

Derbyshire and Derby Minerals Local Plan 2022 – 2038

Duty to Cooperate Introduction and Overview

January 2023



Derby City Council



DERBYSHIRE
County Council

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1. Introduction and Background

- 1.1 The purpose of this Paper is to set out the background and requirements of the Duty to Co-operate provisions and to set out the way in which the Councils have sought to meet their obligations under the ‘duty to co-operate’ in preparing the Minerals Local Plan. The Councils have also prepared a separate draft ‘Statement of Common Ground’ which sets out the strategic cross boundary issues being addressed in preparing the Minerals Local Plan and the progress with the relevant parties in co-operating to address these matters.
- 1.2 The Government is committed to delivering long-term sustainable growth and requires the planning system to contribute positively towards achieving sustainable development. It recognises that, in preparing local plans, there are some strategic issues that can only be addressed effectively at a wider than local scale.
- 1.3 In response to these issues it has placed a legal ‘duty’ on local planning authorities, county councils and a number of other public bodies to co-operate on strategic matters that cross administrative boundaries. A strategic matter relates to the use of land that would have a significant effect on more than one authority. The provision of minerals has been identified in national planning policy¹ as a strategic matter, often raising cross-boundary issues and the fact that minerals planning is a county matter in two-tier authorities, automatically leads to strategic cross boundary issues.
- 1.4 The purpose of the ‘duty’ is to maximise the effectiveness of working on strategic cross-boundary issues and to achieve plans that are sustainable and based on the best available information. It requires that local authorities and public bodies, critical to plan making, co-operate with each other and that they are involved in continual, constructive and active engagement to develop strategic policies. It also requires councils to consider joint approaches to plan making.
- 1.5 The ‘duty to co-operate’ is a legal requirement of local plan preparation. The assessment of whether this duty has been complied with is an integral part of the independent examination process.

¹ NPPF July 2021, Paragraph 20

2. Legislation and National Planning Policy

Localism Act 2011

2.1 Section 110 of the Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce the 'duty to co-operate'. Section 33A of the Act² places a legal duty to co-operate on local planning authorities and county councils in England and prescribed bodies or of prescribed description, when preparing development plans, other local development documents and other plans, in relation to strategic cross-boundary matters.

2.2 The prescribed bodies listed in Regulation 4 (2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, are;

- the Environment Agency
- Historic England
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each Clinical Commissioning Group established under 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail and Road
- Transport for London
- each Integrated Transport Authority
- each highway authority within the meaning of Section 1 of the Highways Act 1980 (including the Secretary of State where the Secretary of State is the highways authority) and
- the Marine Management Organisation.

2.3 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty to co-operate but have been identified by Government as organisations that those bodies which are

² The Planning and Compulsory Purchase Act, 2004

covered by the duty 'should have regard to' when preparing local plans and other related activities. A 'local enterprise partnership' (LEP) is a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area, whilst a 'local nature partnership' (LNP) is a body, designated by the Secretary of State, which is established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

- 2.4 For the purposes of applying the duty, strategic matters are described as the sustainable development or use of land that has or would have a significant impact on at least two planning areas and/or an issue that falls within the remit of a county council (i.e. matters such as waste and minerals). It requires authorities and prescribed bodies to 'engage constructively, actively and on an ongoing basis' and to have regard to the activities' of such bodies when preparing development plans, other local development plan documents and other plans.
- 2.5 The engagement requires authorities and prescribed bodies to consider whether to prepare, enter into and publish agreements on joint approaches to strategic cross-boundary matters and in the case of local planning authorities to consider whether to prepare joint local development documents.
- 2.6 Section 20 (5) of the Act³ states that, the purpose of an independent examination is to determine, 'whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation'. Therefore, assessing whether the 'duty to co-operate' has been complied with is an integral part of the independent examination process.

National Planning Policy Framework (NPPF)

- 2.7 The NPPF⁴, in accordance with the Planning and Compulsory Purchase Act 2004,⁵ requires development plans to include strategic policies to address each local planning authority's priorities for the development and use of land in its area. These strategic policies can be produced in different ways depending on the issues and opportunities facing each area. They can be contained in joint or individual local plans produced

³ The Planning and Compulsory Purchase Act, 2004

⁴ NPPF July 2021, Paragraph 17

⁵ Section 19 (1B-1E) of the Planning and Compulsory Purchase Act, 2004

independently or by authorities working together. The NPPF⁶ requires that strategic policies set out an overall strategy for the pattern, scale of development and make sufficient provision for, amongst other matters, minerals, taking into account any cross-boundary issues.

