

Bath and North East Somerset Council
Local Plan 2022 – 2042

Options Consultation
March 2024

Duty to Cooperate Statement

Contents

1 Duty to Cooperate Requirements..... 2

2 Bath and North East Somerset (B&NES) Council’s Local Plan Launch Document..... 2

3 Engagement with neighbouring local authorities..... 3

4 Engagement with Prescribed Bodies..... 5

5 Ongoing Work Required 7

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 (December 2023) sets out the following under paragraph 24:

‘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.’

1.3 This Statement has been prepared by Bath and North East Somerset Council in order to outline how the Duty to Cooperate as required by the above policy and legislation, applies to and has been addressed in the preparation of the Local Plan 2022-2042.

2 Bath and North East Somerset (B&NES) Council’s Local Plan Launch Document

2.1 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 Local Plan Partial Update (January 2023)
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)

- 2.2 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.
- 2.3 In order to address a range of urgent issues in Bath and North East Somerset, including the climate and ecological emergency, B&NES Council prepared a partial update (LPPU) of the Core Strategy and Placemaking Plan (which together comprise the Local Plan). The partial update included: 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.
- 2.4 The new Local Plan will establish the planning framework for the District up to 2042. It will contain a vision, strategy and policies to guide and manage how the District grows and changes over the next 15-20 years, and how planning applications for new development are determined. It will also help to deliver the Council's corporate priorities, including improving people's lives, tackling the climate and ecological emergencies, and preparing for the future in terms of the economy and addressing inequalities.
- 2.5 In the Local Plan [Launch Document](#) B&NES Council outlined the purpose and scope of the Local Plan and the approach to engagement on any cross boundary, strategic issues arising in its preparation. The B&NES Local Plan 2022-2042 includes proposed policy amendments and new policies.
- 2.6 B&NES has a history of engaging with neighbouring authorities and other prescribed bodies, including under the Duty to Cooperate, as relates to the development of the B&NES Core Strategy (not subject to the Duty to Cooperate), Placemaking Plan and LPPU 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 and LPPU.

3 Engagement with neighbouring local authorities

- 3.1 Liaison with neighbouring local authorities as relates specifically to the Bath and North East Somerset Council Local Plan is ongoing. The main cross boundary strategic matters on which we are engaging are summarised below, noting that these matters may change during Local Plan preparation:
- Assessment of and responding to housing need Including the quantum of housing, strategic locations adjacent to boundaries, any unmet needs; affordable housing; gypsy and traveller provision; and boat dwellers accommodation needs.

- Assessment and delivery of economic development requirements Including location and type of new employment development, travel to work and commuting flows.
- Assessment and identification of strategic transport and other infrastructure Including transport, flood, waste, community infrastructure with cross-boundary implications.
- Assessment of and approach to climate change mitigation and adaptation Including location of renewables and green infrastructure
- Nature recovery, ecological, landscape and habitat considerations impacting on cross-boundary issues.
- Health Inequality.
- Green Belt.
- Development Quality.
- Minerals.

3.2 As required by the NPPF Statements of Common Ground will be maintained to demonstrate effective and on-going joint working and documenting the cross boundary matters being addressed. A statement of common ground (SoCG) is being prepared by the authorities of Bristol City Council, Bath and North East Somerset Council and South Gloucestershire Council in relation to areas of liaison and co-operation between them on cross boundary strategic matters that relate to the WECA area as a whole and as relates to the preparation of their respective local plans. The SoCG between the three authorities has been prepared following the halting of the West of England Combined Authority (WECA) Spatial Development Strategy (SDS) in May 2022. Given the halting of the SDS the three constituent authorities are progressing their individual local plans, to include both strategic policies and non-strategic policies. The SoCG as relates to those strategic, cross boundary matters relevant to the WECA area will be published during the Regulation 18 stage of plan preparation. The SoCG will be a 'living document' which will be updated and published at each key stage of plan preparation outlining the matters on which engagement has taken place and the outcomes of this engagement.

