



## **Travellers' Sites Development Plan Document**

### **Post Submission Document 1:**

**Correspondence from neighbouring local authorities and meeting notes in relation to Duty to Co-operate.**

**Comments received from Forest of Dean District Council show in red in email below.**

**From:** Newey, Angela

**Sent:** 19 April 2018 11:30

**To:** 'Nigel.Gibbons@fdean.gov.uk' <[Nigel.Gibbons@fdean.gov.uk](mailto:Nigel.Gibbons@fdean.gov.uk)>

**Subject:** Herefordshire Travellers' Sites Development Plan

Dear Nigel,

As you are aware the Herefordshire Traveller Sites Development Plan Document was submitted to the Secretary of State for Housing, Communities and Local Government in February this year. The Inspector has asked the Council to provide further information in relation to Duty to Cooperate and therefore I would be grateful to receive your comments on the following points:

1. The Herefordshire Travellers Sites Development Plan does not identify any land within your administrative area to meet Herefordshire's development requirements.  
**Noted.**
2. You have not requested or made representations to Herefordshire Council to accommodate pitches for gypsy, travellers and travelling show people within our administrative boundary.  
**correct**
3. We have discussed and addressed issues of mutual interest on an ongoing basis, and Herefordshire Council has provided you with suitable opportunity to raise any such issues with us.  
**Yes we have spoken and made brief comments in the past and consider that we have been given appropriate opportunities to be involved in the issues concerned. We look forward to continued co-operation.**

Please do not hesitate to contact me if you would like to discuss any of these matters further.

Kind regards

**Angela Newey**  
**Senior Planning Officer**  
**Forward Planning**  
**Economy, Communities and Corporate Directorate**  
**Herefordshire Council**  
**Telephone: 01432 383637**

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### **Duty to Cooperate - File Note - Telephone Conversation with Nigel Gibbons 30/11/15**

AN explained the position with the emerging DPD and the findings of the recently completed GTAA as follows:

- 48 pitches for residential sites by 2031 with 19 being required in first five years
- 3 transit pitches over the plan period
- 9 plots for travelling show people by 2031 with 5 being required in first five years. The Travelling Show people in Herefordshire are living in established authorised sites in Ross on Wye and it is likely therefore that this future need would be in this area of the County.

AN also explained that the provision of a transit site is considered as an urgent matter by the police and that the Council is currently going through a site selection process for this purpose as part of the DPD preparation.

NG explained that the Bromsberrow Heath site adjacent junction 2 of the M50 has planning permissions for 20 permanent pitches and 15 transit pitches although this has yet to be implemented. Currently it has 40 permanent pitches on it.

With regards to residential sites and allocations in the Sites Allocation Plan, the Forest of Dean currently has a surplus of 6 sites. However there is a requirement for a site for Travelling Show People. A recent appeal decision has dismissed a site for at Hartpury. An extension to the adjacent Gypsy and Traveller site was also dismissed there. NG will send appeal decisions on these to AN for information.

It was recognised that there is a need for Herefordshire to maintain a dialogue with the FoD regarding the preparation of the DPD and the identification of potential sites... It was agreed that the two authorities would continue to communicate over these issues.

AN 2/12/15

Hi Angela,

Just to confirm that we agree with the statements set out in your email below.

Please let me know if you require any further comments on the matters set out.

Kind regards,

Rachel

**Rachel Lewis MRTPI**

Planning Policy Manager / Rheolwr Polisi Cynllunio

Enterprise Directorate / Cyfarwyddiaeth Menter

Monmouthshire County Council / Cyngor Sir Fynwy

Tel/ Ffôn: 01633 644827

Email/ Eboost: [rachellewis@monmouthshire.gov.uk](mailto:rachellewis@monmouthshire.gov.uk)

Website/ Gwefan: [www.monmouthshire.gov.uk/planning-policy](http://www.monmouthshire.gov.uk/planning-policy)

