



Duty to Cooperate

Evidence Report

September 2013

'Duty to Cooperate' Evidence Report

September 2013

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1 Introduction and Context

Introduction

- 1.1 Fenland District Council is producing the Fenland Core Strategy which sets out the framework for how development will be considered across the district to 2031.
- 1.2 This Evidence Report (which is one of a collection) seeks to demonstrate how the Council has complied with the 'Duty to Cooperate' in preparing the Core Strategy.

National Context – the Act and Regulations

- 1.3 Section 110 of the Localism Act 2011 introduces a new Section 33A to the Planning and Compulsory Purchase Act 2004, namely a "Duty to Co-operate" (DtC). This duty requires planning authorities to work with other neighbouring authorities and other 'prescribed bodies' on preparing development plan documents or activities which facilitate the preparation of development plans. However, the duty only applies where such activities are a 'strategic matter'. Section 110 is reproduced in **Appendix 1** to this Evidence Report.
- 1.4 The full list of 'prescribed bodies' are set out in the Act itself plus subsequent Town and Country Planning (Local Planning) (England) Regulations 2012. For Fenland District Council, they are as follows:
 - Other local authorities, which Fenland District Council has taken to mean as all neighbouring authorities, namely:
 - Cambridgeshire County Council
 - Norfolk County Council
 - Lincolnshire County Council
 - Peterborough City Council (Unitary)
 - East Cambridgeshire District Council (Cambs)
 - Huntingdonshire District Council (Cambs)
 - South Holland District Council (Lincs)
 - King's Lynn and West Norfolk Borough Council (Norfolk)
 - Environment Agency
 - English Heritage
 - Natural England
 - Civil Aviation Authority
 - Homes and Communities Agency
 - Primary Care Trust (Cambridgeshire) (to March 2013 – now replaced by Cambridgeshire and Peterborough Clinical Commissioning Group)
 - Office of the Rail Regulator
 - Highways Agency
 - Marine Management Organisation (Lowestoft)
 - Local Enterprise Partnership (Greater Cambridgeshire – Greater Peterborough LEP)
 - Local Nature Partnerships (Greater Cambridgeshire LNP)

- 1.5 Legally, the Duty could also be argued to apply to the two bodies below, but Fenland District Council has decided that it in order to meet the requirement in the Act to maximise the effectiveness of preparing the Core Strategy it would be unnecessary, and indeed contrary to achieving ‘effectiveness’, to actively seek cooperation with the following prescribed bodies:
- Mayor of London
 - Transport for London
- 1.6 Finally, the Duty requires Fenland District Council to consult the following, but at the time of preparing the plan such an authority does not currently exist in the local area, though Cambridgeshire is contemplating becoming one:
- Integrated Transport Authority
- 1.7 Section 33A (1) and (3) of the 2004 Act (as amended) impose a duty on Fenland District Council to cooperate with the above authorities and other prescribed bodies when it undertakes certain activities, including the preparation of development plan documents such as a Core Strategy.
- 1.8 Relevant planning issues identified for consideration under the duty include the development or use of land that would have a “Significant Impact” on at least two planning areas (and in particular on strategic infrastructure) according to Section 33A (4). Section 33A (2) requires a local planning authority to “Engage constructively, actively and on an ongoing basis” in respect of the activities that are subject to the duty.

National Context – the National Planning Policy Framework

- 1.9 Paragraph 17 of the NPPF sets out the strategic issues where cooperation might be appropriate. Paragraph 178 to 181 of the NPPF gives guidance on ‘*planning strategically across local boundaries*’, and highlights the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area, through either joint planning policies or informal strategies such as infrastructure and investment plans. This guidance is set out in figure 1 below.

Figure 1 – Extract from NPPF: Planning strategically across local boundaries

Planning strategically across local boundaries	
178	Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
179	Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.
180	Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private

sector bodies, utility and infrastructure providers.

181 Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

1.10 There are two tests of soundness in the NPPF (paragraph 182) which relate directly to the Duty:□

- *Positively prepared* – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development□
- *Effective* – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

National Context – What is a Strategic Matter?

1.11 A crucial element of the Act is found in the last part of Section 33A (3) which only requires the Duty to take place on relevant activities “so far as relating to a strategic matter”. The Act then defines this as:

(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

(b) sustainable development or use of land in a two-tier area if the development or use—

(i) is a county matter, or

(ii) has or would have a significant impact on a county matter.

1.12 The NPPF assists further by stating in paragraph 178 (see figure 1) that cooperation particularly applies to the ‘strategic priorities’ as set out at paragraph 156 – see figure 2 below:

Figure 2 – Extract from NPPF: Strategic Priorities

156 Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other 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 (including heat);
- 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.

2 Evidence to Demonstrate Compliance with the Duty

Introduction

- 2.1 This part of the evidence report is in three main parts. First, it sets out some overarching evidence as to how Fenland District Council has cooperated with the appropriate bodies. Second, it then takes in turn each of the strategic priorities in paragraph 156 of the NPPF and sets out how for each of these the Council has discharged its Duty. Third, it reviews the policy in paragraphs 178-181 of NPPF to demonstrate that, where appropriate, Fenland District Council has met such NPPF policy.

Overarching Evidence – Statements at County Level (up to 2012)

- 2.2 The Cambridgeshire districts have a long track record of cooperation, including working together on Structure Plans and presenting evidence to Regional Spatial Strategies (RSSs). More recently, during the long planned demise of Structure Plans and RSSs, they have issued joint statements on the development strategy for Cambridgeshire. Initially this was a statement issued in November 2010 – see Appendix 2. A refresh was undertaken post NPPF being issued, and was issued in July 2012. It can be found at Appendix 3. Fenland District Council has been fully involved and signed up to these statements.

Overarching Evidence – Cambridgeshire and Peterborough Joint Strategic Planning Unit (JSPU)

- 2.3 Moving forward, the Cambridgeshire Districts, plus Peterborough, have recently set up a unique 'Strategic Planning Unit', the purpose of which is to maintain the good joint strategic working across the county, and follows on from the strategic working previously undertaken by the now dissolved Cambridgeshire Horizons. The unit has a dedicated resource of 1.5fte, and facilitates a (approximately) quarterly meeting of Members across all districts (three Members from each District, predominantly senior Members such as Leader and Portfolio leads for planning). It had its first meeting in July 2012. The terms of reference for the strategic unit and joint Member meeting are at appendix 4, plus available at the following weblink (where minutes and other updates can also be found):

<http://www.cambridgeshire.gov.uk/CMSWebsite/Apps/Committees/Committee.aspx?committeeID=61>

Overarching Evidence – Cambridge SHMA and Technical Report

- 2.4 The Cambridge housing market area, which includes Fenland, has a well established Housing Board which coordinates the production of updates to the SHMA plus a technical report helping to establish the 'objectively assessed need' for the area. The most recent updates were published in May 2013 (the '2012' SHMA version). Again, Fenland has had a full and active role in the preparation of the SHMA, with full details of the SHMA below:

<http://www.cambridgeshireinsight.org.uk/housing/current-version>

Overarching Evidence – Memorandum of Cooperation – Housing Apportionment

- 2.5 Perhaps the most important piece of recent evidence to demonstrate the high level of cooperation between the Cambridgeshire Districts, plus Peterborough and those Suffolk districts in the Cambridge Housing Market Area, is the recently agreed Memorandum of Cooperation (MoC) on the apportionment of housing growth targets across those districts.

- 2.6 This statement followed joint working on the SHMA update which established the 'objectively assessed need' for the area. The Statement is attached at Appendix 5. Fenland had a full and active role in assisting in the preparation of the MoC. The Council representatives agreed to it when it was presented to the May 2013 JSPU and subsequently formally endorsed it at a Cabinet meeting on 20 June 2013, details below:

<http://www.fenland.gov.uk/egenda/kab14.pl?operation=SUBMIT&meet=75&cmte=CAB&grpId=public&arc=71>

Overarching Evidence – Memorandum of Cooperation – Spatial Strategy

- 2.7 At the same May 2013 JSPU meeting, a broader Cambridgeshire-Peterborough overarching spatial strategy was approved. Again, this was subsequently endorsed by Fenland Cabinet on 20 June 2013 (see link previously). This strategy, whilst not of any statutory status, assists in filling the void created by the removal of RSS / Structure Plans and once again demonstrates the high level of cooperation between the districts. The strategy is available on our website.

