

STATEMENT BY SOMERSET COUNTY COUNCIL

September 2014



MATTER 1: DUTY TO CO-OPERATE


Background Documents referred to within Statement

- Duty to Co-operate Statement (Doc Ref: SD 13a)
- Legal Compliance Self-Assessment (Doc Ref: SD9)
- NPPF (Doc Ref NE3)
- Oil and Gas MoU (Doc Ref SD13b)
- Energy minerals working group minutes/agenda (sample) (Doc Ref RL18)
- Mendip DC working group material (Doc Ref RL19a to RL19d)
- Sand and gravel MoU (Doc Ref SD13c)
- Mailing list (Doc Ref CD1)
- Somerset Strategic Planning Conference (SSPC) (Doc Ref TD49 and TD50)
- The South West Aggregates Working Party (SW AWP) (Doc Ref TD55)
- Sample minutes of the Mendip Quarries Advisory Group (MQAG) (Doc Ref TD75)
- Joint working with the Somerset Wildlife Trust et al (Doc Ref RL12)
- Minerals Topic Paper 5: Reclamation; and its accompanying Annex (Doc Refs SD8e and SD8f)
- Waste Core Strategy (adopted 2013) (Doc Ref RL2)
- Emerging Exmoor Local Plan (Doc Ref RL20)
- Mendip District Council Draft Local Plan (Doc Ref RL7)
- Sedgemoor District Council Core Strategy (Doc Ref RL8)
- South Somerset District Council Proposed Submission Local Plan (Doc Ref RL9)
- Taunton Deane Borough Council Core Strategy (Doc Ref RL10)
- West Somerset Revised Draft Preferred Strategy (Doc Ref RL11)

**Somerset Minerals Plan Examination
Hearing Sessions: September 2014
Statement by Somerset County Council**

- The Somerset Sustainable Community Strategy (Doc Ref RL21)
- The Mendip Sustainable Community Strategy (Doc Ref RL22)
- The Sedgemoor Sustainable Community Strategy (Doc Ref RL23)
- The South Somerset Sustainable Community Strategy (Doc Ref RL24)
- The Taunton Deane Sustainable Community Strategy (Doc Ref RL25)
- The West Somerset Sustainable Community Strategy (Doc Ref RL26)
- Local Transport Plan (2001--2011) (Doc Ref RL4)
- Somerset's Future Transport Plan (Doc Ref RL21)
- State of the Somerset Economy (Doc Ref RL14)
- Somerset Intelligence Network, Somerset: Our County (Doc Ref RL15)
- Somerset County Council County Plan 2013-2017 (Doc Ref RL3)
- Strategic Flood Risk Assessments (various) (Doc Ref SD22a to SD22d)

Document Control Sheet

	<u>Position</u>	<u>Name</u>	<u>Date</u>
Prepared by:	Service Manager: Planning Policy	Paul Browning	21/07/2014
Reviewed by:	Senior Planning Policy Manager	Guy Robinson	12/08/2014
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Reviewed by:	Senior Planning Policy Manager	Guy Robinson	27/08/2014
Approved by:	Service Manager: Planning Policy		04/09/2014

For the forthcoming Hearing, the Inspector has requested that Somerset County Council briefly summarise their position on each discussion topic. The following is a brief summary of Somerset County Council's response to **Matter 1: Have the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004, paragraph 4 of the Local Planning Regulations 2012, and paragraph 2 of the Local Planning (Amendment) Regulations 2012 been met?**

Question 1

Overall, has the duty to co-operate been fulfilled? Give a full explanation about how this requirement has been met

