annum, based on the minutes from the Project Board highlighting: Progress this period; issues being managed; issues requiring help (that is, escalations to the Sponsors' Board) and progress planned over the next period and/or aligned with the frequency of the Sponsors' Board meetings.

Organisational: the Project Board members shall be responsible for drafting reports for their respective Authority.

Roles and responsibilities

Ashfield, Mansfield, and Newark and Sherwood District Councils shall work together in seeking to ensure that the development requirements of the Nottingham Outer Area are met. The jointly produced evidence base documents, Nottingham Outer Strategic Market Area Assessment (2015) and Employment Land Forecast Study, have informed the housing and employment land requirements for the Housing Market Area (HMA).

All Authorities shall develop a monitoring and delivery plan in relation to the Local Plan for each District. This will enable each Authority to monitor the progress of the objectives and to plan for any necessary amendments in the future.

Escalation

If any Authority has any issues, concerns or complaints about the Project, or any matter in this MoU, that Authority shall notify the other Authorities and the Authorities shall then seek to resolve the issue by a process of consultation.

If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Project Board, which shall decide on the appropriate course of action to take. If the matter cannot be resolved by the Project Board within 7 working days, the matter may be escalated to the Sponsors' Board for resolution.

If any Authority receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the Project, the matter shall be promptly referred to the Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the Project, without the prior approval of the Project Board (or its nominated representatives).

Term and termination

This MoU shall commence on the date of signature by all Authorities, and shall expire on 31st March 2032.

This MoU will be reviewed at a minimum of once every 5 years.

Any Authority may terminate this MoU by giving at least three months' notice in writing to the all the other Authorities at any time. A shorter notice period may be agreed by all the Authorities in writing.

Variation

This MoU, including the Annex, may only be varied by written agreement of the Sponsor's Board.

Charges and liabilities

Except as otherwise provided, the Authorities shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.

The Authorities agree to share the costs and expenses arising in respect of any formally agreed joint work, in accordance with the Contributions Schedule set out in Schedule D in the Annex to this MoU.

All Authorities shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and no Authority intends that the other Authorities shall be liable for any loss it suffers as a result of this MoU.

Confidentiality and freedom of information

The Authorities agree and undertakes to the other that during the term of this MoU and, for a period of 12 months after termination of this MoU, it will keep confidential and will not use for its own purposes nor part with nor, without the prior written consent of the owner of the information in question, disclose to any third party any information of a confidential nature (including data and applications, know-how, trade secrets and

information of a commercial nature) which may become known to an Authority from the other. To the extent necessary to implement the provisions of this MoU and notwithstanding the above, an Authority may disclose the Confidential Information to such of its employees and professional advisers as may be necessary for the purposes of carrying out the obligations under this MoU.

The Authorities acknowledge that each Authority is subject to the requirements of the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) and shall assist and cooperate with each other to enable each Authority to comply with these information disclosure requirements.

Upon receipt of a request each Authority shall be responsible for determining at its absolute discretion whether the requested information:

- a) Is exempt from disclosure in accordance with the provisions of the FOIA or the EIR; and/or
- b) Is to be disclosed in response to a request for information.

Data Protection

The Authorities shall (and shall procure that any of its employees involved in the provision of this Agreement) comply with any notification requirements under the Data Protection Act (DPA) and shall duly observe all their obligations under the DPA, which arise in connection with this MoU.

Status

This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Authorities from this MoU except where specifically stated. The Authorities enter into the MoU intending to honour all their obligations.

Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the Authorities, constitute any Authorities as the agent of any of the other Authorities, nor authorise any of the Authorities to make or enter into any commitments for or on behalf of the other Authorities.

Limitations

All the Authorities recognise that there will not always be full agreement with respect to all of the issues on which they have agreed to cooperate. For the avoidance of doubt, the MoU will not restrict the discretion of any of the

Authorities in the determination of any planning application, or in the exercise of any of its statutory powers and duties, or in its response to consultations, and is not intended to be legally binding.

Governing law and jurisdiction

This MoU shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in clause 0, each Authority agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

Signed for and on behalf of
ASHFIELD DISTRICT COUNCIL

Signature:

Name:

Position:

Date:

Signed for and on behalf of
MANSFIELD DISTRICT COUNCIL

Signature:

Name:

Position:

Date:

Signed for and on behalf of
NEWARK AND SHERWOOD
DISTRICT COUNCIL

Signature:

Name:

Position:

Date:

Ashfield District Council

Office Address:
.....

Tel. No:

Email Address:

Mansfield District Council

Office Address:

.....

