

# **County Durham Statement of Common Ground**

## **Outline Statement**

**January 2019**

## **Introduction**

1. This outline statement supports the County Durham Plan (the Plan) and indicates the scope of the final Statement of Common Ground that will accompany the Plan when it is submitted following publication and consultation in 2019. It sets out how the council has complied with the Duty to Co-operate to this point and the on-going relationships with our neighbouring local authorities and other key cross-boundary agencies.

## **National Guidance**

2. The Duty to Cooperate was introduced by the Localism Act 2011 in the wake of the abolition of the regional and sub-regional tiers of planning. It places a duty on local planning authorities 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. The Local Planning Regulations 2012 (Part 2: Duty to Cooperate) prescribes which bodies are subject to the Act.
3. Compliance with the duty is tested at the examination in public of the development plan, where the Planning Inspector will assess whether the local planning authority has complied with its duty to co-operate with other local authorities during the preparation of the plan.
4. Paragraph 25 of the National Planning Policy Framework (NPPF) (2018) prescribes that strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. Paragraph 26 states that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
5. Further paragraph 27 states that in order to demonstrate effective and on-going joint working, strategic policymaking 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. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.
6. Local authorities are also expected to work collaboratively on strategic planning priorities in consultation with Local Enterprise Partnerships, Local Nature Partnerships, private sector bodies and utility and infrastructure providers.
7. In the Planning for the Right Homes in the Right places consultation document in September 2017 the government identified a number of changes to the approach to the Duty to Cooperate including the introduction of Statements of Common Ground (SoCG). The main purposes of SoCGs are to:
  - Increase certainty and transparency;
  - Encourage all local planning authorities to co-operate effectively and seek agreement on cross boundary issues; and
  - Help local planning authorities demonstrate evidence of co-operation.

8. The consultation document proposed that within 12 months of the publication of NPPF (July 2018) all local planning authorities should have a statement of common ground in place and within 6 months an outline statement. This is Durham County Council's outline statement. As listed in the consultation document it includes:
- The geographical area covered by the statement, and justification for the area;
  - Key strategic cross-boundary matters being addressed by the statement, including housing need for the area, and housing targets in any adopted plans (where known), and proposals for meeting any shortfalls;
  - Primary authorities responsible for the statement, and list of additional signatories (including matters to which each is signatory); and
  - Governance arrangements for the co-operation process, including how the statement of common ground will be maintained and kept up to date.

### **Geographical Area**

9. The North East of England has a long history of successful joint working and collaborative plan-making. Though the 2008 Regional Spatial Strategy signalled the end of statutory regional planning in England, it was an example of positive cross-boundary collaboration in the North East and has since been followed by other positive examples of joint plan-making in the region albeit on a smaller scale.
10. The suggestion in the Right Homes Right Places consultation was that SoCGs should be prepared by housing market area however the council's Strategic Housing Market Assessment has found that County Durham is a single housing market area. Therefore as an alternative approach the council have determined the relevant geographical area to cover the areas of all of its adjoining local authorities with addition of South Tyneside which has relationship with Durham both in terms of governance and the potential wider impact of the International Advanced Manufacturing Park.

### **Key Strategic Cross Boundary Matters**

11. The key strategic cross boundary matters that will be addressed by the Statements of Common Ground prepared for submission include:
- The number of homes and amount of employment land;
  - Green Belt;
  - The provision of retail, leisure and commercial development;
  - The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy;
  - The provision of health, security, community and cultural infrastructure and other local facilities; and
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

### **Primary Authorities**

12. The planning authorities to which the duty most directly applies in the case of Durham County Council are identified below:
- Gateshead Council
  - South Tyneside Council

- Sunderland City Council
- Northumberland County Council
- Hartlepool Borough Council
- Darlington Borough Council
- Stockton Borough Council
- Richmondshire District Council
- Eden District Council
- Cumbria County Council
- North Yorkshire County Council

13. Each authority in the North East are at different stages in plan preparation as set out in the below.

Local Plan	Adoption Date
Sunderland Core Strategy and Development Plan	Expected 2019
Gateshead Core Strategy	Adopted 2015
South Tyneside Local Plan	Expected 2020
Northumberland Local Plan	Expected 2020
Hartlepool Local Plan	Adopted 2018
Darlington	Expected 2020
Stockton on Tees Local Plan	Expected 2019
Richmondshire Local Plan	Expected 2021
Cumbria Minerals and Waste Plan	Adopted 2017
North Yorkshire Minerals and Waste Joint Plan	Expected 2019

