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Duty to Co-operate

Report summary:

The duty to co-operate is a term given to the legal requirement to work with certain bodies in respect of strategic cross boundary issues that could have a significant impact on at least two local planning authority areas. If the Local Plan is not prepared in a way that meets the 'duty to co-operate', it will not be examined and cannot be found sound and adopted. We have identified a number of strategic matters where it is likely that we will have to work with others in the preparation of the local plan. These can be grouped into eight topics: transport; water quality; climate change; habitat mitigation; nature recovery/net gain; landscape and green infrastructure. Progress in co-operation on strategic cross boundary issues is recorded in one or more statements of common ground. The National Planning Guidance advises that a statement of common ground should be published when the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined. We are in the early stages of plan production and there is a limit to how far cross boundary discussions on strategic matters can progress until the local plan development strategy is more advanced. This report focusses on identifying the matters to be addressed and a further report will be made to this Committee when work has progressed further and governance arrangements can be discussed, although it should be highlighted at this stage that it will be very important to get high level officer and member input into the co-operation process.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Strategic Planning Committee agree that the initial work on cross-boundary strategic issues be focussed around the topics set out in Table 3 of this report;
- (2) That Strategic Planning Committee note the requirement to maintain and publish a statement (or statements) of common ground.

Reason for recommendation:

We must co-operate effectively on cross boundary strategic matters during the preparation of the local plan and be able to demonstrate how this has been achieved through the production of one or more statements of common ground. It is important that Members are involved in this process. Identifying the matters to be considered is the first stage of the 'duty to co-operate' process so it is appropriate to get the input of the Strategic Planning Committees at this early stage.

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; failure to demonstrate that the duty to co-operate has been met could endanger the whole local plan process.

Links to background information National Planning Policy [Framework](#); Planning Inspectorate [guidance](#); National Planning Practice, Plan Making [Guidance](#) (including 'maintaining effective co-operation'); Section [110](#) of Localism Act that inserted Section 33A into Planning and Compulsory Purchase Act 2004; Planning Advisory Service Statement of Common Ground [Template](#).

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1 [Introduction](#)

1.1 When preparing the local plan, we are required to cooperate with neighbouring local planning authorities, and certain other public bodies, on strategic matters that cross administrative boundaries. This legal requirement is referred to as the 'duty to co-operate' and it must be fulfilled when preparing the plan, as any failure cannot be rectified after the plan has been submitted for examination. Before proceeding with an examination, the Inspector will need to be satisfied that we have met the duty to co-operate by engaging with neighbouring authorities and other bodies constructively, actively and on an ongoing basis, in order to maximise the effectiveness of the plan preparation process.

1.2 Paragraph 26 of the National Planning Policy Framework (NPPF) states that "*Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere*".

2 [Which bodies do we need to co-operate with?](#)

2.1 The bodies which are subject to the duty to co-operate are set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (we have to co-operate with them and they have to co-operate with us). In the case of our local plan these comprise:

- Devon County Council
- Somerset County Council
- Dorset Council
- Exeter City Council
- Mid Devon District Council
- Teignbridge District Council
- South Somerset District Council
- Somerset West and Taunton Council
- Environment Agency
- Historic England
- Homes England
- Natural England
- Highways England
- Office of the Rail Regulator
- Civil Aviation Authority
- National Health Service Commissioning Board
- NHS East Devon Clinical Commissioning Group.
- Marine Management Organisation

2.2 In addition, we have a statutory duty to involve the Heart of South West Local Enterprise Partnership and the Devon Local Nature Partnership (we have to co-operate with them but they do not have to co-operate with us). Whilst under no legal duty to engage with AONB partnerships, given the importance of landscape and wider environmental issues to the local plan, we have also included the Blackdown Hills, East Devon and Dorset AONB partnerships in our initial discussions.