Overarching Evidence – Other Joint Working at County Level

- 2.8 In addition to the above cross-district working involving Members, there are other officer-level working arrangements. First, a 'Chief Planning Officers' meeting takes place approximately every 6-8 weeks, which also often includes a wider group of senior officers from across the Local Enterprise Partnership (LEP) Area (including King's Lynn and West Norfolk Borough Council), plus representation from the LEP itself.
- 2.9 Separately, and in support of the Chief Planning Officers meeting, there is the 'Planning Policy Forum' (attended by the head of planning policy from each district, plus representation from the County Council and the Strategic Unit), a 'Development Management Forum' (attended by heads of development management teams) and a 'Monitoring Officers Liaison Group' (attended by monitoring officer leads).

Overarching Evidence – Joint Working with King's Lynn and West Norfolk Borough Council (KLWNBC)

- 2.10 The administrative boundary between Fenland (Cambridgeshire) and KLWNBC (Norfolk) includes a section which runs very close to, and partially inside, the urban boundary of Wisbech. This has necessitated close working between the two districts, plus two county councils.
- 2.11 Whilst good relations have existing for a considerable time between all parties, it began to be formalised in 2010 at a time when KLWNBC were reaching decisions on its Core Strategy (now adopted). An agreed note was signed by Portfolio leads – see appendix 6. This note formed the basis of Fenland's supportive position at the Hearing session for the KLWNBC Core Strategy.
- 2.12 Since that time, discussions have continued between the two councils, with the focus of such meetings on (a) transport implications of growth in Fenland (especially Wisbech); (b) taking forward growth east of Wisbech, with such growth straddling the administrative boundary; and (c) expansion of Wisbech port to the north, into KLWNBC administrative area.
- 2.13 For example, meetings between the head of planning policy at the two respective councils took place during 2012 on 26 January, 10 May and 30 August. Additional meetings took place regarding transport issues, including into 2013. In addition, regular email communication has taken place.
- 2.14 The key point to note from the statements and discussions is that both parties are supportive of growth proposals at Wisbech, as found in each others respective Local Plans, and both parties agree that development east of Wisbech and expansion of the port to the north should come

forward as single comprehensive schemes agreed by both councils. KLWNBC has raised no significant objections or concerns to the Core Strategy.

Overarching Evidence – Joint Working with Peterborough City Council

- 2.15 Particular attention to joint working is required between Fenland District Council and Peterborough City Council as a result of the possible development of a regional freight interchange straddling the administrative boundary as well as the relationship of Whittlesey with Peterborough, with Whittlesey being an attractive location to live whilst working in Peterborough.
- 2.16 The regional freight interchange falls primarily in the Peterborough area, though a significant portion would fall within Fenland. The wider implications of developing the site would also be felt in Fenland, especially transport implications on the rail and road network.
- 2.17 Generally, both councils support the proposal, in principle, though both have concerns at the detailed level. Accordingly, Peterborough City Council has an adopted detailed criteria based policy in its Core Strategy (2011). Fenland District Council is proposing an almost identical policy.
- 2.18 Agreement has been reached between the two parties that joint working to deal with any application for the interchange must occur, and agreement has been reached to a set of wording in the Fenland Core Strategy. Peterborough City Council has raised no significant objections or concerns to the Core Strategy.

Overarching Evidence – Joint Working with Environment Agency

- 2.19 Fenland District Council has a good working relationship with the Environment Agency, and this has enabled the production of a number of water and flood related studies to be produced over the past few years, all of which form important parts of the evidence base for the Core Strategy. Our website has full details of these.
- 2.20 Broadly speaking, the Environment Agency is supportive of the Core Strategy, though it does have a few details issues which it would like to see resolved. These issues can be dealt with separately, but there has been no question from either party of a failure to cooperate on any relevant matter.

Overarching Evidence – Joint Working with English Heritage

- 2.21 There has been a limited, but important, exchange with English Heritage (EH). EH opposed the plan at the early stages, believing there to be insufficient policy on heritage matters in the Core Strategy and thus the plan did not meet NPPF requirements. Following an exchange with EH, a new policy was devised and inserted into the plan at the Proposed Submission stage. Whilst English Heritage have a number of detailed points on the Core Strategy, it has not raised at the Proposed Submission stage any concerns over the duty to cooperate.

Overarching Evidence – Joint Working with Natural England

- 2.22 There has been a limited exchange with Natural England (NE), though no significant issues have arisen. Broadly, NE is content with the Core Strategy (especially with the introduction of a new policy at the Proposed Submission stage), the SA and HRA.
- 2.23 More widely, Natural England has been fully involved with preparation of some of our evidence base, such as the Green Infrastructure study and the emerging work of the LNP (see below).

Overarching Evidence – Joint Working with Highways Agency

- 2.24 The Highways Agency (HA) has a particular interest in the A47, and especially the growth of Wisbech and associated impact on the A47.
- 2.25 Fenland District Council, HA, KLWNBC and the two counties of Norfolk and Cambridgeshire have cooperated extensively on modelling the transport implications of growth at Wisbech and seeking solutions to the issues which arise. Considerable detail on these matters are available on the website. At the time of writing, it is also anticipated that a 'statement of common ground' will be produced between Fenland District Council and HA, further demonstrating the considerable cooperation between the parties.

Overarching Evidence – Joint Working with Local Nature Partnership (Greater Cambridgeshire LNP)

- 2.26 The Cambridgeshire LNP is in its early days of formation, but has an excellent base to work from in the form of the comprehensive Green Infrastructure study for the county which was completed recently (and which itself was prepared with considerable cooperation between the districts and other parties).
- 2.27 Nevertheless, despite the early stages of the LNP, a statement has been agreed between all the districts and the Board of the LNP which clarifies the cooperation we all have with the LNP. This is at appendix 7.

Overarching Evidence – Joint Working with Other Prescribed Bodies

- 2.28 Of the other 'prescribed bodies' for the purpose of the Duty to Cooperate (namely, Civil Aviation Authority, Homes and Communities Agency, Primary Care Trust (Cambridgeshire), Cambridgeshire and Peterborough Clinical Commissioning Group, Office of the Rail Regulator and Marine Management Organisation (Lowestoft)) we have regularly kept them informed of progress on the Core Strategy and sought their views, should they have any. Only limited correspondence has been received though no issues have been raised either by them or by Fenland District Council.

NPPF Strategic Priorities

- 2.29 The next section of this report sets out how Fenland District Council has cooperated on the strategic issues as identified in the NPPF.

NPPF Strategic Priorities: Homes and Jobs – Evidence of Cooperation

- 2.30 Earlier commentary has demonstrated cooperation at a strategic level across Cambridgeshire, which includes homes and jobs. The SHMA and MoC are particular examples demonstrating such cooperation on **housing**.
- 2.31 With respect to **meeting the jobs which are needed in Fenland**, a similar picture emerges as that for housing, comprising a history of cooperation and joint working between districts assisted by forecasting work. More recently, forecasting work undertaken in 2012 confirms that the level of employment land provided for in Fenland is appropriate and fits sub-regional needs. Further details on this are set in a separate evidence report. Officers of the Council also play an active role in the emerging work of the Local Enterprise Partnership (LEP). The LEP itself has raised no concerns with the Fenland Core Strategy.

NPPF Strategic Priorities: Provision of Retail, Leisure and other Commercial Development – Evidence of Cooperation

- 2.32 Fenland comprises several market towns, fed by surrounding villages. In respect of retail, leisure and other commercial facilities, it generally serves its own population i.e. there is limited draw in to Fenland from neighbouring districts for any of these types of land use. There is, however, some draw in the opposite direction with residents of Fenland accessing larger centres for retail, leisure and other purposes, especially Peterborough, Cambridge and King’s Lynn. Fenland District Council acknowledges and accepts this situation, and there has been no objection from any authority to this approach.
- 2.33 This issue is therefore not considered to be a priority area for cooperation from Fenland District Council perspective.

