1. The County Council adopted its Minerals and Waste Local Plan in October 2014. The Local Plan brought together the formally separate Development Plan Documents of the Minerals and Waste Development Framework into one combined document, updated in line with the NPPG and other guidance and rolled forward the plan period by five years to 2031.

2. The County Council wishes to ensure that the Mineral and Waste Local Plan remains up-to-date. On this basis it is now commencing an update of the Local Plan which is to concentrate on reviewing the sites/allocations for minerals and waste development but will update other elements as appropriate.

3. As part of the Minerals and Waste Local Plan Update the County Council is publishing this Statement on the Duty to Co-operate (DTC) on how we intend to address this matter through the plan preparation process.

4. Policy and guidance on the DTC and what it means is set out in the National Planning Policy Framework (NPPF), where it is particularly referred to as planning strategically across local boundaries, and the National Planning Practice Guidance (NPPG). On that basis we have not summarised what DTC means in this Statement.

5. It should be noted that this statement only relates to DTC engagement with other minerals and waste planning authorities. It does not cover any DTC engagement with the other relevant bodies, including district councils.

6. Both minerals and waste are strategic matters that are covered by the DTC. The County Council’s intention is to focus its DTC work on where in developing strategy, policies, provision and locations it considers these raise issues of such a strategic nature that they could have a key impact on other authorities.

7. In the County Council’s opinion where a Minerals and Waste Local Plan is reviewing all of its elements it would consider the following to have a strategic nature that potentially could affect another authority and therefore could be a DTC issue:

   - The provision to be made for aggregates (expressed in terms of million tonnes per annum) for both sand and gravel and crushed rock. *The strategic issue here would be around whether what is proposed could be considered under-provision and therefore implying an inappropriate reliance on another area to make up this provision.*

   - The spatial strategy for extraction for both sand and gravel and crushed rock. *The strategic issue here would be how the spatial strategy relates to those in neighbouring authorities, particularly in relation to ensuring coherent boundaries. Potentially the spatial strategy could also be an issue where this was seen as being developed to specifically and inappropriately minimise extraction.*

   - Provision for the extraction of non-aggregate minerals. In Northamptonshire this would be particularly relevant to building stone extraction. *The strategic issue here would be whether there was seen to be a constraint on supply that could impact on stone needed for conservation and renovation of buildings in settlements outside of the plan area.*
- The spatial strategy for waste management.  
  *The strategic issue here would be how the spatial strategy relates to those in neighbouring authorities, particularly in relation to ensuring coherent boundaries. Potentially the spatial strategy could also be an issue where this was seen as being developed to specifically and inappropriately minimise locations where provision could be made.*

- The provision to be met to meet capacity gaps for waste management and disposal facilities.  
  *The strategic issue here would be whether provision made meets the requirements of the plan area to properly address its needs and is not relying inappropriately on other areas to meet its needs.*

- The proposed allocations for minerals and waste development.  
  *The strategic issue here would be around whether the allocations would have a significant strategic impact on an adjacent plan area. It should be noted that this would be for significant strategic impacts only and not for detailed matters such as amenity impact – it is also the case that scale of the proposal at an allocation would be relevant here with the larger the proposal the more it could have a strategic impact.*

8. However as we are undertaking a partial review of the Local Plan rather than a full review some of the above considerations may not apply. What is proposed to be reviewed will be consulted on at Issues and Options stage but this will not be finalised until the Draft Plan stage.

9. In some cases waste planning authorities send lists of waste facilities in their respective area which receives waste (and showing totals) from another authority’s area and vice versa and asking for comment on the likely continuance of these arrangements. The County Council will not follow this approach as it does not consider that this achieves anything. Most of these facilities are commercial undertakings hence if they are already importing waste would presumably continue to do so. Furthermore the amount received is normally not very significant in terms of overall volumes. It is only where the waste concerned is of a particularly large volume or of a particularly specialised nature such as hazardous or radioactive waste that this could become a more a strategic issue and therefore becomes relevant to the matters referenced in para 7.

10. It should also be noted that the considerations in para 7 do not have a specific geographical focus. Where minerals and waste are concerned any authority could potentially be impacted by the authority’s strategic choice; it is not the case with most of the matters identified under para 7 that neighbouring authorities would be the most impacted and those farthest away the least impacted. Our specific DtC engagement will be on the basis of potential impact and not proximity.