- 2.8 The NPPF⁷ sets out how effective co-operation can be maintained. It states that; *‘Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.’* It also requires them to engage with their local communities and the relevant prescribed bodies.
- 2.9 The NPPF stresses that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared plan and justified strategy. In particular, joint working is identified as being helpful in determining where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
- 2.10 The NPPF⁸ also introduces a new requirement. It states that “in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in co-operating to address these. These should be produced using the approach set out in national planning practice guidance and be made publicly available throughout the plan-making process to provide transparency.” The Councils have prepared a draft Statement of Common Ground (SoCG) previously referred to in paragraph 1.1.
- 2.11 The NPPF at section 17 sets out national policy on ‘facilitating the sustainable use of minerals’. In terms of duty to co-operate, it requires MPAs to plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, either individually or jointly, with another or other MPAs. It requires MPAs to participate in Aggregate Working Parties and to take into account advice from the National Aggregate Co-ordinating Group. In order to plan for an adequate

⁶ NPPF July 2021, Paragraph 20

⁷ NPPF July 2021, Paragraph 24-27

⁸ NPPF July 2021, Paragraph 27

and steady supply of industrial minerals, it requires MPAs to co-operate with neighbouring and more distant authorities.

Planning Practice Guidance

2.12 The Government has published Planning Practice Guidance (PPG) to support the National Planning Policy Framework and provide guidance on how to deliver the policies contained in the NPPF. The PPG includes detailed advice on maintaining effective co-operation with particular reference to SoCG. A summary of this guidance relating to SoCG is set out at Appendix A.