NPPF Strategic Priorities: Provision of Infrastructure (transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, minerals, energy (including heat), health, security, community, cultural and other local facilities) – Evidence of Cooperation

- 2.34 The Fenland Neighbourhood Planning Vision (FNPV) work of 2010-11 included considerable work with partners, including those which have a duty to cooperate, to help establish the infrastructure needs of Fenland. This work assisted in the preparation of the Fenland Infrastructure Delivery Plan (available on our website).
- 2.35 Separately, comprehensive work has taken place with Environment Agency, Anglian Water and the Internal Drainage Boards to help prepare a variety of water and flood risk assessment work (see separate evidence documents)

NPPF Strategic Priorities: climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape – Evidence of Cooperation

- 2.36 The aforementioned water related work is relevant to this issue, but in addition Fenland District Council works closely with Cambridgeshire County Council, assisting in the latter’s new role as a Lead Local Flood Authority following enactment of the Flood and Water Management Act 2010.
- 2.37 We have cooperated with a wide variety of bodies on green infrastructure matters, culminating in the publication of the Cambridgeshire Green Infrastructure Strategy. We have also worked closely with Natural England as we progress our Habitats Regulations Assessment (HRA) work.
- 2.38 English Heritage (EH) has responded in detail at each stage of our Core Strategy consultation, and made helpful comments each time (see earlier for more details).

Meeting NPPF paragraphs 178-181

- 2.39 The next section of this report demonstrates Fenland District Council has met the NPPF requirements set out in paragraphs 178-181

NPPF Para 179: “consider producing joint planning policies on strategic matters”

- 2.40 To date, it has not been considered appropriate or necessary to produce any development plan documents across the whole or part of Fenland and the whole or part of any other district. This has been confirmed via an explicit request on two occasions in 2012 to neighbouring authorities (see appendix 8 and 9).

- 2.41 However, below the level of a formal development plan document, there is in principle agreement to undertake some form of joint planning on three aspects: first, for development east of Wisbech (with KLWNBC), second for the expansion of Wisbech port (with KLWNBC) and third, for development of the regional freight interchange (with Peterborough City Council). In these cases, a comprehensive delivery scheme will need to be jointly agreed by both councils before proposals proceed to a planning application, and potentially these comprehensive delivery schemes could be prepared as formal Supplementary Planning Documents. The Core Strategy explicitly explains this matter.
- 2.42 Therefore, it is evident that Fenland District Council has carefully considered producing joint plans, has sought views of neighbouring authorities and is taken forward joint work where agreed with other parties. There are no outstanding objections in this regard.

NPPF Para 179: “consider producing...informal strategies such as joint infrastructure and investment plans”

- 2.43 A number of joint strategies and evidence base has been produced jointly with other bodies, namely:
- Green Infrastructure study (with Cambridgeshire Districts)
 - SHMA (with Districts in the Cambridge housing sub region)
 - Cambridgeshire Spatial Strategy (see earlier for details)
 - Affordable Housing Viability Study (with East Cambs and Forest Heath)
 - Water Cycle Study and other flood risk related work (with Environment Agency, Anglian Water and the Internal Drainage Boards)
 - The FNPV work (with Cambridgeshire County Council, EEDA, HCA, NHS)
- 2.44 We are not aware of any objections from any party regarding the need for any other form of informal strategies.

NPPF Para 181: “could be by way of plans or policies prepared as part of a joint committee”

- 2.45 There is no current proposal or need for a formal joint committee, but see earlier commentary on the informal Joint Strategic Planning Unit which has and is preparing a number of non-statutory agreements.

NPPF Para 181: “could be...a memorandum of understanding or a jointly prepared strategy”

- 2.46 Please see earlier commentary on agreed statements of cooperation, covering housing apportionment, broad spatial strategy and the LNP statement.

3 Seeking confirmation of Cooperation and Conclusion

Introduction

- 3.1 This Evidence Report has set out comprehensive evidence of Fenland District Council appropriately cooperating with partners.
- 3.2 However, as a 'belt and braces' approach, Fenland District Council decided to directly contact Duty to Cooperate bodies to seek confirmation that, from their perspective, they believed Fenland District Council was cooperating appropriately.

February 2012

- 3.3 First, in February 2012, Fenland District Council wrote to all neighbouring planning authorities (eight authorities), seeking their confirmation on a number of matters. Appendix 8 contains copies of those letters, with the letters to KLWNBC and Peterborough City Council being slightly more bespoke letters due to the more specific cross border issues with those two authorities.
- 3.4 Replies were received from seven of the eight authorities. Only Cambridgeshire CC did not respond in writing, though regular dialogue was taking place between the two parties at the time.
- 3.5 Of the seven responses, six raised no objections. The seventh, by Huntingdonshire DC, stated that it was unable to agree either way. Despite conversations with officers of Huntingdonshire DC, it remained unclear what concern Huntingdonshire DC had. However, Fenland District Council did not believe it was a fundamental 'problem' or lack of cooperation, but rather Huntingdonshire DC had decided to take a very cautious stance at an early stage of plan making and that it did not want to indicate any 'position' at such an early stage. At the Proposed Submission stage, Huntingdonshire District Council did not make any representations on the Core Strategy.

July 2012

- 3.6 In July 2012, a similar exercise to the February 2012 exercise was undertaken. This took place at a draft stage of the Core Strategy as part of a consultation which took place between July-September 2012. However, the 'Duty to Cooperate' request, via email, from Fenland District Council was widened to cover the now available full list of bodies which fall under the Act as Duty to Cooperate bodies with Fenland (a total of eighteen bodies). A full list of where the July 2012 email was sent, and the email which was sent, is contained at appendix 9.
- 3.7 Of the response received, the only one raising any 'duty to cooperate' concerns was from English Heritage, which, in simple terms, claimed that a lack of Heritage policy in the Core Strategy, despite an early request for one, was potentially a failure on Fenland District Council under the Duty to Cooperate. Whilst one may argue whether it was, in reality, a potential failure to agree (rather than a failure to cooperate), Fenland District Council nevertheless has subsequently introduced a heritage policy to the Core Strategy and we now understand that such a duty to cooperate concern from English Heritage has been satisfied.

Conclusion

- 3.8 Fenland District Council has made considerable efforts to cooperate with a wide range of stakeholders, not just those under the Duty to Cooperate.
- 3.9 As this Statement confirms, Fenland District Council is not aware of any outstanding Duty to Cooperate issues. As such, the Fenland District Council is very confident that this legal duty has been fully met.

Appendix 1

Section 110 (1) of the Localism Act 2011

Duty to co-operate in relation to planning of sustainable development

(1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

“33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

- (a) a local planning authority,
- (b) a county council in England that is not a local planning authority, or
- (c) a body, or other person, that is prescribed or of a prescribed description,

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
- (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—

- (a) the preparation of development plan documents,
- (b) the preparation of other local development documents,
- (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
- (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
- (e) activities that support activities within any of paragraphs (a) to (c),

so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
- (b) sustainable development or use of land in a two-tier area if the development or use—
 - (i) is a county matter, or
 - (ii) has or would have a significant impact on a county matter.

(5) [*this subsection defines “county matter”, “planning area”, “two-tier area” and is not repeated here*].

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and

(b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section—

“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and

“land” includes the waters within those regions and the bed and subsoil of those waters.”

Appendix 2 - Joint Statement On The Development Strategy For Cambridgeshire By The Cambridgeshire Authorities – November 2010

JOINT STATEMENT ON THE DEVELOPMENT STRATEGY FOR CAMBRIDGESHIRE BY THE CAMBRIDGESHIRE AUTHORITIES

1 Introduction

- 1.1 This statement has been prepared by the Cambridgeshire authorities to set out our position regarding the development strategy for the County in light of the Government's recent announcement of the revocation of Regional Spatial Strategies and aspiration for a locally based planning system.
- 1.2 The Cambridgeshire authorities have a long history of joint working on planning issues and will continue to work together to share information and develop good practice. A significant evidence base has been built up that provides the authorities with important information to guide further work. An important outcome of this approach was the Cambridgeshire and Peterborough Structure Plan - a sustainable strategy for growth that was tested at Examination and adopted in 2003. This strategy was adopted largely unchanged in the Regional Spatial Strategy (2008) and the authorities' response to the RSS review in 2009. The Structure Plan strategy has also informed the development of the City and District Councils' Local Plan and Local Development Frameworks and is currently being implemented by the authorities through their development decisions.