**From:** Newey, Angela <[Angela.Newey1@herefordshire.gov.uk](mailto:Angela.Newey1@herefordshire.gov.uk)>

**Sent:** 19 April 2018 12:01

**To:** Lewis, Rachel <[RachelLewis@monmouthshire.gov.uk](mailto:RachelLewis@monmouthshire.gov.uk)>

**Subject:** Herefordshire Traveller Sites Development Plan Document

Dear Rachel,

As you are aware the Herefordshire Traveller Sites Development Plan Document was submitted to the Secretary of State for Housing, Communities and Local Government in February this year. The Inspector has asked the Council to provide further information in relation to Duty to Cooperate and therefore I would be grateful to receive your comments on the following points:

1. The Herefordshire Travellers Sites Development Plan does not identify any land within your administrative area to meet Herefordshire's development requirements.
2. You have not requested or made representations to Herefordshire Council to accommodate pitches for gypsy, travellers and travelling show people within our administrative boundary.
3. We have discussed and addressed issues of mutual interest on an ongoing basis, and Herefordshire Council has provided you with suitable opportunity to raise any such issues with us.

Please do not hesitate to contact me if you would like to discuss any of these matters further.

Kind regards

**Angela Newey**

**Senior Planning Officer**

**Forward Planning**

**Economy, Communities and Corporate Directorate**

**Herefordshire Council**

**Telephone: 01432 383637**

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The Council welcomes correspondence in English or Welsh or both, and will respond to you according to your preference. Corresponding in Welsh will not lead to delay.

### **Duty to Cooperate - File Note - Telephone Conversation with Rachel Lewis 4<sup>th</sup> December 2015**

AN explained the position with the emerging DPD and the findings of the recently completed GTAA as follows:

- 48 pitches for residential sites by 2031 with 19 being required in first five years
- 3 transit pitches over the plan period
- 9 plots for travelling show people by 2031 with 5 being required in first five years. The Travelling Show people in Herefordshire are living in established authorised sites in Ross on Wye and it is likely therefore that this future need would be in this area of the County.

AN also explained that the provision of a transit site could have cross boundary implications for both authorities given that the A40 corridor has been highlighted as an area where a transit site could be beneficially located.

RL explained that an in house assessment is currently being prepared by the Monmouthshire Housing Team and is due to be completed in the New Year. This then has to be submitted to the Welsh Government for approval. There are currently no transit sites located in Monmouthshire. If a need for a transit site is identified there would be a need to look regionally at the provision of transit sites.

It was recognised that there is a need for both authorities to maintain a dialogue regarding the preparation of the Herefordshire DPD, the Monmouthshire accommodation assessment and the identification of potential sites... It was agreed that the two authorities would continue to keep each other informed of progress and to engage on cross boundary issues as appropriate.

AN 4/12/15

File Note 23<sup>rd</sup> May 16

Telephone conversation with Jane Coppock Policy Team Leader Monmouthshire Council

- Welsh Government has come back to Monmouthshire asking for further work to be carried out on the accommodation needs assessment. They had 6 key questions and wanted more detail. These included more detail about the stopping place provision.
- Monmouthshire has not started site identification yet.
- In principle would be interested in working collaboratively but scope may be limited and timescales do not match as HC further down the line with the plan.
- Assessment carried out by housing dept.
- Agreed to remain in contact regarding progress of both plans/assessment.

**File note – conversation with Rachel Lewis 21/6/17**

- Welsh Government agreed GTAA December 2016 – no significant progress since then.
- Have very low number of gypsy and traveller families in Monmouthshire.
- Will look at issue regionally with other Welsh authorities – also for transit / temp stopping as travelling routes reflect this. This approach supported by Welsh Government White paper on joint working.
- A South East Wales Homeless Strategic Plan will be prepared which may consider traveller issue.
- Therefore limited scope to work jointly with Herefordshire but commitment to keep up to date on progress made.