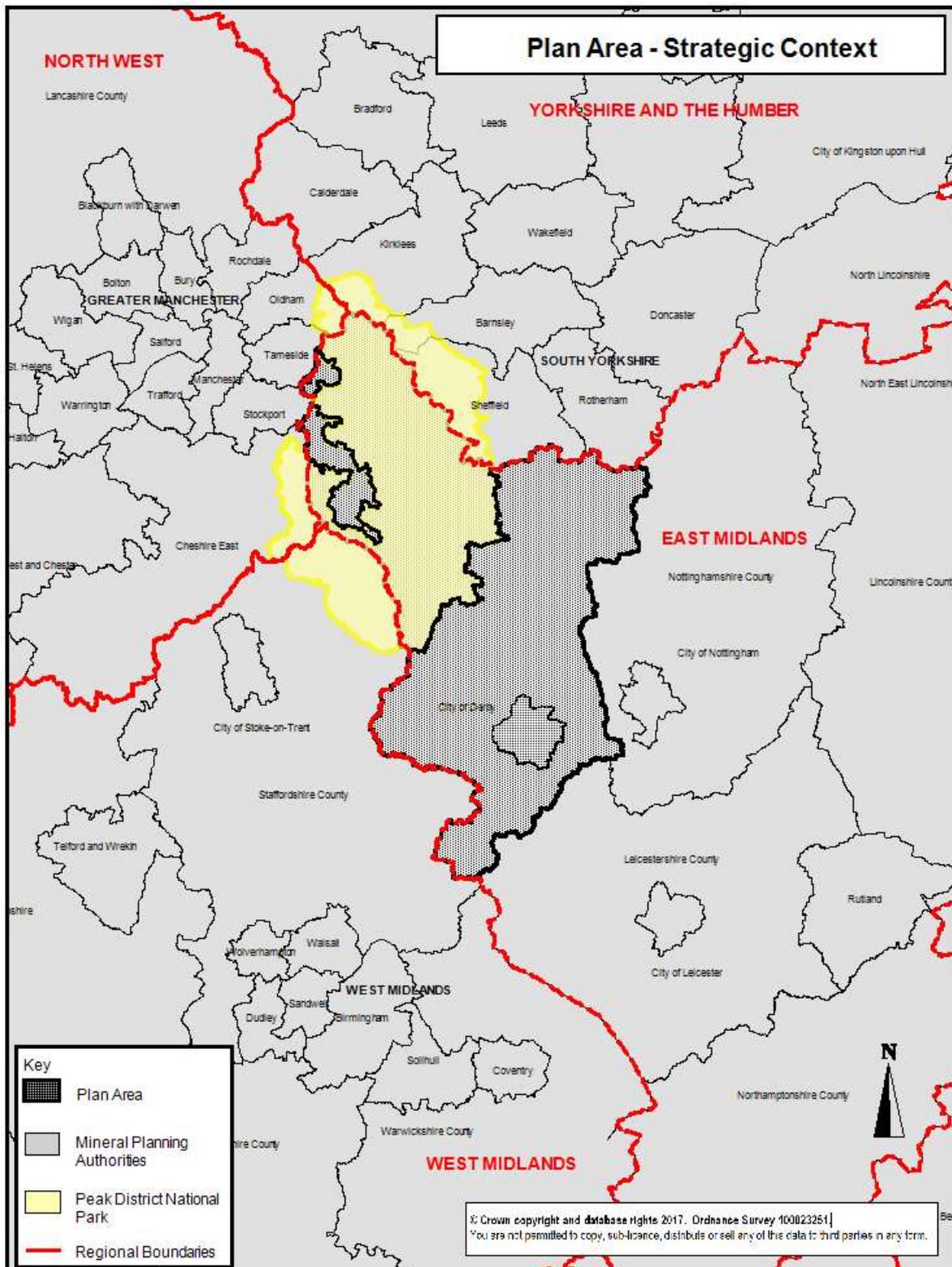
3. Joint Plan Preparation

- 3.1 The Duty to Co-operate requires councils to consider joint approaches to plan making. Derbyshire County Council is the minerals and waste planning authority for Derbyshire (excluding the Peak District National Park (PDNP)). Derby City Council, as a unitary authority, is the minerals and waste planning authority for the City of Derby. Following the reorganisation of local government in 1997, the County and City councils established the practice of working together in the preparation of development plans under the Town and Country Planning Act. To date, they have jointly prepared the Derbyshire Structure Plan, the Minerals Local Plan (2000) and Waste Local Plan (2005) and the Supplementary Planning Guidance on the After-use of Sand and Gravel Sites (2004). In view of the effectiveness of joint working on the strategic issues of minerals and waste, Derbyshire County Council and Derby City Council have decided to continue with this approach and are currently jointly preparing Minerals and Waste Local Plans.
- 3.2 In terms of minerals, Derby City does not contain significantly important mineral resources. However, as the Plan's largest urban area it is an important consumer of minerals, particularly aggregates used for construction purposes. Geographically, Derby City is located in a relatively central location within the Plan area and adjoins four of the eight district/borough local authorities that make up the Plan area. The preparation of a joint Plan enables the City's demand for minerals to be taken into account appropriately and enables a co-ordinated and contiguous policy approach to mineral development to be taken over the County.
- 3.3 The Development Plans Joint Advisory Committee (JAC), previously set up to oversee the preparation of jointly prepared plans, provides a co-ordinating steering role in the plan preparation process. The JAC consists of council members from both authorities. Approval to consult at the various stages of plan preparation and final adoption of the local plan policies will be undertaken separately by the County and City Councils.

4. Joint Plan Area Strategic Context

- 4.1 The joint plan covers the combined administrative areas of Derbyshire County Council and Derby City Council apart from that part of Derbyshire that lies within the PDNP which mainly borders the west of the Plan area. The location of the Plan area in terms of its strategic geography is shown on Figure 1. Derbyshire is the northern most county within the East Midlands region; Derby, Nottingham and Leicester are the three largest cities within the region. Derbyshire is bordered by the large neighbouring conurbations of Greater Manchester, West Midlands and South Yorkshire. Derbyshire is one of the most important producers and exporters of minerals within the UK. The supply of minerals is important to support the housing and employment growth aspirations of the nearby conurbations and authorities further afield in the UK. Further information on the spatial overview and a profile of the minerals industry within the Plan area is set out at Chapter 2 of the Pre-Submission Draft Plan.