3 Identifying the issues where cross boundary co-operation is likely to be needed

3.1 The first step in meeting the duty to co-operate is to identify the strategic issues that cross administrative boundaries that are within the scope of the local plan. Paragraph 20 of the NPPF helps to identify which matters could be considered to be 'strategic': it states that "*Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*
a) housing (including affordable housing), employment, retail, leisure and other commercial development
b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
c) community facilities (such as health, education and cultural infrastructure); and
d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."

3.2 In order to initiate dialogue with the relevant bodies (listed in paragraph 2 above) Table 1 (set out in Appendix 1) was sent to each body for comment and to ask if additional issues should be considered. The responses received are summarised in the Table 2 of Appendix 1. From this process we have identified eight topic areas to focus cross boundary work around. These are: housing; transport; water quality; climate change; habitat mitigation; nature recovery/net gain; landscape and green infrastructure. Table 3 (below) sets out notes on each topic, together with a list of key partners and related evidence. This has been circulated to the 'duty to co-operate' bodies and the comments received have been incorporated into it where appropriate.

Table 3 Potential topic areas for statements of common ground

Topic	Key Partners	Evidence	Notes
Housing (including gypsy and travellers)	Neighbouring Local Planning Authorities	<p>East Devon has a recent housing needs assessment. Also, East Devon, along with Teignbridge and Mid Devon District Councils and Exeter City Council, are jointly commissioning an authorities wide study.</p> <p>A gypsy and travellers study that covers East Devon, Exeter, Teignbridge and Mid Devon may be commissioned, or alternatively we may do an East Devon only assessment. Any study will need to consider not only links with other Devon Authorities to the west, but also links to Somerset and Dorset to the east.</p> <p>As part of the evidence produced for the current East Devon Local Plan, a joint assessment of potential development sites around Lyme Regis on both sides of the County boundary was undertaken in 2014. Given the close geographical links between Lyme Regis and East Devon it would be appropriate for a similar exercise to be undertaken.</p>	<p>The local plan will consider options for meeting our housing need within East Devon, but it is too early to say whether that will be possible. The current minimum housing figure for East Devon is 928 per annum.</p> <p>Torbay have asked for help meeting their strategic housing need. The Exeter Housing Market Area (which includes the western part of East Devon) abuts the Torbay Housing Market Area, although Torbay is separated from East Devon by Teignbridge District.</p> <p>Dorset Council highlight land stability and drainage issues in Lyme Regis that constrain development around the town. Dorset Council suggested that, when considering the appropriate level of development for Uplyme, it would be incomplete to not consider that the town of Lyme Regis is immediately adjacent, particularly when considering the provision of affordable homes.</p>

Topic	Key Partners	Evidence	Notes
Transport	Devon County Council. Somerset County Council. Dorset Council. Exeter City Council. Highways England. Network Rail.	A number of reports were produced as evidence for the Greater Exeter Strategic Plan (GESP). The emerging East Devon Local Plan will need to be underpinned by a robust transport evidence base, with further work to be undertaken to support the plan.	The details of work on movement and transportation are strongly linked to the development strategy of the plan, which is still under consideration. More work will need to be undertaken on this topic as the plan progresses.
Water Quality	The Environment Agency Natural England South Somerset District Council Dorset Council South West Water	The River Axe Nutrient Management Plan We are preparing a Level 1 Strategic Flood Risk Assessment. We may undertake a water cycle study that could highlight issues aside from the River Axe. Habitat Regulations Assessment (HRA)	We have a good understanding of issues surrounding phosphates in the River Axe and some of the potential options for mitigation. The work ahead will need to concentrate on identifying and implementing mitigation schemes and measures that will allow for built development to proceed. A report was considered by our Strategic Planning Committee in February 2021. A habitat mitigation strategy may also be required.
Climate Change	The Environment Agency. Devon County Council. Natural England Neighbouring LPA's South West Water	A number of reports were produced as evidence for the Greater Exeter Strategic Plan (GESP). The interim Devon Carbon Plan . We are preparing a Level 1 Strategic Flood Risk Assessment. We have evidence to underpin coastal change policies for part of our coastline and plan to complete this work using the same methodology.	Climate change cuts across most of the issues that need to be addressed in the local plan. We need to consider measures to reduce climate change (such as reducing carbon footprint) and also to adapt to climate change (for example through coastal change). We will also explore the potential for the expansion of the existing district heating network and potential for new networks linking to adjoining areas.