AN 21/6/17





**Nigel Brinn**, B.Sc. (Hons), MBA, MCIWM  
**Acting Director of Environment /**  
**Cyfarwyddwr yr Amgylchedd (Dros Dro)**

Y Gwalia / The Gwalia,  
Ffordd Ithon / Ithon Road  
Llandrindod / Llandrindod Wells,  
Powys.  
LD1 6AA

*If calling please ask for / Os yn galw gofynnwch am*

Ms Angela Newey,  
Senior Planning Officer,  
Forward Planning,  
Economy, Communities and Corporate  
Directive,  
Herefordshire Council,  
Hereford.

**Mr Peter Morris**

*Tel / Ffôn:* 01597 827773

*Email / E-bost:* [peter.morris@powys.gov.uk](mailto:peter.morris@powys.gov.uk)

*Your ref / Eich cyf:*

*Our ref / Ein cyf:* LDP/ADJ/HER

*Date / Dyddiad:* 23<sup>rd</sup> April 2018

Dear Angela,

**Re: Herefordshire Traveller Sites Development Plan Document, Duty to Co-operate**

I have provided the following response to your Planning Inspector's request for additional information on how your Authority's statutory duty to co-operate has been met in relation to the Herefordshire Traveller Sites Development Plan Document.

By way of introduction, Powys County Council is the Local Planning for the county of Powys outside the area of the Brecon Beacons National Park. It adopted the Powys Local Development Plan (2011 – 2026) on the 17<sup>th</sup> April 2018, which became operative immediately and superseded the former Powys Unitary Development Plan, 2010.

Both authorities have worked closely during our respective development plan making processes and I confirm that no strategic or significant cross-border matters have been identified in relation to the identification of need or the provision of sites to accommodate gypsy and traveller families.

In relation to the preparation of evidence, I also confirm that both authorities have liaised and co-operated to ensure that cross-border needs were considered but none have been identified.

Powys County Council met its statutory duty under Section 102 of the Housing (Wales) Act 2014 with the completion and Welsh Government approval of a Gypsy and Traveller Accommodation Assessment (GTAA) in 2016. Copies of the Powys GTAA and the approval letter can be found via the hyperlinks below. The GTAA found that only needs internal to Powys were identified (please refer to Chapter 7). The GTAA covered the whole of Powys, including the area of Powys located within the Brecon Beacons National Park.

[APPROVED Gypsy & Traveller Accommodation Assessment Final Report \(ORS - Nov 2016\)](#)

[Welsh Government Decision Letter to Powys CC \(Dec 2016\)](#)

The needs identified in the Powys GTAA 2016 have been met through site allocations in Powys, as identified in the adopted Powys Local Development Plan 2018.

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/>

In addition to the on-going liaison between authorities in relation to evidence gathering, both authorities have undertaken formal consultation with each other as part of our development plan making processes, but no cross-border issues have been identified in relation to gypsy and traveller matters. As a consequence, this Authority has not made any representations in relation to the Herefordshire Traveller Sites Development Plan Document.

I am therefore satisfied that we have co-operated fully in relation to gypsy and traveller accommodation matters and that there are no issues of significance within the Herefordshire Traveller Sites Development Plan Document that are of concern to this authority.

Should you require any further information or if I can be of further assistance, please do not hesitate to contact me.

Yours Sincerely,

A black rectangular box redacting the signature of Peter Morris.

**Peter Morris** BSc (Hons), DipTP, MRTPI  
Arweinydd Proffesiynol – Polisi Cynllunio / Professional Lead - Planning Policy

## Meeting Notes

### Duty to Co-operate Meeting between Herefordshire, Powys and Shropshire Councils, 10.30 -12.30, Friday 20th January 2017, The Gateway, Craven Arms

#### Attendees:

**Herefordshire Council** – Kevin Singleton (Team Leader); Vicky Eaton (Senior Policy Officer); Angela Newey (Senior Policy Officer)

**Powys County Council** – Peter Morris (Team Leader)

**Shropshire Council** – Adrian Cooper (Planning Policy & Strategy Manager); Anna Jones (Senior Policy Officer); John Taylor (Gypsy Liaison Officer)

