



North Yorkshire  
Campaign to Protect Rural England

CRAVEN DISTRICT COUNCIL: CRAVEN LOCAL PLAN 2012-2032  
EXAMINATION IN PUBLIC

**RESPONSE TO INSPECTOR'S QUESTION NO. 6 AND IN SUPPORT OF PREVIOUS REPRESENTATIONS MADE BY THE NORTH YORKSHIRE BRANCH OF THE CAMPAIGN TO PROTECT RURAL ENGLAND ('CPRENorthYorkshire')**  
(Ref: 009/01/DtC/DtC)

**MATTER 1: COMPLIANCE WITH THE ACT AND REGULATIONS, THE HABITATS REGULATIONS AND STRATEGIC FLOOD RISK ASSESSMENT**

*Issue 1: Duty to Cooperate*

*Question 6: Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 3 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and the National Planning Practice Guidance (the 'PPG')?*

The recently published NPPF states that for the purposes of examining plans, policies in the previous Framework (2012) will apply where plans are submitted on or before 24 January 2019 (paragraph 214). The DtC was introduced via the Localism Act (2011) and is detailed in paragraphs 178-181 of the 2012 NPPF.

CPRENorthYorkshire have provided detailed responses to all of the Craven District Council's ('CDC') consultations on the emerging Craven Local Plan since 2013 and have welcomed the opportunity to do so. At each of these stages, CPRENorthYorkshire have expressed concern relating to the extent of evidence provided in relation to be able to satisfy the Duty to Cooperate ('DtC').

In response to various public consultations on the emerging Local Plan and its evidence base, the Council published the 'Craven Local Plan Response Paper' (dated 22/9/14) as an update on the CDC website (26/4/16). This paper highlighted that the Council intended to '*prepare a duty to cooperate statement to support the plan and refine the introduction to reflect the statement*'. However, in May 2016, when responding to the CDC second draft consultation, CPRENorthYorkshire noted that a DtC Statement had not been published.

The Council's schedule of responses, 'Policy/Site Response Paper' (dated 5/4/16) stated that the next version of the Local Plan would be accompanied by a Draft DtC Statement. However, whilst the June 2017 Craven Local Plan - third consultation document, mentioned a DtC statement (at paragraph 1.11) this was

not actually amongst the supporting documents published for consultation, contrary to what had been published in the Response Paper of April 2016. A Memorandum of Understanding ('MOU') between CDC and the Yorkshire Dales National Park was published, but no further MOU's between the Council and other neighbouring authorities or statutory consultees was issued at that time. Nor were any Statements of Common Ground published.

The Council provided the public with an 'update via their website in December 2017 and published a 'Policy Response Paper' to the representations received in the summer of 2017. Concern relating to the lack of DtC Statement was not commented on by the Council within a specific section. However, a response to another responder's concerns relating to unmet housing need from neighbouring authorities produced the following response from CDC on page 18 of the document: *"The Council has held extensive discussions with neighbouring planning authorities under the duty to cooperate. Details will be provided in a duty to cooperate statement that will accompany the publication draft plan."*

The Council published their Publication Draft Local Plan for consultation in January 2018. As part of the supporting evidence base for the plan, CDC published for the first time their DtC Statement. Whilst CPRENorthYorkshire welcomed the publication of this document, concerns existed in relation to whether the evidence provided would satisfy the Duty.

Whilst it is understood that the Statement is not required to detail every meeting held between the Council and neighbouring authority, it should be able to provide evidence that communication has been ongoing throughout the plan preparation process. Some of the evidence presented included letters from neighbouring authorities in response to specific plan consultations at Regulation 19 stage rather than highlighting details of discussions relating to specific cross boundary issues that would have impacted upon specific elements of the emerging Local Plan as required under Sections 22 (5) (C) and 33A of the 2004 Act.

For example, evidence presented in the DtC Statement (published in January 2018) from Bradford Metropolitan District Council, Pendle Council and the Local Nature Partnership appear to be statutory responses to the third pre-publication draft Local Plan consultation in July 2017 and do not offer any evidence that they have been consulted on previous drafts or regarding matters arising in any other format other than during this statutory consultation period. CPRENorthYorkshire acknowledged that discussions may have been ongoing but were concerned that without appropriate evidence within the Statement, it may not have been sufficient to fully satisfy the Duty.

On the 27<sup>th</sup> March, CDC submitted to the Secretary of State its Regulation 22 Draft Craven Local Plan for examination. Part of the suite of documents presented to the Secretary of State include an updated and expanded DtC Statement. Table 2 has been updated to reflect cross-boundary issues and appears to be more representative than the previous version. The Engagement Log provided in

Appendix A illustrates the evidence that was previously considered to be missing by CPRENorthYorkshire.

Consequently, CPRENorthYorkshire are satisfied that the Duty has been complied with and remove their objection to this element of the emerging Local Plan.

It is noted, however, that the revised NPPF (2018) sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground, throughout the plan-making process. The PPG sets out that “*A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate*” (Paragraph: 002 Reference ID: 61-002-20180913, Revision date: 13 09 2018).

It is clear that this has not been undertaken as part of the current emerging Local Plan process and that no Statement of Common Ground has been submitted to the Secretary of State for examination. This requirement would need to be undertaken as part of any Policy or Plan Review following the adoption of the emerging Local Plan.