

Northamptonshire County Council Minerals and Waste Local Plan
Duty to Co-operate Statement of Compliance
November 2013

Localism Act 2011

(Section 110 Duty to co-operate in relation to planning of sustainable development)

The Localism Act introduced the 'Duty to Co-operate' (the Duty), a statutory duty for local planning authorities (including county councils) to co-operate with neighbouring local authorities and other prescribed bodies (e.g. Environment Agency, English Heritage, Natural England, Highways Authority, Marine Management Organisation, relevant private sector bodies and utility and infrastructure providers) in the preparation of development plans in relation to strategic matters¹.

The intent of the Duty is to ensure that all relevant bodies involved in planning work together on issues that are of larger significance than the local level.

In particular, the Duty requires LPAs to engage constructively, actively and on an ongoing basis as well as have regard to activities of other local authorities and other bodies (as relevant) throughout the preparation of the development plan. The engagement required under the Duty includes considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches in undertaking preparation of development plans.

The National Planning Policy Framework (NPPF) (paragraph 179) states that "*Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated 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.*"

Northamptonshire County Council is the Minerals and Waste Planning Authority (MWPA) for the administrative area of the county of Northamptonshire. Northamptonshire County Council is undertaking a partial review of the Minerals and Waste Development Framework (MWDF), fully adopted 2011, which will see the previous four Development Plan Documents (DPDs) combined into one document to form the Minerals and Waste Local Plan (MWLP or the Local Plan). Much of the MWDF is simply being rolled forward however some elements have been updated to reflect the NPPF and local circumstances.

"Strategic matters" include minerals and waste planning matters, of particular reference to the MWLP this includes: (1) ensuring that there is a sufficient supply minerals - this has been taken forward through the MWLP in the form of an identified provision rate for sand and gravel and limestone (crushed rock) which are both recognised as mineral resources of local and national importance; and (2) identifying waste management (and disposal) capacity requirements – this has been taken forward through the MWLP in the form of indicative capacity requirements with the aim of achieving net self-sufficiency.

An assessment of whether the Duty has been satisfied by Northamptonshire County Council in preparing the MWLP will be undertaken during the Public Examination. The NPPF (paragraph 181) states that "*Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or*

¹ A "strategic matters" is defined 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.

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. Co-operation 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.”

This statement outlines how Northamptonshire County Council has met the Duty in the preparation of the MWLP.

Engage constructively, actively and on an ongoing basis

Throughout the plan-making process local authority and other prescribed bodies have been invited to contribute towards the preparation of the MWLP and related evidence base document through the formal consultation stages including the ‘Way Forward’ (issues and options) document, Draft Plan (preferred options / approach document) and Final Draft Plan (proposed submission document). The evidence base documents included the Sustainability Appraisal (SA) Scoping Report and Environmental Reports, Habitats Regulation Screening Assessment, Local Aggregates Assessment (LAA), Local Assessment of Waste Management Needs (waste needs assessment), Strategic Flood Risk Assessment (SFRA) Non-technical Summary and Habitats Opportunity Mapping (HOM).

All of the consultation documents and a summary of responses received (including Councils comments) are publically available on the Councils website. The Statement of Community Involvement (SCI) sets out how the Council will consult on documents through the plan-making process and with whom; the SCI is also available on the Councils website.

Informal consultation rounds were undertaken during the development of study scope, methodology and report preparation (e.g. initial drafts) for several of the evidence base documents with MWPA’s, Aggregate Working Parties (AWPs) and other relevant bodies (including government agencies, industry and other stakeholders); such documents included the LAA, waste needs assessment and HOM. The purpose of undertaking the informal consultation rounds was to encourage early and active engagement that focussed on the core technical evidence base documents, being the LAA and waste needs assessment. It was hoped that this would assist in early identification of any cross-boundary issues, ensure transparency and facilitate information sharing. In addition industry stakeholders were engaged through surveys to determine aggregate sales, remaining reserves and related information as well as existing and future waste management / disposal capacity.

The Council has also engaged with MWPA’s, AWPs, Strategic Waste Advisory Group (SWAG) and the Nuclear Legacy Advisory Forum (NuLeAF) in order to promote collaborative working, constructive dialogue and information sharing on evidence base documents. Such forums also provide a platform for cross-boundary and regional/national issues to be discussed and assessed. This has occurred through attendance at meetings, working groups as well as via written correspondence in order to share information from both sides on minerals and waste planning matters (e.g. sites, reserves, landbanks, permitted / operational capacity, imports / exports, adopted / emerging policy).

Regard for activities of other authorities and bodies

The Council has actively engaged with other authorities and bodies in relation to emerging plans and associated evidence base documents (produced by the other authorities and bodies) as well as surveys and communications aimed at investigating, identifying and discussing cross-boundary issues and movements influencing minerals and waste planning.

