Minerals Local Plan Site Options and Draft Policy Framework Evidence Paper
Duty to Co-operate

June 2014

Gloucestershire COUNTY COUNCIL
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Section 1: Introduction to the Duty to Co-operate

Purpose

1.1 Although the government has revoked the Regional Strategies the need to plan at sub national or the ‘larger than local’ level remains. Local authorities and strategic agencies are still expected to plan strategically. It is down to planning authorities such as Gloucestershire County Council (GCC), to determine what needs to be done at the strategic level. This requires being able to know who you need to work with and how. Demonstrating this is via the Duty to Co-operate (‘the duty’). At the plan examination this requires the need to satisfy both a legal (Localism Act) and soundness (NPPF) test.

Statutory requirement

1.2 The Localism Act came into force in November 2011 and introduces the ‘Duty to Co-operate’ whereby local planning authorities are required to work with neighbouring authorities and other prescribed bodies in preparing their development plans. Section 110 of the Localism Act does this through inserting a new Section 33A into the Planning & Compulsory Purchase Act 2004 (S.110 is reproduced in Appendix 1). In particular ‘the duty’ requires any person described by the act “to engage constructively, actively and on an ongoing basis” in the preparation of development plan documents such as the Minerals Local Plan (MLP). Other key parts of the legislation require the bodies/persons to consider whether to consult upon, prepare and publish agreements on joint approaches undertaken, or whether to go further and work jointly to prepare the development plan. The final important point to consider is that compliance with ‘the duty’ will be ‘tested’ in the examination of the plan. There is no scope to retrofit matters then and a failure of compliance could mean going back several stages in the plan-making process leading to inevitable delays and cost.

1.3 The legal requirements are also accompanied by Part 2 (4) of the Town and Country Planning (Local Planning) England Regulations 2012. This outlines bodies that are prescribed for the purposes of the Act (see Appendix 2). The important point about these bodies is that the ‘duty’ is as much a responsibility for them as it is for the local planning authority who is preparing a local plan.

1.4 In March 2014 Government also published the National Planning Practice Guidance which included guidance on the Duty to Co-operate. This reaffirms the statutory position but also provides additional clarification as to how to satisfy ‘the duty’. The matters outlined in the guidance are reflected as appropriate within this paper.

1.5 Ultimately in the preparation of its MLP, Gloucestershire County Council (as Mineral Planning Authority – MPA) has to be able to decide:-
• How will it satisfy the duty to co-operate?
• What will it need to do (in the preparation of the plan) in order to be able to demonstrate at the examination that it has been co-operating?
• What is the duty to co-operate tests that Gloucestershire County Council need to satisfy at examination?

1.6 The questions the MPA needs to be asking itself now are:-
• What are the strategic issues relevant to the preparation of the MLP?
• How is the Council currently delivering upon them and how will it achieve them in the future through the new plan?

1.7 The ‘Duty to Co-operate’ is the means not the end. It is all about strategic planning and by demonstrating that the MPA is dealing with the strategic issues and thereby effectively satisfying the duty.

Where should the MPA start?

1.8 The MPA should be identifying the strategic issues for its area and decide who to work with to deliver on them. The Council can then work with its partners to plan and develop policies to achieve this. The Minerals Local Plan will provide the policy framework for one of the strategic priorities - provision for minerals - introduced through the NPPF (paragraphs 156 and 163). In particular the NPPF identifies that MPAs (working together with other relevant organisations) should develop and maintain an understanding of the extent and location of mineral resource in their areas; and assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

1.9 In particular the National Planning Practice Guidance outlines that planning authorities need to work with relevant bodies outside of their administrative area.

1.10 Section 13 of the NPPF provides the policy which needs to be taken into account specifically in relation to minerals planning. However minerals planning also has a relationship with other strategic objectives identified through the NPPF. It provides materials for construction (homes, employment uses, retail, utilities and transport infrastructure) and for other industrial and energy uses. It can in some cases also provide for other strategic priorities such as leisure, biodiversity, and flood risk alleviation and regeneration opportunities. Balanced against this, mineral working can, while sites are operation cause a negative environmental impact upon some strategic objectives.
Section 2: Who should the MPA engage with?

2.1 For strategic issues and cross boundary working, the involvement of elected members and the corporate management team is essential. Decision-making on the MLP is a matter for the Council however, any joint-working inevitably has some political implications and therefore additional governance arrangements may need to be established in such circumstances. The partners for the MPA might not be just the usual consultees such as adjacent local authorities. The issues will determine who the MPA should be involved e.g. when dealing with major minerals issues this may require looking beyond the immediate neighbours. However, just as with the preparation of evidence to support the MLP, the MPA will have to use its judgement and take a proportionate approach to how far joint-working is taken. The National Planning Practice Guidance highlights that ‘the duty’ is more than just consultation and relevant bodies must work constructively at the outset of plan preparation to maximise effectiveness. This will require taking account of a number of factors including how significant the strategic priority issues are to the bodies involved and the extent to which any joint working is able to achieve or deliver joint mutual goals.

2.2 The main issue for minerals in Gloucestershire is the provision of a steady and adequate supply of aggregate minerals as required by the NPPF. Planning for this will be undertaken through a number of policy development framework threads including:

- Maximisation of the reuse and recycling of materials in preference to primary minerals
- Meeting essential local & regional construction needs from primary aggregates
- Consideration of environmental capacity
- Protecting and enhancing environmental assets
- Minimise the impacts of mineral development on local communities

2.3 Through the consultation already undertaken on the Minerals Core Strategy (MCS) Preferred Options in 2007/2008 the MPA was developing a vision and strategic objectives which would need to be considered with this context. Therefore the MPA is not starting from a blank canvass in terms of consideration of strategic objectives. The MPA needs to consider these issues carefully when fulfilling the duty taking account of the input already made by stakeholders in the development plan making process.

