

EXMOOR NATIONAL PARK

DUTY TO CO-OPERATE PROTOCOL

MARCH 2015



EXMOOR
NATIONAL PARK



Environment
Agency



**Naturally
Somerset**
Somerset Local Nature partnership



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1. **Purpose**

- 1.1. This Protocol sets out a partnership approach to co-operative working across Exmoor National Park under the Duty to Co-operate for:
- Exmoor National Park Authority (ENPA)
 - North Devon Council
 - West Somerset Council
 - Torridge District Council
 - Mid Devon District Council
 - Devon County Council
 - Somerset County Council
 - Natural England
 - Environment Agency
 - Devon Local Nature Partnership
 - Somerset Local Nature Partnership; and
 - Heart of the South West Local Enterprise Partnership
- 1.2. In addition, the following organisations are not signatories to the Protocol, but have agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (as set out in Appendix 2):
- English Heritage
 - Marine Management Organisation
 - Cornwall Council
- 1.3. The two Clinical Commissioning Groups (CCGs) covering the National Park – the Northern Devon CCG and West Somerset CCG were contacted regarding the Protocol but no response was received. The NPA has examined the provision of health facilities within the National Park as part of the Local Plan preparation, and has not identified the need for specific cross-boundary working with the CCGs on these issues. ENPA will seek to engage with the CCGs as the need arises.
- 1.4. The Duty to Co-operate requires that a local planning authority engages constructively, actively, and on an ongoing basis with relevant or prescribed bodies in order to maximise the effectiveness of development plan preparation and strategic matters. ENPA will act as the lead local authority in relation to this Protocol.
- 1.5. The Protocol provides a framework for the Signatories to ensure effective co-operation throughout the planning process on strategic priorities relating to Exmoor National Park, and cross-boundary issues. It applies to a range of strategic planning policy matters, particularly preparing policy and strategy, implementation, monitoring and other cross-boundary policy issues. It forms the basis for discussing strategic priorities, evaluating options to address cross-boundary issues and agreeing outcomes wherever possible but ultimately respects the individual identities and interests of its signatory organisations. It does not cover issues for co-operation between signatory

authorities relating to non-Exmoor National Park matters. Should agreements on strategic issues not be achieved, positions of compromise should be negotiated. Where such compromises cannot be achieved, records should be kept identifying points of common ground, points of disagreement and the attempts made to resolve concerns.

2. Legislative Background to the Duty to Co-Operate

2.1. The Duty to Co-operate is enshrined in law through Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 110 of the Localism Act 2011). It is also included within the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), specifically in terms of planning strategically across local boundaries. The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
- requires that councils set out planning policies to address such issues;
- requires that councils and public bodies 'engage constructively, actively and on an on-going basis' to develop strategic policies; and
- requires councils to consider joint approaches to plan making.

2.2. The NPPF (paragraphs 178-181) gives further guidance on 'planning strategically across local boundaries'. Paragraph 178 states '*Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.*' The NPPF goes on to highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area – for instance, because of a lack of physical capacity or because to do so may cause significant harm to the principles and policies of the NPPF.

2.3. The strategic issues where co-operation might be appropriate are (NPPF paragraph 156):

- the provision for new housing across a major conurbation or wider housing market area;
- the provision of major retail, leisure, industrial and other economic development across a travel to work area;
- the provision of infrastructure for transport, waste treatment, energy generation, telecommunications, water supply and water quality;
- requirements for minerals extraction;
- the provision of health, security, and major community infrastructure facilities;
- measures needed to address the causes and consequences of climate change, including managing flood risk and coastal change; and

- protection and enhancement of the natural and historic environment, including landscape.
- 2.4. The NPPF provides that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when their local plan is submitted for examination. The NPPF states that cooperation should be a continuous process of engagement from initial thinking through to implementation. Further guidance is given in the National Planning Policy Guidance.
- 2.5. The Inspector will determine as part of their overall assessment of an emerging plan whether or not the Duty to Co-operate has been complied with. If it is determined that the duty has not been met, a plan will automatically fail as not legally compliant, and cannot go forward for examination of its overall soundness. This Protocol aims to ensure effective working so that authorities are able to demonstrate how they have complied with the Duty to Co-operate when submitting their Plans.

3. Organisations covered

- 3.1. There are a number of organisations which should co-operate on the various strands of work identified in this Protocol. The way in which co-operation should operate will vary according to the activities being undertaken and the needs and responsibilities of the organisations involved.

Partner Authorities

- 3.2. Each Local Authority is individually responsible for preparing the evidence that they need to demonstrate how they have met the duty to co-operate. This is likely to take the form of document providing details of how they have worked with neighbouring Planning Authorities and other stakeholders, and keeping under review partnership working in relation to planning policy.
- 3.3. Exmoor National Park Authority (ENPA) by virtue of its role as a National Park Authority has long established principles of co-operation with other local authorities and organisations. This enables ENPA to discharge its responsibilities in relation to the provision of the Environment Act 1995. Cross boundary working, and engagement with stakeholders, is embedded in the approach both to plan making and decision making and this can be illustrated by the following:
- The National Park Authority comprises members of each of the key Local Authorities which cover the National Park area, including 2 members appointed by Devon County Council, 4 appointed by Somerset County Council, 2 from North Devon Council and 4 from West Somerset Council. Whilst members are clearly making decisions and contributing to working panels representing the National Park Authority their joint role enables strong connection with other authorities at a member/councillor level.