2 Cambridgeshire strategy

- 2.1 The Cambridgeshire authorities remain committed to the strategy for planning in the County, including the provision of housing, as originally established by the Structure Plan and as now partially set out in saved Structure Plan policies and as reflected by the policies and site proposals in the Cambridge Local Plan and District Councils' Development Plan Documents and developing strategies for market towns.
- 2.2 The key objective of the strategy is to locate homes in and close to Cambridge, following a comprehensive review of the Cambridge Green Belt, and to other main centres of employment, while avoiding dispersed development which increases unsustainable travel and makes access to services and community facilities difficult. Further sustainable locations for growth focus mainly on Cambridgeshire's market towns.
- 2.3 This strategy makes provision for development:
 - within Cambridge or as sustainable extensions to the urban area, subject to environmental capacity and compatibility with Green Belt objectives.
 - at the new town of Northstowe, linked to the guided busway;
 - within, or as sustainable extensions to, the market towns of Wisbech, March, Ely, Huntingdon and St Neots, subject to the potential for regeneration and the provision of essential infrastructure and public transport improvements¹; and
 - within, or as extensions to, other market towns, where development would increase the towns' sustainability and self-containment, improvements to infrastructure and services are planned or will be provided and high quality public transport provision can reduce the impacts

¹ Huntingdon and St Neots in this policy refers to the Spatial Planning Areas as defined in the adopted Huntingdonshire Core Strategy

of out-commuting.

- 2.4 This strategy has met with considerable success so far and a large number of sites have already been delivered throughout the County or are under construction, with more remaining to be developed. Despite the recession, construction has continued and Cambridgeshire is identified as one of the key areas of the country likely to lead the national economy into recovery.
- 2.5 Despite recent announcements about the relocation of Marshalls from Cambridge airport, the authorities consider that Cambridge East retains great potential for sustainable development and currently remains part of the strategy. The authorities also consider that there is sufficient availability of housing land over the short to medium term. Cambridge East will be considered alongside other sites as part of a fuller review of the strategy.

3 Looking forward

- 3.1 The Cambridgeshire authorities remain committed to the strategy for planning in the County outlined above, as embedded in the Cambridge Local Plan and District Councils' Development Plan Documents. However, with factors such as fragile economic growth, the need to rebalance the economy towards the private sector, changing demographic pressures, the challenges of climate change, uncertainty over infrastructure provision and emerging proposals for the Greater Cambridge and Greater Peterborough Local Enterprise Partnership, there remains a need to keep the strategy under review.
- 3.2 The authorities will continue to work together on place-shaping issues and will begin gathering evidence to inform decisions on future development levels and locations, so that the strategy that emerges will be based on a thorough understanding of the issues the County faces, including cross-County boundary impacts. Moves to a more locally based planning system will provide the authorities with much greater freedom. We will ensure that under this new system the future strategy is driven by the needs and aspirations of local communities, is fully deliverable, ensures the County's continuing economic success and protects and enhances Cambridgeshire's unique environment.

Appendix 3 – Updated Joint Statement On The Development Strategy For Cambridgeshire By The Cambridgeshire Authorities – July 2012

JOINT STATEMENT ON THE DEVELOPMENT STRATEGY FOR CAMBRIDGESHIRE AND PETERBOROUGH BY THE LOCAL AUTHORITIES²

1 Introduction

- 1.1 In 2010 the Coalition Government announced its intention to abolish Regional Spatial Strategies (and by extension any ‘saved’ Structure Plan policies) and introduce a wholly locally-based planning system. In response to this changing policy environment the Cambridgeshire authorities issued a joint statement in autumn 2010 to set out their position in support of the existing, established development strategy for the County.
- 1.2 This statement updates and replaces that earlier one in the light of events since its publication in 2010. It is expanded to cover Peterborough in addition to Cambridgeshire, reflecting the history of joint working between the two areas, the shared objectives within the Local Enterprise Partnership, and the recent agreement to co-operate effectively and work together on strategic planning issues.

2 Background

- 2.1 The existing development strategy originated in the Cambridgeshire and Peterborough Structure Plan 2003 and with the support of all of the Cambridgeshire local authorities was incorporated in the East of England Plan (the Regional Spatial Strategy) published in 2008. These strategic plans informed the development of the City and District Councils’ Local Plan and Local Development Frameworks, which currently are being implemented.
- 2.2 The key objective of the strategy is to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and to other main centres of employment, while avoiding dispersed development which increases unsustainable travel and restricts access to key services and facilities. Further sustainable locations for growth focus mainly on Cambridgeshire’s market towns and Peterborough’s district centres, with one large new town (Northstowe) to be connected to Cambridge and other key locations through a new dedicated public transport option, the Cambridgeshire Guided Busway.
- 2.3 Implementation of the strategy is on-going, with new urban extensions being delivered in Cambridge and Peterborough. With the Busway now up and running, significant development activity is underway in Cambridge’s southern and north-west fringes and an application for a first phase for the new town of Northstowe has been submitted. Major developments, essential regeneration and infrastructure provision in Cambridgeshire’s market towns continue to make positive progress.

3 National and Local Developments

- 3.1 The National Planning Policy Framework, published recently, requires all local authorities to plan for sustainable development including planning positively for economic growth, with their local plans being prepared on the basis that objectively assessed development needs should be met. With the enactment of the Localism Act in 2011, all local authorities are now under a

² Cambridgeshire County Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council and South Cambridgeshire District Council.

Duty to Co-operate in the preparation of their plans, both with each other and a range of other bodies.

- 3.2 The national economic situation has presented significant challenges in maintaining the pace of growth and the delivery of sufficient investment where it is most needed. In the face of these challenges, the Cambridgeshire and Peterborough local authorities have continued to take a positive attitude to delivery of the development strategy and have taken innovative approaches to funding challenges - for example, the equity investment in the southern fringe sites. This has enabled development to start earlier than would otherwise have been the case, whilst still securing a future financial return for the authorities, which can then be reinvested to support future high quality growth for the benefit of local communities.
- 3.3 The Greater Cambridge-Greater Peterborough Local Enterprise Partnership is now well-established and has secured the designation of an Enterprise Zone at the former Alconbury airfield. The County Council has also announced it is putting in place the funding to deliver a new rail station in the north of Cambridge, which will enhance public transport accessibility and provide some relief to congestion within the city. Work is now underway, led by the Department for Transport but working in partnership with the County and District Councils, to find a way forward for delivering improvements along the A14 corridor. The outcomes are critical in order to support a range of key development locations, including at Northstowe. An announcement from Government on the way forward is expected this summer.

4 The Response to these Challenges

- 4.1 Despite the clarity of and support for the existing development strategy, the local authorities realise the need to keep the broader, strategic perspective under consideration. As a result, all authorities except Peterborough City Council, which last year adopted a Core Strategy running to 2026, are undertaking a review or roll forward of their local plans.
- 4.2 The need for this work results from a range of factors, including fostering continued economic growth, providing sufficient housing and the need for delivery of the necessary infrastructure to support the development of sustainable communities. The review or roll forward of plans will also need to take account of the fundamental changes that are likely to impact on the existing strategy – for example, the current unavailability of Cambridge Airport for housing development or the introduction of the Enterprise Zone at Alconbury. With regard to the Enterprise Zone the local authorities will need to consider and effectively respond to the wider spatial implications of that designation as a matter of urgency. Nevertheless, it is critical that a combined clear focus and effort remains on the effective delivery of the existing ambitious strategy and the major developments that are part of it; and to recognise that Cambridgeshire and Peterborough, as a whole, still have more than adequate land coming forward to effectively deliver sustainable growth, which can be continued as the strategy is updated .
- 4.3 Preparation of these updated plans will take account of policies outlined in the National Planning Policy Framework, including wide community engagement in accordance with the principles of localism. This will enable engagement around a range of development needs, including community-based, locally-generated proposals as well as those of more strategic significance. Furthermore, the local authorities will continue their long history of close collaboration and joint working as part of their Duty to Co-operate. This will include jointly gathering appropriate forms of evidence to both inform their plans and to shape the formulation of their strategies. Their work will be supported and constructively challenged at a strategic level by a newly-formed Joint Strategic Planning Unit. Close links to the Local Enterprise Partnership will also be further developed.