2.4 Also minerals can be worked only where they are found and most of the main resources that are of commercial interest are located near the county boundary with other MPAs. Where the evidence suggests significant cross boundary movements of minerals then the dialogue with the adjacent MPAs are one of the more important places to start.
Participation through AWP, in the County’s case the South West Aggregates Working Party (SW AWP) would also assist in partnership working with other MPAs within the SW AWP. In the case for Gloucestershire this will also mean working with three other AWP areas (the South East, the West Midlands and South Wales) as the adjacent MPAs have common boundaries with the County.

2.5 Although minerals occur throughout the county, the most significant minerals are aggregates (crushed rock and sand and gravel) and these occur in two areas. The MPA will work with the relevant District Councils in these areas to ensure that any strategic objectives are considered e.g. restoration/regeneration in the Upper Thames Valley or minimisation of environmental impacts in the Forest of Dean and the Cotswolds Area of Outstanding Natural Beauty. As some of the minerals resources occur in areas with known environmental constraints or valued landscapes therefore working with prescribed bodies such as Natural England and English Heritage will also be important.

2.6 It should be remembered that the MPA already has both formal and informal working arrangements in place on these issues. Through the previous stages of MCS preparation the MPA has undertaken the development of an evidence base and two stages of consultation in 2006 and 2008 and this can be found at http://www.gloucestershire.gov.uk/extra/mcs. Since then the MPA has engaged through the AWP and through consultation responses to adjacent and other development plans on minerals issues. This has included for example Oxfordshire, Wiltshire, Worcestershire, Warwickshire, South Gloucestershire, North Somerset and Somerset Councils.
Section 3: When and how should the MPA engage?

When should the MPA start?

3.1 As highlighted in the previous section much of the requirements under ‘the duty’ are work responsibilities and processes which the MPA has already been undertaking, in some cases over many years. For example the MPA has been actively involved in the Aggregates Working Parties (AWP) back to the 1970s. It has also participated in other regional work such as the Regional Planning Conference (1990s) and the Regional Spatial Strategy work (up to 2010) whereby partnership engagement between MPAs was undertaken. In addition Gloucestershire has consulted and worked in partnership with other MPAs, District Councils and other bodies in the preparation of other plans such as the previous MLP adopted in 2003. These mechanisms were further developed in the preparation of the Minerals Core Strategy. The link to the evidence base much of which covers cross boundary and strategic priorities is contained here http://www.gloucestershire.gov.uk/extra/article/107668/Evidence-Base-for-the-MCS The specific paper highlighting partnership working is attached here http://www.gloucestershire.gov.uk/extra/CHttpHandler.ashx?id=22115&p=0

3.2 As ‘the duty’ is now in force the MPA will need to build on any previous work and develop the Duty to Co-operate process into the MLP plan preparation process from now and throughout the process to adoption. This does raise challenges for the Council as to when to co-operate (and co-ordinate) because plans of the different planning authorities are being prepared over different time frames. It is never going to feel like the right time for everyone to engage. Some plans will be coming up to examination and the local authorities may feel they don’t have the time to engage while others will have just gone through the examination of their plan and not want to start on a review just yet. For the former – missing out on this early engagement now e.g. early discussion on minerals provision or joint commissioning of evidence could be creating problems in the future. For the latter, a Council can get on with the preparation of other DPDs but will also need to be reviewing and updating the evidence base but working with partners on this is more effective and efficient.

3.3 Gloucestershire County Council falls within this latter category for its Waste Core Strategy (adopted November 2012) and will need to consider reviewing its waste evidence base through future annual monitoring, in the Authorities Monitoring Report. With regards to the Minerals Local Plan this is a reactivated process and therefore requires a complete refresh of the evidence base and will also require the need to fulfill ‘the duty’ as far as possible in the plan preparation process. As mentioned above the MPA has undertaken much of this process already
through previous and existing consultation and engagement processes. However the duty does require the MPA to consider carefully how to formalise and report upon processes to ensure it can demonstrate that the duty has been complied with.

*How will the MPA demonstrate the duty?*

### 3.4

The MPA has followed the helpful approach advocated by the Planning Advisory Service and is setting out a statement of compliance which details the outcomes of co-operation. This will be an ongoing evidence base that will show how all the various bodies have been given adequate opportunity to influence the plan and that meaningful discussions have taken place about how to deliver on the plan objectives. This includes the engagement that has taken place at each stage of the process; the degree of formality on each issue and the outcomes as far as it affects the evidence and policy framework of the Minerals Local Plan. The degree of formality of arrangements varies depending on the nature of the issues and the financial implications and political input for each partner.

### 3.5

The context for meeting ‘the duty’ is set within the plan preparation stage which the MPA will follow in the MLP preparation. This will be as follows:

- Site Options and draft policy framework consultation (June – August 2014). This will be supported by a full refreshed evidence base and outlining what steps the MPA have undertaken to meet ‘the duty’ (work undertaken in 2013-2014 as outlined in this report)
- Consideration of responses, further activity to meet ‘the duty’, additional evidence preparation as appropriate, preparation of draft MLP (autumn 2014).