SCC Response

- 1.1. Yes the duty to co-operate been fulfilled.
- 1.2. The Somerset Minerals Plan is a planning policy document that delivers a range of policies within the spatial context of the County of Somerset for the time period up to 2030. The Plan has been prepared in accordance with current legislation and Government guidance.
- 1.3. Details of the County Council's compliance with the duty to co-operate (DTC) is described in **Submission Document SD 13a: Duty to Co-operate Statement**. This document describes how both the legal and soundness aspects of the duty have been taken into account in preparing the Somerset Minerals Plan. It summarises the strategic issues, relevant bodies and the mechanisms through which the duty has been engaged.
- 1.4. The County Council also adapted from the legal compliance toolkit available from the Planning Advisory Service (PAS). **Submission Document SD9: Legal Compliance Self-Assessment** demonstrates that Somerset County Council has complied with all the legal requirements necessary to prepare and successfully adopt the Somerset Mineral Plan.
- 1.5. During the various phases of the plan-making process, Pages 4,5,11,12, 16,17, 21, 22, 23 and 32 of the Self-Assessment document record how the Council have co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address issues or strategic priorities that will have a significant impact on at least two planning areas.
- 1.6. Paragraphs 178 to 181 of the **National Planning Policy Framework (NPPF) (Doc Ref NE3)** provide guidance on planning strategically across local authority boundaries. It highlights that the focus of the 'Duty' should be on the strategic priorities for the area and take account of different geographic areas of relevance to the matters covered. Following the approach set out in the NPPF, the County Council considers that it has and continues to engage constructively and actively with other planning authorities on the preparation of the Somerset Minerals Plan as well as engaging with other relevant agencies:
- 1.7. To this end, the following documents further evidence conformity with current national policy on how the County Council has fully complied with the duty to co-operate:
 - **Duty to cooperate (DTC) Statement (Doc Ref SD13a)**
Section 3 of the DTC statement set out the mechanisms through which the County Council has engaged with neighbouring authorities. The document also sets out the main cross-boundary matters identified which affect planned development. As stated they were considered to be:
 - Energy Minerals
 - Sand and Gravels

- **Oil and Gas MoU (Doc Ref SD13b)**
This document involves a liaison process at political and officer level with districts across Somerset together with specific discussions with Mendip, B&NES and Wiltshire and public bodies such as the Police et al..
- **Energy minerals working group minutes/agenda (sample) (Doc Ref RL18)**
Evidence of on-going discussion and engagement with authorities and bodies.
- **Mendip DC working group material (Doc Ref RL19a to RL19d)**
Further evidence of on- going discussions and engagement with respective authorities and bodies.
- **Sand and gravel MoU (Doc Ref SD13c)**
This document involves a liaison process at political and officer level with districts across Somerset together with specific discussions with Exmoor National Park Authority, Devon County Council and Cornwall Council.
- **Mailing list (Doc Ref CD1)**
This document lists the stakeholders/consultees that have been kept fully informed throughout the various stages of plan preparation. They are the relevant bodies and agencies that have had an influence on or have had an opportunity to influence the contents of the Somerset Minerals Plan. Since establishment of the **Heart of the South West LEP** and the **Local Nature Partnership**, SCC has formally consulted this body on each stage of plan preparation.
- **Somerset Strategic Planning Conference (SSPC)**
An officer forum for co-operation on spatial land use and transport issues. SSPC involves local authorities within the county and neighbouring authorities such as those in the West of England. For an example of matters covered see **Doc Ref TD49 and TD50**.
- **The South West Aggregates Working Party (SW AWP)**
SW AWP is a technical body made up of the participant mineral planning authorities (including Somerset County Council) and industry representatives. Its purpose is an advisory one and it is not attended by elected members from any of the constituent authorities. The AWP provides guidance on the apportionment of aggregates across the South West and, being a technical body, its views are informed by practitioners both from industry and the planning authorities. More recently the AWP has advised on how to interpret the **NPPF** and Technical Guidance when planning for aggregates. For an example of matters covered see **Doc Ref TD55**

- **The Mendip Quarries Advisory Group (MQAG)**
A Group involving: officers; Elected Members (District and County); MPs; environmental groups and industry representatives. Its purpose is for considering quarrying issues in Mendip. For an example of matters covered see **Doc Ref TD75**.
- **Joint working with the Somerset Wildlife Trust et al Wild Somerset (Doc Ref RL12)** On Biodiversity Offsetting and ecological networks in particular. See Doc Ref RL12. Also see the **Minerals Topic Paper 5: reclamation and its accompanying Annex (see Doc Refs SD8e and SD8f)**.