- 4.4 In undertaking the review or roll forward of their plans, the local authorities are clear that fundamentally they will continue to be guided by the strategic principles which underpinned the original growth strategy, first set out in the 2003 Structure Plan. Locating homes in and close to urban areas and to other main centres of employment is critical to ensure appropriate, sustainable development. It is essential, therefore, that the future development needs of the wider area are considered and agreed through a strategic plan-led approach, which takes account of identified local and national priorities.
- 4.5 Pending this review of the strategy, the local authorities are clear that they remain committed to delivering the existing planned strategy, and that significant capacity exists in terms of housing and employment land supply as we recover from the recession. During the transition period leading up to the introduction of their new, updated local plans, the local authorities will continue to give full weight to current, adopted planning policies.

July 2012

Appendix 4 – Strategic Unit Terms of Reference (as agreed in July 2012)

Terms of Reference

Purpose

The Group has been established to steer the development of joint strategic planning and transport work across Cambridgeshire & Peterborough, following the abolition of the requirement to produce any form of strategic spatial plan.

Role and Outcomes

The main role of the Group is to ensure that a coherent approach is taken to development strategies across Cambridgeshire and Peterborough and that the Duty to Co-operate is actively addressed.

The key outcomes from the Group will be:

- a) To steer the development of a non-statutory spatial framework for Cambridgeshire & Peterborough to at least 2031; and
- b) To steer the development of a long-term transport strategy for Cambridgeshire covering 2012 – 2050.

The Group will not have any formal decision-making powers. It will meet in public unless, exceptionally, it is agreed that matters of commercial or other sensitivity should be discussed in private.

Membership

The Group will consist of three Members from each of Cambridge City Council, Cambridgeshire County Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council, and South Cambridgeshire District Council. Individual membership of the Group will be determined by each authority. Each authority should also nominate substitutes should the core participants not be able to attend particular meetings.

Chair

The Chairman will be nominated and elected at the first meeting. This role will be reconsidered annually, dependent on the overall timescales for achievement of the outcomes outlined above.

Frequency of meetings

The Group will meet initially in early July 2012. Following this, meetings will be quarterly unless there are specific or exceptional reasons to meet more often.

Secretariat

The secretariat for the Group will be provided by the Joint Strategic Planning Unit. Meetings will be held at Cambridgeshire County Council's offices unless agreed otherwise.

Appendix 5 – Memorandum of Cooperation

Objectively Assessed Need for Additional Housing – Memorandum of Cooperation between the local authorities in the Cambridge Housing Market Area

1.0 Introduction

- 1.1 The National Planning Policy Framework (NPPF) requires local planning authorities to have a clear understanding of housing needs in their area. To achieve this, they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period³. This is a key part of the evidence base to address the NPPF requirement of ensuring that Local Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework⁴.
- 1.2 The Localism Act 2011 places a Duty to Co-operate on local planning authorities⁵. This requires them to engage constructively, actively and on an on-going basis in the preparation of development plan documents where this involves strategic matters. National policy in the NPPF adds to this statutory duty as it expects local planning authorities to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts.

2.0 The Cambridge Sub-Region Housing Market Area

- 2.1 The Cambridge Sub Region Housing Market Area comprises all five Cambridgeshire districts (Cambridge City, East Cambridgeshire, Huntingdonshire, Fenland and South Cambridgeshire), plus the west Suffolk districts of Forest Heath and St Edmundsbury. Due to its historic and functional ties with Cambridgeshire, plus its own housing market area overlapping with the Cambridge Housing Market Area, Peterborough City Council has also collaborated with these local authorities.

3.0 Demonstrating the Duty to Co-operate

- 3.1 The seven districts within the housing market area, together with Peterborough City Council, have collaborated in recent months to meet the requirements of the NPPF set out in section 1.0. The outputs from this collaboration are a new chapter of the SHMA, which identifies the scale and mix of housing needed across the area by 2031 (and extending to 2036 for Huntingdonshire to meet its proposed local plan end date). Integral to this is a separate Technical Report, which provides an overview of the national, sub-national and local data drawn upon to inform the levels of housing need set out in the SHMA.
- 3.2 The outcome of this work is that an additional 93,000 homes are forecast to be needed across the housing market area between 2011 and 2031. The table below sets out the breakdown of this total figure in more detail.

³ National Planning Policy Framework, paragraph 159.

⁴ NPPF, paragraph 47.

⁵ Localism Act 2011, section 110.

All dwelling change 2011 to 2031

District	All dwelling change 2011 to 2031
Cambridge	14,000
East Cambridgeshire	13,000
Fenland	12,000
Huntingdonshire	17,000 (21,000 to 2036)
South Cambridgeshire	19,000
Cambridgeshire	75,000
Forest Heath	7,000
St Edmundsbury	11,000
Housing sub-region	93,000

Source: *Strategic Housing Market Assessment*

- 3.3 In determining housing targets in their local plans, local authorities should take account of the requirements of national policy and local circumstances.
- 3.4 In this regard, it should be noted that the Peterborough housing market area overlaps into Cambridgeshire. Peterborough is the largest urban centre within the travel to work area for the Cambridgeshire sub-region and is a major employment location with good transport links and infrastructure. On the basis of currently available figures, it has a net daily in-commute from Cambridgeshire of around 7,000 people. Peterborough has an up to date Local Plan (Core Strategy adopted in 2011 and a Site Allocations DPD adopted in 2012) with a substantial housing growth target of 25,450 between 2009-26.
- 3.5 Based on this background and engagement between all the local authorities listed in section 2.0, under the Duty to Co-operate, it is acknowledged by the authorities that Peterborough, in its up to date Local Plan, has already accommodated a proportion of the housing need arising in the Cambridge Housing Market Area, and it has been agreed that this proportion could reasonably be assumed to amount to approximately 2,500 homes (i.e. around 10% of its overall housing target).
- 3.6 Separately, Fenland and East Cambridgeshire District Councils have made considerable progress to date with their local plan reviews and, therefore, have established a good understanding of their areas' development opportunities and constraints. They have also taken account of the July 2012 joint statement by Peterborough and the Cambridgeshire authorities which confirmed that the 'strategy is to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and to other main centres of employment, while avoiding dispersed development'⁶.
- 3.7 Based on all of the above, and agreement between all the local authorities working within the Duty to Co-operate, it has been agreed that, in their Local Plans, provision should be made for 11,000 dwellings in Fenland and 11,500 dwellings in East Cambridgeshire, rather than the full identified need set out in the table above.
- 3.8 Overall, and taking account of the 2,500 dwelling element of the Cambridge HMA's need already met in Peterborough's Local Plan, this leaves 90,500 dwellings to be provided in the Cambridge HMA to ensure that the full objectively assessed need for housing in the Cambridge HMA will be met in forthcoming Local Plan reviews. The level of provision to be made by district is set out in the table below.

⁶ Joint Statement on the Development Strategy for Cambridgeshire and Peterborough by the local authorities, July 2012.

All dwelling provision 2011 to 2031

District	All dwelling provision 2011 to 2031
Cambridge	14,000
East Cambridgeshire	11,500
Fenland	11,000
Huntingdonshire	17,000 (21,000 to 2036)
South Cambridgeshire	19,000
Cambridgeshire	72,500
Forest Heath	7,000
St Edmundsbury	11,000
Total	90,500

4.0 Conclusion

- 4.1 The purpose of this memorandum is formally to record and make public the local authorities' agreement under the Duty to Cooperate to the position as set out in this Memorandum, subject to ratification by their full Council as part of their individual Local Plan preparation.
- 4.2 The eight authorities that form signatories to this memorandum agree, therefore, that the figures in the table above (and taking account of provision already met within Peterborough) represent the agreed level of provision by district in order to meet the overall identified need for additional housing within the Cambridge Sub Region Housing Market Area.

Appendix 6

Joint working between Borough Council of Kings Lynn and West Norfolk and Fenland District Council to address growth around Wisbech

1. Background

1.1 The location of Wisbech adjacent to the boundary with Kings Lynn and West Norfolk and the function of the town impacts significantly on parishes in West Norfolk. The preparation of a Core Strategy for West Norfolk gives an opportunity to establish how the function of Wisbech can be supported through provisions in the West Norfolk Core Strategy. The different timescales for the LDF work in the two districts precludes joint work, but mechanisms can be put in place to reflect the geography, and understand the role West Norfolk can play to reinforce the function of Wisbech.

1.2 Wisbech, a town with a population of approximately 23,000, lies within the administrative area of Fenland District Council in Cambridgeshire. Wisbech is located in the northern part of Fenland District adjacent to the A47 Trunk Road, linking Peterborough with Kings Lynn and beyond. It is the largest town in the District. The town is located on the River Nene and today still has port facilities on the river. Wisbech's rail link with March is now disused although a rail-bus service links the town with both Peterborough and Kings Lynn.