Figure 1: Strategic Context



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5. Co-operation with local authorities, prescribed bodies and other organisations

- 5.1 The Minerals Local Plan covers a wide range of topics, many of which raise strategic cross-boundary planning issues that have potential implications for local authorities, prescribed bodies and other organisations.
- 5.2 Some of the strategic matters will impact on the eight Borough/ District Councils within the Plan area who are all producing local plans for their areas; Derby City as a Unitary Authority is preparing its own local plan (excluding mineral and waste issues). Some strategic matters are also likely to impact on adjoining minerals planning authorities and in some cases on other more distant authorities; the adjoining Peak District National Park Authority (PDNPA) is preparing a local plan which includes mineral and waste issues. Strategic matters also have potential implications for some of the prescribed bodies, previously listed, and other organisations.
- 5.3 Within the Plan area, the County and City Councils are keeping the eight district/borough councils and the town and parish councils informed of progress on the preparation of the Plan, and engaging with them through stakeholder groups and other meetings, including addressing and responding to specific duty to co-operate issues.
- 5.4 Where specific issues require engagement and discussion with other mineral planning authorities, this is being undertaken, in some cases through the established inter authority forums on minerals e.g. East Midlands Aggregates Working Party, through other individual and joint meetings and through correspondence and informal consultation. In some cases, co-operation has led to the production of joint collaborative documents such as The Local Aggregate Assessment produced with the PDNPA.
- 5.5 In addition to the formal procedural consultation, the Councils are engaging with and seeking the views and advice from those prescribed bodies relevant to the Minerals Local Plan, throughout its preparation. The engagement and consultation carried out so far has informed the content of the Pre-Submission Draft Plan.

- 5.6 The County and City Councils within Derbyshire have joined with the County and City Councils within Nottinghamshire to form the D2N2 Local Enterprise Partnership (LEP) to support and encourage economic growth across its area. More recently in 2022/2023 the four Councils have co-operated and agreed a Proposal that has been submitted to the Secretary of State which would establish a new devolution deal that would cover the D2N2 LEP area to be delivered through the establishment of a Mayoral Combined County Authority. The devolution deal has been agreed in principle by the Government with the details subject to further ongoing discussions. The continued production of minerals is an important element in supporting economic growth and therefore the contribution that the Plan can make towards supporting wider economic objectives has been taken into account in the development of its policies. Two Local Nature Partnerships (LNPs) cover the Plan area; the Lowland Derbyshire and Nottinghamshire LNP and the Peak District LNP. The contribution that the restoration of mineral workings can make to deliver wider LNP objectives has been taken into account in preparing the Plan.
- 5.7 Derbyshire County Council and Derby City Council also routinely work in partnership on matters covering housing, the economy, waste, transport and the environment with a wide range of organisations (including local authorities and prescribed bodies) as part of their planning and wider council functions. This work has informed the evidence base for the Plan e.g. involvement in the development of population forecasting and involvement in liaison groups at established quarries. These relationships, which already exist between local authorities, prescribed bodies and other organisations will continue throughout the preparation of the Plan and beyond its adoption.

6. Strategic Cross-Boundary Issues

- 6.1 Minerals are essential raw materials, which are used to provide the infrastructure, buildings, energy and goods that our country needs and therefore government policy seeks to maintain their adequate and steady supply to support economic growth. However, minerals are a finite natural resource and can only be extracted where they are found, which can result in significant geographical imbalances in terms of areas where they occur and areas where they are most needed.
- 6.2 The Plan area has a wealth of mineral resources which make an important contribution to the national, sub national and local demand for minerals. The proximity of the Plan area to the large conurbations of Manchester, Sheffield, Birmingham and Nottingham, its central location within England and its good transport links means that there are significant markets for its minerals, particularly aggregate purposes used in building and construction. In 2019, Derbyshire produced approximately 9.19 million tonnes of crushed rock aggregates⁹. Figures show that 34% of this total was used within Derbyshire, Derby and the PDNP;¹⁰ with a further 7.4% consumed within the remaining East Midlands region. A significant proportion of Derbyshire's production was exported to the North West (21%) and 15% to the Yorkshire/Humber Region. The West Midlands and East of England together also take a significant amount (10% and 7% respectively) and the South East, London and the Home Counties, Wales and the South West 7% between them. Sand and gravel is also worked within the south of the Plan area for aggregate purposes, but the tonnage produced and scale of distribution is considerably smaller around 1 mtpa. It is mainly used in the manufacture of concrete products, supplying principally the Derbyshire, Nottinghamshire and Leicestershire areas.
- 6.3 A further 3 million tonnes of limestone is produced annually for use in industrial and manufacturing processes. The Plan area supplies 85% of the country's industrial grade limestone for animal feedstuffs, glass, sealants and adhesives. Tunstead Cement works, near Buxton is one of only 11 cement works in the UK; it uses limestone from the adjacent quarry and imports of marl and shale from Staffordshire to produce cement. Whitwell Quarry is only one of only two sources of specialist industrial dolomitic limestone in the country. It supplies the adjacent