- The principal plan for Exmoor, the Exmoor National Park Partnership Plan, whilst led by ENPA, is a shared plan for a range of partners. The Plan draws together those with an interest in Exmoor with a set of goals to achieve a vision for the National Park. That vision is echoed in the draft Local Plan; this illustrates how the Local Plan for the National Park is furthering the shared vision for Exmoor.
- Section 62 of the Environment Act 1995 makes it a duty for all relevant authorities to have regard to National Park purposes when coming to decisions or carrying out their duties. This duty means that ENPA has long established relationships with government departments and agencies and a range of other local and public bodies in delivering National Park purposes.
- A National Park Authority's remit differs from a local authority. Whilst ENPA is the statutory local planning authority for the Exmoor National Park, it does not have statutory responsibilities beyond its planning role for housing, economic development, environmental health, education and highways. ENPA therefore works with neighbouring authorities and partners within the Partnership Plan to ensure that the Exmoor National Park residents can benefit from the decisions made and actions taken across the area.

3.4. North Devon, Torridge and West Somerset District Councils provide the full range of services normally provided by district councils, apart from planning functions within Exmoor National Park where the National Park Authority is responsible. North Devon and Torridge District Councils have been working jointly on development plan preparation since 2006, including a joint local plan informed by a shared evidence base. The district councils work closely with the County Councils as their upper tier authorities on strategic and cross boundary issues including highways, green infrastructure and education provision. The district councils also work with other local authorities on consideration of landscape policy. Mid Devon District Council borders the National Park to the south east.

3.5. As upper tier Local Authorities, Devon and Somerset County Councils have a variety of responsibilities covering cross-boundary co-operation and undertake significant work with other Authorities, including the Exmoor National Park Authority, to support local plan preparation with an appropriate evidence base, in particular covering minerals, waste and infrastructure planning issues. The County Councils are:

- Minerals Planning Authorities;
- Waste Planning Authorities;
- Local Transport Authorities;
- Local Education Authorities;
- Waste Disposal Authorities;
- Responsible for social care provision;
- Responsible for libraries;

- Responsible for health and wellbeing in general; and
 - Responsible for maintaining the Devon and Somerset Historic Environment Records.
- 3.6. Devon County Council has led on the preparation of a joint Duty to Co-operate Protocol on behalf of the Devon Authorities as an understanding of the Duty to Co-operate in the Devon area. The Devon Protocol links with this Protocol to ensure a consistent approach to strategic planning matters. However, although the strategic issues with regard to the duty to co-operate and these Authorities are covered by the Devon Duty to Co-operate Protocol, to which all Devon Authorities including ENPA are signatories, Devon County Council and other relevant Councils in Devon are Authority Partners and signatories to this document to ensure a cohesive cross border approach with Somerset as a neighbouring County Council, and West Somerset as a neighbouring District Council.
- 3.7. Similarly, Somerset County Council has produced a joint Duty to Co-operate Statement with regard to the Somerset Minerals Plan and Sand and Gravel. However, it is deemed necessary to have Somerset County Council as a signatory to this document in order to ensure that all cross border strategic concerns are addressed, (including in relation to their role as Highways Authority for parts of the National Park).
- 3.8. Cornwall Council is not included as a Signatory to this Protocol, as housing provision for the former North Cornwall District is now being addressed by the Cornwall Local Plan. Previously, North Cornwall was part of the Northern Peninsula Strategic Housing Market Area (NPSHMA).

Agency Partners and Other Organisations

- 3.9. As per the Town and Country Planning (Local Planning) (England) Regulations 2012, Local Planning Authorities are required to co-operate with a range of organisations including government Agencies. In relation to Exmoor National Park strategic priorities, it is considered particularly important to liaise closely and through an on-going mechanism with the following organisations:
- Environment Agency;
 - Natural England;
 - English Heritage;
 - Marine Management Organisation;
 - The relevant Clinical Commissioning Group
 - The relevant Local Enterprise Partnership; and
 - The relevant Local Nature Partnership(s)
- 3.10. The Environment Agency, Natural England and English Heritage are all non-departmental public bodies and have a statutory role in the planning system.

Natural England is the Government's advisory body on the natural environment and is responsible for protecting and enhancing the natural environment including biodiversity and geodiversity; promoting understanding and access to the natural environment; and contributing to sustainable development. The Environment Agency's purpose is to protect or enhance the environment, to achieve sustainable development. The Agency is responsible for: regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. English Heritage¹ is the lead advisory body on the historic environment, including listed buildings, scheduled monuments and Conservation Areas. Natural England, the Environment Agency and English Heritage are statutory consultees on Local Plans, Strategic Environmental Assessment, Sustainability Appraisal and Habitat Regulation Assessment and for certain planning applications.