1.3 The boundary of the Borough Council of Kings Lynn and West Norfolk in the county of Norfolk lies directly to the east of the town. Some parishes within West Norfolk - Emneth and Walsoken particularly, contain development which is contiguous with the built up area of the town.

1.4 The town is some 12 miles from Kings Lynn and 22 miles from Peterborough. It has a good range of facilities and employment opportunities. It serves a rural hinterland within both counties.

2. Progress with LDF documents

2.1 Kings Lynn and West Norfolk -

- Local Plan adopted in 1998
- Core Strategy in preparation. A Regulation 25 consultation stage was undertaken in February 2009.
- Anticipated Pre - Submission publication document December 2009.
- Site Specific Regulation 25 (stage1) published in April 2009. Stage 2 consultation anticipated in March 2010.

2.2 Fenland District Council -

- Local Plan adopted in 1993
- Local Plan Interim Statement of Proposed Changes 2001
- Core Strategy in preparation. A Regulation 25 consultation was undertaken in October 2007 resulting in significant issues raised by the Highways Agency and the Environment Agency regarding growth in and around Wisbech
- Anticipated Pre-Submission publication document spring/summer 2011 (to include Strategic Allocations in Chatteris and March and Broad Locations in Whittlesey and Wisbech).

3. Aspirations for Wisbech

3.1. Wisbech is the largest settlement within Fenland District. It is an appropriate place for significant development.

3.2 Growth levels for the town are being considered through the Shaping Fenland Project. This study includes an assessment of the overall scale of growth for Fenland including an infrastructure implementation and delivery study. This work is assessing three possible levels of growth for Fenland up to 2031.

3.3 Previous work on the Settlement Hierarchy as part of the preparation of the Fenland Core Strategy (September 2007) suggested that the majority of growth will be in the market towns in the District. However the larger market towns of March and Wisbech will take the greater proportion of this growth. A figure of 2000 homes on new land was suggested for Wisbech as part of meeting land requirements across the District for the period up to 2026; this is currently under review as part of Shaping Fenland. The Core Strategy for Fenland is still in preparation.

3.4 The Core Strategy for Kings Lynn and West Norfolk is at a significant stage and has recently been published for consultation as a Pre - Submission document.

4. Studies underway

4.1 As part of the Fenland Core Strategy work 2 significant studies are being undertaken to address the issues raised during the consultation exercise (see 2.2 above) -

- Strategic Flood Risk Assessment (Level 2)
- A47 Transport Study

4.2 Preliminary indications are that -

- With regard to flood risk, this may necessitate a change in the preferred development strategy for Wisbech. Instead of a major new eco-quarter (2000+ dwellings) in West Wisbech consideration may have to be given to a significant urban expansion (1000 dwellings) in East Wisbech up to the District boundary,
- With regard to the A47 Transport Study interim findings suggest development either west or east of Wisbech will have implications for the A47 and will require further dialogue with the Highways Agency, The latter have already raised this issue in relation to proposals for 500+ dwellings on the east side of Wisbech in the Kings Lynn & West Norfolk Core Strategy.

5. The way forward

5.1 The Borough Council of Kings Lynn and West Norfolk wishes to support the function of Wisbech as a service centre for a significant rural area, including villages in West Norfolk. As part of establishing the broad levels of housing to be allocated for different areas the following statement has been included in its Core Strategy as part of the overall Spatial Strategy (Policy CS01):

The area adjacent to Wisbech

Although the town of Wisbech is beyond the Borough's administrative area it does provide services and employment to people living in the Borough.

The Council will be supportive in principle to:

- *The expansion of the port-related employment area into land predominantly within the*

Borough.

- *Consider the provision of at least 500 new houses to the east of the town.*

(The nature and scale of this development will be dependant upon the outcome of work by Fenland District Council addressing the strategic role of Wisbech, the scale of housing provision overall, the impact of Strategic Flood Risk Assessment and the impact upon traffic using the A47(T). The Borough Council will review the potential for further joint study with Fenland District Council as these issues achieve more clarity).

In addition as part of the Core Strategy Housing policy (CS09) the following statement appears:

- **Wisbech fringe (Emneth / Walsoken)** - *Provision will be made for at least 500 new dwellings to support the service centre function of Wisbech.*

5.2 The overall potential development locations in the wider Wisbech area cannot be identified until the studies being undertaken by Fenland District Council have concluded and analysis undertaken of the implications. This will include the outcome of the Shaping Fenland Study that will assess all the Fenland broad location areas. However it is important that Kings Lynn and West Norfolk Borough Council can give a strategic indication of how it can contribute to the function of Wisbech as a significant service centre as part of its Core Strategy. The policy approach it has agreed seeks to convey:

- Support for the role and function of Wisbech
- An indication of the types of development which are important to the role of Wisbech i.e. port employment and housing.
- The scale of development
- Location of development (essentially the parishes in West Norfolk which abut Wisbech).
- Factors on which further decisions will be dependent

6. The involvement of partners

6.1 It is also recognised that many organisations will need to be involved in discussions to provide a comprehensive and joined up plan for significant new development in Wisbech. There is a need to involve key stakeholders that have an important role to play early in the process. This is especially important where these organisations are local service providers whose work may be impacted upon such as Cambridgeshire and Norfolk County Councils.

6.2 As Planning Authorities we recognise the need for a fully joined up approach. This is necessary to ensure that we have the right balance between homes and employment but also key services. It is critical that new development is supported by essential services and infrastructure such as transport, roads and shops. Community Infrastructure such as schools, open space and healthcare are also important considerations. Assessing the requirements for infrastructure and community facilities along with a framework for how this will be provided, will form a critical part of the joint approach in the future.

7. Conclusion

7.1 This joint approach to addressing the needs of Wisbech as contained in the Kings Lynn and West Norfolk Core Strategy Proposed Submission document is supported by Fenland District Council.

7.2 A continuing joint approach is needed to ensure that the outcomes from the studies currently in preparation can be taken forward into Site Specific Allocations documents for West Norfolk and the emerging Core Strategy for Fenland.

Note prepared jointly by Fenland District Council and Kings Lynn and West Norfolk Borough Council
October 2010

Signed on behalf of KINGS LYNN & WEST NORFOLK DISTRICT COUNCIL:

Name:

Position:

Date:

Signed on behalf of FENLAND DISTRICT COUNCIL:

Name:

Position:

Date:

Appendix 7

Greater Cambridgeshire Local Nature Partnership

A Statement of Cooperation between the Greater Cambridgeshire Local Nature Partnership and the applicable local planning authorities – April 2013

Introduction

The 2011 Natural Environment White Paper 'The Natural Choice' strongly supported the role of a healthy natural environment in delivering multiple benefits. There is good evidence that it is a cost-effective tool that can help local authorities to:

- support economic and social regeneration
- improve public health
- improve educational outcomes
- reduce crime and antisocial behaviour
- help communities adapt to climate change and
- improve the quality of life across a wide area.⁷

To help deliver this broad agenda, the White Paper recommended the establishment of Local Nature Partnerships (LNP). Over 50 have now been granted LNP status across England including the Greater Cambridgeshire LNP. This LNP embraces all of Cambridgeshire and Peterborough, and abuts similar partnerships in adjoining counties.

The main purposes of the LNPs are to:

- embed the value of the natural environment into local decision making
- promote sustainable land use and management
- promote the greening of economic growth
- advise on strategic planning matters
- enhance the quality of life, health and well-being of citizens.

The Greater Cambridgeshire LNP

The Greater Cambridgeshire LNP was granted LNP status in autumn 2012. Its emerging vision is:

The Greater Cambridgeshire Local Nature Partnership will work to achieve a high quality natural environment in Cambridgeshire and Peterborough that will benefit business, communities and individuals.

The first meeting of the Board was in January 2013. Councillor Mike Rouse (East Cambs DC) was elected chair of the board, with the Wildlife Trust as vice chair. Other board members represent a cross section of interests including local authorities, environmental interests (Wildlife Trust and RSPB), Cambridgeshire ACRE, Cambridgeshire Local Access Forum, NFU, CLA, Public Health and the LEP. Defra is represented through Natural England/Environment Agency.