11. There is some confusion by some minerals and waste planning authorities over what constitutes a DtC representation. The County Council will consider a representation relates to the DtC where it is a strategic representation relating to the matters we have identified in para 7. In other words it is for the County Council to determine what is a strategic matter (and is in line with Zurich Assurance Ltd v Winchester CC & South Downs NPA (2014) that how the authority goes about deciding what is a strategic matter is a matter for their judgement).
The role of the Local Aggregates Assessment in DtC engagement

12. It is a requirement for the County Council to prepare a Local Aggregates Assessment (LAA) annually. The LAA has to be signed off by the regional Aggregates Working Party (AWP) that the County Council is a member of (this is the East Midlands AWP).

13. Although it was perhaps not the original intention when the requirement to produce an LAA came in, the LAA does naturally become a more important document when it is prepared at the same time as preparation on a new minerals local plan. As the AWP comprises minerals planning authorities from the region as well as the minerals industry then a sign off of the LAA where it identifies potential local plan provision, can effectively be considered to give assent by that regions mineral planning authorities, unless individual authorities choose to make separate representations of disagreement. However, as stated in para 10 any authority could be impacted by our strategic choices and although support by minerals planning authorities in the region is helpful it is not conclusive.

The role of regional working parties on minerals and waste in DtC engagement

14. It is a requirement for the County Council to be a member of an AWP. The County Council is a member of the East Midlands AWP. The County Council is also a member of the Strategic Waste Advisory Group covering the East Midlands. Being members of both groupings can be considered to contribute to co-operation between minerals and waste planning authorities but the County Council does not see membership and participation in either body as absolving us from DtC strategic matter engagement directly with individual mineral and waste planning authorities where this is relevant.

Stages of the Plan and the level of DtC engagement

Issues and Options
15. The Issues and Options consultation document sets the context for the plan preparation and the initial views on how matters could move forward. This could involve providing options for sand and gravel provision or identifying potential sites for minerals or waste use put forward by the industry.

16. DtC consultation at the Issues and Options stage will comprise:
   - The sending out of specific DtC notifications (by email) to the minerals and waste planning authorities referenced in para 17 and identified in Appendix 1 (Appendix 1 to be added).
   - Undertaking follow up contact (by email, telephone or meeting) if a response is made that raises issues that require clarification, and potentially agreement, before we finalise the Draft Plan.

17. The County Council has a list of minerals and waste planning authorities it sends DtC emails to. It is an almost comprehensive list, basically comprising all of the minerals and waste planning authorities in England. Where there is a joint unit or clear joint arrangements relating to minerals and/or waste development planning and a dedicated email address is given then only the joint unit or lead authority are listed. In London the Mayor/GLA is also listed.

Draft Plan (Preferred Options) Stage
18. The Draft Plan stage is that stage when the Council starts to finalise its policy direction.

19. DtC consultation at the Draft Plan stage will comprise:
- The sending out of specific DtC notifications (by email) to the minerals and waste planning authorities referenced in para 17 and identified in Appendix 1 (*Appendix 1 to be added*).

  - *The contact email at this stage will state that it is particularly important for the respective authority concerned to make representations on the draft plan, and at this time, if they consider that the proposed approaches set out in the Draft Plan are making assumptions that could potentially impact on their area and that they are currently not proposing to plan for.*

    - To aid in this the email will state what the County Council considers to be the relevant strategic matters (for example, the proposed provision rate for sand and gravel and what this is based on). The email will also ask that any representations on DtC matters should be specifically made under this header. This is so that these can be dealt with separately from any other non-strategic comments/representations that the authority may wish to make.

- Follow up contact, if there has been no response from them, with any minerals and waste planning authorities that we have identified internally that we wish a specific response from. This is where we consider there is a strategic issue that we consider we need to address and conclude with them before we move on to the preparation of the Proposed Submission Plan.

- Follow up contact, and if necessary meetings, with any minerals and waste planning authorities who have responded and which raise strategic issues that we consider we need to address and conclude with them before we move on to the preparation of the Proposed Submission Plan.

### Proposed Submission Stage

20. The Proposed Submission stage is that stage where the Council has what it considers the plan it wishes to be adopted and puts that plan out for representations to be formally made on it. Following Submission of the plan these representations will be considered by the appointed Inspector at the plan’s examination.

21. Any DtC matters should have been identified at Draft Plan stage and should have been subject to engagement (by email or in certain circumstances by telephone or by meetings) to either resolve or agree to disagree. DtC representations from authorities who did not raise issues at Draft Plan stage should not be expected to be raised at this time.

22. DtC notification at this stage will comprise:

   - Simply notifying all those on our DtC database that the Proposed Submission period for representations has commenced.

23. Where a representation comes in stating a failure to meet the DtC but is not considered by the Council to be a strategic matter (as referenced in para 7), it will be treated as a representation relating to the soundness of the plan.

Northamptonshire County Council
December 2014