

Herefordshire Local Plan Travellers' Sites Development Plan Document

Duty to Cooperate Statement

November 2017



HEREFORDSHIRE COUNCIL – Travellers Sites Development Plan Document (DPD)
Interim Statement of Duty to Cooperate – November 2017

1 Introduction

- 1.1 This statement explains how Herefordshire Council has fulfilled its requirements in relation to the Duty to Co-operate under the Localism Act 2011. It provides information on how the Council has worked with the prescribed organisations to identify any strategic cross boundary issues or opportunities for joint working or site provision in relation to the Traveller Sites DPD.

2 Requirements of the Duty to Co-operate

- 2.1 The Localism Act came into effect in November 2011 and sets out the requirements that English local authorities must fulfil in relation to Duty to Co-operate. The Localism Act aims to make the planning system clearer, more democratic and more effective. Section 110 of the 2011 Localism Act inserts the Duty to Co-operate in relation to Sustainable Development as a new section 33A of the Planning and Compulsory Purchase Act 2004. Under this Act, as set out in the Town and Country Planning Regulations 2012, the relevant requirements for Herefordshire Council are to engage constructively, actively and on an ongoing basis with regard to relevant strategic matters with the following bodies:

- Adjoining Authorities
- The Environment Agency
- English Heritage
- Natural England
- The Civil Aviation Authority
- The Homes & Communities Agency
- The Office of the Rail Regulator
- The Highways Agency
- Herefordshire Clinical Commissioning Group
- NHS England

- 2.2 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty in the same way as neighbouring authorities and prescribed bodies. However the Town and Country Planning Regulations 2012, as amended, places a duty on local authorities to have regard to the views of the Local Enterprise Partnership and the Local Nature Partnership. The NPPF also requires local authorities to work collaboratively with private sector bodies, utility and infrastructure providers.

- 2.3 The Highways authority is listed as a prescribed body. As a unitary authority, Herefordshire Council is the highway authority for the county.

- 2.4 The National Planning Policy Framework and National Planning Practice Guidance set out the Government's expectations in relation to joint working and cooperation. It expects local authorities to be able to demonstrate that they have fulfilled their duty to co-operate with neighbouring authorities and other organisations on an ongoing basis throughout the plan making process. This should result in the

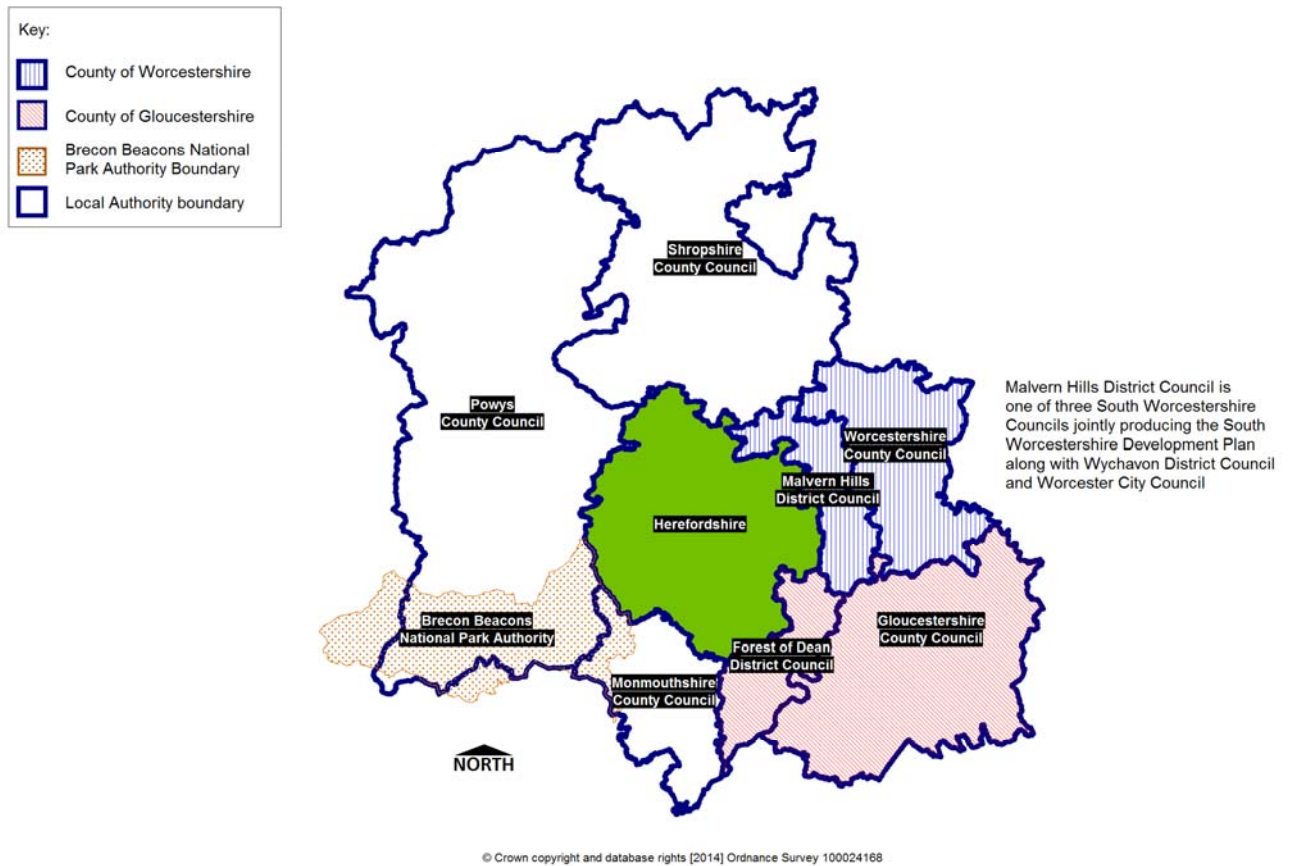
provision of land and infrastructure to support current and projected levels of development and it may involve working together to meet development requirements which cannot be fully met in an authority's administrative area. Government Guidance states that as part of this process, local authorities should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans. Crucially, Local Plans should (amongst other things) be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations particularly in relation to a number of strategic priorities.