Topic	Key Partners	Evidence	Notes
Habitat Mitigation	Natural England Environment Agency Exeter City Council Teignbridge District Council South Somerset District Council Dorset Council	Habitat Regulations Assessment (HRA). The River Axe Nutrient Management Plan	<p>A HRA is required where development or its impacts could adversely affect the highest tier of wildlife sites. There will need to be cross authority boundary coordination on this work, which will be ongoing through plan production. A partnership between Teignbridge, East Devon District and Exeter City Councils, with Natural England is already in place.</p> <p>There are also links to work being undertaken on water quality on the River Axe with Dorset Council and South Somerset District Council.</p>
Nature Recovery/Net Gain	Natural England Environment Agency Devon County Council Neighbouring LPA's	Strategic wildlife corridors study	<p>Work is starting on a Devon wide nature delivery strategy. It may also be necessary to consider links across the county boundary to Dorset and Somerset.</p> <p>There may be opportunities for natural flood management projects across boundaries.</p>
Landscape	Blackdown Hills, East Devon and Dorset AONB Partnerships. Neighbouring LPA's.	Review of AONB management plans. Landscape Assessments of potential local plan allocations that may have an impact on landscapes in neighbouring areas.	<p>There are two potential elements to landscape and the duty to co-operate. The Blackdown Hills and Dorset AONB's cross county boundaries and the East Devon AONB is contiguous with the Dorset AONB. The opportunities to align the local plan with the relevant AONB management plans can be explored, noting the potential for a co-ordinated approach to both landscape and wider issues, including nature recovery and environmental enhancement.</p> <p>Separately, potential land allocations in the local plan may have landscape impacts</p>

Topic	Key Partners	Evidence	Notes
			that extend across administrative boundaries (including cumulative effects).
Green Infrastructure	Devon County Council. The Environment Agency	Draft Clyst Valley Regional Park Masterplan . Emerging work on land allocations.	The adopted East Devon Local Plan protects the Clyst Valley Regional Park for green spaces linked by trails so that the growing population to the east of Exeter have access to the countryside. As work progresses on local plan allocations there may be requirements for further green infrastructure projects that raise cross boundary strategic issues.

4 How the duty to co-operate is organised and recorded

- 4.1 The National Planning Policy Framework (NPPF) requires us to produce, maintain, and update one or more statement(s) of common ground (SCG) throughout the plan-making process. Essentially the SCG provides a mechanism for conducting open and transparent working on strategic cross-boundary issues. A statement of common ground is a written record of the progress made on strategic cross-boundary matters and documents where effective co-operation is and is not happening throughout the plan-making process. It also forms part of the evidence we will need to demonstrate that we have complied with the duty to cooperate. The National Planning Guidance says that it should contain:
- a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*
 - b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*
 - c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories;*
 - d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
 - e. the housing requirements in any adopted and emerging strategic policies relevant to housing within the area covered by the statement;*
 - f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*
 - g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and*
 - h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.*
- 4.2 The National Planning Guidance advises that a statement of common ground should be published when the area it covers and the governance arrangements for the cooperation

process have been defined, and substantive matters to be addressed are determined. We are expected, as a minimum, to document; working together at the outset of plan-making to identify cross-boundary matters; producing or commissioning joint research and evidence; assessing impacts of emerging policies; and developing joint strategic policies to ensure development is coordinated (such as the distribution of unmet needs).

- 4.3 The Planning Advisory Service have published a draft template to guide the production of a SCG that should prove useful. This emphasises the importance of high level officer and member input into the co-operation process.

Financial implications:

There are no specific financial issues requiring comment

Legal implications:

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 will form part of the evidence required to demonstrate that the Council has complied with the duty to cooperate. There are no other legal implications other than as set out in the report.

