

# Milton Keynes Minerals Local Plan

## Duty to Co-operate Statement of Compliance

March 2016

### Localism Act 2011

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, Heritage England, Natural England, Highways England, relevant private sector bodies and utility and infrastructure providers) in preparation of development in relation to strategic matters.

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 the 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”.

Milton Keynes Council is the Minerals Planning Authority (MPA) for the administrative area of the Borough of Milton Keynes. As the MPA, Milton Keynes Council is preparing a new Minerals Local Plan (MLP) in line with the NPPF which will replace the Minerals Local Plan 2006. The MLP will set out the policies and proposals against which planning applications will be determined.

“Strategic matters” include minerals planning matters, in relation to the MLP this includes ensuring that there is a sufficient supply of minerals – this has been taken forward through the MLP in the form of an identified provision rate for sand and gravel.

An assessment of whether the Duty has been satisfied by Milton Keynes Council in preparing the MLP 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 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”.

Two DtC statements were published at Draft Plan stage. The first document set out how Milton Keynes Council were planning to undertake the DtC, and included a list of authorities that Milton Keynes engaged with. The second document (annex 1) set out the issues that Milton Keynes considered to be strategic issues and discussed how DtC was going to take place as the plan progressed.

This statement outlines how Milton Keynes Council has met the Duty in the preparation of the MLP.

### **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 MLP and related evidence base documents through the formal consultation stages including the 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 Aggregate Assessment (LAA), Minerals Safeguarding documents, Technical Annex including site assessments and Strategic Flood Risk Assessment (SFRA).

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 MPA's, Aggregate Working Parties (AWPs) and other relevant bodies (including government agencies, industry and other stakeholders); such documents included the LAA and MSA's. The purpose of undertaking the informal consultation rounds was to encourage early and active engagement that focussed on the core technical evidence base documents. 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.

### **Regard for activities of other authorities and bodies**

The Council has engaged with other authorities and bodies in relation to emerging plans and associated evidence base documents (produced by the other authorities and bodies). The Council has also had an active participation in the AWP and minerals 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 other authorities activities and cross-boundary impacts.

### **Consideration of joint approaches**

Milton Keynes Borough was originally part of the Buckinghamshire Minerals Local Plan area and the 2006 Plan was the first standalone plan for the area. Due to this and also that Milton Keynes had until the abolition of the Regional Plan its own apportionment it was appropriate to continue to have a standalone plan for the borough and no re-link with Buckinghamshire. It would not have been appropriate to link with Northamptonshire or Bedfordshire as they are in different regions.

### **Responses received relating to strategic matters and outcomes achieved**

Consultation responses received relating to strategic matters focussed on provision rates as summarised below.

The process of engaging with neighbouring 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 Council duty to ensure that the plan-making process takes a balanced view of matters, seeks 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 aggregates sales over a three year period (and consideration of other local factors), however plan policy does not set a ceiling limit on the provision rate. The three year average was taken as this is considered to more adequately reflect the longer term sales position than the ten year average would – this is because the ten year average is skewed by a number of years of nil production in the first five years. The plan identifies site-specific allocations to facilitate delivery of minerals resources and allows unallocated sites to come forward through the planning application process. Responses received were mixed with some supporting the higher rates and some objecting. The Council has had due regard to such comments (including amendments where appropriate) and although it understands the viewpoint of respondents there is insufficient evidence to support lower provision rates when taking into account the construction levels and population growth projections within Milton Keynes. In addition monitoring will assist in identifying emerging trends.

**Conclusions**

Milton Keynes 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 it is considered that the Council has met the Duty in the preparation of the MLP.

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
Minerals planning authorities (MPA)	Consultation was undertaken with all MPA's in England 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 South East 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.

Local planning authorities (LPA)	Consultation was undertaken with LPA's throughout the plan-making process 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	Final Draft Plan indicates that the EA is satisfied with the plan and EA comments had been taken on board at earlier stages of the plan making process.
Highways England	Highways England was broadly supportive of the Minerals Local Plan and requested to be notified when the sites become operational to enable to assess the impact on the Strategic Road Network.
Private sectors 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's and working parties / learning groups.

