

DUTY TO CO-OPERATE

Memorandum of Understanding between Derbyshire Dales District Council and the Peak District National Park Authority

This Memorandum of Understanding establishes a framework for co-operation between Derbyshire Dales District Council and the Peak District National Park Authority. It primarily relates to the preparation of Development Plans in the two Local Planning Authority areas but also sets out a framework for future collaboration on identified strategic cross boundary planning issues. It is made within the context of the Duty to Co-operate as required under Section 110 of the Localism Act 2011.

Purposes

- Establish areas of agreement in relation to strategic planning and development issues between Derbyshire Dales District Council and the Peak District National Park Authority.
- Identify areas where further work is required.
- Set out a future work programme for areas of collaboration.

Scope

The scope of this Memorandum of Understanding is to cover:-¹

- Planning and monitoring housing provision across the Derbyshire Dales, including with the Derbyshire Dales' part of the National Park.
- The protection of the setting of the Peak District National Park and recognition of the Park's statutory purposes.
- Joint working on infrastructure planning.
- Joint working on evidence gathering to inform future planning policy reviews and strategies.
- Support for neighbourhood Plans that cover both Local Planning Authority areas.

Limitations

For the avoidance of doubt, this Memorandum shall not fetter the discretion of the Local Authorities in the determination of any planning application, or in the exercise of any of its statutory powers and duties, or in its response to consultations, and is not intended to be legally binding. The terms of the Memorandum of Understanding can be dissolved at the written request of either party.

Established Joint Working Arrangements

Derbyshire Dales District Council, the Peak District National Park Authority and High Peak Borough Council have worked jointly to commission evidence base studies which relate to the Peak Sub-Area¹ as identified in the former East Midlands Regional Plan. The Peak Sub-Area Local Planning Authorities have also jointly explored infrastructure requirements and potential funding arrangements in the form of joint workshops with infrastructure providers and the commissioning of a Community Infrastructure Levy Study.

Both Authorities are members of wider partnerships that help to inform and deliver Development Plans in the Derbyshire Dales and Peak District National Park. These include : Marketing Peak District and Derbyshire; Peak District Partnership; the Wider Peak District Cycle Strategy Steering Group and Business Peak District.

¹ Peak Sub-Area consisted of Derbyshire Dales District Council, High Peak Borough Council and the Peak District National Park Authority.

PEAK DISTRICT NATIONAL PARK AUTHORITY	
ALLOCATED: GROUP OFFICER	BT P.P.01
DATE REQD	12 DEC 2016
ACKNOWLEDGEMENT: REPLY: FILE ALLOCATION: COPIED TO:	

Regular communication is taking place and meetings have been held between the two Local Planning Authorities to discuss and agree strategic cross boundary planning matters in accordance with the Duty to co-operate as set out in statute and National Planning Policy Framework and Guidance.

Current Development Plan Position (December 2016)

The current position is as follows:-

- The Peak District National Park Core Strategy was adopted in 2011. It provides the spatial strategy policies for the National Park up to the year 2026.
- A Development Management Policies Development Plan document for the Peak District National Park Authority was published on the 18th November 2016. Along with the revised Policies Map this will form part 2 of the Local plan for the National Park and replace the saved policies of the Peak District National Park Local Plan 2001.
- The Derbyshire Dales Local Plan Pre Submission Draft was published on the 11th August 2016. The document sets out the overall vision and planning strategy for the Derbyshire Dales outside of the Peak District National Park, along with allocating all development sites and specifying development management policies.

Main Provisions

Planning monitoring and enabling housing provision across the Derbyshire Dales, including within the Peak District National Park.