Appendix 1

Table 1 Initial list of potential cross boundary strategic issues emailed to 'duty to co-operate' bodies in January 2021

Strategic matter	Specific issue to be considered through local plan
Housing	<p>Distribution of housing growth – potential to accommodate growth needs from elsewhere in East Devon or East Devon needs going into other local authority areas.</p> <p>Gypsy and traveller – providing adequate gypsy and traveller sites to address identified needs (static and transit).</p>
Employment	Provision of land to support employment aspirations of Heart of the South West Local Enterprise partnership or other bodies,
Retail	Any major retail development in other areas that would be likely to adversely affect our town centres or developments in East Devon affecting other locations.
Leisure	Proposals for sporting venues serving wider area than an East Devon need.
Other commercial development	None currently identified
Transport	<p>Impact of planned growth levels on transport infrastructure in other areas including:</p> <p>Provision of a passing loop on Exeter – Waterloo railway line to facilitate half hourly services between Axminster and Exeter.</p> <p>Transport links between Exeter and East Devon.</p> <p>Capacity limits at Junctions 29 and 30 of the M5 motorway or on other major roads.</p>
Tele-communications	None currently identified.
Security	None currently identified.
Waste management	Impact of planned growth levels on waste management capacity.
Water supply	Impact of planned growth levels on water supply capacity in other local authority areas.
Wastewater	Impact of planned growth levels on wastewater capacity and pollutants that might arise in other local authority areas.
Flood risk	Impact of development on levels of flood risk in other local authority areas.

Strategic matter	Specific issue to be considered through local plan
Coastal change management	Potential for co-ordinated approach with neighbouring coastal authorities.
Minerals	Safeguarding known deposits.
Energy (including heat)	Expansion of existing district heating network and potential for new networks linking to adjoining areas.
Community facilities	Any need for shared facilities across boundaries.
Health	Impact of growth levels on health capacity in neighbouring areas.
Education	Impact of growth levels on capacity of education establishments in neighbouring areas.
Cultural infrastructure	None currently identified.
Natural environment	Ensuring that the cumulative impacts of growth levels do not damage European wildlife designations.
	Ensuring a consistent approach to nutrient levels in the River Axe.
	Ensuring identification and delivery of mitigation measures.
Built environment	None currently identified.
Historic environment	None currently identified.
Landscape	Ensuring a consistent approach to the conservation and enhancement of protected landscapes and their setting.
Green infrastructure	Delivery of the Clyst Valley Regional Park.
Climate change mitigation and adaptation	Potential for co-ordinated approach with neighbouring areas.

Table 2 Comments received from 'duty to co-operate' bodies in response to Table 1 (above) and Table 3 (in main body of report)

Housing - Distribution of housing growth – potential to accommodate growth needs from elsewhere in East Devon or East Devon needs going into other local authority areas.

Dorset Council	Highlight the constrained nature of Lyme Regis given land stability and drainage issues. Effectively there are limited developable sites around the town on the Dorset side of the border. When considering the appropriate level of development for Uplyme, it would be incomplete to not consider that the town of Lyme Regis was immediately adjacent. This is particularly important when considering the provision of affordable homes as many people who live in Lyme Regis will not consider the boundary between the two settlements when making their housing choices. The situation is made worse by the high prevalence of second / holiday homes in the area which further constrains the availability of housing for local people. This does not imply that there is likely to be any unmet need from the Dorset area that will result in a request to be met in East Devon, but that the need for housing does not stop at the boundaries. This cross boundary consideration would accord with the spirit of para 78 of the NPPF: <i>“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”</i> .
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council.
Torbay	Paragraph 60 of the NPPF also indicates that “any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”. When the Greater Exeter Strategic Plan (GESP) was in existence, I advised the GESP team as part of the Duty to Cooperate that Torbay is unlikely to be able to accommodate its standard method derived housing need figure (586 dpa) beyond the current Torbay Local Plan termination date of 2030; and indeed the delivery of this level of growth is proving very difficult. Whilst East Devon is no longer in the GESP, it is within the Greater Exeter Housing Market Area (HMA) and Functional Economic Market Area (FEMA) that directly abuts and overlaps with Torbay. I would ask that the East Devon Local Plan Update takes into account neighbouring needs, as part as ongoing consideration of cross boundary matters.
Devon County	DCC interest and role providing services and infrastructure not reflected.
Housing - Gypsy and traveller – providing adequate gypsy and traveller sites to address identified needs (static and transit)	
Mid Devon	Needs assessment needs updating. Co-ordinated approach to transit site provision and potential negotiated stopping places
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and EDDC
Devon County	DCC interest as part of serving our communities, and also discussed as part of protocol review about need to plan strategically for this matter.
Employment - Provision of land to support employment aspirations of Heart of the South West Local Enterprise partnership or other bodies	
South Somerset	We consider that this is unlikely to be a strategic cross-boundary matter between SSDC and EDDC, however SSDC reserves comment as the East Devon Local Plan progresses.