The work of the LNP is still in its infancy, though it will continue to embrace the long-standing and effective green infrastructure partnerships that have previously existed in Cambridgeshire and Peterborough. It is anticipated that the LNP will bring added value for the natural environment as a:

- Single strong voice championing the natural environment
- Mechanism for joined up working between sectors

⁷ HM Government 'The Natural Choice. What the Natural Environment White paper means for local authorities.'

- Way of achieving greater efficiencies through proactive partnership working and better use of resources
- Strategic leader of local delivery: agreed vision and action plan taken into account in local decision-making
- Channel for community engagement in nature, sharing best practice so adding value at a local level
- Co-ordinator of funding bids, including cross-sector

Strategic planning context

All of Cambridgeshire’s district councils are currently well progressed in preparing a refreshed Local Plan for their area. Peterborough City Council is likely to commence a refresh within the next few years, whilst Cambridgeshire County Council has recently adopted a suite of Minerals and Waste planning policy documents.

When undertaking a refresh of their Local Plans, Local Planning Authorities (LPAs) have a ‘Duty to Cooperate’ with a number of bodies. This means LPAs must engage constructively, actively and on an ongoing basis in relation to planning of sustainable development with a number of prescribed bodies, with one such body being the LNP for its area.

Statement of Cooperation between the LNP and the LPAs

The Greater Cambridgeshire LNP and the LPAs within its area recognise the long standing cooperation on green infrastructure issues which has taken place in the area (including the Green Infrastructure Strategy of 2011). Moving forward, the LNP and the LPAs look forward to continued cooperation for mutual benefit.

The LPAs support the emerging broader vision of the LNP and are committed to ensuring their Local Plans make appropriate policy support for the provision and protection of green infrastructure to achieve wider social and economic benefits, and the LPAs will work with the LNP to ensure the evidence base for green infrastructure is kept up to date. As and when the priorities and action plans of the LNP are finalised or updated, the LPAs will, as part of preparing their next available Local Plan, work with the LNP and take account of such priorities.

The LNP acknowledges that LPAs are currently well progressed in the preparation of new Local Plans, and has welcomed the LPAs’ support of the LNP. At this early stage in the preparation of LNP priorities and action planning, the LNP is satisfied that LPAs are, in principle and at a strategic level, appropriately addressing green infrastructure issues in their respective Local Plans. However, the LNP reserves the right to make individual representations to each Local Plan as and when such a plan is issued for consultation. The LNP acknowledges the careful judgements which LPAs have to take in balancing the various aspects which leads to sustainable development.

The LNP and the LPAs look forward to a future of continued cooperation and mutual support.



Appendix 8

To:

- East Cambridgeshire District Council
- Huntingdonshire District Council
- South Holland District Council
- Cambridgeshire County Council
- Lincolnshire County Council
- Norfolk County Council

Richard Kay
Neighbourhood Strategy
Fenland District Council
Direct Dial: 01354 622347
Development Services Fax: 01354 606919
E-mail: rkay@fenland.gov.uk

February 2012

Dear Madam,

The Localism Act now requires a 'Duty to Cooperate' between Local Authorities. The purpose of this formal duty is to maximise the effectiveness of joint working between Councils when preparing development plan documents such as a Core Strategy, or other local development documents such as Supplementary Planning Documents.

Fenland District Council is currently producing a Core Strategy, which we consulted upon in July-September 2011 when in its draft form. As such, the purpose of this letter is to formally request your authority to consider whether the Core Strategy, or work directly associated with its preparation, should be formally prepared jointly between our respective councils.

From our perspective, we have reviewed the Core Strategy and considered whether any matter within it is of such a strategic nature that it would warrant the possibility of the Core Strategy itself, or work related to it, being formally jointly prepared between Fenland District Council and [District].

We have concluded that the Core Strategy itself does not require to be produced jointly between our two district councils, though we welcome the continued support and engagement with you informally and as a consultee as we continue to progress the plan. **Do you agree there is no need for the Fenland Core Strategy to be prepared jointly with [district]?**

In addition, we have concluded that there are no commitments for future work (such as an SPD) set out in the Core Strategy which would trigger the need for formal joint working with [district] . **Do you agree?** However, we continue to welcome comments from you through our formal consultation procedures.

As the Duty to Cooperate is now a formal requirement of the Localism Act, please could you respond to this letter within 14 days of the date above.

Should you require any additional information, or wish to discuss the above matters further, please do not hesitate to contact me on the details above.

Yours sincerely,

Richard Kay
Neighbourhood Strategy Manager

Peter Heath-Brown
Strategic Planning, Housing and Environment
Operations Directorate
Peterborough City Council
Stuart House East
St John's Street
Peterborough
PE1 5DD

Richard Kay
Neighbourhood Strategy
Fenland District Council
Direct Dial: 01354 622347
Development Services Fax: 01354 606919
E-mail: rkay@fenland.gov.uk

February 2012

Dear Peter,

The Localism Act now requires a 'Duty to Cooperate' between Local Authorities. The purpose of this formal duty is to maximise the effectiveness of joint working between Councils when preparing development plan documents such as a Core Strategy, or other local development documents such as Supplementary Planning Documents.

Fenland District Council is currently producing a Core Strategy, which we consulted upon in July-September 2011 when in its draft form. As such, the purpose of this letter is to formally request your authority to consider whether the Core Strategy, or work directly associated with its preparation, should be formally prepared jointly between our respective councils.

From our perspective, we have reviewed the Core Strategy and considered whether any matter within it is of such a strategic nature that it would warrant the possibility of the Core Strategy itself, or work related to it, being formally jointly prepared between Fenland District Council and Peterborough City Council

We have concluded that the Core Strategy itself does not require to be produced jointly between our district council and your city council, though we welcome the continued support and engagement with you informally and as a consultee as we continue to progress the plan. **Do you agree there is no need for the Fenland Core Strategy to be prepared jointly with Peterborough City Council?**

However, we have concluded that one commitment for future work as will be set out in the Core Strategy does trigger the need for joint working with Peterborough City Council because of its 'strategic' nature, namely:

- the proposed Regional Freight Interchange to the east of Peterborough, with such a proposal falling within both Fenland District Council and Peterborough City Council administrative areas.

We propose that the above proposal should be subject to the preparation of a Supplementary Planning Document (SPD) prepared and adopted jointly by both our Councils. **Do you agree?**

If you do agree to the above, we intend to state as much in the forthcoming submission version of our Core Strategy, which we intend to publish for consultation in April 2012. This will state that we intend to prepare a joint SPD on the above matter, but only at a point in time when it is apparent that there is a reasonable prospect of the Interchange coming forward in the not too distant future (a prospect which is not currently apparent). **Do you agree to us stating as such?**

As the Duty to Cooperate is now a formal requirement of the Localism Act, please could you respond to this letter within 14 days of the date above.

Should you require any additional information, or wish to discuss the above matters further, please do not hesitate to contact me on the details above.

Yours sincerely,
Richard Kay, Neighbourhood Strategy Manager

Alan Gomm - LDF Team
Borough Council of King's Lynn and West
Norfolk
Kings Court, Chapel Street, King's Lynn
Norfolk, PE30 1EX

Richard Kay
Neighbourhood Strategy
Fenland District Council
Direct Dial: 01354 622347
Development Services Fax: 01354 606919
E-mail: rkay@fenland.gov.uk
February 2012

Dear Alan,

The Localism Act now requires a 'Duty to Cooperate' between Local Authorities. The purpose of this formal duty is to maximise the effectiveness of joint working between Councils when preparing development plan documents such as a Core Strategy, or other local development documents such as Supplementary Planning Documents.

Fenland District Council is currently producing a Core Strategy, which we consulted you upon in July-September 2011 when in its draft form, and have held other informal meetings during its preparation. As such, the purpose of this letter is to formally request your authority to consider whether the Core Strategy, or work directly associated with its preparation, should be formally prepared jointly between our respective councils.

From our perspective, we have reviewed the Core Strategy and considered whether any matter within it is of such a strategic nature that it would warrant the possibility of the Core Strategy itself, or work related to it, being formally jointly prepared between Fenland District Council and Borough Council of King's Lynn and West Norfolk (KLWNBC).