### 3.6

This statement will therefore be ‘living’ as the plan is being prepared and will only be finalised when being produced as an examination statement alongside the submission of the Plan. The log of ongoing engagement processes and outcomes will be developed and added to in Appendix 3 of this statement. At the examination stage the MPA will need to demonstrate that the ‘duty’ been complied with. Through the ‘tests of soundness’ set out in paragraph 182 of the NPPF the MPA will need to demonstrate that the MLP has been

- Positively prepared
- Justified
- Effective; and
- Consistent with national policy

### 3.7

Therefore the independently appointed Inspector will for example assess whether the plan provides for effective joint working to meet cross boundary strategic priorities.
**Working with other Minerals Planning Authorities**

3.8 Adjacent MPAs (that fall within South West AWP group of MPAs)
- Wiltshire
- Swindon
- South Gloucestershire

3.9 Adjacent MPAs (that fall within West Midlands AWP group of MPAs)
- Warwickshire
- Worcestershire
- Herefordshire

3.10 Adjacent MPAs (that fall within South East England AWP)
- Oxfordshire

3.11 Adjacent MPAs (that fall within South Wales AWP)
- Monmouthshire

3.12 Other MPAs (that might have some relationship with Gloucestershire)
- Somerset
- North Somerset

3.13 This is arguably the most important process for the Council in being able to fulfill its requirements in meeting ‘the duty’. Being MPAs these adjacent local authorities also have to prepare minerals development plans and therefore they have the same responsibilities as the Council for minerals planning over their administrative areas. As minerals can only be worked where they are found and the pattern of economic resources varies across the country and there are inevitably movements of minerals from point of extraction to areas of demand. Therefore the market area of minerals resources can therefore transcend administrative boundaries. This has to be taken into account in the preparation of minerals plans. As the requirements for future minerals supply is a matter for the MPA to establish (such as for aggregates through the new requirement of a Local Aggregate Assessment - NPPF paragraph 145) the scope and degree of joint working which can take place between adjacent MPAs is of critical importance.

3.14 Working through the Aggregate Working Parties (AWPs)
- South West AWP
- South Wales AWP
- West Midlands AWP
- South East AWP

3.15 It should be noted that the AWPs are not formally identified in the statutory arrangements for ‘the duty’ but are specifically identified (in the NPPF and other CLG guidance) as having a formal advisory role on the preparation of Local Aggregate Assessments (LAA) (which are an
important part of the framework and evidence base for future minerals planning with regards to aggregates). The interrelationship of an MPA with its AWP (and with other organisations within the AWP, such as the aggregates industry representatives and the EA) may contribute to meeting many of the requirements under the ‘duty to co-operate’. The MPA is specifically required to seek the advice of the SW AWP in the preparation of its LAA. The Council will also consult with the adjacent AWPs, in order to seek advice as to whether there are any other MPAs further afield, in addition to the MPAs identified above, with which Gloucestershire should be engaging with in order to fulfill its requirements in line with ‘the duty’ and to seek the corporate response from the AWPs on the adequacy of its LAA.

3.16 Co-operation with District planning authorities in Gloucestershire
- Cotswold District Council
- Forest of Dean District Council
- Tewkesbury Borough Council
- Stroud District Council
- Cheltenham Borough Council
- Gloucester City Council

3.17 All the District Councils are consumers of minerals and have minerals resources present therefore resource safeguarding issues that might be pertinent to all. Currently there is no mineral working in Gloucester or Cheltenham although these urban areas are significant consumers of aggregate minerals for construction purposes. There is only some small scale working of sand and gravel in Stroud District in the Frampton on Severn area. There are several minerals operations in Tewkesbury Borough including a mixture of small scale sand and gravel operations in the Severn Vale and small scale sometimes intermittent limestone workings in parts of the Cotswolds which lie in that borough.

3.18 More extensive and far more significant limestone operations are present within the limestone in Cotswold District which also has a significant concentration of sand and gravel workings in the Upper Thames Valley (in an area stretching from Somerford Keynes to Lechlade). The largest quarries, however, occur in the county in the Forest of Dean although currently there are only two operational quarries which work the Carboniferous limestone. This part of the County also has extensive coal deposits and has a significant physical and social legacy from its coal mining past. Today however only small scale coal working by ‘freeminers’ occurs. The Coal Authority is nevertheless keen on safeguarding coal resources from potential sterilizing development.

3.19 Clearly there is important for the Council to have dialogue with the District Councils especially with regard to any allocations for future
mineral working that may be proposed in the Forest of Dean District, Cotswold District and Tewksbury Borough Council areas.

**Co-operation with adjacent local planning authorities**
- The District Councils which fall within this category are:
  - Vale of White Horse District Council
  - West Oxfordshire District Council
  - Stratford-on-Avon District Council
  - Wychavon District Council
  - Malvern Hills District Council

3.20 Bearing in mind that the Council will be working proactively with the appropriate MPA in those adjacent areas and that District Councils are not Minerals Planning Authorities it is less likely that cross-boundary issues will fall within ‘the duty’. They are less likely to have issues in relation to minerals planning that will require specific joint working requirements. Nevertheless in order that the Council fulfills the ‘duty’ the adjacent District Councils in two-tier administrative areas will be formally consulted regardless of whether there is considered to be any particular ‘duty to co-operate’ issues. This isn’t relevant in Monmouthshire, Herefordshire, Swindon, Wiltshire and South Gloucestershire who are all unitary authorities (combining both the County and District Council local authority roles) and as such the County will need to work proactively with them as MPAs.

**Co-operation with prescribed bodies**
- Environment Agency (EA)
- English Heritage (EH)
- Natural England (NE)
- Highways Authority/ Highways Agency (HA)
- Marine Management Organisation

3.21 These bodies are all likely to have an interest in the preparation of the Minerals Local Plan and the Council will work proactively with them as appropriate in the preparation of the plan. Although the statutory instruments list other bodies they are not relevant within the scope of this plan or do not operate within Gloucestershire.

**Other prescribed bodies**
- Office of Rail Regulation
- Civil Aviation Authority
- Homes & Communities Agency
- Primary Care Trust (Note that the PCT does not exist but that the Gloucestershire Clinical Commissioning Group represents the statutory requirement)
3.22 The bodies above are also prescribed by the Act but are less likely to have an interest in minerals planning that will require specific proactive engagement requirements over and above normal consultation. However in order that the Council fulfills the ‘duty’ the bodies will be formally consulted on ‘duty to co-operate’ issues. The Council will seek agreement as to whether these organisations have any issues on the Minerals Local Plan that can be managed and considered through normal consultation procedures. If any matters arise which require more formal arrangements under the ‘duty’ they will be re-categorised accordingly.

