

Delegated Decision

15th May 2019

Statement of Common Ground between Durham County Council and Northumberland County Council

Ordinary Decision



Report of Regeneration and Local Services

Ian Thompson, Director of Regeneration and Local Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To agree a Statement of Common Ground (SoCG) between Durham County Council and Northumberland County Council regarding a range of strategic cross boundary planning policy matters.

Executive summary

- 2 The planning system should be plan-led. Durham's local plan is the County Durham Plan and approval is being sought from Full Council to submit the County Durham Plan for Examination in Public in June 2019.
- 3 Paragraph 27 of the NPPF (February 2019) introduces a requirement for Statement of Common Grounds (SoCG) to be prepared between strategic policy making authorities, irrespective of their current plan making position. It is intended that a SoCG is a written record of the progress made by those authorities during the process of planning for strategic cross boundary matters. For authorities seeking to submit their plan before June 2019 it is preferable that all SoCG are ready by submission.
- 4 The SoCG with Northumberland County Council is the most advanced of these given the stage that they are submitting their local plan for Examination in Public in May 2019.
- 5 The SoCG which has been prepared with Northumberland County Council summarises the relevant governance and working arrangements. It then sets out the key issues and outcomes from the DtC activity between the respective councils that has been undertaken.

It sets out common ground on a range of issues and does not identify any unresolved matters.

- 6 Durham considered the content of the Regulation 19 draft of the Northumberland Plan. The Northumberland Plan includes a range of policies and proposals to meet the future need for new sustainable development in Northumberland and the protection of the environment, it is not considered that its provisions will give rise to an unacceptable adverse impact upon County Durham's environment or the amenity of its local communities. Discussions as part of Duty to Cooperate have continued since Northumberland's Regulation 19 consultation and have informed the SoCG.
- 7 The full SoCG is set out in **Appendix 2** of this report.
- 8 The approval of this SoCG will enable the respective councils to fulfil part of their legal obligations regarding strategic policy making, without which the respective councils would struggle to demonstrate effective DtC activity which is a key material consideration for the examining Inspectors.

Recommendation

- 9 It is recommended that:
 - the SoCG contained within **Appendix 2** of this report is agreed.
 - Officers continue to liaise with Northumberland County Council to supplement this SoCG to ensure that it is appropriate for the purposes relating to the forthcoming formal submission of the County Durham Plan (CDP).

Background

- 10 Paragraph 27 of the NPPF (February 2019) introduces a requirement for a Statement of Common Ground (SoCG) to be prepared between strategic policy making authorities, irrespective of their current plan making position.
- 11 It is intended that a SoCG is a written record of the progress made by those authorities during the process of planning for strategic- cross boundary matters. A SoCG links to the Duty to Co-operate (DtC) obligation and should:
 - document where effective co – operation is and is not happening throughout the plan-making process

- is a way of demonstrating at examination in public that plans are deliverable over the plan period and are based on effective joint working across local authority boundaries.
 - form part of the evidence required to demonstrate that councils have complied with the duty to cooperate. (PPG Paragraph: 010 Reference ID: 61-010-20190315); and
 - be a living document.
- 12 It should not however be confused with the Statements of Common Ground that are used as a tool to agree detailed changes to policy / text during the local plan examination process, or indeed during planning appeals.
- 13 The government's intention is that all authorities have a full statement in place by the end of June 2019. For authorities like this council seeking to submit their plan before June 2019 it is preferable that a full statement is ready by the time they submit their plan.

Work undertaken to date

- 14 Durham County Council and Northumberland County Council have a long history of successful collaboration on cross boundary matters. Whilst each authority is responsible for ensuring it has a fit for purpose SoCG there is a significant level of overlap in certain matters as identified in the previous work of the LA7 group on its MoU under the Duty to Cooperate (2014) and Position Statement (2013).
- 15 In its preparation of the County Durham Plan this council has prepared is currently progressing a full DtC statement and a suite of SoCGs with neighbouring councils and other prescribed bodies. The SoCG with Northumberland County Council is one of the most advanced of these given the stage that they have reached with their Northumberland Plan which is due to be submitted on 31st May 2019.