- 3.11. The Marine Management Organisation² is responsible for licensing, regulating and planning marine activities to ensure that they are carried out in a sustainable way. This includes the production of marine plans. There is an overlap of jurisdiction with local planning powers extending from the land down to low water mark and marine plans from the sea to the high water mark. The marine plan for the South West inshore area has not yet been produced.
- 3.12. The Heart of the South West Local Enterprise Partnership (HoSW LEP) covers the Exmoor National Park Area. The LEP is a strategic partnership between the private sector, local authorities, universities and further education across Somerset, Devon, Plymouth and Torbay. Its purpose is to lead and influence economic growth, job creation and prosperity across the Heart of the South West. It plays a key role in determining local economic priorities and undertaking activities to generate growth and employment.
- 3.13. Local Nature Partnerships (LNPs) are tasked by the government to work strategically across the private, public and third sector within their local area to promote, plan for, and support the management of the natural environment. There are two LNPs covering the Exmoor National Park area – 'Naturally Somerset' and 'Natural Devon'.

¹ English Heritage is not a signatory to the Protocol but has agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (see Appendix 2)

² The Marine management Organisation is not a signatory to the Protocol but has agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (see Appendix 2)

- 3.14. Clinical Commissioning Groups (CCGs) were established in 2013 as GP led groupings to plan for and commission healthcare facilities and services. Exmoor National Park falls within two CCGs – the Northern Devon Clinical Commissioning Group and the West Somerset Clinical Commissioning Group.
- 3.15. All organisations listed in Appendix 1 of this Protocol have agreed to cooperate as appropriate on strategic priorities relating to Exmoor National Park, and cross-boundary issues. This will ensure that all signatory organisations are consistently involved in discussions identifying strategic matters that will require cross-boundary co-operation. Local Authorities will engage with the organisations listed, as appropriate, in all stages of plan preparation and other strategic planning issues as appropriate. The Agencies, Local Enterprise Partnership and Local Nature Partnerships will respond to this engagement in positive way, providing input into strategic planning matters where it is relevant to their statutory remit.
- 3.16. Other organisations are included within the regulations, however it is not considered appropriate to include all such organisations in this Protocol due to their number and spatial scope. This Protocol does not aim to provide the entire framework for co-operation in the Authority partner’s area, but rather those that concern the plan preparation process.

4. Strategic Priorities

- 4.1. The signatories to this Protocol have agreed the strategic priorities relating to planning matters covering Exmoor National Park that should be encompassed in co-operative activities and therefore are covered by this Protocol. These are based on the content of the NPPF but there are likely to be other matters that should be addressed on an on-going basis as they arise.
- 4.2. The Strategic Priorities listed below will not all be relevant to all parties and what is strategic to one Authority Partner, may not be strategic to another. However, it has been agreed by the Authority Partners that the following issues may be of a cross boundary nature and may require co-operation. Table 1 at the end of this section sets out the potential partners for each strategic issue.
- a) Strategic Planning
 - b) Role and Function of Settlements;
 - c) Housing Provision (including Gypsy & Travellers);
 - d) The Economy and Service Centres
 - e) Climate Change Mitigation and Adaptation;
 - f) Flood and Coastal Risk Management
 - g) Biodiversity, Ecological Networks and Green Infrastructure; Natural and Historic Environment (including National Park Statutory Purposes and National Park Landscape and Setting and Biodiversity, Ecological Networks and Green Infrastructure)

- h) Minerals and Waste
- i) Infrastructure Provision (including Education, Transport and Health)
- j) The Impact of the Hinkley Point C New Nuclear Project;
- k) Marine management

4.3. The nature of the co-operation on these issues is explored and explained in more detail in the sections below and Appendix 3 in terms of the scope of co-operation, the outcomes sought, and how co-operation may take place. For topics that may require additional clarity, the Authority Partners may look to sign a memoranda of understanding (MoU) with relevant parties. For clarity, this Protocol covers the matters above for the area of Exmoor National Park.

a) Strategic Planning

4.4. All the Authority Partners will need to liaise with regard to a range of strategic planning policy matters, particularly preparing policy and strategy, implementation, monitoring and other cross-boundary policy issues to ensure a co-ordinated, cohesive approach to planning across the Authority Partners' area. Where relevant, the Authority Partners will co-operate on joint technical studies and other work to provide a consistent evidence base to support their respective plans.

b) Role and Function of Settlements

4.5. Exmoor National Park shares its borders with both West Somerset and North Devon, and to a very small extent Mid Devon. As such, there are a number of settlements that sit within two Authority Partner areas. It is in the interests of the ENPA and District Council Authority Partners that there is a consistent approach to the spatial strategy for these particular settlements and that an agreed strategic approach is identified as to where and what development is permitted in principle in these settlements and what the role and function is of these settlements, for example is the settlement a rural service centre for the surrounding hinterland, a village or open countryside? Co-ordination of the terminology for the settlements and the policy approach relating to them will help to provide clarity in the adjoining plans.

c) Housing Provision

4.6. The ENPA, North Devon and Torrington Councils, West Somerset Council and Cornwall Council have been working together as the Northern Peninsula Housing Market Area to plan the strategy for housing provision across this region. A Strategic Housing Market Assessment was provided for the housing market area in 2008 and subsequently updated in 2013 and 2014 for the respective areas. North Devon, Torrington, West Somerset Councils and ENPA have also worked in partnership to produce a joint Methodology for undertaking Strategic Housing Land Availability Assessments (SHLAA). The Authority Partners will continue to work together on ensuring a co-ordinated approach to the distribution of housing across the housing market area and will undertake joint research studies where appropriate. The Partner

Authorities strategic work on housing will include assessment of Gypsy and Traveller requirements.