Agreed

- The Derbyshire Dales Local Plan makes provision for at least 6,440 dwellings over the period 2013 – 2033 at an average annual development rate of 322 dwellings. The planned provision meets the full objectively assessed need for housing arising in the whole of the District, including the Peak District National Park (20 dwellings per annum as at December 2016).
- The Peak District National Park Authority support the proposed level of housing provision in the Derbyshire Dales Local Plan and will work closely with Derbyshire Dales District Council to establish and justify future needs and potential constraints in addressing the objectively assessed needs of the area as plans are reviewed. The Derbyshire Dales Local Plan includes an estimated contribution of 400 dwellings towards Derbyshire Dales' housing needs which may be delivered within the part of the Derbyshire Dales which lies within the National Park. This figure relates to the Local Plan period 2013 – 2033 and is an estimate based on past delivery rates within the National Park. It does not represent a target for the Peak District National Park Authority. The figure will be subject to monitoring.
- The Peak District National Park Core Strategy does not include a target for housing development. Such development is strictly controlled in order to address the needs of communities in the National Park and ultimately to conserve and enhance the National Park.
- Housing Officers from the District Council will continue to reflect National Park purposes, policies and legal mechanisms when discharging their statutory housing functions in the National Park area, e.g. through the allocation of completed affordable homes to people who meet the terms of signed Section 106 Agreements. This is to ensure that future development implications are taken into consideration. Close liaison with both the National Park Authority and Parish Councils in the rural parts of the Local Plan area can ensure the future sustainability of schemes by addressing the needs of National Park communities in perpetuity.

Commitment to Future Work

- Data relating to housing commitments and completions across the whole of the Derbyshire Dales will be monitored and shared between the two Authorities on an annual basis in order

to effectively monitor housing provision to ensure that the 400 dwelling contribution identified in the Derbyshire Dales Local Plan remains an accurate estimate. This information will inform any future review of the Derbyshire Dales Local Plan. Use of the Derbyshire Local Planning Authority planning monitoring database (CDP Smart) will assist with this process.

- Derbyshire Dales District Council and the Peak District National Park Authority will continue to liaise and consult on future evidence gathering and Development Plan updates in relation to housing matters.

The protection of the setting of the Peak District National Park and recognition of the Park's statutory purposes

Agreed

- Derbyshire Dales District Council recognises the duty to have regard to the purposes of the National Park as specified in the Environment Act 1995, namely:-
 - (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
 - (ii) to promote opportunities for the understanding and enjoyment of the special qualities [of the parks] by the public.
- The vision, objectives, spatial strategy and policies of the Derbyshire Dales Local Plan support the purposes of the National Park.
- In particular, the policies contained in the Derbyshire Dales Local Plan provide an appropriate degree of protection to the setting of the National Park. The policies and the sites to which they relate have been informed by the Derbyshire Dales Local Plan Landscape Sensitivity Study (August 2015). This assessment considered the impact of development sites on the setting of the National Park and recommended appropriate mitigation measures and policy responses to be included in the Derbyshire Dales Local Plan.

Commitment to Future Work

- Derbyshire Dales District Council will apply the policies of the Local Plan that relate to the protection of the setting of the National Park during the determination of planning applications. These include Policy S4 (Development within Defined Settlement Framework Boundaries), Policy S5 (Development in the Countryside), Policy PD1 (Design and Place Making), Policy PD5 (Landscape Character), Policy EC8 (Promoting Peak District Tourism and Culture) as set out in the Derbyshire Dales Local Plan Pre Submission Draft.
- Derbyshire Dales District Council will continue to consult with the National Park Authority on planning applications which adjoin or are in close proximity to the National Park boundary. Consultation on planning applications which are located away from the National Park boundary but which may have a significant impact on the National Park will also be undertaken.
- In accordance with the provisions of the Derbyshire Dales Local Plan Policy PD1, the District Council will encourage applicants to engage with the Peak District National Park Authority where relevant in the early stages of drafting proposals to discuss and agree appropriate designs, layouts, boundary treatments and other measures to mitigate landscape impacts and protect the setting and character of the countryside and National Park. When applicable, such matters will be discussed at the pre-application stage.
- Derbyshire Dales District Council and the Peak District National Park Authority will continue to consult and liaise on the progress being made on development sites close to the National Park boundary or which are located away from the National Park boundary but which may have a significant impact on the National Park in terms of the agreed policy positions regarding design and landscaping treatments to respect the urban / rural transition and the overall character and appearance of development and its impact on the setting of the National Park.