⁹ Local Aggregate Assessment 2020

¹⁰ Mainly within Derbyshire and Derby due to development restrictions in the PDNP

Whitwell Works which produces refractory products for use in the manufacture of steel; a large percentage of the products are exported.

- 6.4 Other minerals extracted within the Plan area at a smaller scale include brick clay, building stone and oil and gas. The Plan area has two operational brick clay quarries which supply brick works in adjoining authority areas. Building stone sourced from sandstone/gritstone is extracted in small amounts and used countrywide in the repair of historic buildings and more locally in conservation areas where it is important to preserve and enhance local distinctiveness and local building character. Small quantities of gas are extracted for use in electricity generation.
- 6.5 Co-operation, as part of the 'Managed Aggregates Supply System' is required to ensure that the Plan area makes an appropriate contribution towards maintaining the supply of aggregates, and to meeting the need for other minerals. The limestone resource lies close to the PDNP boundary and a particular strategic cross border issue is the role that the Plan can play in reducing the impact of mineral working on the Park.
- 6.6 The finite nature of mineral resources means that it is important to safeguard them from other development that would sterilise the mineral resource. Consequently, there is a requirement to co-operate with district and unitary planning authorities, particularly where there is pressure for built development, often on the edge of existing built-up areas.
- 6.7 The very nature of mineral resources means they don't respect administrative boundaries and therefore in order to adopt a consistent and co-ordinated approach to planning for mineral development, particularly in terms of safeguarding resources, co-operation with adjoining planning authorities is also important.
- 6.8 The restoration of mineral sites provides significant opportunities for re-creating or regenerating landscapes, for enhancing biodiversity/geodiversity, for providing green infrastructure and recreational facilities and for mitigating flood risk through the creation of water storage areas. A wider-than-local scale approach to restoration is often beneficial and therefore co-operation with environmental organisations, such as LNPs and other local authorities is important to ensure that a co-ordinated and compatible approach is taken. One area has been identified, the Trent Valley, where a wider landscape scale approach would be particularly beneficial. The Plan is proposing that supplementary planning guidance is prepared on this issue.

6.9 Following on from this overview the strategic cross-boundary issues that have been identified in preparing the Derbyshire and Derby Minerals Local Plan are set out below. They are listed in the Chapter order that they appear in the Proposed Draft Plan Winter 2021/2022 consultation.

- Issue 1: Chapter 6.1 The supply of recycled and secondary aggregates
- Issue 2: Chapter 6.2 The supply of aggregate sand and gravel
- Issue 3: Chapter 6.3 The supply of aggregate crushed rock
- Issue 4: Chapter 6.4 Helping to reduce the level of quarrying in the PDNP
- Issue 5: Chapter 7.1 The supply of building stone
- Issue 6: Chapter 7.2 The supply of industrial dolomitic limestone
- Issue 7: Chapter 7.2 The impact of extending Brassington Moor/Aldwark quarry on the PDNP
- Issue 8: Chapter 7.2 Hope Cement Works, PDNP
- Issue 9: Chapter 7.2 The supply of cement making raw materials to Tunstead Cement Works, Derbyshire
- Issue 10: Chapter 7.3 The supply of brick clay from Mouselow Quarry, Glossop to Denton Brick Works, Greater Manchester
- Issue 11: Chapter 7.3 The supply of brick clay for blending purposes from Waingroves Quarry to brickworks in Nottinghamshire and Leicestershire
- Issue 12: Chapter 7.4 The supply of vein minerals
- Issue 13: Chapter 8.1 The supply of deep-mined and surface-mined coal
- Issue 14: Chapter 8.2 The supply of oil and gas from unconventional and conventional sources
- Issue 15: Chapter 9.1 The safeguarding of mineral resources
- Issue 16: Chapter 9.2 The safeguarding of mineral related infrastructure
- Issue 17: Chapter 10 The development of a restoration strategy for the Trent Valley