Devon County	Presume DCC classed as 'other body' with economy interests DCC role providing services and infrastructure not reflected.
Retail - Any major retail development in other areas that would be likely to adversely affect our town centres or developments in East Devon affecting other locations.	
Dorset Council	add 'including the impact on Lyme Regis town centre'
South Somerset	We consider that this is unlikely to be a strategic cross-boundary matter between SSDC and EDDC, however SSDC reserves comment as the East Devon Local Plan progresses.
Devon County	DCC with economy interests DCC role providing services and infrastructure not reflected
Leisure - Proposals for sporting venues serving wider area than an East Devon need	
Mid Devon	Need to consider evidence such as playing pitch strategies and any ambitions for sporting venues serving an extensive catchment area
South Somerset	We consider that this is unlikely to be a strategic cross-boundary matter between SSDC and EDDC, however SSDC Reserves comment as the East Devon Local Plan progresses
Devon County	Recognising the links between leisure provision and public health, a DCC role.
Transport	
<ul style="list-style-type: none"> • Impact of planned growth levels on transport infrastructure in other areas including: • Provision of a passing loop on Exeter – Waterloo railway line to facilitate half hourly services between Axminster and Exeter; <ul style="list-style-type: none"> • Transport links between Exeter and East Devon; and • Capacity limits at Junctions 29 and 30 of the M5 motorway or on other major roads. 	
Dorset Council	Add impact of growth on traffic flows along the A35. Impact of rail improvements on services running through northern Dorset.
Mid Devon	Add coordinating and prioritising infrastructure investment across a wider area than local authority boundaries. This can encompass an efficient and net zero communication and transport network (including digital connectivity), and also energy generation and distribution (including renewable).
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council (see comments in relation to the Local Plan Issues & Options above). This relates to the importance of the Axminster to Taunton bus route
Devon County	Scope inadequate. DCC role in transport and infrastructure planning. DtC protocol outcome: The preparation of integrated and consistent development and transport strategies, agreed and appropriate evidence, transport policy and coordinated investment plans including a focus on delivery of sustainable transport options, supporting the move to Electric Vehicle infrastructure
Highways England	We note that Transport is listed as a topic area for inclusion in a Statement of Common Ground with Highways England as a key partner. The emerging East Devon Local Plan will need to be underpinned by a robust transport evidence base, with further work to be undertaken. We therefore look forward to working with the Council, in conjunction with other key stakeholders, in the development of the transport evidence that will be required to support the Plan.
Telecommunications (no issues currently identified)	
Devon County	DCC with economy interest, including broadband rollout projects
Security (no issues currently identified)	
Waste management - Impact of planned growth levels on waste management capacity – no comments received	
Devon County	[Depending if/what may be identified as the LP progresses].