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

- Hertfordshire
- West Berkshire
- Kent

Responses received from the following councils in response to a Duty to Co-operate request from MK:

- Hampshire authorities
- Peterborough and Cambridgeshire
- Kent
- Leicestershire
- Surrey
- West Sussex
- Buckinghamshire
- Northamptonshire
- Bedfordshire Authorities
- Derbyshire and Peak District

Milton Keynes provided comments on the following authorities' plans in relation to minerals matters:

- Buckinghamshire LAA
- Derbyshire LAA
- Buckinghamshire Minerals and Waste Local Plan
- Oxfordshire Minerals and Waste Local Plan

## **Annex 1**

### **Duty to Co-operate and the Milton Keynes Minerals Local Plan**

1. As an integral part of the preparation of the Minerals Local Plan Milton Keynes Council is publishing this Statement on the Duty to Co-operate (DtC) on how it intends to address this matter through the plan preparation process.
2. 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.
3. It should be noted that this statement relates to DtC engagement with other minerals planning authorities. It does not specifically cover DtC engagement with the other relevant bodies although the same principles will apply.

### ***DtC Strategic Matters for Minerals***

4. Minerals is a strategic matter that is covered by the DtC. The 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.
5. The Council considers 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)*

6. 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. This basically relates to sand and gravel rather than crushed rock provision.

#### *The spatial strategy for extraction*

7. 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 (this basically relates to building stone extraction)*

8. 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 proposed allocations for minerals development*

9. 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.
10. It should be noted that the considerations above do not have a specific geographical focus. It is not the case with most of the matters identified that neighbouring authorities

would be the most impacted and those farthest away the least impacted. 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 Council will consider a representation relates to the DtC where it is a strategic representation relating to the matters identified above.

### ***DtC at the Draft Plan Stage***

12. The Draft Plan stage is that stage when the Council starts to finalise its policy direction and is therefore the most opportune time for it to make specific contact with relevant authorities under the Duty to Co-operate (DtC). As a minerals local plan the key DtC issues is that of provision for extraction to be made in the plan. There are no real other DtC matters involved i.e. those of a strategic nature affecting other authorities. For this plan it is the provision to be made for sand and gravel that is the fundamental component as there is no expectation for crushed rock to come forward in the Borough.
13. However this will not be the first time that DtC activity has taken place on the Local Plan. The Issues and Options consultation document, and on which neighbouring and South East authorities were consulted, set the context for the review and the initial views on how matters could move forward and this included providing options for sand and gravel provision. It is also a statutory requirement for the Borough to prepare a Local Aggregates Assessment and for this to be agreed by the regional Aggregates Working Party (AWP). The LAA which identified a likely provision for sand and gravel as in the Draft Plan has actually been agreed by the AWP and therefore by implication all of the South East's minerals planning authorities.
14. As the Plan moves forward it is therefore important that it continues to take the region's minerals planning authorities with it in respect of sand and gravel provision. This is also needed in respect of nearby sand and gravel producing counties that are not in the South East.
15. The Plan also needs to ensure that because it is not making provision for crushed rock this can continue to be sourced from those counties with quality crushed rock resources that currently supply it to the Borough. This is largely Oxfordshire and Gloucestershire but also to a lesser extent Leicestershire and Derbyshire. The Council will therefore specifically contact these authorities beyond just sending them a general notification email.
16. DtC consultation at the Draft Plan stage will therefore comprise:
  - The sending out of specific DtC notifications to all relevant mineral planning authorities in England.
  - Follow up contact with the mineral planning authorities that supply crushed rock to MK.
  - Follow up contact, and if necessary meetings, with any minerals planning authorities where any supply issues (both sand and gravel and crushed rock) are identified.
17. Appendix 1 is the email that was sent to mineral planning authorities under the DtC at Draft Plan stage.

### ***Proposed Submission Stage***

18. 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.
19. 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.
20. DtC notification at this stage will comprise the notification of all of those on the DtC database that the Proposed Submission period for representations has commenced.

Milton Keynes Council  
***December 2014***