Content of the SoCG

- 16 The SoCG which has been prepared with Northumberland County Council summarises the relevant governance and working arrangements. It then sets out the key issues and outcomes from the DtC activity between the respective councils that has been undertaken.
- 17 It is intended that this SOCG will be updated at appropriate junctures in plan making to reflect the position regarding any future strategic cross boundary matters relating to each council's areas.
- 18 The key strategic cross boundary matters falling within the scope of this SoCG are set out in **Appendix 2** and include:

- **Housing need:** Northumberland considered that development needs of County Durham could not be met in the rural parts of Northumberland bordering Durham due to Green Belt restrictions and the self-containment of the respective housing markets.
- **Green Belt:** Northumberland accept that a Green Belt extension in County Durham could be difficult to justify as exceptional circumstances. Northumberland are proposing Green Belt deletions to support economic growth in Hexham, Ponteland and Prudhoe. Durham accept that localised employment land needs in those settlements could not be appropriately accommodated in County Durham.
- **Waste:** Joint evidence has been prepared to understand movements of waste and the implications of this on strategic planning.
- **Minerals:** Joint working has produced the Local Aggregates Assessment informs policy in the local plans with an agreed approach to calculating the level of provision in each local plan.
- **Ongoing joint working:** the two authorities will continue to work closely on cross-boundary issues, and to understand the potential cross-boundary impacts. The councils work collaboratively as part of wider regional groups relating to transport, minerals and waste and continue to use these forums and address relevant topic-specific cross-boundary issues.

Options

- 19 As this is a legal obligation there are no alternative options available in respect to this matter.

Main implications

- 20 The approval of this SoCG will enable the respective councils to fulfil part of their legal obligations regarding strategic policy making, without which the respective councils would struggle to demonstrate effective DtC activity which is a key material consideration for the examining Inspectors.

Conclusion

- 21 The scope of this SoCG reflects the scope of Northumberland's local plan which is to be submitted on 31st May 2019. As such the current scope is considered to be acceptable to both parties.
- 22 The content of this SoCG reflects the DtC activity that has been ongoing between the parties and does not pose any adverse impacts upon

Durham. As such it is considered to be acceptable. Officers will continue to collaboratively prepare the content of a revised SoCG in conjunction with Gateshead in relation to the CDP.

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Appendix 1: Implications

Legal Implications

A SoCG is a statutory requirement of NPPF and is required to evidence effective DtC activity between prescribed bodies.

Finance

None

Consultation

The SoCG has been prepared in collaboration with Northumberland County Council. There is no requirement to undertake community consultation.

Equality and Diversity / Public Sector Equality Duty

No issues have been identified. The CDP to which this relates has been the subject of an EQiA and rural proofing process.

Human Rights

None

Crime and Disorder

None

Staffing

The SoCG will be monitored and updated by Officers as part of the planning policy making function of the Spatial Policy Team.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2:

Statement of Common Ground between Durham County Council and Northumberland County Council (May 2019).

Governance and Working Arrangements
<ul style="list-style-type: none">● North East LEP● NECA Regional Transport Group● North East Joint Transport Committee● LA7 Chief Executives● LA7 Economic Directors● LA7 Heads of Planning Meetings● Northumberland and Durham Duty to Cooperate Meetings● North East Minerals and Waste Policy Officers Group● North East Regional Aggregates Working Party
Engagement on Cross Boundary Matters
Key Issue and Outcome
<p>Northumberland County Council and Durham County Council have met regularly throughout the production of both authorities Local Plans.</p> <p>Durham County Council confirmed in their response to the Regulation 19 consultation on the Northumberland Local Plan Publication Draft (NLPPD), that they do not consider that the provisions of the Northumberland Local Plan will give rise to an unacceptable adverse impact upon County Durham's environment or the amenity of its local communities.</p> <p>Housing</p> <p>Durham County Council, in June 2018, asked if Northumberland County Council would be able to accommodate some of Durham County's objectively assessed housing need.</p> <p>The County responded informing Durham County that it would not be in a position to do so. It is considered that development needs of Durham County could not be met in the rural parts of Northumberland bordering Durham due to Green Belt restrictions and the self-containment of the respective housing market areas.</p>