Water Supply - Impact of planned growth levels on water supply capacity in other local authority areas –no issues identified or comments made	
Wastewater - Impact of planned growth levels on wastewater capacity and pollutants that might arise in other local authority areas	
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council. We would reiterate our wish to be involved in ongoing discussion around the River Axe phosphates issue with any potential future need for joint approaches to secure relevant and appropriate mitigation. From a South Somerset perspective this could impact on development on the southern side of Chard and southward to the boundary with East Devon. We are currently working jointly with the Somerset local planning authorities to address phosphates affecting the Somerset Levels and Moors Ramsar Site – the catchment of which covers a significant area of our district
Environment Agency	Influencing development and land management in upstream areas of East Devon’s rivers can help to reduce adverse impacts on water quality (most importantly reducing Phosphate [organic and artificial] and silt inputs) and flooding. This is especially relevant for the River Axe, where it would be beneficial to reference the River Axe Restoration Plan and ‘Triple Axe’ Partnership Project to protect/enhance the River Axe SAC/SSSI and ultimately the Axe Estuary MCZ. This is also perhaps the most significant upstream influence for the area where opportunities for NFM will be available. Similarly biodiversity does not obey political and administrative boundaries. Therefore work with these local authorities and other stakeholders in these areas will be essential.
Flood Risk - Impact of development on levels of flood risk in other local authority areas.	
Devon County	DCC role as LLFA not reflected.
Environment Agency	<p>The matter of flood risk could fall within the Water Quality, Climate Change or even Net Gain topic areas. We defer to your authority on the chosen approach to flood risk but we do recommend that it is considered as a cross boundary matter to address, and it may need to explicitly included in one or several of the above topics.</p> <p>The key issues to raise here is the fact that the boundary of East Devon District does not align with fluvial catchment boundaries and therefore cross boundary issues will have an impact upon the water environment and flood hydrology. The following list provides a summary:</p> <ul style="list-style-type: none"> • The Lym catchment is split between East Devon and West Dorset. • The Upper Axe catchment originates in West Dorset and South Somerset. • A small area of the Upper Otter catchment is situated within Taunton Deane. • Small areas of the Upper Culm catchment are within East Devon, prior to draining into Mid Devon. • East Devon encompasses an area of the Middle Exe between Silverton and Exeter, which will be influenced by the upstream catchment draining from Mid Devon. • The designated Exe Estuary borders the west of East Devon.
Coastal change management - Potential for co-ordinated approach with neighbouring coastal authorities.	
Devon County	Depending if/what may be identified as the LP progresses.
Natural England	Add to ensure the best possible solution to avoid or minimise impact on habitats, ensure the provision of compensatory habitats (where appropriate), and seek suitable alignment for the National Coastal Footpath
Minerals - Safeguarding known deposits	
Dorset Council	Add potential impacts on Dorset mineral interests. Maintaining cross-boundary flows of minerals.

Devon County	DCC role providing services and infrastructure not reflected.
Energy (including heat) - Expansion of existing district heating network and potential for new networks linking to adjoining areas.	
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that the mitigation of the effects of Climate Change is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council. This would include low carbon and renewable energy infrastructure (see comments in relation to the Local Plan Issues & Options above regarding the provision of solar arrays/farms and windfarms).
Devon County	DCC involvement in this area of work (through economy and climate change).
Community facilities - Any need for shared facilities across boundaries	
Dorset Council	Add especially in the vicinity of Lyme Regis
Devon County	DCC role providing services and infrastructure not reflected.
Health - Impact of growth levels on health capacity in neighbouring areas	
Devon County	DCC Public Health role (covering health and wellbeing) not reflected (distinct from NHS's role).
Education - Impact of growth levels on capacity of education establishments in neighbouring areas	
Dorset Council	Add with particular reference to growth in the east of East Devon and the impact on the Woodroffe School.
Devon County	DCC Local Education Authority role not reflected.
Cultural infrastructure - No issues currently identified and no comments received	
Natural environment – General comments	
BH and ED AONB teams	Generally, we would anticipate the AONBs working with EDDC on Natural Environment.
Devon County	This focuses only on Natura 2000 sites. Does not reflect wider matters, including net gain or natural capital. DtC protocol outcome: The development of a consistent, evidence-based approach for dealing with biodiversity issues and management including guidance for, and the implementation of, net gain policy. The articulation of consistent and agreed objectives and policy relating to biodiversity. We suggest that additional strategic matters for natural environment include implementation of Biodiversity/ Environmental Net Gain and Local Nature Recovery Strategies, both of which could have cross boundary considerations.
Environment Agency	Due to the potential opportunities for Natural Flood Management (NFM) projects across boundaries, within catchments we would have an interest in Net Gain projects, if not as a lead, definitely as a contributor, or in the role to support or to provide advice or evidence. We would also recommend alignment with the emerging statutory LNR Strategies for Devon, Dorset and Somerset, the AONB Nature Recovery Plans, and both the Connecting the Culm and Crystal Clear Clyst projects.
Natural England	Add ensuring effective policies and funding mechanisms are in place to deliver the landscape-scale nature recovery areas that are likely to be identified in the emerging Devon Local Nature Recovery Strategy. Cooperation between LPAs on Local Nature Partnership priorities to deliver cross-boundary strategic priorities for the natural environment. Add seek opportunities to share data relating to air quality, traffic levels, and the loads on Habitats sites and their condition, to provide a consistent basis for assessing the potential for significant effects on Habitats sites arising from traffic growth, and land uses that adversely affect air quality. Co-ordinate with neighbouring areas to continue to share data relating to bird populations and distributions, visitor numbers (incl. dogs), the catchment for regular users of Habitats sites and their impact.
Natural environment - Ensuring that the cumulative impacts of growth levels do not damage European wildlife designations	