- 2.5 The NPPF states that in rural areas, local planning authorities should exercise the duty to cooperate by being responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
- 2.6 National Planning Policy Guidance states that the duty to cooperate is not a duty to agree, but that local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary matters prior to submitting their Local Plans for examination. It also states that local planning authorities need to be satisfied that they have complied with the duty and that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.
- 2.7 The requirement for duty to cooperate is also reinforced in the Planning Policy for Travellers Sites 2015. Local planning authorities and other public bodies are required to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified.

3 Herefordshire Context

- 3.1 Herefordshire is a large, predominately rural, landlocked county situated in the south western corner of the former West Midlands region. It has a western border with Wales. At the county's heart is the city of Hereford which is the main centre for administration, health, education and leisure facilities, shopping and employment. There are five market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye. In all cases these market town are around 15 miles from Hereford and are located close to the County's boundary. At a strategic level the County boundary is not tightly drawn around the market towns and this reduces the pressure to accommodate housing or employment developments to meet our own needs outside our administrative boundary and vice versa. Elsewhere villages and smaller settlements, farms and other isolated properties characterise much of Herefordshire.
- 3.2 Figure 1 below illustrates that Herefordshire shares boundaries with five English local authorities and three Welsh local authorities. The English authorities include the two strategic planning authorities of Worcestershire and Gloucestershire County Councils, both of which are responsible for waste and minerals planning. Malvern Hills and Forest of Dean District Councils are the respective local planning authorities for their two tier structure. Shropshire County is a unitary authority. The three neighbouring Welsh authorities are Monmouthshire County Council, Powys County Council and the Brecon Beacons National Park Authority. Although there is no legislative requirement for Herefordshire to co-operate with the Welsh authorities and vice versa, the Council always consults with these organisations on planning matters as appropriate.

Figure 1: Map showing neighbouring authorities.



4 The Herefordshire Traveller Sites DPD Process

4.1 The Travellers Sites DPD once adopted will form part of the Herefordshire Local Plan along with Core Strategy, the Hereford Area Plan, Rural Sites Allocation Document and the Minerals and Waste Local plan. The Local Development Scheme sets out the timetable for the production of other DPDs which together will form the Local Plan. The Herefordshire Core Strategy makes provision for the preparation of a Travellers DPD through Policy H4.

4.2 An outline of the stages in the plan preparation to date is set out below. It is recognised that duty to cooperate is more than consultation but nevertheless this timeframe gives an indication of the opportunities for neighbouring authorities, prescribed bodies and other stakeholders to influence and engage in the preparation of the plan.

- August 2014 - Issues and Options consultation
- February/ March 2015 – Consultation on the Gypsy and Traveller Accommodation Assessment
- July – September 2016 - preferred options consultation January 2010 – Place Shaping Options
- November – December 2017 -Pre Submission Publication