#### 1. Gypsy and Traveller matters

##### Herefordshire

Herefordshire are producing a G & T Site Allocations DPD in line with the commitment made in their Core Strategy. It allocates sites for first 5 years and identifies broad locations of search for the longer term. The GTAA (Nov 2015) was finalised just after the PPTS 2015 changes but the majority of the work on the GTAA was undertaken prior to the introduction of the new definition of travellers. Identified requirements are for 10 travelling showpeople plots, 3 transit sites & 19 residential pitches in first 5 years. However this does not include any need arising from travellers living in bricks and mortar who aspire to move onto pitches. Consultation on potential sites took place summer 2016. There have been 3 calls for sites during the plan preparation process which yielded 4 sites (1 refused planning permission). Therefore it has been a challenging process to identify sites and we have looked at opportunities for new sites on council land as well as looking at extending existing sites. In respect of transit sites, due to an issue with a temporary stopping place in Ross on Wye, only the site at Leominster on A49 is viable option currently. Although the GTAA identifies the need for 3 transit pitches, Herefordshire considers that more pitches are required based on records of unauthorised encampments since 2014. The preferred options document identified a number of new pitches either as extensions, intensifications or new sites around the county at Hereford, Bromyard, Pembridge, Trumpet, and Sutton St Nicholas. There are no new sites identified for Travelling Show People.

Intention is to seek Council approval for the submission of the Plan in July 2017. NB this process won't be impacted by elections as there are none this year in Herefordshire.

##### Powys

The LDP is under examination. 2014 Welsh legislation requires a GTAA every 5 years. GTAA undertaken by Powys identified need in Machynlleth (1 family pitch subject of current planning application), Brecon (extension of site to meet additional need) and Welshpool (2 pitch extension – but site subject to flood issues)

##### Shropshire

Provided summary of position regarding GTAA update which is currently underway and will consider changes brought about by 2015 PPTS. The Gypsy liaison service have identified a transit on A5/M54 corridor for 8 pitches to help cope with

unauthorised encampments due to transferred pressure resulting from the provision of a transit site in Telford (i.e. families opting not to use the site in Telford can be moved on by the police & tend to be displaced into the Shropshire Council area). It was noted that there is movement of families between Shropshire and Powys and that Leominster, Hereford and Ross are hotspots for transit with links to Shropshire via the A49. There has been an increase in Irish Travellers in Shropshire.

**Action:** AJ will forward a copy of a G & T appeal decision for information purposes to Herefordshire.

## **2. Development plan timetables & progress**

### Shropshire

Shropshire provided an update on their adopted Plan position- and need for an early Plan Review. The timetable for partial review was outlined with Issues and Options Consultation running 23 January 2017 - 20 March 2017. A summary was provided of the proposed strategy options – including numbers, locational split & criteria based policy approach for smaller settlements. Implications of Foldgate Lane, Ludlow appeal were discussed and options for future development in the South of the County in particular to the north of Craven Arms (due to AONB/flood constraints) were outlined for the benefit of Herefordshire Council. Development delivery issues at Oswestry were also highlighted for the benefit of Powys Council.

### Herefordshire

Core Strategy approved October 2015 sets the overall strategic planning framework for the County up to 2031. It does not allocate sites, but proposes broad strategic directions for growth. Major growth in Leominster and Hereford not progressing as anticipated and therefore do not currently have a 5 year supply and have been a number of appeals based on this issue. Team currently working on producing:

- Minerals and Waste Local Plan (minerals and waste policies removed from the Core Strategy during the examination as inspector found them out of date and lacking evidence),
- G & T DPD.
- Rural site allocations for those parishes listed in rural growth policies that are not producing a local plan.
- Hereford Area Plan. Consultation on issues and options document to take place in spring 2017

The Council is heavily promoting production of Neighbourhood Plans by Parish Councils – 106 in total -80% of the area outside Hereford. Core Strategy sets out the housing requirement starting point for each Parish. Hereford will accommodate 40% of growth with major growth also at Leominster. There is particular development pressure in villages around Hereford with growth in Hereford being dependent on the construction of a by-pass both to release land and to provide the necessary infrastructure capacity. CIL review is currently on hold, awaiting the government review, as advised by consultants. However if it doesn't emerge in the near future will need to progress it.