The outcome is that there are no unresolved strategic or cross boundary matters arising from the policies and proposals of the respective development plans in regard to this matter.

Green Belt

Northumberland County Council (NCC) note that the Green Belt extension in NW Durham that had been proposed in the withdrawn plan (and which NCC had supported) is no longer being proposed. NCC understand that such an extension could be difficult to justify as exceptional circumstances and, on that basis, would not object to the removal of this proposal.

NCC have identified very localised needs for employment sites that require deletions from the Green Belt to support economic growth in Hexham, Ponteland and Prudhoe.

These Green Belt changes are proposed to meet the needs of these towns and their hinterlands, and market demand for employment land. It is not considered that these local needs could be met by the provision of employment land in other settlements, including those in neighbouring local planning authorities.

Durham County Council agrees with the approach taken to demonstrating exceptional circumstances for changing Green Belt boundaries to accommodate B class land uses at these locations, and agrees that the localised needs in these settlements could not be appropriately accommodated in Durham.

Waste

The North East authorities, Cumbria County Council, North Yorkshire County Council and other relevant stakeholders such as the Environment Agency participate in the North East Minerals and Waste Planning Policy Officers Group to discuss strategic, cross boundary issues, share information and support joint working on the evidence-base relating to waste arisings, cross boundary movements and waste management capacity.

The outcome of the work has involved identifying significant movements of waste and whether these have implications in

terms of strategic planning through the following evidence-base studies, which have been jointly commissioned: ‘Model of Waste Arisings and Waste Management Capacity (July 2012)’; ‘Production and disposal of low level radioactive waste (August 2013)’; and ‘Waste Management Capacity Update Note (January 2016)’.

Minerals

The eight Mineral Planning Authorities in County Durham, Northumberland and Tyne and Wear (Durham County Council, Gateshead Council, Newcastle City Council, North Tyneside Council, Northumberland County Council, Northumberland National Park Authority, South Tyneside Council and Sunderland City Council) work collaboratively on aggregate minerals planning matters and work jointly to prepare an annual Local Aggregates Assessment.

The outcome is that the agreed Local Aggregates Assessment informs policy in the respective Local Plans with an agreed approach to calculating the level of provision in each plan.

All of the aforementioned authorities also actively participate in the North East Aggregates Working Party alongside the five Tees Valley authorities and representatives of the aggregates industry. The North East Aggregates Working Party meet regularly (at least on an annual basis) to discuss strategic aggregates minerals planning issues and publish an Annual Aggregates Monitoring Report which provides data to inform and 16 monitor local plan policy.

The mineral planning authorities in North East England also participate in the North East Minerals and Waste Planning Policy Officers Group meetings to discuss a range of strategic, cross boundary issues relating to minerals, share information and identify opportunities for joint working.

For minerals this has led to the annual Local Aggregates Assessment being undertaken jointly with an agreed approach to calculating the level of provision in each plan.

Ongoing joint working

The two authorities will continue to work together to deliver the required development in the functional economic market areas and

housing market areas and continue to understand the impacts of growth in their respective areas. The two authorities will continue to work closely on cross-boundary issues, and to understand the potential cross-boundary impacts of housing development in our local authority areas.

The councils work collaboratively as part of wider regional groups relating to transport, minerals and waste (referred to in governance arrangements within section 6 of the Duty to Cooperate Statement and Compliance Statement), and will continue to use these forums to identify and address relevant topic-specific cross-boundary issues.