1.8. The Localism Act also makes it clear that the duty to co-operate also applies to public bodies other than councils. As evidenced in paragraph 1.7 above a number of meetings have taken place with public bodies at key preparation stages. The same bodies have also been advised of the opportunity to formally comment at the various stages of the plan making process. The signed MOUs also demonstrate engagement with other agencies. For example, the **Avon and Somerset Police** are one of the signatories of the **Oil and Gas MoU (Doc Ref SD13b)**.

Question 2

Has the Plan taken account of the local plans, emerging local plans, management plans and strategies of neighbouring councils, the Exmoor National Park Authority, and other relevant agencies?

SCC Response

- 1.9. Yes the Plan has taken account of the local plans, emerging local plans, management plans and strategies of neighbouring councils, the Exmoor National Park Authority, and other relevant agencies.
- 1.10. As outlined in paragraph 1.2 above, the Somerset Minerals Plan is planning policy document. It delivers a range of policies within the spatial context of the County of Somerset. The fundamentals of the Minerals Plan are set out in section 2 and paragraph 2.24 of the Plan reminds the reader that:
- “The Development Plan should be read as a whole, including all relevant plans and policies of the four Districts and one Borough Council of Somerset, and Exmoor National Park Authority, as seen in figure 1 below.”*
- 1.11. In so doing the Somerset Minerals Plan takes into consideration development proposed by the Districts/Borough Councils of Somerset and the strategies of neighbouring/relevant mineral planning authorities and the need for mineral extraction.
- 1.12. This is confirmed in the **Legal Compliance Self-Assessment (Doc Ref SD9)**.

- 1.13. As recorded on pages 8, 24 and 25 of the Self-Assessment document, the Minerals Plan has taken account of the following local plans, emerging local plans, management plans and strategies of neighbouring councils:
- **Waste Core Strategy (adopted 2013) (Doc Ref RL2)**
 - **Emerging Exmoor Local Plan (Doc Ref RL20)**
 - **Mendip District Council Draft Local Plan (Doc Ref RL7)**
 - **Sedgemoor District Council Core Strategy (Doc Ref RL8)**
 - **South Somerset District Council Proposed Submission Local Plan (Doc Ref RL9)**
 - **Taunton Deane Borough Council Core Strategy (Doc Ref RL10)**
 - **West Somerset Revised Draft Preferred Strategy (Doc Ref RL11)**
- 1.14. Furthermore, the Minerals Plan makes appropriate reference to other Plans where appropriate. For example, reference to AONB Management Plans in section 13 on landscape and visual amenity.
- 1.15. Exmoor National Park Authority (ENPA) has been a named partner in preparing the Somerset Local Aggregate Assessment, as stated in the **Somerset Local Aggregate Assessment 2014 (see Doc Ref SD23b** – not least on the front cover). This has entailed additional engagement with ENPA beyond that carried out with the South West Aggregates Working Party.
- 1.16. In terms of Sustainable Community Strategies, due regard was given to:
- **The Somerset Sustainable Community Strategy (Doc Ref RL21)**
 - **The Mendip Sustainable Community Strategy (Doc Ref RL22)**
 - **The Sedgemoor Sustainable Community Strategy (Doc Ref RL23)**
 - **The South Somerset Sustainable Community Strategy (Doc Ref RL24)**
 - **The Taunton Deane Sustainable Community Strategy (Doc Ref RL25)**
 - **The West Somerset Sustainable Community Strategy (Doc Ref RL26)**
- 1.17. In preparing the Somerset Minerals Plan evidence has also been drawn from local transport, biodiversity and economic strategies. Specifically:
- **Local Transport Plan (2001--2011) (Doc Ref RL4)**
 - **Somerset's Future Transport Plan (Doc Ref RL21)**
 - **State of the Somerset Economy (Doc Ref RL14)**
 - **Somerset Intelligence Network, Somerset: Our County (Doc Ref RL15)**
 - **Somerset County Council County Plan 2013-2017 (Doc Ref RL3)**
 - **Strategic Flood Risk Assessments (various) (Doc Ref SD22a to SD22d)**

End