7. Planning for Issues with Strategic Cross-Boundary Impacts

- 7.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key strategic issues and themes that people thought the Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. In April 2010, the Councils published the Issues and Options document, setting out a draft Vision and Objectives together with the main Issues that the Plan would need to cover. Strategic planning policy, at that time, covering wider than local matters, was provided by the East Midlands Regional Plan, 2009.
- 7.2 Since then the Regional Plan has been revoked and in 2011 the Duty to Co-operate regime introduced, to plan for strategic cross-border issues. Following publication of revised national planning policy and guidance in 2012 and 2014 respectively, and in light of comments made from the previous consultation and an updated evidence base, the Councils revisited the key strategic issues to ensure that they remained relevant and refreshed the draft Vision and Objectives accordingly.
- 7.3 In 2015/2016, the Councils engaged with the wider community to develop the vision, objectives, strategies and policies further through a rolling consultation. Further engagement and consultation occurred in 2016/2017 on hard rock sites that were promoted by operators for working during the Plan period. These consultations consisted of a series of mineral/issue based strategy papers in which strategic cross-border 'duty to co-operate' matters were identified. A Duty to Co-operate report¹¹ formed part of the rolling consultation which set out specifically the strategic cross-border issues identified and the relevant stakeholders involved in co-operation. The report also included a proposed approach that would be taken to the processing and recording of duty to co-operate matters as follows:
- 1) Identification of the strategic cross-border issue
 - 2) Identification of the stakeholders involved
 - 3) Evidence and actions of co-operation including meetings, memorandums of understanding, Statements of Common Ground etc.

¹¹ Derby and Derbyshire Minerals Local Plan, Duty to Cooperate – Background and Progress, April 2016

- 4) The outcome of the co-operation and how has it influenced the development of the Plan
- 5) The arrangements that are in place to sustain co-operation.

7.4 In the spring of 2018 the Councils undertook the next stage of plan preparation and engagement. This consultation sought to develop the vision, objectives, strategies and policies of the Plan further by setting out the Councils' preferred approach. A brief summary of the focus of 'co-operation' that has taken place so far was included in the individual chapters of the consultation documents. A Duty to Co-operate report formed part of this consultation which updated the strategic cross-border issues identified and the relevant stakeholders involved in co-operation. A targeted consultation on promoted sand and gravel sites was held in Autumn 2020.

7.5 The Councils consulted on the Proposed Draft Plan in the Winter of 2021/2022. The Plan set out a proposed draft vision, strategic objectives/priorities and strategic policies to address these agreed priorities for the development and use of land within the plan area in relation to minerals. The consultation has taken into account the publication of revised national planning policy in July 2021 and planning practice guidance requiring by including a draft Statement of Common Ground detailing the duty to cooperate issues and the progress made on cooperating to address them. A brief summary of the focus of co-operation that has taken place so far, and how it has influenced the Proposed Draft Plan was included in the set of supporting papers entitled 'Developing the Proposed Draft Plan'.

7.6 The Councils are now undertaking the next stage of plan preparation which is the formal Regulation 19 Pre-Submission Draft Spring 2023 consultation before submitting the Plan to the Planning Inspectorate for examination. The Duty to Cooperate documents that formed part of the previous consultation stage have been updated and published as part of this stage including updates to the supporting Development Papers.