The Council has also promoted collaborative working through active participation in AWP, SWAG and minerals / waste working parties and learning groups.

Through the above actions the Council has remained abreast of the activities of other authorities and bodies and facilitated information sharing and transparency. Such actions

complement engagement activities and helped to ensure that the Council has had due regard to others' activities and cross-boundary impacts.

Consideration of joint approaches

Due to its spatial context Northamptonshire County Council is not specifically aligned with any one particular 'region' or adjoining authority area. As such the development of a joint plan was not considered to be justified or appropriate.

The Council has collaborated with other authorities in relation to supporting studies that form part of the evidence base (e.g. monitoring surveys and reports produced through the AWP and capacity and forecast studies produced through the SWAG). It is anticipated that such collaborative working will continue in the future.

Responses received relating to strategic matters and outcomes achieved

Consultation responses received relating to strategic matters focussed on three main issues being aggregate provision rates, waste management / disposal capacity and low level radioactive waste, as summarised below.

The process of engaging with neighbouring local authorities and other prescribed bodies has enabled meaningful discussion and consideration of strategic matters and resulted in development of a robust evidence base to support the plan-making process. Where appropriate the plan has been amended to reflect views made on strategic matters. In some cases this was not possible as it is also the Councils duty to ensure that the plan-making process takes a balanced view of matters, seeks to support development of sustainable communities, reflects local circumstance and complies with national policy.

Identified provision rates for the supply of minerals

The approach taken is based on provision rates derived from an average of aggregate sales over a ten year period (and consideration of other local factors) as per the NPPF, however, plan policy does not set a ceiling limit on the provision rate. The plan identifies site-specific allocations to facilitate delivery of mineral resources (above the total provision) and allows for unallocated sites to come forward through the planning application process. The plan also seeks to address imbalances in imports / exports through the sites allocations and by placing emphasis on looking internally first and then to imports. Responses received were mixed with some support and some objecting to the lower rates (particularly for sand and gravel). The Council has had due regard to such comments (including amendments where appropriate) and has concluded that although it understands the viewpoint of industry and other bodies there is insufficient evidence to support higher provision rates, should additional capacity be required the plan is adequately flexible to accommodate this. In addition monitoring will assist in identifying emerging trends.

Indicative capacity requirements for waste management and disposal

The approach taken is centred on achieving self-sufficiency in waste management capacity however recognises that cross-boundary movement will occur due to geographical convenience, market drivers (contracts) and operational needs (e.g. some facilities may require a wider catchment area due to the waste stream served or for reasons of economic viability). The plan makes sufficient allocations to facilitate delivery of the identified capacity requirements and allows for unallocated sites to come forward through the planning application process. The plan also identifies catchment areas for waste management and disposal facilities, the purpose of which are to encourage sustainable transport movements and better inform the council of the origin of wastes those facilities within its administrative areas serve (and so inform the planning decision making processes). Responses received generally supported the approach taken however some objections were raised mainly concerning landfill capacity and a perceived block on the county accepting waste from other areas (which is incorrect as demonstrated through the approach outlined above). Council has had due regard to such comments (including amendments where appropriate) and has

concluded that the plans approach of achieving net self-sufficiency allows for recognition of cross-boundary movements, coupled with the identification of catchment areas, will allow the plan to provide for waste capacity to serve Northamptonshire's community but also address development requirements which cannot wholly be met within their own / others areas.

Disposal of low level radioactive waste (LLW)

The approach taken is to recognise the role of the existing facility (East Northants Resource Management Facility, ENRMF) for disposal of LLW; however this should not displace the nationally significant role of the facility relating to hazardous waste disposal. The plans policy sets out development criteria to plan positively for such development whilst balancing this against communities taking responsibility for their waste, sustainable transport movements, the needs of Northamptonshire's community and protection of environmental resources. Overall responses received supported the approach taken, however responses received from the current operators sought to have policy made less specific with fewer local requirements / preferences identified. On balance the Council considered that it was in the wider interest to maintain the above approach.

Conclusions

Northamptonshire County Council has demonstrated the required level of co-operation with other authorities and bodies throughout the preparation of the Local Plan. The Council has engaged with relevant parties from an early stage in the plan-making process through both formal and informal processes in order to facilitate meaningful discussion on strategic matters and cross-boundary issues. The Council has also actively participated in numerous meetings, working parties / learning groups, information sharing and joint studies to inform both its own and other authorities plan-making processes, evidence base documents and general understanding of strategic matters in order to allow for regard to be had for the activities of other authorities and bodies.

As such the Council has met the Duty in the preparation of the MWLP.

The Council will continue to co-operate with other authorities and bodies on strategic planning matters.

Evidence that the Duty has been met

The table below identifies how the Council has met the Duty with specific reference to local authorities and prescribed bodies.