Co-operation with other bodies

3.23 The various minerals industries and their trade federations are important stakeholders particularly for plan delivery, and these have already been engaged in the preparation of the plan. The dialogue which has been entered into in the preparation of the MLP is identified in appendices to a separate evidence paper which is reported separately.

Anyone else important?

3.24 There are other important stakeholders who do not necessarily fall within the scope of the Act (e.g. Ministry of Defence, the Coal Authority, Department of Energy and Climate Change, Department Environment, Farming and Rural Affairs, Network Rail, Council for the Protection of Rural England and the Royal Society for the Protection of Birds to name but a few) whose engagement will be reported through other response reports, public participation statements etc. In particular the MPA has liaised and developed a relationship with the Local Economic Partnership (LEP) and the Local Nature Partnership (LNP) as the County Council is required under the Regulations to work with and engage with them as appropriate although they are not formal prescribed bodies therefore the ‘duty’ doesn’t fall directly upon them.

Procedure for dealing with each body

3.25 Early contact with each body on:
- Co-operation issues in general
- Establishing the matters relevant to each body
- Level of Provision for Minerals/Aggregates. This will include the draft LAA for 2013 (in particular a matter for discussion with MPAs, AWPs)
- Minerals Safeguarding (District Council, adjacent MPAs, Coal Authority)
- Environmental matters (Adjacent MPAs, NE, EA, EH etc)
- Transport (Highways Authority, adjacent MPAs and HA)
- Restoration, regeneration (Cotswold and Forest of Dean District Councils, possibly other councils within and outside of Gloucestershire)
- Outcomes for each body
• Establish the extent which the prescribed bodies can meet s33A (6) on the need to consult or prepare joint agreements. This could include Memorandums of Understanding for joint working, or agreement that this statement (as it is updated through the process) is sufficient in meeting ‘the duty’
• Conclusions

**Timescales**

3.26 *Early May 2013* - Some bodies have already been scoped as potentially requiring more proactive engagement under ‘the duty’ and the particular requirements are as follows:

3.27 **Adjacent and other MPAs identified** –
• Letter/email early May 2013 inviting formal engagement on ‘duty’
• Consultation on draft first LAA. Input from that assisting with finalisation of the LAA in summer 2013
• Arrangements for meeting with officers from MPAs (summer 2013)
• Arrangements for any other protocols/Memorandum of Understanding (MoU) as appropriate stemming from these discussions (represented in Appendix 3)
• Update of officer discussions with Lead Cabinet Members and seek recommendation for further joint approaches where/if necessary and appropriate (autumn 2013 – winter 2014).
• Follow-up from these processes 2014 - 2015

3.28 **AWP**
• South West AWP. Consult with draft first LAA early May. Seek formal comment from SW AWP on first LAA after its next meeting on 10th May 2013.
• Write to other AWP after response from SW AWP (late May/June)
• Comments from the AWPs formally attached as appendices to the LAA and officers to consider any amendments to the LAA (summer 2013)
• Follow-up process with subsequent LAAs. Second LAA spring 2014.

3.29 *Later 2013* - Prescribed bodies – statutory undertakers. There is a need to write in 2013 to all prescribed bodies under the statutory arrangements to establish which of those has interests that may or may not be key to minerals planning issues. Also in 2013 - General letter to all other bodies falling within the scope of the Act in relation to minerals issues pertaining to the preparation of the Gloucestershire MLP. This is to establish whether the bodies consider that there are strategic priorities which need to be addressed.

3.31 Autumn 2013/winter 2014 - Prescribed Bodies - others. Following development of Mineral consultation package including approach to Minerals Safeguarding Areas and site options. Some organisation and stakeholders will have an important ongoing technical/specialist role in advising on policy development and the allocation of land for future mineral working.

3.32 Potential Issues
- The draft timetable for processes which the MPA will need to undertake to satisfy ‘the duty’ will require refinement once all initial engagement has taken place and arrangements for ongoing dialogue made.
- It may be necessary to report back to elected members if/where any significant joint working arrangements arise where planning authorities/bodies request the development of significant joint-working approaches over and above these suggested through the development of this statement.
- It should also be noted that the approaches outlined in this statement do not replace the normal engagement and consultation with all interested stakeholders, which will be carried out in the preparation of the MLP. The current intention for this part of the MLP’s preparation is to undertake a full consultation in 2014. It is intended that a pre-publication draft of the plan will be prepared for early 2015 with formal publication in summer 2015 and submission in autumn 2015.
- A summary of dates of discussions and key outcomes will form an ongoing log within appendix 3 to this report.
- This report will be completed as a first stage to support the 2014 consultation. A second stage report will update all activities relating to meeting ‘the duty’ to support the pre-publication draft of the plan. A final revised draft will be required to support the Publication and Submission stages.
Section 4: Summary of key outcomes from early engagement 2013/2014

4.1 All outcomes from the engagement with bodies falling under the duty to co-operate requirements is outlined in appendix 3 of this report. This section outlines the more significant issues that have arisen from these processes.

Mineral Planning Authorities

4.2 During June to August 2013 meetings were held between officers of all the adjacent Mineral Planning Authorities (MPAs). As explained in 3.13 above because the supply of minerals into other areas of demand and in some cases due to the proximity of mineral resources to the county boundary, this was always likely to be some of the more significant issues to consider with neighbouring MPAs in fulfilling ‘the duty’. The agenda for meetings was agreed before hand between the officers and followed the similar pattern for each meeting between MPAs.

4.3 In particular the up-to-date position of plan preparation progress was discussed to see if there were synergies between timetables. The first Gloucestershire LAA was covered along with circulation for targeted engagement from partner MPAs. Where prepared the partner LAAs were also considered. Any particular cross-boundary issues were discussed, such as any site specific issues or anything with potential for cross-boundary significance. Gloucestershire also outlined likely content in the emerging site options and policy framework package for consultation in 2014.