Tel No:

Email Address:

Newark & Sherwood District Council

Name:

Office Address:

.....

Tel No:

E-mail Address:

Schedule A – The Project

Project overview:

Strategic Planning, Development Issues and Policy Documents

ADC, MDC, and NSDC will work together to:

- agree those matters which are strategic in nature, based upon an appreciation of the wider demographic, economic, environmental and social context that affects the area, and up-to-date evidence of development needs;
- agree an integrated and consistent approach to address these needs;
- continue to work together to agree the overall quantity, mix and broad distribution / apportionment of development across the area, including its delivery through necessary strategic infrastructure;
- ensure that where strategic priorities cross local boundaries, we work collaboratively to make sure they are clearly reflected in our individual plans;
- continue to work together to produce joint evidence where it is the most efficient and effective approach;
- ensure appropriate governance arrangements are in place to take forward the commitments in this memorandum.
- if appropriate, meet and discuss any issues raised by one or more of the other Authorities and take into account any views expressed on those issues.

Development Management

Each Authority will:

Notify the other Authorities who are party to this MoU of any major planning applications, from within its area or on which it is consulted by a Local Authority from outside its area, which would, in its view, have a significant impact on the strategic planning and development of the Ashfield, Mansfield and Newark and Sherwood Districts.

The Key Objectives

The MoU has the following broad objectives:

- The Authorities agree to work collaboratively to deliver the development requirements of the Nottingham Outer Area (as identified by the Local Plan for each District).
- The Authorities agree to formalise their agreement to deliver the objectively assessed housing needs, identified for each of these Authority's area by the Nottingham Outer Strategic Housing Market Area Assessment, within their own district boundary.
- The Authorities agree to formalise their agreement to deliver employment land to meet the needs of the Functional Economic Area, as identified in the Local Plan for each District.
- To deliver any necessary infrastructure requirements associated with development in each District and to help secure a broad but consistent approach to strategic planning, infrastructure delivery, transport and development issues across each Authority's District.
- To continue to identify and manage spatial planning issues that impact on more than one local planning area in the Nottingham Outer HMA which covers Mansfield, Newark & Sherwood and Ashfield. Hucknall (part of Ashfield District) is located in Greater Nottingham and, as such, also has links to the Nottingham Core HMA where a close working relationship with the authorities is already established.
- To ensure that the local planning and development policies prepared by each Authority are, where appropriate, informed by the views of the other Authorities adjoining each Authority area and by statutory consultees/prescribed bodies. This will normally involve engagement with Development Plan Document and Supplementary Planning Document preparation.
- To ensure that decisions on major applications which may impact on any of the Authority's areas are informed by the views of the other Authorities.
- To support better integration and alignment of strategic spatial and investment priorities in Ashfield, Mansfield and Newark and Sherwood Districts, ensuring

that there is a clear and defined route where necessary, through the statutory local planning process.

- To identify and agree the infrastructure investment needs associated with proposed development and to address existing issues;
- To ensure compliance with the Duty to Cooperate.

The existing position and contributions already made

A close working relationship between ADC, MDC and NSDC has been maintained to ensure strategic issues are appropriately addressed. This has resulted in the production of some key evidence documents for the wider area including:

- Nottingham Outer Strategic Housing Market Assessment (October 2015);
- Nottingham Core and Nottingham Outer Employment Land Forecast Study (August 2015);
- Nottingham and Nottinghamshire Traveller Accommodation Needs Assessment Methodology (Notts. Local Authorities, October 2013);
- Nottingham Outer Self-Build Register (March 2016);
- Infrastructure Delivery Plans for each District
- Transport Studies for each District

There are a number of established joint working groups in Nottinghamshire of which the four Authorities have membership. These include:

- D2N2 Local Enterprise Partnership Board;
- The City of Nottingham and Nottinghamshire Economic Prosperity Committee;
- Nottinghamshire Local Government Leaders Group;
- Nottinghamshire Chief Planning Officers Group
- Nottinghamshire Policy Officers Group.

Schedule B - Sponsors' Board and Project Board terms of reference

(a) Sponsors' Board and Project Board Aim

(i) Ashfield, Mansfield and Newark and Sherwood District Councils will seek to work collaboratively to deliver the objectives of this Memorandum of Understanding.

(b) Sponsors' Board Remit

(i) to provide strategic oversight and direction to work related to meeting the Key Objectives of this MoU. Membership is set out in 4.4 (a) of this MoU, however each Authority is able to nominate substitutes for Sponsors' Board meeting as and when required.