5.0 Neighbouring Authorities

- 5.1 Traditionally Herefordshire has worked most closely with Shropshire County of all the neighbouring authorities due to its functional relationships and similar rural character. In February 2007, Shropshire, Telford & Wrekin, Herefordshire and Powys jointly commissioned consultants to carry out a Gypsy and Traveller Accommodation Assessment. This aimed primarily to quantify the need for Gypsy and Traveller accommodation but also assessed unmet housing-related support needs, and issues around access to wider service provision. This work culminated in an individual report for each authority involved. For Herefordshire this was the Revised Final Report July 2008. A Joint Gypsy and Traveller Needs Assessment (GTAA) was prepared in 2008.
- 5.2 However more recently GTAAs have been prepared separately, but in close consultation, by both authorities reflecting the progress of their local plan preparation. Shropshire adopted its Core Strategy in February 2011 and the Sites and Allocations Development Document in December 2015. The latter did not include any site allocations for gypsies and travellers as the GTAA did not indicate a need for new pitches. However the Council is currently updating its GTAA in the context of its emerging local plan review.
- 5.3 Herefordshire Council has liaised with Malvern Hills District which together with Worcester City and Wychavon District Council have adopted the South Worcestershire Development Plan. These three South Worcestershire Councils are now in the process of preparing a joint Traveller and Travelling Show People Sites Allocation Document.
- 5.4 The Forest of Dean District Council borders the southern area of Herefordshire and its Core Strategy was adopted in 2012. It has worked jointly with Gloucestershire County Council and the five other Gloucestershire districts to produce a GTAA. Sites for traveller accommodation to meet that need are identified to meet the requirement in the emerging allocations plan.
- 5.5 The adjoining Welsh authorities of Powys and Monmouthshire and Brecon Beacons National Park, are subject to a different legislation. Welsh planning authorities are required to submit their GTAAs to the Welsh Government for approval prior to the preparation of the local. The Welsh planning authorities will work jointly should the need and opportunity arise for joint site provision.
- 5.6 Herefordshire Council has liaised with all the neighbouring local planning authorities during the preparation of the Travellers Sites Development Plan Document. This has taken place through a series of telephone meetings, emails and meetings with Malvern Hills, Shropshire and Powys Councils. The purpose of this was to identify any concurrent timescales for the respective local plans which would enable joint working and if there were any opportunities for joint provision of shared sites, particularly in relation to temporary stopping places along the major routes frequently used by travellers. The Council has also liaised with adjacent authorities that are undertaking new or revised GTAAs to discuss consistency of approach in the methodology. Discussion with these authorities concluded that there was no requirement for Herefordshire Council to assist in meeting the gypsy and traveller accommodation requirements of neighbouring authorities. Equally Herefordshire Council has not asked any of the neighbouring authorities to assist in meeting its gypsy and traveller accommodation requirements.

6.0 Cooperation with Prescribed Bodies

English Heritage

- 6.1 English Heritage (EH) made representations on the preferred options document concerning the strengthening of policy approaches. The council will continue to work with EH to address these issues.

Environment Agency

- 6.2 Herefordshire Council continues to work closely with the Environment Agency (EA) on a number of matters across the county. In relation to the Travellers Sites the EA has been consulted on the Flood Risk Assessment and the council has sought specific advice from the EA in relation to the proposed temporary stopping site at Leominster. .

6.3 *Natural England*

- 6.4 Herefordshire Council continues to work closely with Natural England on a number of planning policy matters. Natural England have not raised any fundamental concerns in relation the Travellers Sites Document.

Civil Aviation Authority

- 6.5 There are no officially safeguarded aerodromes in Herefordshire nor in neighbouring authorities and therefore the requirement in relation to the Duty to cooperate is limited. The Council consistently consult the CAA at various stages of the plan process and no issues have been raised.

Homes & Communities Agency

- 6.6 Herefordshire Council will work closely with the Homes and Community Agency in the delivery of the publically funded new pitches as part of their affordable homes programme.

6.7 *Clinical Commissioning Group and NHS England*

Nationally it has been shown that Gypsy and Traveller groups have poor health experiences compared with the general population. Poor accommodation is one of the contributory factors for this. The policies to increase the amount of accommodation, including an authorised temporary stopping place together with a refurbishment programme of existing sites will help address this. However it is a relatively small increase in the number of units and therefore is unlikely to have an impact on health services. The multi-agency Herefordshire Gypsy Roma Strategy Group will continue to be a means for cooperation on these matters,

Office of the Rail Regulation (ORR)

- 6.8 No strategic issues have been raised. One of the new traveller sites proposed is adjacent to the railway line and Network rail has specified requests in order to safely separate this from the site. These recommendations have been incorporated into the relevant policy.

Highways Agency

- 6.9 The Council is working with the Highways Agency (HA) on the access arrangements for the site at Leominster.

Local Enterprise Partnership

- 6.10 Policy TS5 of the pre submission draft allocates an extension to an existing site that is situated within the Rotherwas Enterprise Zone in Hereford. The Council has liaised with representatives from the Local Enterprise Partnership from an early stage in the DPD process on this matter to reach agreement on the proposed allocation of this relatively small extension within the Enterprise Zone.

Local Nature Partnership

- 6.12 Herefordshire Local Nature Partnership (HLNP) was formally recognised by DEFRA and established on 28th September 2012. The HLNP, is consulted at all stages of the Traveller Sites Development Plan Documents 'preparation. No strategic issues have been identified.

7.0 Conclusion

- 7.1 Herefordshire Council considers that its responsibilities through Duty to Co-operate legislation have been met. No strategic cross boundary issues in relation to planning for traveller sites have been identified. . The Council will continue to work with neighbouring authorities and prescribed bodies as the plan moves towards adoption and implementation.