

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 21 November 2022

Report Title

Bassetlaw Local Plan Statements of Common Ground

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Assistant Director Approving Submission of the Report

Simon Moss, Assistant Director, Planning, Regeneration & Transport

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

Local planning authorities have a statutory “duty to cooperate” with other relevant bodies in order to encourage and enable strategic planning. In preparing their Local Plan Bassetlaw has identified a number of strategic and cross boundary issues on which agreement is sought (in addition to those issues covered by the Sheffield City Region Statement of Common Ground to which Rotherham Council agreed at its Cabinet meeting of 23 December 2019, minute 91 refers).

As a result, Bassetlaw District Council has prepared two Statements of Common Ground for consideration by Rotherham Council and other parties in order to support submission of its Local Plan for examination.

There are no significant implications for Rotherham arising from the Statement of Common Ground for A1 Corridor Logistics Assessment Property Market Area. This Statement is to agree on the overarching principles of the Apleyhead Junction strategic employment site allocation (Appendix 2).

However, the Council has raised concerns on the proposed strategic employment allocation (Apleyhead – SEM001) would have significant implication for communities in the South of Rotherham for increased traffic congestion, community severance and carbon emissions. The outstanding areas of disagreement are detailed in Section 4 of the Statement of Common Ground for Bassetlaw Local Plan (see Appendix 1).

Being a signatory to the Statement will also benefit the Council as it completes the partial update to the Rotherham Local Plan Core Strategy currently underway. When the updated Core Strategy is submitted to government for independent examination, the planning inspector will require evidence that the duty to cooperate has been met. The Bassetlaw Local Plan Statements of Common Ground will form a part of this evidence.

Recommendations

1. That the Council be a signatory to the Bassetlaw Local Plan Statements of Common Ground (Bassetlaw Local Plan and A1 Corridor Logistics Assessment Property Market Area).

List of Appendices Included

- Appendix 1 Statement of Common Ground – Bassetlaw Local Plan
- Appendix 2 Statement of Common Ground – A1 Corridor Logistics Assessment Property Market Area
- Appendix 3 Equality Part A – Screening
- Appendix 4 Carbon Impact Assessment

Background Papers

Bassetlaw Local Plan 2020-2038: Publication Version Second Addendum (May 2022) and associated documents

<https://www.bassetlaw.gov.uk/planning-and-building/the-draft-bassetlaw-local-plan/bassetlaw-local-plan-2020-2038-publication-version-second-addendum-may-2022/bassetlaw-local-plan-2020-2038-publication-version-second-addendum-may-2022/>

Sheffield City Region Statement of Common Ground

<https://www.bassetlaw.gov.uk/media/6438/statement-of-common-ground-sheffield-city-region.pdf>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Bassetlaw Local Plan Statements of Common Ground

1. Background

- 1.1 Local planning authorities have a statutory “duty to cooperate” with other relevant bodies in order to encourage and enable strategic planning. The Council has met this duty in preparing its adopted Local Plan.
- 1.2 In preparing their Local Plan, Bassetlaw District Council has identified a number of strategic and cross boundary issues on which agreement is sought. The Statements of Common Ground will support submission of Bassetlaw’s Local Plan for examination. This sits alongside the high level Sheffield City Region Statement of Common Ground which Rotherham Council is signatory to, and covers a range of strategic issues.
- 1.3 The Council is now asked to sign up to a number of the agreements relating to spatial strategy, housing, employment, the Apleyhead strategic employment allocation, infrastructure and transport.

2. Key Issues

Statement of Common Ground – Bassetlaw Local Plan

- 2.1 The Statement of Common Ground for Bassetlaw Local Plan (Appendix 1) has regard to strategic planning matters, specifically on spatial strategy; housing need (including Gypsy and Traveller Needs); economic growth and transport matters.
- 2.2 The majority of these agreements have no significant implications for Rotherham, and focus on continued engagement and sharing of information.
- 2.3 In relation to housing and employment the agreements highlight that Rotherham and Bassetlaw will meet its requirements within their own borough.
- 2.4 On transportation, the statement recognises on-going discussions on A57 Improvement Plan to mitigate impacts relating to traffic, emissions and climate change.
- 2.5 After lengthy discussions, the Councils are unable to reach an agreement on the proposed strategic employment allocation (Apleyhead Junction), which would have associated implications for communities in the South of Rotherham promoting commuting from Rotherham to Bassetlaw with the associated implications for increased traffic congestion, community severance and carbon emissions. These issues are the subject of ongoing discussions and joint working with Bassetlaw on a A57 Improvement Plan to seek appropriate mitigation measures.