14. The applicable statutory bodies identified in Part 2 of the Town & County Planning (Local Planning) (England) regulations 2012 (as amended) include:
- The Environment Agency
  - Historic England
  - Natural England
  - The Civil Aviation Authority
  - Homes England
  - Clinical Commissioning Groups
  - Office for Rail Regulation
  - Highways England
  - the Marine Management Organisation
  - the integrated Transport Authority (Nexus)
  - Highways Authority (ie Durham County Council).
  - Local Enterprise Partnerships

## Governance

15. Following the Localism Act, one of the first key products from the Heads of Planning Group was the preparation of a formal Memorandum of Understanding (MOU). This sets out the agreed approaches for working together on strategic planning matters. It was formally adopted by this council in November 2013. It has since been formally agreed by the other six north east councils and was formally signed off by both the Chief Executives and Leaders & Elected Mayors groups in June 2014. The MOU demonstrates intentions of the seven Councils to work together to meet the

requirements of the Duty. It builds on the existing strong foundation of joint working, extending this to a range of statutory agencies and other organisations including neighbouring planning authorities that share boundaries. With the introduction of the duty, it added to those existing arrangements for multi-lateral working on strategic planning issues with new governance arrangements.

16. To sustain strong leadership and partnership working on cross boundary issues, this council attends the North East Heads of Planning Meetings which have met on at least a quarterly basis since January 2012. The duty remains a standing item on each agenda and is a key way of sharing best practice on strategic and procedural planning matters. Representation at this Group is not solely restricted to the Heads of Planning. The above structure allows for the cross cutting themes to be considered and these meetings have included representatives from Historic England, the North East LEP the NE Heads of Transport and the Local Nature Partnerships. The Heads of Planning Group reports through to the Economic Directors Group and then onwards to the Chief Executives and NECA Leadership Board (comprising the seven Leaders and Elected Mayors).
17. In parallel with the formation of the Heads of Planning Group, two Policy Officer Working Groups have been meeting since 2012 to deal with the more detailed strategic planning matters. These groups are organised as below and are similarly designed to meet quarterly in order to feed into the Heads of Planning meetings.

North of Tyne	South of Tyne
Newcastle City Council	Durham County Council
Northumberland County Council	South Tyneside Council
North Tyneside Council	Gateshead Council
	Sunderland City Council

18. As the local authorities in Tees Valley are not part of the NECA group the structures are not quite as formal. However representatives attend the Tees Valley Development Plans Officers Meeting on a quarterly basis. In addition meetings with individual authorities have occurred as and when required and including the council's respective portfolio holders.
19. There are also a number of technical working groups from both planning and non-planning disciplines whose activities have further influenced how the Plan has addressed particular strategic issues. Examples include:
  - North East Minerals and Waste Policy Officers Group; and
  - North East Aggregates Working Party.

### **Next Steps**

20. Within the Region, the programme for the adoption of the respective local plans is not uniform. So whilst some Plans have been or will shortly be adopted, others are programmed to advance over the next two years. Ensuring plans remain up to date may also trigger formal reviews which do not necessarily align to the timetables of neighbouring authorities – this could mean that plans cover different timescales and baseline evidence is not always aligned to those timeframes or the methodologies are not aligned. If left unmanaged, this can lead to an uncoordinated delivery programme that will undermine the individual and collective strategies and objectives of each Plan

(and ultimately the Region). In response, the Duty obligates each to work collaboratively on an ongoing basis to reduce these risks of this occurring.

21. Fulfilling the requirements of the Duty so far has helped the council to build a good understanding of the key issues and build on the strong multi-lateral working relationships already in place across the Region – these will be essential to the successful delivery of the Plan and those of the wider North East.
22. Therefore, the council remains committed to working with our neighbouring authorities and other prescribed bodies at both a regional and sub-regional level as we move forward to submission of the Plan, the Examination in Public and beyond. To demonstrate this commitment the council will therefore be preparing comprehensive statements of common ground for submission.