4.4 In particular there was discussion with each MPA as to the potential of formal arrangements in which to work jointly or closely in some way, to satisfy the requirements under ‘the duty’. Minutes of all meetings were taken and key outcomes are summarised and outlined in appendix 3. The minutes can be made available if deemed necessary at any stage in the plan preparation process. Some of the key outcomes from these meetings are as follows.

4.5 With regards the meeting with officers from the West of England although linkages were recognised between the market/resource areas for crushed rock (in particular crushed rock in South Gloucestershire and the Forest of Dean); the West of England had established what partners it needed to work with under joint working. Also Development Plan preparation in the West of England was not aligned with the timetable for the Gloucestershire MLP. It was also noted that the adopted South Gloucestershire Core Strategy did allow sufficient annual provision to assist with shortfalls. The last export survey of 2009 still showed significant amounts of crushed rock aggregates being supplied from South Gloucestershire to Gloucestershire. However in practice the market was depressed in that in 2013 only two quarries in South...
Gloucestershire were operational. As the arrangement current stands there was no prospect of testing any of the previous emerging policy options (from the South West Regional Spatial Strategy) for crushed rock (i.e. any possible shortfall in the Forest of Dean being met from other areas such as the West of England). It was agreed to maintain an open dialogue on cross border minerals issues.

4.6 Significant cross border issues were also identified with Wiltshire/Swindon in particular due to a shared sand and gravel resource in the Upper Thames Valley. This is nothing new and there has been a longstanding dialogue between officers of the MPAs stretching over many years. In addition there was also cross border co-operation between the Councils (including the Districts) through the Cotswold Water Park Joint Advisory Committee to oversee management of the area (although due to operational issues the advisory committee now long exists). Wiltshire and Swindon have worked together on a full suite of adopted minerals plans including a site allocation minerals plan covering their administrative areas within the Upper Thames Valley. It was agreed that this makes any formal arrangements on joint working now rather difficult to undertake. Being part of the adopted Development Plan, Gloucestershire will be bound to take into account the policy of those adopted plans into the preparation of its MLP.

4.7 Through representation on the Gloucestershire first and second LAA officers from Wiltshire have made representation of support. It was also raised by Wiltshire that it should be recorded that the Gloucestershire plan will only cover its administrative patch rather than any wider area. The view of Gloucestershire is that it would be difficult to do anything otherwise unless there was a desire by Wiltshire and Swindon to enter into an immediate review of their adopted minerals plans, which having recently been adopted would appear unlikely. There was also concern that Gloucestershire might be making provision over a different plan timeframe (to 2030) rather than Wiltshire and Swindon (to 2026) and also maintaining a landbank throughout to the end of that timeframe. The view of Gloucestershire is that it hasn’t decided what provision will be made as yet as that will need to go through consultation processes through the Site Options and Policy Framework to inform the draft plan. The Site Options and Draft Policy Framework consultation document clearly makes distinction as to the requirements to the plan end date of 2030 and also indicates the requirements in maintaining a rolling landbank of reserves to the end of that plan period. In that sense the decisions regarding the provision to be identified will need to go through due process and will be established in the draft MLP itself to be prepared for 2015. Overall the conclusions of the discussions between officers were to maintain a close dialogue and working relationship.

4.8 With regards to the discussions with officers from Oxfordshire, these centred on concerns that insufficient provision for sand and gravel was
being identified in the Oxfordshire Minerals & Waste Core Strategy. More recent supply issues concerned the mothballing of sites in Oxfordshire and the recent shortfall of sand and gravel requirements in Oxfordshire being met from Gloucestershire. However the Oxfordshire Minerals & Waste Core Strategy was withdrawn from Submission and has recently been re-consulted upon. At this stage dialogue is still ongoing. However the Oxfordshire Plan is to far forward in its timetable and of different content for any formal joint arrangements. Again a close working arrangement is to be maintained.

4.9 A joint meeting was held with the three adjacent West Midlands MPAs. The most significant cross border movements were probably between Gloucestershire and Worcestershire in relation to crushed rock. There were also some adjacent site specific issues for sand & gravel in the Severn Valley. Both plans were early in their preparation and close working relationships are to be maintained.

4.10 A meeting with Monmouthshire Council established no operational quarries currently within that area. There is a nominal requirement (identified in Welsh guidance) for Monmouthshire for crushed rock which can be met through existing inactive reserves. It was noted that supply form the Forest of Dean was meeting some of the demand in South Wales, and Gloucestershire officers stressed that this could not be relied upon indefinitely. However resources/reserves are clearly present in Monmouthshire should the industry wish to pursue them. Again close dialogue is to be maintained.

4.11 No other MPAs were scoped as having a significant relationship with Gloucestershire as they were no longer distance supply issues beyond the adjacent MPAs identified. The exception was with Somerset CC due to the significance of East Mendip supply for crushed rock in the South West. However a detailed analysis of the Somerset export figures from 2009 showed a very small import of crushed rock into Gloucestershire. However further investigation showed that Gloucestershire exported under 40,000 tonnes of sand and gravel to Somerset in 2009. Somerset has identified for completeness a Memorandum of Understanding (MoU) for sand and gravel and requested that Devon, Dorset, Wiltshire and Gloucestershire enter into it (while this is not statistically significant issue for either county). However the MoU only reiterates formally arrangements on consultation which should be undertaken in principle anyway.

**Aggregates Working Parties**

4.12 Although not a formal body under ‘the duty’ the National Practice Guidance (2014) identifies that being a member of the Aggregates Working Party (AWP) will go some way towards an MPA satisfying the requirement to meeting ‘the duty’. In particular Gloucestershire has sent its first LAA to the South West AWP and to the three adjacent AWPs for
comment. The South West AWP considered the Gloucestershire LAA at its meeting of 10/05/2013 and the formal response was made on 29/06/2013. The response was generally supportive with little representation. Gloucestershire has been actively involved in the SW AWP and has provided response to other MPA LAAs through those processes. Gloucestershire has also provided consultation input into MPA mineral plan preparation either directly to MPAs or through the SW AWP as appropriate.