Local authority / prescribed body	Evidence
Mineral planning authorities (MPA)	Consultation was undertaken with MPA's and relevant AWP's throughout the plan-making process and development of the LAA through both formal and informal processes with due consideration given to their response. The Council is actively involved in the East Midlands AWP as well as related learning groups. In addition the Council has sought to promote information sharing and general understanding of cross-boundary issues by engaging in discussions and consultation processes.
Waste planning authorities (WPA)	Consultation was undertaken with WPA's throughout the plan-making process and development of the waste needs assessment through both formal and informal processes with due consideration given to their response. The Council is actively involved in the SWAG as well as related learning groups. In addition the Council has sought to promote information sharing and general understanding of cross-boundary issues by engaging in discussions and consultation processes.
Local planning authorities (LPA)	Consultation was undertaken with LPA's throughout the plan-making process and development of the waste needs

	assessment through both formal and informal processes with due consideration given to their response. The Council has also participated in meetings and discussions with LPAs where the opportunity has presented regarding strategic matters.
Environment Agency (EA)	Responses to Draft Plan and Final Draft Plan indicates that overall the EA are satisfied with the plan, some comments were received expressing concern regarding the SA however these have been given consideration and amendments made to ensure full compliance and clarification.
English Heritage (EH)	Response to Final Draft Plan indicates that overall EH are satisfied with the plan and processes undertaken.
Natural England (NE)	Response to Final Draft Plan indicates that overall NE is satisfied with the plan and processes undertaken.
Highways Authority	A specific response of “no comment” was received in relation to the Draft Plan, no further response received at Final Draft Plan stage.
Marine Management Organisation (MMO)	Response to Final Draft Plan indicates that overall the MMO are satisfied with the plan and processes undertaken.
Private sector bodies (e.g. industry operators, agents and organisations)	Private sector bodies including the Minerals Products Association and other minerals and waste industry bodies were consulted throughout the plan-making process, through both formal and informal processes. Some of these bodies are also associated with the AWP / SWAGs and working parties / learning groups.
Utility and infrastructure providers	Response to Final Draft Plan indicates that overall such bodies (e.g. Anglian Water) are satisfied with the plan and processes undertaken.

The schedule overleaf details specific meetings, working groups relating to the Duty.

Date	Location	LPAs in attendance	Matters covered
26/04/2012	Central Bedfordshire Council Offices	Central Bedfordshire Northamptonshire County Council Milton Keynes Council Buckinghamshire County Council	Introductions Purpose of meeting How minerals/waste is dealt with at the different authorities Waste data/monitoring Minerals issues Matters arising at respective AWP's and RTABs Date and time of next meeting
07/08/2012	Northamptonshire Council Offices	Northamptonshire County Council Nottinghamshire County Council Nottingham City Council	Hazardous waste and Low Level Radioactive Waste policies Minerals Apportionments
27/09/2012	Northampton Borough Council Offices	Northamptonshire County Council, WNJPU, NNJPU, Daventry District Council, Northampton Borough Council, Borough Council of Wellingborough, Buckinghamshire County Council, Cherwell District Council, Harborough District Council, Leicestershire County Council, Oxfordshire County Council, Stratford upon Avon District Council, Warwickshire County Council	Co-operation to date (key strategic issues identified by each surrounding authority) and future co-operation arrangements
20/02/2013	Nottinghamshire County Council	Derbyshire County Council, Environment Agency, Lincolnshire County Council, Leicestershire County Council, Leicester City Council, Nottinghamshire County Council	EMSWAG meeting, review how the group works and update the role of the SWAG. Discussion of national approach to waste data collection. Discussion of golf course applications. Arrangements of google group to share information amongst members.
17/06/2013	Nottingham Park Inn	Peak District, Derbyshire County Council, Lincolnshire County Council, Leicestershire County Council, Leicester City Council, Environment Agency	Waste planner training session, followed by SWAG meeting. Discussions around waste data and data issues and fulfilling the duty to cooperate.
25/07/2013	Northamptonshire Council Offices	Northamptonshire County Council Oxfordshire County Council	Minerals apportionments/LAA, Minerals movements/Cross boundary issues, waste movements/cross boundary issues
On going		Members of the East Midlands Aggregate Working Party	
Ongoing		NULEAF	

Figures and Data provided on request to the following authorities under the Duty to Co-operate to

- Central Bedfordshire
- Cornwall
- Hertfordshire
- Kent
- Lincolnshire
- North East Lincolnshire
- Nottinghamshire
- Rutland
- Warwickshire
- West Sussex
- Hampshire County Council
- Somerset County Council
- Greater London Authority

Northamptonshire County Council provided comments on the following authorities' plans in relation to waste and minerals matters

- Central Bedfordshire Council
- Buckinghamshire County Council
- Cheshire County Council
- Derbyshire County Council
- North London Waste Plan
- Northumberland County Council
- Nottinghamshire County Council
- Oxfordshire County Council
- West Sussex County Council