### Powys

Do not have a 5 year supply. The UDP adopted in 2010 is now out of date but remains the adopted plan covering the whole of Powys. The LDP was submitted for

examination last January but there was a Welsh Government suspension to allow clarification of housing issues. Hearing to commence 28<sup>th</sup> March 2017 (following pre hearing meeting 7<sup>th</sup> February)

Further amendments required for the LDP included renewable search areas - controversial & politically charged with AONB & National Park constraints to be taken into account. Consultants appointed to carry out work on appropriate locations but output needs refining.

The LDP includes criteria based policies. The Brecon Beacons National Park is about to commence Plan review – they have 5 years land supply exactly.

### **3. Significant strategic influences**

#### Shropshire

East- West influences relate to the Midlands. West Midland Assembly has identified significant growth aspirations in a relatively short time period which it will be challenging to accommodate in the West Midlands – this therefore may have some implications for Shropshire. Shropshire has a Green Belt review ongoing which relates to outer part of W. Midlands Green Belt. There are also North- South influences with North Shropshire on the fringe of the Northern Gateway development zone (including HS2 Crewe interchange) and therefore there may be impacts on Market Drayton & Whitchurch.

#### **Herefordshire**

Unlikely to be affected by growth requirements from Birmingham. Considering whether to apply to associate membership of Combined Authority. Welsh Government is consulting on National Development Framework and are currently undertaking a call for evidence. The River Wye SAC may be relevant to this.

### **4. Housing Requirements**

General discussion of 5 year supply mechanism and the use of the mechanism of 1 year outline permissions to encourage delivery. Not very successful in Herefordshire as lapsing permissions impacted further on 5 year supply.

#### Shropshire

There is a need to review CIL as the uniform rate across the County doesn't consider differing viability/deliverability in different areas.

#### Powys

Welsh Government Housing Projections as the starting point for housing requirement showed a reduction in population in September 2016. There is an issue of ageing population in Powys and as this is particularly relevant to Shropshire & is a particular area that would benefit from more detailed cross boundary conversations. Powys Council are looking to build their own houses & to suspend Right to buy to tackle affordability issues. There is also an integrated project with local health board to look at £6M overspend particularly associated with adult social care requirements.

#### Herefordshire

FOAHN prepared for Core Strategy being used as basis for housing requirement. Looking at SHMAA review in about 18 months. This may tie in with Shropshire's timescale of within 12 months for examination. Potential to look at joint approach for this?

## **5. Economic development and approach to employment requirements**

Shropshire main commuting is to Telford but some in commuting from Welshpool and more limited from Leominster to Ludlow. Shropshire a self-contained HMA but will speak further to Herefordshire to confirm trends and complementary methodology. Powys is subject to different guidance.

## **6. Minerals and Waste Issues**

### Powys

Wales has developments of national significance which require pre application consultation.

### Shropshire

Role of Battlefield incinerator described.

Main minerals issues and requirements summarised.

Highlighted Mineral duty to co-operate protocol for West Midlands as providing a framework

### Herefordshire

Have consultants doing Minerals & Waste need assessment & a Consultation Paper will be issued in next couple of months..

Main resource is crushed rock and sand and gravel. A previous call for sites revealed 2 sites for crushed rock and a sand and gravel site.

A joint waste contract is operated with Worcestershire with incinerator at Hartlebury.

## **7. Renewable energy and local search areas**

### Powys

There will be a future additional opportunity to comment on local search areas approach.