Statement of Common Ground – A1 Corridor Logistics Assessment Property Market Area

- 2.6 The statement has been developed between Bassetlaw Council and the A1 property market area authorities (listed in Appendix 2 para.1.1)
- 2.7 The agreements focus specifically on Apleyhead Junction Strategic Employment site allocation:
- the scale of operation
 - the housing needs generated from employment at Apleyhead
 - its contribution to addressing a sub-regional / regional need for large scale logistics

3. Options considered and recommended proposal

3.1 Option 1: the Council is a signatory to the Statements of Common Ground

Being a signatory to the Statements will assist Bassetlaw District Council in demonstrating that it has met the requirement to co-operate with other parties. It will also be beneficial to Rotherham Council in completing the partial update of the Local Plan Core Strategy, by helping to demonstrate to the planning inspector that the Council has met the duty to cooperate.

3.2 Option 2: the Council does not sign the Statements of Common Ground

If the Council does not sign the Statements then it may be detrimental to ongoing co-operation with Bassetlaw District Council, including the ability for the Council to negotiate and prepare its own Statement of Common Ground to support the partial update of the Core Strategy. Being a signatory to the Statements would be of significant benefit to the Council in demonstrating to the planning inspector an active engagement in strategic planning across the city region. Meeting the duty to cooperate is a statutory requirement, if the inspector deems it has not been met a local plan examination cannot continue. The duty cannot be met retrospectively. It is therefore advisable that the Council does all it can to meet the duty in the preliminary stages of the Local Plan Core Strategy partial update prior to submitting the plan for examination.

3.3 **Option 1** is the recommended option.

4. Consultation on proposal

4.1 Consultation on the Statements is not a requirement. When local planning authorities consult on draft local plans, any statements will form part of the supporting evidence for the plan. The public, stakeholders and interested parties can then comment on the plan and supporting evidence as appropriate.

4.2 Rotherham officers have input to the draft Statements at various stages and are content with the wording, any remaining areas of disagreement have been identified for future joint working to seek resolution.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If the report recommendation is approved, officers will make the necessary arrangements for Rotherham to be a signatory to the Statements in relation to those agreements set out at Appendices 1 and 2.
- 5.2 It is anticipated that the Assistant Director, Planning, Regeneration & Transport would sign the statement.

6. Financial and Procurement Advice and Implications

- 6.1 The recommendation for the Council to sign up to the common statements have no direct financial implications. The resources applied to consultation and discussion between Districts prior to agreement are met from existing approved budgets.
- 6.2 Procurement are satisfied with the approach set out. Any chargeable goods or services required by the Council should be sought in accordance with Section 58 – Normal Procedure of the Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 Under the National Planning Policy Framework (NPPF July 2021) strategic policy making authorities such as local planning authorities like Bassetlaw District Council and Rotherham Metropolitan Borough Council can produce up to date statements of common ground highlighting agreement on cross boundary strategic issues with neighbouring authorities.
- 7.2 If it was agreed to sign the statement of common ground this would fulfil the council's statutory duty to co-operate and demonstrate the councils' active engagement in strategic planning across the city region.

8. Human Resources Advice and Implications

- 8.1 No implication.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people and vulnerable adults arising from this report.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equalities screening has been completed and is attached at Appendix 3. A full equalities analysis is not required.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A Climate Impact Assessment has been completed and is attached at Appendix 4.

12. Implications for Partners

- 12.1. The implications for partners or other directorates are mainly associated with the draft plans that are influenced by the Statements of Common Ground, such as the partial update of Rotherham's Local Plan Core Strategy. There will be opportunity to comment on these draft plans when they are subject to public consultation.

13. Risks and Mitigation

- 13.1 The Council has a statutory duty to meet the duty to cooperate. This is set out in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The National Planning Policy Framework elaborates on the duty in relation to plan making.
- 13.2 When a local plan is considered at independent examination it is subject to a legal "test of soundness". To pass this test, the Council must demonstrate it has met the duty to cooperate. The duty cannot be met retrospectively so to mitigate any risk, the Council should do all it can to meet the duty prior to submitting its local plan for examination.

14. Accountable Officers

- 14.1 Andy Duncan, Planning Policy Manager
- 14.2 Nigel Hancock, Head of Planning and Building Control

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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