Appendix A

Planning Policy Guidance – Statements of Common Ground

- A.1 The PPG¹² provides advice on what is a SoCG. It states that ‘A SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.’
- A.2 It¹³ sets out that a SoCG is expected to contain the following:
- a. a description and map of the area covered by the SoCG, including a brief justification for the area;
 - b. the key strategic matters being addressed by the statement;
 - c. the plan-making authorities detailed in the SoCG, including any additional signatories (including cross-referencing the matters to which each is a signatory);
 - d. governance arrangements for the co-operation process, including how the statement will be maintained and kept up to date;
 - e. if applicable, housing requirements within the area covered by the SoCG;
 - f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;
 - g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
 - h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief

¹² PPG ID:61-010-20190315

¹³ PPG ID:61-011-20190315

description how the statement relates to any other statement of common ground covering all or part of the same area.

The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites.

A.3 The PPG¹⁴ advises that, when authorities are in a position to detail the distribution of identified needs in the defined area, the SoCG will be expected to set out information on:

- a. the capacity within the strategic policy-making authority area(s) covered by the statement to meet their own identified needs;
- b. the extent of any unmet need within the strategic policy-making authority area(s); and
- c. agreements (or disagreements) between strategic policy-making authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the statement.

A.4 Authorities are expected, wherever possible, to detail cooperation in a single statement. They may however produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working.

A.5 The PPG¹⁵ advises that SoCG are expected to include the activities undertaken in the process of addressing strategic cross-boundary matters. These may include:

- Identifying the strategic cross-boundary matters;
- Producing or commissioning joint research and evidence;
- Assessing impacts of emerging policies;
- Co-ordinating emerging policies.

A.6 The geographical area that is covered by a SoCG will depend on:

¹⁴ PPG ID: 61-011-20190315

¹⁵ PPG ID: 61-015-20190315

- The strategic matter being planned for;
- The most appropriate functional area to gather evidence and develop policies to address these matters, based on demonstrable cross-boundary relationships.

A.7 The PPG¹⁶ sets out advice on the preparation, publication and updating of SoCGs. They should be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a SoCG should be published when the area it covers and the governance arrangements for the cooperation process have been defined, and the strategic matters to be addressed are determined. If all the information required is not available (such as details of agreements on strategic matters) authorities can use the SoCG to identify the outstanding matters which need to be addressed, the process for reaching agreements on these and (if possible) indicate when the statement is likely to be updated.

A.8 Authorities should have made a SoCG available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated. Once published, authorities responsible for the SoCG should ensure that it reflects the most up to date position in terms of joint working across the area. Updates should occur when either agreements are reached, or a decision is taken to update strategic policies in the area covered by the statement.

A.9 The PPG¹⁷ provides advice on reaching agreement on strategic matters. It states that strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the NPPF. If there they are unable to do so they should make every effort to secure the necessary co-operation and agreement on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the NPPF. Where agreement cannot be reached on strategic cross-boundary issues such matters should be set out in the SoCG.

¹⁶ PPG ID: 61-020-20190315

¹⁷ PPG ID: 61-022-20190315

- A.10 It¹⁸ also provides advice on signatories to SoCG. Additional signatories to SoCG will be those bodies who have a role in the matters covered in a SoCG and with whom an authority needs to co-operate in order to plan for these matters. These may include other relevant public bodies such as Local Enterprise Partnerships, Local Nature Partnerships; infrastructure providers or any non-government organisations such as advisory bodies involved in co-operating on strategic matters. In the case of local planning authorities and county councils, prescribed bodies under the duty to co-operate can be treated as additional signatories. Engagement between authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports.
- A.11 In two-tier areas, district councils within the county are expected to be treated as additional signatories to the SoCG for county council minerals and waste plans. For minerals plans, Aggregate Working Parties are also expected to be treated as additional signatories to SoCG.
- A.12 The PPG¹⁹ explains that the role of SoCG, in terms of duty to co-operate, is the means by which strategic policy-making authorities can demonstrate that a plan is based on effective co-operation and that they have sought to produce a strategy based on agreements with other authorities.
- A.13 The PPG²⁰ provides advice on how the duty to co-operate will be considered at the local plan examination. The Inspector will use all available evidence, including SoCG, to determine whether the duty has been satisfied. As the duty to co-operate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. If the Inspector finds that the duty and other legal requirements have been complied with, the examination will then test whether the local plan is sound.

¹⁸ PPG ID: 61-023-20190315

¹⁹ PPG ID: 61-029-20190315

²⁰ PPG ID: 61-031-20190315