We have concluded that the Core Strategy itself does not require to be produced jointly between our district council and your borough council, though we welcome the continued support and engagement with you informally and as a consultee as we continue to progress the plan. **Do you agree there is no need for the Fenland Core Strategy to be prepared jointly with (KLWNBC)?**

However, we have concluded that two commitments for future work as will be set out in the Core Strategy do trigger the need for joint working with KLWNBC because of their 'strategic' nature, namely:

- growth on the eastern side of Wisbech, with such growth proposed in both Fenland and KLWNBC administrative areas; and
- the growth of Wisbech Port, with such growth proposed in both Fenland and KLWN administrative areas.

We propose that both of the above should be subject to the preparation of a Supplementary Planning Document (SPD), prepared and adopted jointly by both our Councils. **Do you agree?**

If you do agree to the above, we intend to state as much in the forthcoming submission version of our Core Strategy, which we intend to publish for consultation in April 2012. **Do you agree to us stating as such?**

As the Duty to Cooperate is now a formal requirement of the Localism Act, please could you respond to this letter within 14 days of the date above.

Should you require any additional information, or wish to discuss the above matters further, please do not hesitate to contact me on the details above.

Yours sincerely,
Richard Kay, Neighbourhood Strategy Manager

Responses to February 2012 Letters

East Cambs District Council

26 March 2012 – no objections and no need for any joint DPDs

South Holland

14 February 2011 – no need for any joint plan or joint working

Lincolnshire County Council

1 March 2012 - no need for any joint plan or joint working

Peterborough City Council

16 February 2012 – a joint SPD for the regional freight interchange 'may well be appropriate'. No other 'strategic matters'.

Norfolk County Council

23 February 2012 - no need for any joint plan or joint working

King's Lynn and West Norfolk BC

23 February 2012 – agree no need for a joint DPD, but do agree the need for a joint SPD for growth east of Wisbech and the expansion northwards of Wisbech port.

Huntingdonshire District Council

See letter on next page

NOT AT BASE

Richard Kay
Neighbourhood Strategy Manager
Fenland District Council
Fenland Hall
County Road
March
Cambridgeshire
PE15 8NQ

Our Ref: PB/Local Plan
Your Ref: Duty to Co-operate

1st March 2012

Dear Richard

Fenland District Council 'Duty To Co-operate' Letter

Thank you for your emailed letter, which we received from your colleague Gareth Martin on 13th February 2012. You will recall that we discussed this matter briefly as part of the Planning Policy Forum meeting on 14th February 2012.

Whilst I understand your thought process on this matter, my hope and expectation is that our authorities would continue to work positively together as appropriate at all relevant stages of plan preparation and examination.

I am sure you will understand, therefore, that I am reluctant to sign up to the proposed agreements suggested in your letter as these seem to be rather pre-emptive.

Yours sincerely



Paul Bland
Planning Service Manager (Policy)

☎: 01480 388430
Fax: 01480 388391
e-mail: Paul.Bland@huntsdc.gov.uk

Appendix 9 – July 12 email:

Email sent to:

Authority	Address	Contact Name	Email
Localism Act 2011 – Duty to Cooperate			
http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted			
Lincolnshire County Council	Planning (Business) - Correspondence Planning (Business) Unit 16 Witham Park House Waterside South Lincoln LN5 7JN	R Wills (Director of Highways and Planning)	wills@lincolnshire.gov.uk
Norfolk County Council	Strategic Planning Norfolk County Council County Hall Martineau Lane Norwich Norfolk NR1 2DH	S Faulkner	ldf@norfolk.gov.uk stephen.faulkner@norfolk.gov.uk
Cambridgeshire County Council	Strategic Planning Team Box CC1213 Shire Hall Cambridge CB3 0AP	Graham Thomas	Graham.thomas@cambridgeshire.gov.uk David.arkell@cambridgeshire.gov.uk Wendy.hague@cambridgeshire.gov.uk
South Holland District Council	Council Offices Priory Road, Spalding PE11 2XE	Steve Williams (head of planning)	info@sholland.gov.uk
Huntingdonshire District Council	Pathfinder House, St Marys Street, Huntingdon, Cambridgeshire, PE29 3TN	Steve Ingram?	ldf@huntingdonshire.gov.uk mail@huntsdc.gov.uk
East Cambridgeshire District Council	East Cambridgeshire District Council The Grange Nutholt Lane ELY Cambs CB7 4EE	Katie Child	katie.child@eastcambs.gov.uk
Peterborough City Council	Strategic Planning, Housing and Environment Operations Directorate Peterborough City Council Stuart House East St John's Street Peterborough PE1 5DD	Peter Heath- Brown	peter.heath-brown@peterborough.gov.uk
KLWN	LDF Team Borough Council of King's Lynn and West Norfolk Kings Court Chapel Street	Alan Gomm	ldf@west-norfolk.gov.uk alan.gomm@west-norfolk.gov.uk

	King's Lynn Norfolk PE30 1EX		
Town and Country (Local Planning) (England) Regulations 2012 'Other bodies': http://www.legislation.gov.uk/uksi/2012/767/regulation/4/made			
Environment Agency	Environment Agency Bromholme Lane Brampton Huntingdon PE28 4NE	Adam Ireland	adam.ireland@environment-agency.gov.uk
English Heritage			Tom.Gilbert-Wooldridge@english-heritage.org.uk , eastofengland@english-heritage.org.uk
Natural England			janet.nuttall@naturalengland.org.uk
Mayor of London	n/a		
the Civil Aviation Authority			infoservices@caa.co.uk
Homes and Communities Agency;			paul.kitson@hca.gsx.gov.uk mail@homesandcommunities.co.uk
Primary Care Trusts			info@cambridgeshire.nhs.uk ian.burns@cambridgeshire.nhs.uk
Office of the Rail Regulator			contact.cct@orr.gsi.gov.uk
Transport for London	n/a		
Integrated Transport Authorities	n/a Cambs CC seeking to become one		
Highways Agency			mark.norman@highways.gsi.gov.uk
Marine Management Organisation			lowestoft@marinemanagement.org.uk
Local enterprise partnership			info@yourlocalenterprisepartnership.co.uk

Email sent:

From: Neighbourhoodstrategy
Sent: 26 July 2012 12:24
To: Neighbourhoodstrategy
Subject: Fenland Core Strategy (Further Draft) Consultation - Duty to Cooperate

Dear Sir/Madam,

If you are not already aware, Fenland District Council commenced today consultation on a draft Core Strategy.

This email is being sent to all bodies which have a 'Duty to Cooperate' with Fenland Council. Many of you have been involved in previous stages of preparing the Core Strategy and/or involved in evidence gathering to support the emerging Core Strategy. We are very grateful for the support and cooperation you have shown and continue to show.

Fenland Council believes that in preparing the Core Strategy it has, to date, fully met its requirements under the Duty to Cooperate. For example, we are not aware of any relevant body which claims we have not cooperated properly on any matter or have not addressed any strategic matter appropriately.

However, as we are now at a key stage in the preparation of the Core Strategy, we would be most grateful if you could, prior to the close of the consultation period on the draft Core Strategy (5th September 2012), undertake the following tasks and let Fenland Council know your views on each of them:

1. Read the Core Strategy, the Policies Map and any of the evidence documents as appropriate, and let us know your views on them. If you have 'no comments' and don't wish to make any representations on any of the documents, we would be grateful if you could confirm as such.
2. Confirm that at this current stage of plan preparation (and without prejudice to any comments you may wish to make at later stages in the plan preparation process) that you have no concerns with the Fenland Core Strategy from a Duty to Cooperate perspective because, for example, you feel there is no strategic issue which we need to cooperate with you on or, where there is a strategic issue, you are satisfied that appropriate action has or is being taken to address the issue.

If you have concerns (for example, you don't think the draft Core Strategy addresses a particular strategic issue, or an appropriate evidence study hasn't been completed, or you feel your organisation hasn't had appropriate involvement in a study we have prepared), then please let us know, setting out your reasoning. We will then discuss this with you and take best endeavours to resolve the issue to all parties satisfaction.

You can view all relevant documents online at www.fenland.gov.uk

For further information, or to discuss the above matters further, please do not hesitate to contact us on the details below.

I look forward to hearing from you by 5 September 2012

Richard Kay
Neighbourhood Strategy Manager

You can get this document in another language, in large print, in Moon, in Braille, on audio cassette and in electronic format.
Please ask us if you would like this document in any of these formats.



Fenland District Council

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