d) *The Economy and Service Centres*

- 4.7. Economic development is the District and County Council's responsibility. However, ENPA has a duty to foster the economic wellbeing of local communities. Being a rural area, rural communities naturally rely on larger service centres such as Tiverton, Barnstaple, South Molton, Minehead and this is where the larger retail and leisure provision, employment sites and businesses are centred. Any major retail, leisure, industrial or other economic development in these areas will be a strategic issue. Other possible strategic issues may include economic sectors such as tourism which is the biggest sector across the region and is not confined to a specific authority and it is in the interests of all Partners Authorities to support this sector. The Lynton and Barnstaple Railway also crosses both the authorities of North Devon and Exmoor National Park and will be a strategic issue in the future. The Authority Partners and LEP will co-operate on strategic issues across functional economic areas and linkages to the LEP's Strategic Economic Plan.

e) *Climate Change Mitigation and Adaptation*

- 4.8. Climate change mitigation and adaption requires a co-ordinated, strategic approach in particular with regard to impacts on landscape character and setting, biodiversity and the historic environment. There are opportunities for contributing to climate change mitigation, including through carbon storage (for example the Exmoor Mires project which is enhancing carbon storage through re-wetting peat bogs) and renewable and low carbon energy. The National Park is not considered to be an appropriate location for large scale renewable energy schemes, although small scale schemes are supported. The impact of large scale schemes outside the National Park can have a detrimental impact on the landscapes, seascapes and visual amenity and setting of the National Park. The Authority Partners and other relevant partners will work together to avoid impacts on the National Park. Climate change adaptation also requires co-operation, for example in relation to ecological networks and green infrastructure which enable wildlife to move between habitats (see strategic priority (g) below).

f) *Flood and Coastal Risk Management*

- 4.9. Cornwall, Torridge, North Devon, Exmoor National Park and West Somerset have adjoining coast lines and a co-ordinated, consistent strategic approach is required to manage flooding, coastal change, erosion and sea level rise. Somerset and Devon County Councils (as the lead flood risk bodies) have a key responsibility for flood risk and are required to develop a strategy to tackle local flood risks, involving flooding from surface water, ordinary watercourses, groundwater and small reservoirs. The Environment Agency is responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. Other parties concerned include the Environment Agency, the North

Devon and Somerset Coastal Advisory Group, the Somerset Rivers Authority, the Somerset Drainage Boards Consortium, and the Marine Management Organisation.

- 4.10. The Partner Authorities and other Signatories will continue to work together to manage flood risk in particular with regard to strategic planning and development. Strategic Flood Risk Assessments have and will continue to be undertaken jointly where appropriate to inform spatial strategies and cross-border implications.

g) Natural and Historic Environment

National Park Statutory Purposes and National Park Landscape and Setting

- 4.11. Within the Partner Authority areas, there are many areas, assets and designations of landscape, wildlife and historic importance, including Exmoor National Park and Areas of Outstanding Natural Beauty. It is important that these natural and historic environments are conserved and enhanced in accordance with National Park purposes and the NPPF. National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. National Park purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of their special qualities by the public. It is recognised that the achievement of National Park purposes relies on the active support and co-operation of both national and local Government. Local Authorities have legal obligations under section 11A of the 1949 Environment Act and section 17A of the 1988 Environment Act, which places a statutory duty on them to have regard to National Park purposes when making decisions or carrying out activities relating to or affecting land within the National Park. Where their activities outside the National Parks might have an impact inside them, the Government says they should have regard to National Park purposes.³ This includes potential impacts on the National Park landscape and setting. A strategic co-ordinated approach is required between the National Park authorities, the District Councils and County Councils to ensure any impacts from land management initiatives and development do not harm these areas of historic and landscape value or their settings⁴. Up-to-date Historic Environment Record data will be shared between the authorities, to ensure the protection of these areas. The ENPA, Mid Devon Council, West Somerset Council and North Devon Council will work in partnership to ensure that Local Plans include policies to protect designated areas and assets, including the setting of the National Park and historic designations. The Partner Authorities will also co-operate to ensure that strategic allocations and planning proposals are consistent with National

³ Paras 4-8 DEFRA (2005) Guidance Note: Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads DEFRA, London.

⁴ The Devon Landscape Policy Group (which includes wide LA representation from across the County) works to ensure consistent approaches and shared evidence bases to achieve a strategic and coordinated approach on matters relating to landscape

Park statutory purposes through appropriate consultation, master-planning, design, and landscaping.

Biodiversity, Ecological Networks and Green Infrastructure

- 4.12. There are a number of sites designated for nature conservation, including Special Areas of Conservation, Sites of Special Scientific Interest, and County Wildlife Sites. Biodiversity cannot be constrained or managed within a single authority area as it does not adhere to authority boundaries, and there are designated sites, priority habitats and ecological networks which cross Partner boundaries. Joint initiatives may be required to conserve and enhance designated sites, ecological networks and create effective green infrastructure, contributing to the delivery of Biodiversity 2020 objectives. A co-ordinated approach is therefore required between the relevant Authority Partners in order to conserve and enhance the ecological networks across the region and promote green infrastructure effectively. The Partner Authorities, Local Nature Partnership and Natural England will co-operate to promote coherent ecological networks across boundaries, through joint work on ecological mapping and green infrastructure provision.