3.3 In addition to the SoCG encompassing WECA area wide strategic, cross boundary matters bilateral statements of common ground will be prepared and published, where appropriate ahead of local plan examinations, relating to cross boundary strategic matters between the two neighbouring authorities. It is anticipated that these bilateral SoCG will be prepared as relates to the B&NES Local Plan with the following local authorities:

- Wiltshire Council
- South Gloucestershire Council
- Bristol City Council
- North Somerset Council
- Somerset Council

3.4 The SoCGs are prepared in order to outline the strategic matters on which co-operation has taken place, the key outcomes from this co-operation, and any areas where agreement has been reached, or has not been reached, in addressing these matters. Each statement will be a 'living document' that will be updated at key stages of local plan preparation.

4 Engagement with Prescribed Bodies

4.1 The Local Plan Launch Document consultation ran from 4th October 2022 to 15th November 2022 and as required, relevant prescribed bodies were notified of the consultation.

4.2 Consultation on the Local Plan Options Document is ongoing, and commenced on 12th February 2024 running to 16th April 2024. Consultation responses are yet to be received from these bodies at the current plan stage given the options consultation is ongoing. However, as required under the Duty to Cooperate, and in addition to consultation notifications and opportunities to comment, ongoing engagement is taking place on plan making. Set out below is a summary of key engagement that is taking place.

National Highways

4.3 B&NES policy officers meet with National Highways on a regular and ongoing basis to discuss the Local Plan (including proposed site allocations), the strategic highway network and highways considerations. Further correspondence on technical considerations (trip generation and distribution forecasting) is also ongoing.

Historic England

- 4.4 B&NES policy officers meet with Historic England informally, primarily in order to have discussions regarding relevant heritage policy and its application to heritage assets in Bath and North East Somerset. This encompasses strategic development impacts upon heritage assets. In particular such discussions centring on development opportunities at Bath, including potential options on the edge of the city and how such development may impact upon the double inscribed Bath World Heritage Site and its setting. In addition to discussions on strategic development site options correspondence is also ongoing regarding development management policies. Further meetings are to take place with Historic England during the Reg 18 stage of plan preparation.

Natural England (NE)

- 4.5 B&NES policy officers meet with Natural England informally in order to have discussions regarding relevant proposed nature conservation and landscape policy amendments within the local plan and specifically the considered best approach to the review of policy. Discussions have also included updates on the Local Plan programme/next steps. Work is ongoing as to how the Natural England Green Infrastructure Framework (NE GI Framework) principles and standards will be incorporated into the local plan. B&NES council and Bristol City Council will be working alongside Natural England and LUC to embed the NE GI Framework into our Local Plan and GI Strategy.
- 4.6 Further discussions with Natural England are also ongoing concerning Habitat Regulations Assessment and Special Areas of Conservation. Engagement will also take place on other designations impacts (including recreational pressures) and impacts on National Landscapes of development options. Further meetings will take place with NE during the Reg 18 stage of plan preparation.

Environment Agency (EA)

- 4.7 B&NES policy officers meet with the EA to provide updates on and discuss the progress of the Local Plan and supporting evidence, including the Strategic Flood Risk Assessment. Discussions also include emerging options relating to locations for strategic development which will need to be informed by strategic flood risk assessments. District-wide Development Management policies relating to Sustainable Urban Drainage Systems (SuDS) approach and GI have also been discussed. Further meetings are to take place with EA during the Reg 18 stage of plan preparation.

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

- 4.8 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. Clinical commissioning groups (CCGs) were established as part of the Health and Social Care Act in 2012, and replaced primary care trusts on 1 April 2013. On 1 July 2022, integrated care systems (ICSs) became legally established through the Health and Care Act 2022, and CCGs were closed down. Integrated care systems have two statutory elements, an integrated care partnership (ICP) and integrated care board (ICB).
- 4.9 For B&NES the Integrated Care Board (ICB) encompasses the NHS, Bath and North East Somerset, Swindon and Wiltshire. B&NES Planning officers meet with both the ICB and the NHS to discuss the implications for health care service provision and associated infrastructure arising from the Local Plan, primarily the site allocations and associated population increase. In addition, discussions continue regarding the ongoing review of NHS sites, some of which could potentially make a contribution to meeting the housing requirement.

5 Ongoing Work Required

- 5.1 As set out previously ongoing engagement and correspondence with neighbouring authorities and prescribed bodies will occur throughout plan preparation through to submission which is currently expected spring 2025. This Duty Co-operate Statement and, as relevant, SoCGs, will be maintained as 'living documents' and published at each key stage of local plan preparation.