BH and ED AONB teams	We suggest that this should refer to wildlife and habitat designations
South Somerset	See comments on phosphate mitigation in relation to wastewater above.
Natural Environment - to nutrient levels in the River Axe	
BH and ED AONB teams	This may be through shared involvement in delivery of a River Axe Nutrient Management Plan, and the proposed Triple Axe programme through the East Devon Catchment Partnership.
South Somerset	See comments on phosphate mitigation in relation to wastewater above.
Natural Environment - Ensuring identification and delivery of mitigation measures	
South Somerset	See comments on phosphate mitigation in relation to wastewater above.
Built environment - No issues currently identified	
Devon County	Implication on DCC role providing services and infrastructure.
Historic environment - No issues currently identified	
Devon County	DCC role with HER
Historic England	<p>We note that no historic environment issues are identified in the table and have the following suggestions for your consideration:</p> <ul style="list-style-type: none"> • The Jurassic Coast World Heritage Site is a designated heritage asset that extends into Dorset Council's area and as such, we consider its conservation should be identified as an issue. • Given East Devon's coastline, we might expect to see matters of seascape and the marine-terrestrial planning overlap identified as strategic matters. • The Blackdown Hills Areas of Outstanding Natural Beauty extend beyond East Devon District Council's boundaries while the settings of the East Devon and Dorset AONBs could cross boundaries. This may be what is already captured under the Landscape strategic matter? • Unfortunately our GIS is down at the time of writing this letter and as such I am unable to check if there are any designated heritage assets (including heritage at risk) that straddle or are close to the boundaries between East Devon District Council and neighbouring local authorities where cross-boundary co-operation may be required to achieve a consistent approach to their conservation and/or enhancement, e.g. the setting of Dolbury Hillfort scheduled monument, grade II* listed Killerton House and grade II* Registered Park and Garden; and the setting of Lambert's Castle scheduled monument. However, this is something your conservation and archaeological advisers should easily be able to advise you on. • Devon Historic Environment – the use and management of the Devon HER may also be a matter that you wish to identify given the NPPF's direction on its role in the planning system as per paragraphs 187, 189 and 199. • Most of these issues are likely to be addressed through the plan preparation process to which Historic England is statutory consultee as well as being prescribed body under the Duty to Co-operate.
Landscape – General comments	
Devon County	Ensure a consistent approach to the consideration of the effects of development proposals on the landscape resource and upon views where the visual influence of development proposals would extend across administrative boundaries, including cumulative effects. [Justification: To allow co-operation over screening and scoping of developments for EIA whose likely effects may cross administrative boundaries; to comply with NPPF.] □
Natural England	Seek a common understanding of the threats to and opportunities within the cross-boundary landscape (not just protected landscapes).