Gloucestershire District Councils

4.13 The Team Manager Minerals & Waste attended the County Planning Officer Group (a regular meeting of lead policy officers of all 6 districts in Gloucestershire) on 9th October 2013. The timetable for the MLP preparation was covered along with key minerals and waste planning issues which might affect the Districts. In particular the merging policy for Minerals Safeguarding Areas (MSAs) was covered along with the need for the District Councils to engage with the process given their role outlined in paragraph 143 of the NPPF.

4.14 The MPA identified the key role of the District Councils in the implementation of MSA policy. Targeted engagement on the emerging MSA options and policy framework was made with the Districts in Dec 2013 – Jan 2014. Useful input was made by Cotswold DC, Forest of Dean DC and Tewkesbury BC. As a result the emerging evidence paper has been amended and forms part of the wider consultation from June 2014. Further dialogue and briefings to support the Site Options and Policy Framework were made to the Districts as outlined in Appendix 3 and formal input to the consultation form the District Councils is anticipated.

Adjacent District Councils

4.15 Engagement was made with adjacent District Councils. Only one Council (West Oxfordshire) has actively engaged and has requested regular communication on MLP issues.

Prescribed bodies - statutory undertakers

4.16 There has been significant input from statutory undertakers (those identified in paragraph 3.20) into the preparation of the of the consultation package for the Site Options and Policy Framework, which is outlined in Appendix 3. It is considered this meets the requirements of “the duty” (although arguably there isn’t anything over and above arrangements with these bodies that wouldn’t have been made in the preparation of the MLP anyway).

4.17 Communication was made with other statutory bodies (see para 3.21) but little special arrangements will be made other than normal consultative arrangements will be required by those bodies.
Other

4.18 Considerable dialogue has been undertaken with the minerals industry which is outlined in the Aggregate Minerals Stakeholders and Site Deliverability evidence paper. Also dialogue has been undertaken with other bodies such as the Coal Authority and the MoD, not falling within ‘the duty’ but are nevertheless very important in ongoing engagement in the preparation of the Site Options and Draft Policy Framework consultation package.

Conclusions

4.18 It is considered, as outlined through this statement, that the requirements under ‘duty to co-operate’ have been met in the preparation stages so far for the MLP. The ongoing requirements for the next stages of meeting ‘the duty’ is highlighted in this report. Clearly there will be significant ongoing arrangements and these will need to be recorded in appropriate form at those stages.
Appendix 1: Duty to Co-operate under the *Localism Act*

110Duty to co-operate in relation to planning of sustainable development
(1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

"33ADuty to co-operate in relation to planning of sustainable development
(1) Each person who is—
(a) a local planning authority,
(b) a county council in England that is not a local planning authority, or
(c) a body, or other person, that is prescribed or of a prescribed description,

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—
(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—
(a) the preparation of development plan documents,
(b) the preparation of other local development documents,
(c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
(d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
(e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—
(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
(b) sustainable development or use of land in a two-tier area if the development or use—
   (i) is a county matter, or
   (ii) has or would have a significant impact on a county matter.

(5) In subsection (4)—

- "county matter" has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring subparagraph 1(1)(i)).
- "planning area" means—
  (a) the area of—
    (i) a district council (including a metropolitan district council),
    (ii) a London borough council, or
    (iii) a county council in England for an area for which there is no district council, but only so far as that area is neither in a National Park nor in the Broads,
(b) a National Park,
(c) the Broads,
(d) the English inshore region, or
(e) the English offshore region, and

• “two-tier area” means an area—
  (a) for which there is a county council and a district council, but
  (b) which is not in a National Park.

(6) The engagement required of a person by subsection (2)(a) includes, in particular—
  (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint
      approaches to the undertaking of activities within subsection (3), and
  (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint
      local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the
    Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the
    person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a
    prescribed description.

(10) In this section—

• “the English inshore region” and “the English offshore region” have the same meaning as in the Marine
    and Coastal Access Act 2009, and

• “land” includes the waters within those regions and the bed and subsoil of those waters.

(2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a
    county council’s minerals and waste development scheme) after subsection (4) insert—
    “(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).”

(3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents:
    purpose of independent examination) after paragraph (b) insert “; and
    (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in
        relation to its preparation.”
Appendix 2: Duty to Co-operate Regulations

Duty to co-operate

4.—(1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—
(a) the Environment Agency;
(b) the Historic Buildings and Monuments Commission for England (known as English Heritage);
(c) Natural England;
(d) the Mayor of London;
(e) the Civil Aviation Authority(1);
(f) the Homes and Communities Agency;
(g) each Primary Care Trust established under section 18 of the National Health Service Act 2006(2) or continued in existence by virtue of that section;
(h) the Office of Rail Regulation(3);
(i) Transport for London(4);
(j) each Integrated Transport Authority(5);
(k) each highway authority within the meaning of section 1 of the Highways Act 1980(6) (including the Secretary of State, where the Secretary of State is the highways authority); and
(l) the Marine Management Organisation.

(2) The bodies prescribed for the purposes of section 33A(9) of the Act are each local enterprise partnership.

(3) In this regulation “local enterprise partnership” means a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area.

(1) See section 2 of the Civil Aviation Act 1982(c.16).

(2) 2006 c.41.

(3) See section 15 of the Railways and Transport Safety Act 2003 (c.20).

(4) See section 154 of the Greater London Authority Act 1999 (c.29).

(5) See sections 77 and 78 of the Local Transport Act 2008 (c.26).

