

Bath and North East Somerset Council

Bath and North East Somerset Local Plan Partial Update (Regulation 19 Draft Plan)

Duty to Cooperate

August 2021

**Bath & North East
Somerset Council**

Improving People's Lives

1. Duty to Cooperate Requirements

- 1.1 The duty to cooperate was introduced by the [Localism Act 2011](#), and is set out in [section 33A of the Planning and Compulsory Purchase Act 2004](#). It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters.
- 1.2 The National Planning Policy Framework (July 2021) sets out under paragraph 24 that *'Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies on strategic matters that cross administrative boundaries.'* Paragraph 27 further sets out *'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 cooperating to address these.'*

2. Bath and North East Somerset (B&NES) Council's Local Plan Partial Update (LPPU)

- 2.1 In March 2019 B&NES Council declared a Climate Emergency, resolving to provide the leadership enabling the Bath and North East Somerset area to be carbon neutral by 2030. In July 2020 the Council declared an Ecological Emergency further resolving to work with partners locally and regionally to drive coordinated leadership and collaborative action.
- 2.2 In order to address a range of urgent issues in Bath and North East Somerset, including the climate and ecological emergency, B&NES Council is preparing a partial update of the Core Strategy and Placemaking Plan (which together comprise the Local Plan). As this is a partial update to the existing Plan, and not a new Plan, the scope of the changes are confined to those areas that can be addressed without significantly changing the strategic policy framework of the adopted Plan and include: updating policies in order that they better address the climate and ecological emergencies, replenishing housing supply and addressing a limited range of other urgent local issues.
- 2.3 In the LPPU [Commencement Document](#) B&NES Council outlined the purpose and scope of the LPPU and the approach to engagement on any cross boundary, strategic issues arising in its preparation. The B&NES LPPU includes proposed policy amendments and new policy to support the climate and ecological emergency under the Responding to Climate Change, Nature Conservation and Green Infrastructure Chapters of the B&NES Local Plan. Further, proposed transport policy amendments within the B&NES LPPU reflect the Council's Climate and Ecological Emergencies and the ambition to achieve carbon neutrality by 2030.
- 2.4 There was liaison between adjoining authorities and other prescribed bodies under the Duty to Cooperate as relates to the development of the B&NES Core Strategy and B&NES Placemaking Plan as evidenced by the B&NES examination documentation for the Core Strategy and Statement of Compliance with the Duty to Cooperate for the Placemaking Plan.

- 2.5 The current development plan documents (excluding waste and minerals and neighbourhood plans) for Bath and North East Somerset Council comprise the following:

Bath & North East Somerset Council
Bath and North East Somerset Placemaking Plan (July 2017)
Bath and North East Somerset Core Strategy (July 2014)
<i>Saved policies:</i>
Bath & North East Somerset Local Plan (2007)

- 2.6 A full review of the B&NES Local Plan will be undertaken (B&NES New Local Plan) alongside the West of England Combined Authority (WECA) Spatial Development Strategy (SDS) and this will need to take appropriate account of and address the strategic planning issues facing the wider Bristol sub-region, including how any unmet housing need arising in Bristol is met. The timetable to plan-making within B&NES is set out in the authorities' published local development scheme: [B&NES Council LDS](#) Liaison is ongoing with adjoining local authorities and prescribed bodies on these plans.

3. Liaison with adjoining local authorities

- 3.1 Liaison with adjoining local authorities as relates specifically to the Bath and North East Somerset Council Local Plan Partial Update is ongoing. Specific Statements of Common Ground with relevant local authorities in respect of the LPPU can be found at:
- [Wiltshire Statement of Common Ground](#)
 - [South Gloucestershire Statement of Common Ground](#)
 - [Mendip Statement of Common Ground](#)
 - [Somerset County Council Statement of Common Ground](#)
- 3.2 There have been ongoing informal officer discussions with North Somerset Council officers regarding the LPPU and they have raised no issues in respect of the LPPU for consideration. Therefore, no Statement of Common Ground is considered to be necessary. In terms of transport considerations, it has been agreed by both B&NES and North Somerset transport officers that there is no severe cumulative impact that arises from the B&NES Local Plan Partial Update.
- 3.3 There have been ongoing informal officer discussions with Bristol City Council officers regarding the LPPU and they have raised no issues in respect of the LPPU for consideration. Therefore, no Statement of Common Ground is considered to be necessary. In terms of transport considerations, it has been agreed by both B&NES and Bristol City Council transport officers that there is no severe cumulative impact that arises from the B&NES Local Plan Partial Update.

4. Liaison with prescribed bodies

- 4.1 The Local Plan Partial Update Commencement Document consultation ran from 6 April 2020 to 1 June 2020 and consultation on the Local Plan Options Document ran from 7 January 2021 to 18 February 2021. As required, relevant prescribed bodies were notified of the consultation. Consultation responses were received from Highways England, the Environment Agency, Historic England and Natural England. Responses have been reviewed and further liaison has taken place with the various

bodies as summarised below. As required under the Duty to Cooperate, ongoing liaison is taking place on plan making.

4.2 Highways England

Senior B&NES transport officers met with Highways England officers on 24th February 2021 to discuss the LPPU (including proposed site allocations) and the strategic highway network and highways considerations and further liaise on technical considerations (trip generation and distribution forecasting). Highways England concluded that *“the impact on the SRN is likely to be minimal.”*

4.3 Historic England

Senior B&NES planning officers met with Historic England on 27th April 2021 to discuss the LPPU scope and approach and Historic England’s representations in respect of the Options Document. Historic England did not raise any concerns regarding the LPPU, including the site allocations and are keen to see that the approach that B&NES Council took to site allocations in the Placemaking Plan is continued, and that the LPPU takes a design led approach that fully considers and respects heritage interests.

4.4 Natural England

Senior B&NES ecology officer met with Natural England officer on 12th July 2021 and had further in-depth discussions regarding relevant proposed nature conservation policy amendments within the LPPU and specifically the considered best approach to the review of policy, particularly Policy NE3 Sites, Species and Habitats in light of changing legislation, the emerging Environment Bill and biodiversity net gain requirements. The proposed Policy NE3 set out in the Regulation 19 pre-submission draft LPPU reflect those discussions and informal advice from Natural England.

4.5 Environment Agency

Senior B&NES policy officers attend the regular Strategic Flood Board meetings to update on and discuss the progress of Development Plans including the Local Plan Partial Update.

A Topic Paper on Flood Risk and the Sequential Approach has been prepared and published alongside the pre-submission draft LPPU. Discussions have also taken place with the Council’s Drainage Team (as the surface water drainage authority) on proposed site allocations.

4.6 B&NES Clinical Care Commissioning Group (CCG) and NHS (Bath, Swindon and Wiltshire)

Under the Town & Country Planning Regulations (Local Planning) (England) 2012 Primary Care Trusts (PCT) are identified as a prescribed body to which the Duty to Co-operate applies. The PCT in B&NES is now comprised the B&NES CCG and NHS (Bath, Swindon and Wiltshire). B&NES Senior Planning officers have met with both the CCG and the NHS in February and March 2021 to discuss the implications for health care service provision and infrastructure arising from the LPPU, primarily the site allocations and associated population increase. In addition, discussions took place regarding specific NHS sites that are allocated within the LPPU and will make a contribution to meeting the housing requirement. Discussions regarding infrastructure

implications of planned housing and population growth also inform the Interim Infrastructure Delivery Plan published alongside the pre-submission draft LPPU.