(c) Project Board Remit

(i) To support and provide assurance to the Sponsors Board in the oversight of the work of the Project Board.

(ii) The Project Board shall have responsibility for the day to day management of the objectives and deliverables of meeting the Key Objectives of this MoU.

(iii) Membership is set out in 4.5(b) of this MoU however the Project Board can draw on technical, commercial, legal and communications resources as appropriate to support its work.

(d) Decision-making:

(i) the Project Board's will make formal recommendations to the Sponsors' Board on matters relating to its work in meeting the Key Objectives of the MoU.

(ii) All formal recommendations made by the Project Board will be discussed and agreed with the Sponsor's Board prior to official decision making process by each Authority.

(e) Meetings:

(i) The Sponsor's Board will meet at least once per annum to review the Project Board's report on Strategic Planning issues affecting the Nottingham Outer HMA.

(ii) The Project Board will meet at least twice per annum to discuss strategic planning matters affecting the Nottingham Outer Housing Market Area and Functional Economic Area and progress on meeting the objectives of the MoU. Where there is a lack of progress on the delivery of MoU objectives, the Project Board will seek to identify solutions to address under performance.

(iii) The Project Board and Sponsor Board will meet as necessary to agree any amendments to the objectives of the MoU and to seek to resolve any issues identified by the Project Board.

(iv) The meetings will take place on one of the Authority's premises as appropriate.

(v) A minimum, 2 days notice will be given prior to a meeting.

Schedule C - Contributions

DETAILS OF CONTRIBUTIONS:

Contributions already made:

Joint documents

- Joint work on Nottingham Outer Strategic Housing Market Area Assessment (2015) – (SHMA)
- Joint work on Nottingham Core and Nottingham Outer Employment Land Study (2015) – (ELFS)

Staffing

- Project Management is undertaken by ADC.
- The project team consists of Planning Policy Team Leaders at ADC, MDC and NSDC.

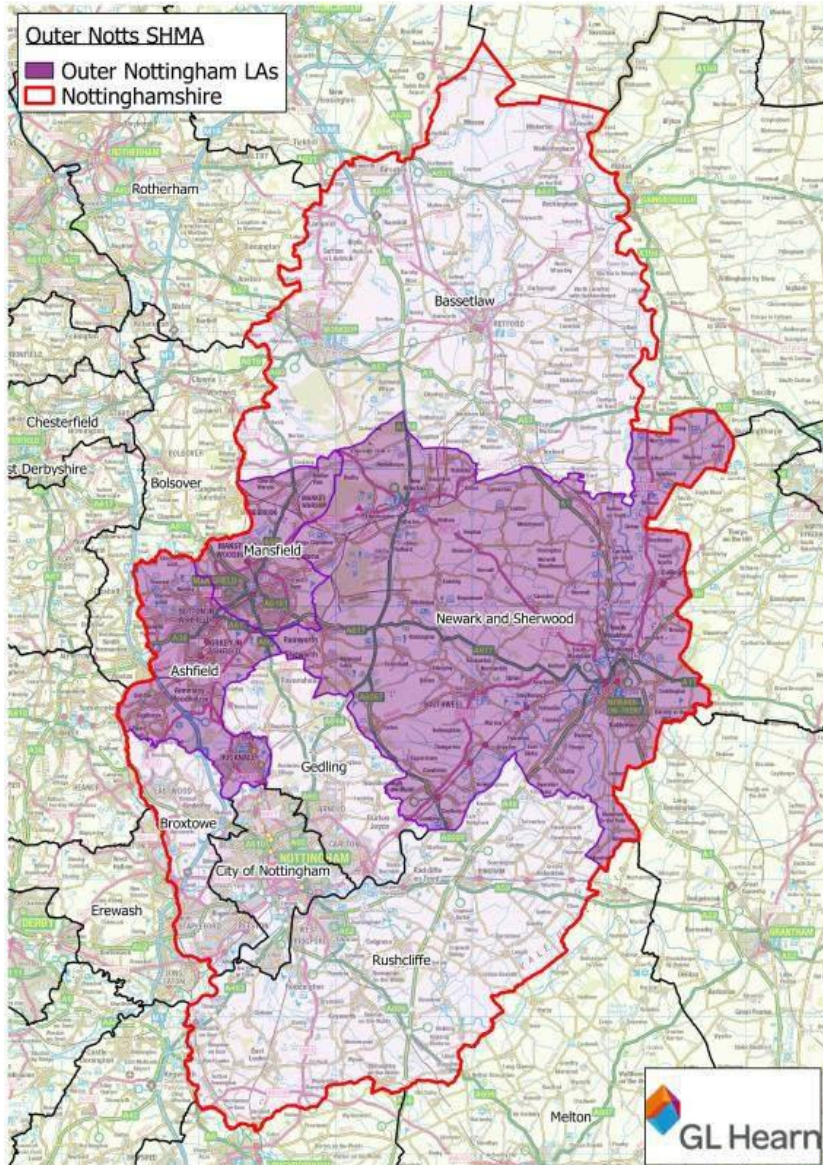
Financial

- Where necessary, the Authorities have, and will continue to contribute towards joint working practices. The Councils have made equal contributions towards the SHMA and ELFS documents.

