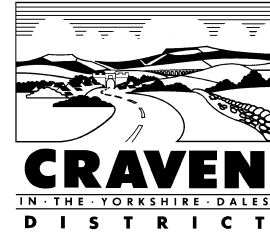


Policy Committee 7 December 2017



Craven Local Plan – Duty to Cooperate: Draft Memorandum of Understanding with the Yorkshire Dales National Park Authority

Report of the Strategic Manager for Planning and Regeneration

Ward(s) affected: All wards

1. **Purpose of Report** - To present and seek approval of a revised draft Memorandum of Understanding with the Yorkshire Dales National Park Authority to reflect updated evidence on objectively assessed housing and employment needs
2. **Recommendations** – Members are recommended to:
 - 2.1 Approve the updated Memorandum of Understanding (MOU) as presented at Appendix 1;
 - 2.2 Give the Strategic Manager for Planning and Regeneration delegated authority to make minor amendments to the MOU; and
 - 2.2 Give the Strategic Manager for Planning and Regeneration delegated authority to sign the MOU on behalf of Craven District Council and arrange for the MOU to be signed by the Yorkshire Dales National Park Authority (YDNPA).
- 3 **Report**
 - Introduction**
 - 3.1 Members will have considered reports earlier on this agenda on the updated Strategic Housing Market Assessment (SHMA November 2017) and the Housing Growth Options Paper : Addendum concerning an updated Objectively Assessed Housing Need (OAHN) for Craven District and consideration of a number of housing growth options for the Publication draft local plan.
 - 3.2 Members will also be aware that the Spatial Planning Sub-Committee at their meeting on 14th June 2017,(as part of Duty to Cooperate ongoing discussions and engagement in respect of crossboundary issues), authorised the Strategic Manager for Planning and Regeneration to enter into a Memorandum of Understanding (MOU) on behalf of the Council with the Yorkshire Dales National Park Authority (minutes CSP.146 and POL 861 refer) , The MOU addressed matters of common interest in the adopted YDNPA local plan and the emerging Craven local plan.
 - 3.3 For the avoidance of doubt, the matters referred to in the MOU are identified as follows:

- Objectively Assessed Housing Need (OAHN),
- Objectively Assessed Employment Need (OAEN),
- Apportionment between Craven District Council and Yorkshire Dales National Park Authority, and
- Strategy Alignment

Changes to OAHN

- 3.4 On the proviso that Members resolve to confirm accepting the updated OAHN and the recommendations on the housing growth requirement for the Publication Local Plan as presented in reports considered earlier on the agenda, this has implications for the MOU already entered into with the YDNPA. This is insofar as the evidence referred to in the original MOU would be out of date. As such, and in order to align matters with regard to the Duty to Cooperate, it would be prudent to revisit the MOU and to update it accordingly. A copy of the revised MOU is presented at Appendix 1.

Key Changes to the MOU

- 3.5 To align the MOU with the updated evidence and to reflect the change in circumstances, there are a number of changes to the MOU. These are:
- Updates to the background and context to reflect updates to underpinning evidence (para 2.4-2.7)
 - Updates to table references at para 2.8
 - Update to para 3.1 with a revised OAHN
 - Update to para 3.2 with a revised OAEN
 - Update at para 3.3 updating table references
- 3.6 The structure of the MOU however remains the same as approved previously by Spatial Planning Sub-Committee..

Duty to Cooperate

- 3.7 The Duty to Cooperate is a critical test in plan preparation and meeting the provisions of the duty is key in order to ensure that submitted plans proceed in examination. In effect, it is a test that is either passed or failed. The use of up to date MOUs is a useful tool to demonstrate that strategic cross boundary issues have been considered and accounted for, and represents robust evidence to show that the Duty to Cooperate has been met. Officers have had initial discussions on the updated evidence with the YDNPA officers, and it is anticipated that there would not be any significant barriers to reaching agreement .

Implications

- 4.1 **Financial and Value for Money (vfm) Implications** – There are no financial implications arising directly from this report,
- 4.2 **Legal Implications** – The preparation of the Local Plan is a statutory obligation under the provisions of the Planning and Compulsory Purchase Act 2004. Fulfilling the Duty to Cooperate is a key legal test that is an integral and fundamental part of plan preparation.

- 4.3 **Contribution to Council Priorities** – Adoption of the Craven Local Plan will provide a spatial strategy, development policies and land allocations for housing and employment in the area which will directly or indirectly contribute to all the Council's priorities.
- 4.4 **Risk Management** – Entering into a MOU is a key component and tool associated with preparation of the local plan and meeting the provisions of the Duty to Cooperate, which is a key document associated with plan preparation. Not approving the MOU, and not entering into it will increase the risk of failing to demonstrate that the Duty to Cooperate has been met as part of examination of the local plan. Failing to demonstrate that the Duty to Cooperate has been met would lead to abortive work and starting to prepare the plan again.
- 4.5 **Equality Analysis** – No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Analysis.
5. **Consultations with Others** –Legal Services, Financial Services.
6. **Access to Information: Background Documents** –
7. **Author of the Report** – Matthew Collins; e-mail; mcollins@cravencdc.gov.uk
- Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.
8. **Appendices** – Appendix 1 – Updated Memorandum of Understanding.