g) Minerals and Waste

- 4.13. The National Park Authority is the Minerals and Waste Planning Authority within the National Park and is responsible for determining applications for minerals and waste related development. Devon and Somerset County Council are responsible for minerals and waste development in areas adjoining the National Park. Somerset County Council has prepared a Duty to Co-operate statement for minerals planning, which ENPA is a signatory to. ENPA, Devon and Somerset County Councils will co-operate to ensure that a co-ordinated strategic approach is adopted to minerals and waste and that strategic planning policies and proposals for minerals and waste are consistent with National Park purposes. Given the limited scope for minerals exploitation within Exmoor National Park, they will work together to co-ordinate local assessments of aggregate production.

h) Infrastructure Provision

- 4.14. The Authority Partners will engage as appropriate with relevant bodies to ensure adequate and effective infrastructure provision with regard to for example, telecommunications, energy, waste water, water quality, water supply for the communities of the respective authorities. Any development will need to have regard to the policies of each respective Local Plan. It is not anticipated that there is need for any strategic/major infrastructure to be provided as part of the Exmoor National Park Local Plan.

Education and Transport

- 4.15. ENPA and the District Council Authority Partners will continue to work with Devon and Somerset County Councils as the Education and Transport Authority to provide input on the strategy on education and transport provision and conversely any closure of an educational facility, which may affect the communities of the Partner Authorities. The LPAs will also engage with the

County Councils on issues such as housing distribution and strategy in the context of the potential impact on infrastructure and service provision.

Health and Wellbeing

- 4.16. There are two Clinical Commissioning Groups (CCGs) covering the National Park – the Northern Devon CCG and West Somerset CCG – who are responsible for commissioning clinical services and the provision of healthcare facilities. County Councils also have a role in relation to health and well-being as a whole, supporting health lifestyles and behaviour. ENPA and the District Council Authority Partners will continue to work with the Authority Partner County Councils and relevant Clinical Commissioning Groups with regard to health provision to provide input on relevant development strategies and conversely any closure of a health facility such as a hospital or doctors surgery, which may affect the communities of the Partner Authorities.

i) The Impact of the Hinkley Point C new Nuclear Project

- 4.17. The impacts of the Hinkley Point C (HPC) new nuclear project will need to be considered and this has already given rise to a joint Supplementary Planning Document prepared by West Somerset Council and Sedgemoor District Council. Additionally, there has been a substantial process of co-operative working between the two district councils, Somerset County Council and other bodies including the Environment Agency in relation to the Development Consent Order and strategic impact. Joint working over the period of planning and implementation of the HPC project will need to continue for the duration of the project. The Partner Authorities will co-operate through monitoring the impact of the HPC project on the housing market area and on the local economy, particularly in relation to tourism, working with the Heart of the South West LEP where appropriate.

j) Marine Management

- 4.18. The Marine Management Organisation is responsible for licensing, regulating and planning marine activities in the seas around England and Wales so that they are carried out in a sustainable way. Torridge, North Devon, and West Somerset Councils and Exmoor National Park have adjoining coast lines and will liaise on strategic matters with the Marine Management Organisation to ensure effective integration of terrestrial and marine plans including strategic input into the respective Marine Management Plan. Whilst there are no Marine Conservation Zones off the coast of Exmoor National Park at the moment, one is proposed along the North Devon /Exmoor coast. The Partner Authorities will work with the MMO at the appropriate time to take account of any such designations in local plans and decision making.

Table 1: Strategic Cross Boundary Issues Matrix

	Exmoor National Park Authority	North Devon Council	Torridge Council	West Somerset Council	Mid Devon Council	Somerset County Council	Devon County Council	Devon Local Nature partnership	Somerset Local Nature Partnership	Heart of the South West LEP	Environment Agency	English Heritage	Natural England	Marine Management Organisation
a) Strategic Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x
b) Role and function of settlements	x	x		x										
c) Housing provision	x	x	x	x										
d) The economy and service provision	x	x	x	x	x	x	x			x				
e) Climate change mitigation and adaptation	x	x	x	x	x	x	x	x	x		x		x	
f) Flood and Coastal Risk Management	x	x	x	x		x	x				x		x	x
g) Natural and Historic Environment	x	x	x	x	x	x	x	x	x		x	x	x	

(including biodiversity and National Park purposes)														
h) Minerals and Waste	x					x	x				x		x	
i) Infrastructure Provision	x	x	x	x		x	x			x	x		x	
j) The impact of the Hinkley Point C new nuclear project	x			x		x				x				
k) Marine Management	x	x	x	x							x		x	x