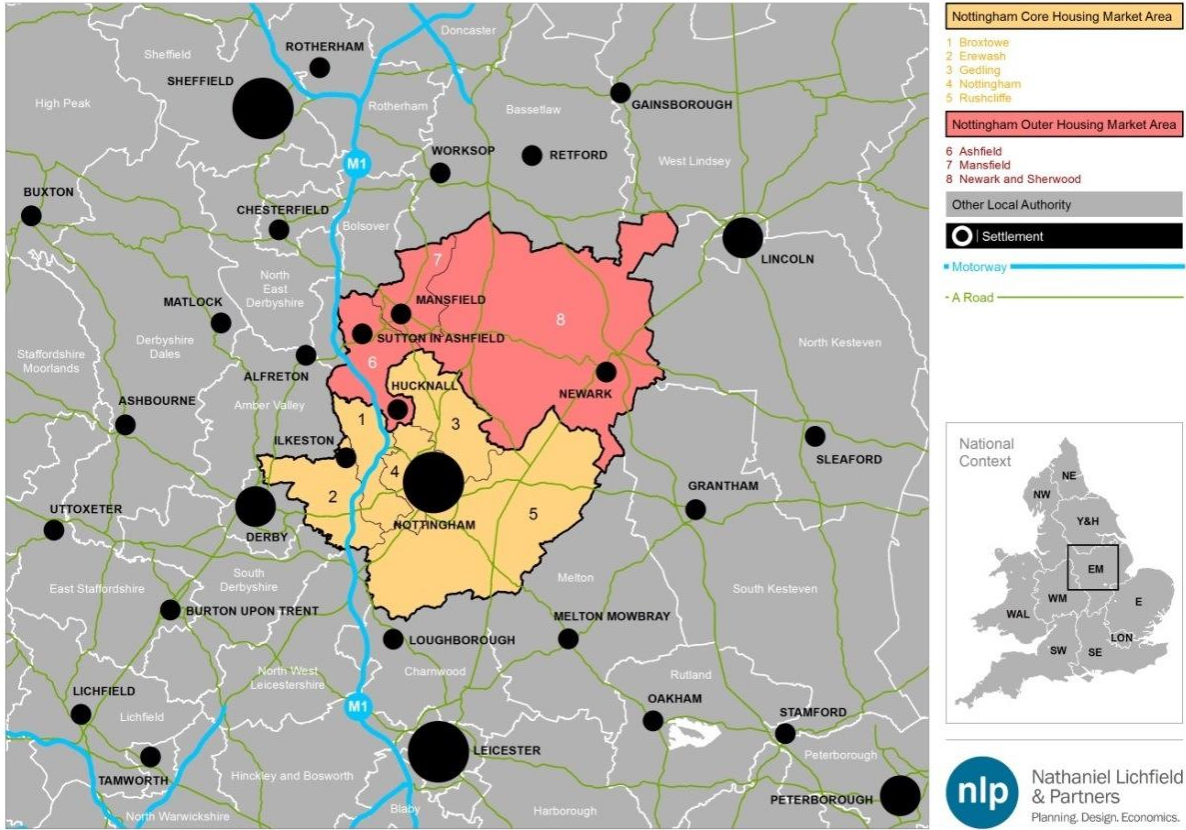
Premises

- Meetings will be held at a convenient location for Officers, this may include facilities at any of the Authority's premises.