(6) 1980 c.66.
## Appendix 3: Evidence Log of ongoing engagement fulfilling the ‘Duty to Co-operate’

<table>
<thead>
<tr>
<th>DTC Body</th>
<th>Strategic issues discussed</th>
<th>Activities/timescales</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiltshire Council (and Swindon)</td>
<td>Aggregates LAA Building stone Upper Thames Valley issues MSAs Development plan preparation timescales Approaches to cross boundary issues in particular meeting DTC HRA Engagement</td>
<td>Joint meeting of all three local authorities 27/08/2013 Ongoing input from Wilts CC into evidence base for site options in the Upper Thames Valley, mineral safeguarding and technical policy framework Formal Wilts CC and Swindon position on first LAA Formal Wilts CC and Swindon position on 2nd LAA</td>
<td>It was agreed that a close dialogue and working relationships would be maintained and that meetings would be arranged as required, perhaps close to the time of Gloucestershire consultations unless Wiltshire / Swindon have need for discussions beforehand. Provided 2013 Provided 25/04/2014 Support for the LAA but concern if provision was made for beyond the life of the plan period.</td>
</tr>
<tr>
<td>South Gloucestershire</td>
<td>Aggregates Development plan preparation timescales Approaches to cross boundary issues in particular meeting DTC HRA Engagement</td>
<td>Joint meeting with North Somerset 14/06/2013 Follow-up response on first Gloucestershire LAA Engagement on safeguarding policy and LAA revisions.</td>
<td>Joint working has already been decided in WoE and the model is already progressed. Politically could also be an issue to undertake other joint working. GCC suggested that if joint working on minerals planning was not practical it is still important to maintain an open dialogue on cross border minerals issues.</td>
</tr>
<tr>
<td>North Somerset</td>
<td>See South Glos</td>
<td>See South Glos</td>
<td>See South Glos</td>
</tr>
<tr>
<td>Worcestershire</td>
<td>Aggregates LAA Building stone Clay Coal Severn Valley sand and gravel MSAs Development plan preparation timescales Approaches to cross boundary issues in particular meeting DTC Ongoing engagement on site options HRA Engagement</td>
<td>Joint Meeting with Herefordshire and Warwickshire 17/06/2013 Formal Worcestershire CC position on 2nd LAA Meeting on cross border site issues 04/06/2014</td>
<td>All authorities agreed to maintain a close working relationship. April 2014</td>
</tr>
<tr>
<td>Herefordshire</td>
<td>See Worcs</td>
<td>See above</td>
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<tr>
<td>Warwickshire</td>
<td>See Worcs</td>
<td>See above</td>
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</tr>
<tr>
<td>Oxfordshire</td>
<td>Meeting of 2012 to discuss OCC</td>
<td>First meeting</td>
<td>Between Oxfordshire and</td>
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<tr>
<td>Region</td>
<td>Aggregates</td>
<td>LAA</td>
<td>Development plan preparation timescales</td>
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<tr>
<td>M &amp; W Core Strategy.</td>
<td>Nature of GCC objection</td>
<td>Second meeting discussed Aggregates LAA</td>
<td>Building stone Cross bound sand and gravel movement. MSAs Development plan preparation timescales Approaches to cross boundary issues in particular meeting DtC Also discussed cross border waste planning issues. HRA Engagement</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>Aggregates</td>
<td>LAA</td>
<td>Development plan preparation timescales</td>
</tr>
<tr>
<td>Somerset CC</td>
<td>Aggregates</td>
<td>LAA</td>
<td>Development plan preparation timescales</td>
</tr>
<tr>
<td>South West Aggregates Working Party (AWP)</td>
<td>Input by GCC into Annual report LAA consultation Input into SW Councils LAAs</td>
<td>LAA consultation 03/05/2013 Second LAA engagement April 2014 SW AWP various ongoing meetings. More recent meetings include 14/12/2012 10/05/2013 26/09/2013 19/05/2014</td>
<td></td>
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<tr>
<td>South East AWP</td>
<td>Consultation on LAA</td>
<td>Email of 03/05/2013</td>
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<tr>
<td>West Midlands AWP</td>
<td>Consultation on LAA</td>
<td>Email of 03/05/2013</td>
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<tr>
<td>South Wales AWP</td>
<td>Consultation on LAA</td>
<td>Email of 03/05/2013</td>
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<tr>
<td>Cotswold District Council</td>
<td>Plan preparation timescales</td>
<td>Potential content of plans</td>
<td>Emerging site options</td>
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<tr>
<td>Forest of Dean District Council</td>
<td>Plan preparation timescales</td>
<td>Potential content of plans</td>
<td>Emerging site options</td>
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<tr>
<td>Tewkesbury Borough Council</td>
<td>Plan preparation timescales</td>
<td>Potential content of plans</td>
<td>Emerging site options</td>
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<td>Council</td>
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<tr>
<td>Stroud District Council</td>
<td>January 2014</td>
<td>Also officers meeting</td>
<td>of 02/2014 relating</td>
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<td>Meeting with TBC</td>
<td>officers (with</td>
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<td></td>
<td></td>
<td>officers (04/06/2014)</td>
<td>Worcestershire CC</td>
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<thead>
<tr>
<th>Cheltenham Borough Council</th>
<th>Plan preparation timescales</th>
<th>Potential content of plans</th>
<th>Emerging site options</th>
<th>MSAs</th>
<th>Approaches to DtC</th>
<th>HRA Engagement</th>
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<tbody>
<tr>
<td></td>
<td>January 2014</td>
<td>Also officers meeting</td>
<td>of 02/2014 relating</td>
<td>to</td>
<td>GCC comments on</td>
<td>JCS issues on MSAs</td>
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<td></td>
<td></td>
<td>Meeting with TBC</td>
<td>officers (04/06/2014)</td>
<td></td>
<td>JCS issues on</td>
<td>paper</td>
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<td>MSAs</td>
<td>Amendments made to publication version of JCS in relation to MSA policy.</td>
</tr>
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</table>