5. Co-ordination and governance

- 5.1 Meeting the commitments set out in this Protocol will require proactive co-operation between the signatories. The administration and monitoring of the effectiveness of the Protocol will be undertaken as far as possible through existing structures, in order to ensure it operates effectively and sustainably.
- 5.2 Local Authority partners are individually responsible for demonstrating that they have met the requirements of the Duty to Co-operate in their plan preparation. In order to ensure this Protocol is operating effectively, the Protocol will be co-ordinated via Officer meetings between the relevant Signatories. Existing meetings will be used as far as possible, to ensure an efficient process. Where signatory organisations do not attend existing meetings, ENPA as the lead authority of this Protocol, will liaise with the partner organisations to ensure matters relating to the Duty to Co-operate are discussed and updated. The following meetings will be used to agree matters for on-going co-operation, such as the preparation of agreed evidence on specific issues:
- Duty to Co-operate Officer meetings between ENPA, North Devon, Torridge, and West Somerset Councils
 - biannual meetings of the Devon Planning Officer Group (DPOG); and
 - biannual meetings of the Somerset Strategic Planning Conference (SSPC).
- 5.3 It is recognised that there are resource implications associated with the co-operation required under this Protocol. Whilst the Duty to Co-operate is a legal requirement, organisations may prioritise their engagement to those issues which lie within their remit and are a priority for them. Organisations should endeavour to provide the required resources available to enable the lead organisation to undertake its functions effectively and in a timely manner. Where resources are limited or unavailable the organisation should inform the lead organisation of the level of input which they can offer.
- 5.4 The effective operation of the Duty to Co-operate will be reported to Members via each Authority. Members will be involved in discussion of strategic priorities including joint meetings between lead Members of Partner Authorities where appropriate.
- 5.5 It should be noted that the Protocol does not preclude any organisation from exercising its duties according to its own discretion and is not legally binding.
- 5.6 The operational mechanisms governing this Duty to Cooperate Protocol and the content of this Protocol itself will be monitored on an annual basis through the Exmoor National Park Annual Monitoring Report, and updated and reviewed according to evolving circumstances.

Appendix 1 - Protocol Signatories

Exmoor National Park Authority

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Exmoor National Park Authority will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authorities in Devon and Somerset, and other relevant organisations, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with the Authority Partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The Authority Partners have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to ENPA are set out in Table 1 of this document; and
- Raise awareness of the general duty (S62) in the Environment Act 1995, which requires relevant authorities, including the National Park Authority itself, to have regard to statutory National Park purposes and if it appears that there is an irreconcilable conflict between the two purposes shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Signed: Cllr Richard Edgell

Date: 24/3/2015

Position: Chairman of the Planning Committee

On behalf of: Exmoor National Park Authority

North Devon Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, North Devon Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to North Devon Council are set out in Table 1 of this document; and
- Have regard to statutory National Park purposes.

Signed: Cllr Edmunds

Date: 11/3/2015

Position: Lead Member for Strategic Planning

On behalf of: North Devon Council

Torrige Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Torrige District Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to Torrige Council are set out in Table 1 of this document; and
- Have regard to statutory National Park purposes.

Signed: Cllr Tabor; Kate Little

Date: 24/2/2015

Position: Lead Member Natural & Built Environment; Head of Strategic Development and Planning

On behalf of: Torrige District Council

West Somerset Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, West Somerset Council will co-operate with all other signatories of this Protocol. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to West Somerset Council are set out in Table 1 of this document;

Signed: Cllr Keith Turner; Martin Wilsher

Date: 10th June 2015

Position: Portfolio Holder, Health & Wellbeing; Principal Planning Officer - Policy

On behalf of: West Somerset Council

Mid Devon District Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Mid Devon District Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to Mid Devon District Council are set out in Table 1 of this document; and
- Have regard to statutory National Park purposes.

Signed: Richard Chesterton

Date: 2/6/15

Position: Cabinet Member for Planning and Regeneration

On behalf of: Mid Devon District Council

Devon County Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Devon County Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authority Signatories and other relevant organisations, on matters relating to Exmoor National Park, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with Partner Authorities in the preparation of an appropriate local planning policy framework on matters relating to Exmoor National Park, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities as set out in Table 1;
- Actively engage in the preparation of planning policy and plan delivery relating to Exmoor National Park, through on-going specialist input, infrastructure planning support and strategic guidance; and
- Have regard to statutory National Park purposes.

Signed: Andrew Leadbetter

Date: 13/4/15

Position: Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter

On behalf of: Devon County Council

Somerset County Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Somerset County Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authority Signatories, and other relevant organisations, on matters relating to Exmoor National Park, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with Partner Authorities in the preparation of an appropriate local planning policy framework, on matters relating to Exmoor National Park, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities as set out in Table 1.
- Actively engage in the preparation of planning policy and plan delivery relating to Exmoor National Park, through on-going specialist input, infrastructure planning support and strategic guidance; and
- Have regard to statutory National Park purposes.

Signed: P. Hickson

Date: 24/3/15

Position: Strategic Manager

On behalf of: Somerset County Council

Somerset Local Nature Partnership

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Somerset Local Nature Partnership will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Somerset Local Nature Partnership will co-operate with all other relevant Authorities in the preparation of strategies which are relevant to the Local Nature Partnership's priorities. In undertaking such functions the LNP will have regard to statutory National Park purposes.

Signed: Michele Bowe

Date: 18th March, 2015

Position: Chair Iconic Landscapes and Wildlife Group

On behalf of: Naturally Somerset (Somerset Local Nature Partnership)

Devon Local Nature Partnership

Devon LNP is a signatory to the Devon wide Duty to Co-operate Protocol, and as such has agreed to the following:

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Devon Local Nature Partnership will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Devon Local Nature Partnership will:

- Co-operate with all other relevant Authorities in the preparation of strategies which are relevant to the Local Nature Partnership's priorities: (a) Protect and improve the natural environment, (b) Grow Devon's green economy and (c) Reconnect Devon's people and nature.