**Action:** Powys to advise Shropshire/Herefordshire when consultation is happening

## **8. Nutrient Management Plan – Clun Catchment Area**

### Herefordshire

Herefordshire are not significantly affected by the Clun Catchment issue as no development is proposed in the affected area. Clun feeds into the River Teme which is not a SAC. The River Wye is more of a cross boundary issue for Herefordshire/Powys. Herefordshire have established a Nutrient Management Board and are working with the EA to produce an Action Plan. Part of the Wye SAC includes the river Lugg which is always exceeding limits. Agriculture practices are a significant issue in phosphate levels as well as development.

The Nutrient Management Board looks at diffuse and point source pollution. Poultry units are a big issue. However improvements to sewage treatment works will result in significant improvements to phosphate levels.

## **9. Relevant infrastructure matters**

**Action:** Shropshire to provide Marches Strategic Corridor Report to Powys and Herefordshire.

## **10. Evidence base progress**

Opportunities for future joint evidence base production/sharing discussed and nothing currently identified. It was agreed that this would be the subject of continued conversations, including potential for joint retail study.

**Action:** Shropshire to provide a list of evidence base requirements for its Local Plan review

## **11. Need for Duty to Co-operate - Memorandums of Understanding (MoUs) between our authorities.**

Herefordshire Council provided a copy of a signed MoU with Malvern Hills DC as a template to inform discussion. It was agreed that a MoU would be a good approach and that Shropshire would draft an initial MoU and circulate it.

**Action:** Shropshire to draft an initial MoU and circulate it.

## **12. A.O.B.**

It was agreed that Shropshire would in future join the DTC meeting with Herefordshire, Worcestershire & Malvern in future. The next meeting is in Malvern on 16<sup>th</sup> January next year.

**Action:** Herefordshire to invite Shropshire Council

## **13. Next meeting**

Autumn 2017 at Craven Arms to be arranged by Shropshire Council

## Meeting Notes for Gypsy and Traveller Accommodation Needs discussion with Shropshire Unitary Authority

27/3/14

Present:

Jane Reeves (HC); Nick Griffiths (HC); Richard Wilding (HC);

Anna Jones (SC); Rebecca Underdown (SC)

### **General points re Shropshire's Gypsy and Traveller Accommodation Assessment (GTAA):**

- Inspectors are looking for robust evidence bases of less than 5 years old
- Shropshire have liaised with South Staffordshire in their GTAA production and have used the same consultants as S.Staffs for their own GTAA survey work (the consultants use a team of fieldworkers from the Gypsy and Traveller community )
- Shropshire's Gypsy Liaison Officer provided the consultants with the list of travellers to survey in the first instance
- At the time of the meeting 116 interviews have been successfully received (from 107 pitches) providing information about existing and emerging need
- The bricks and mortar assessment of need was admitted to be a more challenging task
- No information re transit sites. This need not met by Shropshire and hoping that new GTAA will shed light on need. Shropshire Council also aware of unmet need for travelling show persons plots
- Shropshire were not currently aware of any specific cross boundary movements of travellers between Shropshire and Herefordshire at present, but more information may arise from the survey results. The area of most movement and application activity was in the north of Shropshire.
- The cost of the survey for Shropshire was around £15,000 and the methodology was based on the 2007 government guidance. The survey will take approx. 6 months to complete.
- Anna explained that pressure for GTAA was Development Management driven and that the evidence base became critical and expedited because of controversial appeals. No formal brief but business case made and research done with adjoining LAs especially S Staffs and we had significant interaction and had closely read draft reports. We discussed issues that had been experienced so that we were aware of strengths and weaknesses. Strength of consultants is use of G & T interviewer with greater acceptance on sites than local authority officers. Good response rate from interviews and Gypsy liaison office had been able to