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| County Planning Officers Group meeting 09/10/2013 (all Districts) |
| On going email communication between officers |
| Service Directors meeting 13/12/2013 (all districts) |
| Consultation on MLP MSAs Dec 2013 – January 2014 |
| No response |

| County Planning Officers Group meeting 09/10/2013 (all Districts) |
| On going email communication between officers |
| Service Directors meeting 13/12/2013 (all districts) |
| Consultation on MLP MSAs Dec 2013 – January 2014 |
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<thead>
<tr>
<th>Council</th>
<th>Approaches to DtC</th>
<th>Email of 02/10/2013</th>
<th>No formal reply therefore no specific outcome. Conclusion not a significant DtC issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vale of White Horse District Council</td>
<td>Approaches to DtC Plan preparation timescales MSAs HRA Engagement</td>
<td>MSA consultation Dec13-Jan14</td>
<td>No formal reply therefore no specific outcome. Conclusion not a significant DtC issue</td>
</tr>
<tr>
<td>West Oxfordshire District Council</td>
<td>See Vale of White Horse</td>
<td>MSA consultation Dec13-Jan14</td>
<td>Reply to original email requiring regular communication on MLP issues. Input into MSA consultation</td>
</tr>
<tr>
<td>Stratford District Council</td>
<td>See Vale of White Horse</td>
<td>MSA consultation Dec13-Jan14</td>
<td>No formal reply therefore no specific outcome. Conclusion not a significant DtC issue</td>
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<tr>
<td>Wychavon District Council</td>
<td>See Vale of White Horse</td>
<td>MSA consultation Dec13-Jan14</td>
<td>No formal reply therefore no specific outcome. Conclusion not a significant DtC issue</td>
</tr>
<tr>
<td>Malvern Hills District Council</td>
<td>See Vale of White Horse</td>
<td>MSA consultation Dec13-Jan14</td>
<td>No formal reply therefore no specific outcome. Conclusion not a significant DtC issue</td>
</tr>
<tr>
<td>Environment Agency (EA)</td>
<td>Introduction to Gloucestershire’s Minerals Local Plan Timetable for forthcoming consultations Duty to Co-operate issues Evidence base for Biodiversity - GK Policy approach to HRA - GK Water Environment/Flooding/Hydrology Sites and emerging policies Input to plan from NE/EA</td>
<td>Meeting of 30/09/2013 Ongoing input in emerging site options, HRA baseline etc through out late 2013 and 2014 Includes update 3 of HRA baseline.</td>
<td>Agreed to maintain a close working relationship. Identified that there will be email communication between the meeting and the consultations in 2014. Post the consultation there may be a need for more formal meetings in 2014/5.</td>
</tr>
<tr>
<td>Natural England (NE)</td>
<td>Introduction to Gloucestershire’s Minerals Local Plan Timetable for forthcoming consultations Duty to Co-operate issues Evidence base for Biodiversity - GK Policy approach to HRA - GK Water Environment/Flooding/Hydrology Sites and emerging policies Input to plan from NE/EA</td>
<td>Meeting of 30/09/2013 Ongoing input in emerging site options, HRA baseline etc through out late 2013 and 2014 Includes update 3 of HRA baseline.</td>
<td>Agreed to maintain a close working relationship. Identified that there will be email communication between the meeting and the consultations in 2014. Post the consultation there may be a need for more formal meetings in 2014/5. Response of 28/02/2013</td>
</tr>
<tr>
<td>English Heritage (EH)</td>
<td>Plan Preparation Timetable Duty to Co-operate Sites and emerging policies Approach to Evidence base for Historic environment to the sites Input to plan from EH</td>
<td>Meeting with EH official 17/10/2013 Ongoing input in emerging site options, HRA baseline etc through out late 2013</td>
<td>As long as in-house historic team was involved generally happy. Most likely make formal comments at consultation stage</td>
</tr>
<tr>
<td>Organisation</td>
<td>Task</td>
<td>Timeframe</td>
<td>Notes</td>
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</tr>
<tr>
<td>Highways Authority</td>
<td>Plan preparation Timescales</td>
<td>Meeting in August and September 2013. Consultation input into emerging evidence base.</td>
<td>Responses on 2\textsuperscript{nd} and 3\textsuperscript{rd} October 2013.</td>
</tr>
<tr>
<td>Highways Agency</td>
<td>In order to fulfil 'duty to cooperate' issues an invite to let GCC know whether they wish to engage with the process in advance of the next consultation stage.</td>
<td>Email of 02/10/2013 Reply and ongoing engagement of emerging evidence base through 2013/and 2014.</td>
<td></td>
</tr>
</tbody>
</table>
| Marine Management Organisation                 | In order to fulfil 'duty to cooperate' issues an invite to let GCC know whether they wish to engage with the process in advance of the next consultation stage.  
In addition consultation on LAA | Email of 02/10/2013  
15\textsuperscript{th} April 2014 | Response making GCC aware of the role of the MMO. |
| Local Economic Partnership (LEP)               | Plan preparation Timescales                                           | Email of 3/05/2013 request for input to DtC processes and first LAA  
Email for second LAA April 2014 | Informal verbal input into DtC processes  
No response to LAA |
| Local Nature Partnership (LNP)                 |                                                                       |                                                                 | Ongoing  
LNP reply that being a member of LNP satisfies the requirements. |
| HCA                                            | In order to fulfil 'duty to cooperate' issues an invite to let GCC know whether they wish to engage with the process in advance of the next consultation stage. | Email of 02/10/2013 | No reply |
| Office of Rail Regulation (CCT)                | In order to fulfil 'duty to cooperate' issues an invite to let GCC know whether they wish to engage with the process in advance of the next consultation stage. | Email of 02/10/2013 | No reply |
| Gloucestershire Clinical Commissioning Group   | In order to fulfil 'duty to cooperate' issues an invite to let GCC know whether they wish to engage with the process in advance of the next consultation stage. | Email of 02/05/2014 | Acknowledgement of 02/05/2014 |