The LNP may not need to be involved in the detailed development of all strategies but will:

- Publish guidance for the relevant Authorities, which sets out Devon Local Nature Partnership high level expectations relating to the development of their strategies;
- Endorse strategies and plans which meet these expectations;
- Engage with the preparation of strategies and plans which do not meet these expectations in order to inform their development;
- Support a common evidence base and approach to the monitoring of environmental interests through the production of an up to date web-based environmental baseline State of Environment report; and
- Have regard to statutory National Park purposes.

Signed: Suzanne Goodfellow

Date: 13th May 2015

Position: Chair

On behalf of: Natural Devon (Devon Local Nature Partnership)

The Environment Agency

In exercising its strategic functions and responsibilities, in connection with matters of plan and strategy preparation and in plan and infrastructure delivery, the Environment Agency will co-operate with all other appropriate signatories of this Protocol on matters relating to the Exmoor National Park area. In particular the Environment Agency will:

- Fulfil its statutory roles as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities, including issues relating to Strategic Environmental Assessment / Sustainability Appraisal;
- Where appropriate try to provide early engagement to ensure the significant strategic environmental issues are identified and agreed at the outset;
- Engage at informal stages of plan preparation and on other plans (where not a statutory consultee), where resource allows;
- Where appropriate try to provide and share information and data held when requested (including regarding Environment Agency plans and strategies) to better inform plan and strategy evidence bases and studies where relevant; and
- Have regard to statutory National Park purposes

Signed: Alan Burrows

Date: 5th March 2015

Role: Area Manager

On behalf of: Environment Agency

Natural England

In exercising its strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Natural England will cooperate with all other appropriate signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular Natural England will:

- Fulfil its statutory role as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities. We will focus our engagement on issues relating to Habitats Regulations Assessment and Strategic Environmental Assessment / Sustainability Appraisal and strategic environmental issues;
- Engage at informal stages of the plan preparation process, where resource allows;
- Endeavour to provide early engagement to ensure the significant strategic environmental issues and opportunities are identified and agreed from the outset;
- Provide and share environmental information and data held by us when requested to better inform plan and strategy evidence bases and studies; and
- Provide ongoing involvement and input into the Officer Steering Group on matters which are relevant to our remit. Where Natural England's advice is critical to a particular environmental issue then we will also assist the working groups to take forward key work areas where these align with Natural England's remit, priorities and statutory responsibilities; and
- Have regard to statutory National Park purposes.

Signed: John Holmes

Date: 11 May 2015

Role: Area Manager (Devon, Cornwall and Isles Of Scilly)

On behalf of: Natural England

The Heart of the South West Local Economic Partnership

In exercising its strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure planning, the Heart of the South West LEP will cooperate with all other appropriate signatories of this Protocol on matters relating to the Exmoor National Park area. In particular the Heart of the South West LEP will:

- Share appropriate data, insight and intelligence when requested to ensure a robust evidence base is embedded in policy and investment decision-making;
- Fulfil its role as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities;
- Engage at informal stages of the plan preparation process, where resource allows;
- Endeavour to provide early engagement to ensure the significant strategic economic issues and opportunities are identified and agreed from the outset; and
- Have regard to statutory National Park purposes.

Signed: Chris Garcia

Date: 6th March 2015

Position: Chief Executive

On behalf of: Heart of the South West Local Enterprise Partnership

Appendix 2 - Other Non-signatory partner organisations

English Heritage

English Heritage is listed as one of the “prescribed” bodies relating to the Duty to Co-operate on the planning of sustainable development. Prescribed bodies are required to co-operate with local planning authorities constructively, actively, and on an ongoing basis in the preparation of development plans in relation to strategic matters. We would hope that in light of the ongoing Duty that we will be able to continue to work closely with the National Park Authority in the formulation and implementation of these plans and policies.

Marine Management Organisation

The Marine Management Organisation is the marine planning and licensing authority for the English marine area and regularly works with local planning authorities and others to develop spatial plans and policies for both the marine and terrestrial areas. The duty to cooperate complements this work by ensuring that all parties work together in an effective manner on areas of common interest. At this time, we consider that the duty to cooperate and our established ways of working are sufficient to enable the efficient delivery of this work. As such, we do not consider there to be significant benefit in agreeing a separate protocol.

Cornwall Council

The previous administrative area of North Cornwall made up part of the former ‘Northern Peninsula Housing Market Area’ – this is now within the Cornwall Council area. In preparing the Cornwall Local Plan Cornwall Council has sought to ensure that target housing provision is adequate to meet objectively assessed needs and do not therefore envisage circumstances in which there would be a call on adjoining authorities or other planning authorities within the former Northern Peninsula Housing Market Area. Cornwall Council will co-operate with the Partner Authorities to share technical studies and liaise on broad strategic planning issues.