Joint Working on Infrastructure Planning

Agreed

- The Peak District National Park Core Strategy, Derbyshire Dales Local Plan and Derbyshire Dales Infrastructure Delivery Plan have been informed by joint working in relation to identifying infrastructure capacity, future requirements and the viability of introducing a Community Infrastructure Levy.
- Derbyshire Dales District Council and the Peak District National Park Authority will continue to work with and support partnerships that support and deliver infrastructure improvements.
- Derbyshire Dales District Council and the Peak District National Park Authority share many key services and facilities which serve local communities, including schools, health care, transport and green infrastructure.
- The Derbyshire Dales Local Plan provides policy support for the protection and enhancement of shared infrastructure and services.

Commitment to Future Work

- Derbyshire Dales District Council and the Peak District National Park Authority will liaise on future infrastructure planning to identify opportunities for further joint working.
- In the event that Derbyshire Dales District Council decides to implement a Community Infrastructure Levy, the scope to include Green Infrastructure shares with the Peak District National Park Authority on its Regulation 123 "Infrastructure List" would be considered and prioritised accordingly alongside other measures required to support growth.

Joint Working on Evidence Gathering to Inform Future Planning Policy Reviews and Strategies

Agreed

- Derbyshire Dales District Council and the Peak District National Park Authority have longstanding informal arrangements to jointly gather evidence to inform planning policies and strategies. Since 2007, the agreed basis for sharing the cost of commissions between the Authorities has been based on the split of population and the degree of benefit that commissioned evidence can bring to the work of each Authority. The District Council will utilise evidence to support planning, housing and economic development functions as opposed to the single planning purpose for the National Park Authority. A contribution of 10% from the National Park Authority towards commission costs has historically been agreed as logical and reasonable broadly based on the distribution of population between the two Local Planning Authority areas and contributions from other relevant Authorities.

Commitment to Future Work

- A joint programme will be agreed by both Authorities to outline the timetable for reviewing and updating joint evidence base studies. The cost will continue to be shared on a basis proportionate to the nature and scope of the study. When applicable, this will reflect the distribution of population between the two Local Planning Authority areas.

Support for Neighbourhood Plans that Cover Both Local Planning Authority Areas

Agreed

- Derbyshire Dales District Council and the Peak District National Park Authority support the preparation of Neighbourhood Plans that accord with the strategic policies of the Derbyshire Dales Local Plan (Pre Submission Draft) and the Peak District National Park Core Strategy.
- Neighbourhood Planning support for Town / Parish Councils and Neighbourhood Forums will be provided by both Derbyshire Dales District Council and the Peak District National Park Authority when a defined Neighbourhood Area spans the plan areas of each respective Local Planning Authority.

- Where formal decisions are required by a Local Planning Authority in relation to the stages of neighbourhood planning as set out in the Neighbourhood Planning (General) Regulations 2012, the decisions will be taken by both Derbyshire Dales District Council and the Peak District National Park Authority. The Authorities will liaise over both Committee timetabling and the content and recommendations of committee reports. Decision statements will be issued jointly and publicised by both Authorities.
- Publicising neighbourhood areas and draft neighbourhood plans for public consultation will be carried out jointly by both Authorities over the same timeframe.
- The appointment of an independent Examiner will be made following agreement between both Authorities and the Town or Parish Council / Neighbourhood Forum.
- Department for Communities and Local Government Neighbourhood Planning Grant will be claimed by Derbyshire Dales District Council. Following receipt of each quarter's grant, the Peak District National Park Authority will invoice for a share, reflective of the distribution of population across the Peak District National park and Derbyshire Dales Local Plan areas within the neighbourhood area in question.

Commitment to Future Work

Derbyshire Dales District Council will continue to liaise with the Peak District National Park Authority over the preparation, publication, examination and referendum of neighbourhood plans that cross the boundary of both Local Planning Authorities.

Monitoring

Details of activities undertaken in relation to this Memorandum of Understanding shall be recorded and published in a monitoring report in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012.

Review

This Memorandum of Understanding shall be reviewed in whole or in part as required and at a minimum at the time of any relevant Development Plan update or Development Plan review.



Councillor Lewis Rose, OBE
Signed for Derbyshire Dales District Council

Dated: 8/12/16



Councillor Lesley Roberts
Signed for Peak District National Park Authority

Dated: 8/12/16