Landscape - Ensuring a consistent approach to the conservation and enhancement of protected landscapes and their setting	
BH and ED AONB teams	Add specific reference to Blackdown Hills AONB to facilitate co-ordinated approach to local plan policies.
Mid Devon	For clarity we consider it would be preferable here to specifically state Blackdown Hills AONB and East Devon AONB rather than protected landscapes. This is the key strategic area that we would anticipate working with EDDC on to address. We would like to consider the review of the AONB Management Plans (due to complete in 2024) to ensure they align with the aspirations of the new local plan and in particular their role in delivery of nature recovery and environmental enhancements.
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council, as the Blackdown Hills AONB falls within our districts.
Devon County	Suggested content: <ul style="list-style-type: none"> • Ensuring a consistent approach to the conservation and enhancement of landscapes, including protected landscapes and their setting, intrinsically dark landscapes, the character of the undeveloped and heritage coast, tranquil areas valued for recreation and amenity, the intrinsic character and beauty of the countryside. [Justification: To comply with the European Landscape Convention, which requires the consideration of all landscapes; to reflect advice on landscape in the NPPG; to comply with NPPF 170, 171, 172, 173, 180.] • Ensure shared character assessments are relevant and up to date, allowing the distinctive character, special qualities and features of an area to be taken into account in planning policies and decisions. [Justification: To comply with NPPF 31, 79e, 125, 130, 168b, 170, 173. The Devon-wide landscape character assessments form part of the evidence base of development plans of DCC and EDDC and underpin associated landscape policies together with the East Devon AONB Management Plan. The Devon Landscape Policy Group is an existing well-established group that co-operates over future updates and additions on this shared evidence base.]
Natural England	Add ensuring Policies and Proposals respond to the AONB Management Plans.
Green infrastructure - Delivery of the Clyst Valley Regional Park	
Dorset Council	Add in particular the delivery of improvements to the River Lim Path and connections to the wider area
BH and ED AONB teams	Agree this is a matter for cross boundary working and the AONB Partnerships may be involved (particularly in relation to land use/land management measures).
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSDC and East Devon District Council. Both councils have recognised a climate and ecological emergency and have proactively worked towards addressing our transition to net zero (see comments in relation to the Local Plan Issues and Options above).
Devon County	Significant DCC interest, with own emergency declaration – DCC not a ‘neighbouring area’. The Devon Carbon Plan is an important framework which could be used to join up strategies and commission new evidence across a wider area as necessary.

Climate change mitigation and adaptation - Potential for co-ordinated approach with neighbouring areas	
BH and ED AONB teams	Agree this is a matter for cross boundary working and the AONB Partnerships may be involved (particularly in relation to land use/land management measures).
South Somerset	We have indicated in our Duty to Cooperate Statement (October 2020) that this is a matter which is a strategic cross-boundary strategic matter between SSSC and East Devon District Council. Both councils have recognised a climate and ecological emergency and have proactively worked towards addressing our transition to net zero (see comments in relation to the Local Plan Issues and Options above).
Devon County	Significant DCC interest, with own emergency declaration – DCC not a ‘neighbouring area’. The Devon Carbon Plan is an important framework which could be used to join up strategies and commission new evidence across a wider area as necessary.
Environment Agency	The matter of flood risk could fall within the Water Quality, Climate Change or even Net Gain topics identified. We defer to your authority on the chosen approach to flood risk but we do recommend that it is considered as a cross boundary matter to address, and it may need to be explicitly included in one or several of the above topics.
	General comments
Devon County Council	The table frequently focuses on the dealing with matters with neighbouring authorities, without consideration of the functions of DCC as upper tier authority. For a number of topics particular projects are noted. Whilst these are matters for the LP to consider, they miss reflection on the wider objective and benefits available from collaborating on these topics. It is recommended that the DtC protocol is referred to, as this covers many of the points below, and flag extra themes, in a consistent manner.