Appendix 3 – Strategic Priorities for Co-operation relating to Exmoor National Park

Strategic priorities	Desired outcome	Which organisations?	Evidence base <i>(to be completed)</i>
a) Strategic Planning	<ul style="list-style-type: none"> • Where relevant, the Authority Partners will co-operate on joint technical studies and other work to provide a consistent evidence base to support their respective plans. This will include: <ul style="list-style-type: none"> • Sharing of evidence/data and joint commissioning where appropriate; • Demographic forecasting and housing projections; and • Agreed mechanisms for on-going engagement through the plan preparation process and the provision of consultation responses. • Agencies and other partner organisations will provide and share information and data held when requested (including regarding their own plans and strategies) to better inform plan and strategy evidence bases and studies where relevant. 	Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Heart of the South West LEP, Environment Agency, English Heritage, Natural England, Marine Management Organisation	
b) Role and Function of Settlements	<ul style="list-style-type: none"> • The Authority Partners will seek to co-ordinate the terminology for the role and function of settlements 	Exmoor National Park Authority, North Devon District	

	<p>within two Authority areas, and the policy approach relating to them, to provide clarity and consistency in the adjoining plans.</p>	<p>Council, West Somerset Council</p>	
<p>c) Housing Provision</p>	<ul style="list-style-type: none"> • The Authority Partners will continue to work together on ensuring a co-ordinated approach to the distribution of housing across the housing market area and will undertake joint research studies where appropriate. • The Authority Partners will seek to co-operate on meeting objectively assessed needs across the Housing Market Areas, including accommodating the needs of adjoining authorities where appropriate. • Where needs cannot be met in a sustainable way within adjoining Authority areas, the Authority Partners will explore all other options available to meet these needs. 	<p>Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council</p>	
<p>d) The Economy and Service Centres</p>	<ul style="list-style-type: none"> • The Authority Partners will co-operate on strategic issues across functional economic areas including the protection of existing employment land, support for key sectors including tourism and agriculture/forestry, and any proposals for strategic retail, leisure, 	<p>Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County</p>	

	<p>industrial or other economic development.</p> <ul style="list-style-type: none"> The Authority Partners will work with the LEP to ensure that Local Plan policy framework and Strategic Economic Plan are consistent and mutually supportive. 	Council, Heart of the South West LEP	
e) Climate change Mitigation and Adaptation	<ul style="list-style-type: none"> The Partner Authorities and Agencies will work together to support climate change mitigation and adaptation measures across boundaries, including ecological networks and green infrastructure. The Partner Authorities and other relevant partners will work together to avoid impacts of renewable energy schemes on the landscapes, seascapes, visual amenity and setting of the National Park. 	Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Environment Agency, Natural England	
f) Flood and Coastal Risk Management	<ul style="list-style-type: none"> The Partner Authorities and Agencies will continue to work together to manage flood risk in particular with regard to strategic planning and development. Strategic Flood Risk Assessments will continue to be undertaken jointly where appropriate to inform spatial strategies and cross-border implications. The Authority Partners and Agencies will co-operate over the 	Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Devon County Council, Somerset County Council, Environment Agency, Natural England, Marine Management Organisation	

	North Devon and Somerset Shoreline Management Planning (SMP) process, and incorporate the policy approach set out in SMP2 for the planning and management of coastal defences.		
g) Natural and Historic Environment (including National Park Statutory Purposes and National Park Landscape and Setting; and Biodiversity, Ecological Networks and Green Infrastructure)	<ul style="list-style-type: none"> • The Partner Authorities and Agencies will work in partnership to ensure that Local Plans include policies to protect designated areas, including the setting of the National Park and historic designations. • The Partner Authorities will co-operate to ensure that strategic allocations and planning proposals are consistent with National Park statutory purposes through appropriate consultation, master-planning, design, and landscaping. • The Partner Authorities, Local Nature Partnerships and Natural England will co-operate to promote coherent ecological networks across boundaries, through joint work on ecological mapping and green infrastructure provision. 	Exmoor National Park Authority, North Devon District Council, Torridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Environment Agency, English Heritage, Natural England	
h) Minerals and Waste	<ul style="list-style-type: none"> • The Partner Authorities and Agencies will work together to ensure that a co-ordinated strategic approach is adopted to minerals and waste and that strategic planning policies and proposals for 	Exmoor National Park Authority, Devon County Council, Somerset County Council, Environment Agency, Natural England	

	<p>minerals and waste are consistent with National Park purposes.</p> <ul style="list-style-type: none"> Given the limited scope for minerals exploitation within Exmoor National Park, ENPA, Devon and Somerset County Councils will work together to co-ordinate local assessments of aggregate production. 		
i) Infrastructure Provision	<ul style="list-style-type: none"> The Partner Authorities and other relevant partners will engage as appropriate with relevant bodies to ensure adequate and effective infrastructure provision with regard to for example, transportation, telecommunications, energy, waste water, water quality, water supply, education and health facilities for the communities of the respective authorities. 	Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Devon County Council, Somerset County Council, Heart of the South West LEP, Environment Agency, Natural England	
j) The Impact of the Hinkley Point C New Nuclear Project	<ul style="list-style-type: none"> The Partner Authorities will co-operate through monitoring the impact of the Hinkley Point C project on the housing market area and on the local economy, particularly in relation to tourism, working with the Heart of the South West LEP where appropriate. 	Exmoor National Park Authority, West Somerset Council, Somerset County Council, Heart of the South West LEP	
k) Marine management	<ul style="list-style-type: none"> ENPA, Torrington, North Devon, and West Somerset Councils and other relevant partners will liaise to ensure a consistent approach to strategic planning in relation to the coast. 	Exmoor National Park Authority, North Devon District Council, Torrington District Council, West Somerset Council, Environment Agency,	

	<ul style="list-style-type: none">• The coastal Partner Authorities will liaise with the Marine Management Organisation including having strategic input into the respective Marine Management Plan to ensure the policy framework is consistent and takes account of marine planning priorities.	Natural England, Marine Management Organisation	
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