Schedule D - Nottingham Outer HMA Map



Schedule E - Nottingham Outer and Nottingham Core Functional Economic Areas



Appendix 4 – Record of activities relating to Nottinghamshire joint GTTA methodology

Date	Meeting venue	Attendance	Meeting notes/actions
19/12/12	NSDC, Kelham Hall	First meeting with all Notts. authorities to establish level of interest for a joint study	See minutes
24/10/12	NSDC, Kelham Hall	Planning/Housing officers from all Nottinghamshire authorities	See minutes
October 2012	Bassetlaw DC	Lincolnshire authorities approached by Bassetlaw to establish interest in joint study	Lincs. Appointing consultants but opportunity to co-ordinate methodologies
October 2012	Ashfield DC	All Nottinghamshire authorities	Information shared on experience with appeal/decision and implication for future studies
9/1/13	Bassetlaw DC	Planning/Housing officers from all Nottinghamshire authorities	Discussion of first methodology draft and calculator
6/2/13	NSDC, Kelham Hall	Planning/Housing officers from all Nottinghamshire authorities	Amendments to methodology/calculator
13/3/13	Bassetlaw, Worksop	Planning/Housing officers from all Nottinghamshire authorities	Consultation methodology/list
7/5/13	NSDC, Kelham Hall	Planning/Housing officers from all Nottinghamshire authorities	Discussion of amendments
June 2013	N/A	All Nottinghamshire authorities	All authorities to seek relevant approval for consultation on the methodology document
June 2013	N/A	North Nottinghamshire Authorities	Formulation of consultation response form
5 July – 26 July 2013	N/A	Technical consultation on draft methodology	Sent out to targeted groups/organisations/stakeholders. Published on council websites.

13/8/13	Rushcliffe BC, Civic Centre	Meeting with all Notts. authorities	Comments received from the recent technical consultation. Format and content of the consultation summary document. Proposed amendments to the methodology – how to get agreed and the final methodology signed off. Consultation strategy – how, when and who to consult for the assessment. Timings for each of the LAs and when/if they can work together on the assessment(s).
16/9/13 – 28/10/13	N/A	NSDC consultation approved by 11 September Economic Development Committee	Consultation on Newark & Sherwood Gypsy & Traveller DPD Issues Paper & Call for sites. Direct consultation with Gypsy & Traveller Community through ENTA and the County's Gypsy & Traveller Liaison Officer
25/9/13	Bassetlaw, Worksop	Officers from North Notts Districts (Ashfield, Bassetlaw, Mansfield, Newark & Sherwood)	Draft traveller questionnaires and discuss workshop structure

5/11/13	NSDC, Kelham Hall	<ul style="list-style-type: none"> • Officers from Ashfield, Bassetlaw, Mansfield, Newark & Sherwood Districts • Representatives of the Traveller community • Other adjoining local authorities • service providers – health, education, social care, police, fire service • Rural Community Action Group – Travelling Together • Nottinghamshire Gypsy and Traveller Liaison Officer • Derbyshire Gypsy Liaison Group • local Housing, Planning and Environmental Health officers • consultants undertaking comparable work for Derbyshire and Staffordshire local authorities 	Stakeholder Workshop. Notes available
3/4/14	Bassetlaw, Worksop	Officers from Bassetlaw, Newark & Sherwood, Ashfield and Nottinghamshire Gypsy and Traveller Liaison Officer	Next steps - schedule survey work
11/6/14	Ashfield DC, Kirkby	Officers from Bassetlaw, Newark & Sherwood, Ashfield and Nottinghamshire Gypsy and Traveller Liaison Officer	Feedback on progress

19/8/14	Ashfield DC, Kirkby	Officers from Bassetlaw, Newark & Sherwood, Ashfield and Nottinghamshire Gypsy and Traveller Liaison Officer	Feedback on progress from GTLO, Newark & Sherwood. Discussion on difficulties in collecting data re. bricks and mortar travellers and various approaches which have been explored. Agreed draft timetable for delivery.
11/3/15	Email between authorities	Bassetlaw, Newark & Sherwood, Ashfield, Mansfield, GTLO, Nottm City Council	Draft joint document and adjusted calculator/methodology circulated within the partnership group for comment.
February – April 2015	N/A	NSDC preferred strategy consultation	Partner authorities consulted upon our preferred strategy including GTAA. Ashfield provide comments which result in finalised GTAA

Appendix 5 – Record of Nottingham Outer & Nottingham Core ELFs Meetings

Date	Attendance	Meeting notes/actions
7/11/2014	ADC, GBC, BBC, MDC, NSDC, NCC, RBC, EBC	Meeting to discuss ELFS
30/1/2015	ADC, GBC, BBC, MDC, NSDC, NCC, RBC, EBC, neighbouring authorities, stakeholders	ELFS Stakeholder Workshop
9/4/2015	ADC, GBC, BBC, MDC, NSDC, NCC, RBC, EBC	Update meeting to discuss workshop/consultation responses and ELFS progress.
9/9/2015	N/A	Constituent parties expected final ELFs report