- HC considering a desk based approach based on past trends/waiting list information/census data and planning applications as an indicator of need. It is considered that this could provide a fuller picture to add to the 2012 survey information. Noting that the survey had a max of 10 questions and was therefore much simpler in scope than the GTAA being done by Shropshire consultants.
- Looking at application trends – Herefordshire considered G & T activity more limited in area adjoining Shropshire. No significant evidence of high levels of need along A49 but GTAA should clarify. Concentration of activity is mainly to S & E Herefordshire - also experiencing mainly applications for 1 to 2 pitches (similar to Shropshire trend).
- Herefordshire did a call for G & T sites in 2012 but had a limited response – again like Shropshire.
- Core Strategy pre-submission publication aimed for end of April/May 2014 . This includes broad urban extensions. Aim to demonstrate that they are progressing with G & T allocations to support Core Strategy. Need to progress evidence before Core Strategy examination. Site allocation document only planned for Hereford & G& T. 60/70 parishes signed up to do Neighbourhood Plans agreeing around 15% growth.
- G & T options paper has been drafted – to highlight current need and asking questions about how sites could come forward
- Herefordshire currently working on housing need surveys per Parish to feed into neighbourhood plans
- Information from census shows G & T population generally younger in Herefordshire than the general population.
- Not many unauthorised encampments

Signature/Date of representative from Shropshire Unitary Authority:



*Anna A. Jones SENIOR POLICY OFFICER, SHROPSHIRE COUNCIL  
8th July 2014*

Signature/Date of representative from Herefordshire Unitary Authority:



*JANE REEVES SENIOR PLANNER, HEREFORDSHIRE COUNCIL  
14 July 2014*

## Duty to Cooperate Meeting

Between Herefordshire Council and Malvern Hills District Council (on behalf of the South Worcestershire Councils)

2:00 pm on 17<sup>th</sup> January 2017

Wellington Room, Plough Lane, Hereford

### Draft Note of Meeting

Item	Key Points of Discussion	Actions / Outcomes
<b>Introductions:</b> Fred Davies, Rosie Murray, David Clarke (all MHDC), Kevin Singleton, Angela Newey, Karla Johnson (all HC)		
<b>Notes of Last Meeting</b>	Agreed.	
<b>Memorandum of Understanding</b>		
a. Background	MoU establishes a framework for co-operation regarding any identified strategic planning issues between Herefordshire Council and the three South Worcestershire Councils (Malvern Hills District Council, Wychavon District Council and Worcester City Council).	
b. Governance Arrangements	<p>Agreed to amend the MoU. Officer representatives from Herefordshire Council and the South Worcestershire Councils to meet on an annual (rather than bi-annual) basis (or more frequently as considered appropriate).</p> <p>Other local authorities that are subject to separate MoUs relating to Duty to Cooperate with Herefordshire and the South Worcestershire Councils will be invited to attend these meetings when considered appropriate. Agreed to invite officer representatives from Shropshire Council to the next meeting.</p> <p>Review of the MoU. Subject to the above amendment relating to frequency of meetings, the existing MoU was considered fit for purpose.</p>	Officer representatives from Shropshire Council to be invited to the next meeting.
c. Schedule of Engagement	The schedule of engagement identifies the cross boundary issues that are relevant to Herefordshire and the South Worcestershire Councils and how they are addressed.	Schedule of engagement to be updated to reflect current cross

	<p>The schedule will be updated as any new issues arise to demonstrate effective cooperation where appropriate.</p>	<p>boundary issues.</p>
<p>Herefordshire Core Strategy - Update</p>	<p>Herefordshire Local Plan</p> <p>The Core Strategy was adopted in October 2015 and the team are now working on a number of DPDs as outlined later.</p> <p>The Core Strategy does not seek to identify objectively assessed needs within the South Worcestershire boundary.</p> <p>Herefordshire does not currently have a 5 year supply of housing. Recent appeal decisions have confirmed this. Delivery on the urban extensions is key to us achieving a five year supply.</p>	
<p>South Worcestershire Development Plan (SWDP) – Update</p>	<p>SWDP adopted February 2016. Guidance notes have been prepared for some policies to ensure consistent implementation of the policies across the 3 South Worcestershire Councils.</p> <p>SWDP does not seek to identify objectively assessed needs within Herefordshire boundary.</p> <p>South Worcestershire Councils' currently have a robust 5 year supply of housing. Delivery on the urban extensions will be important to maintain the delivery trajectory.</p>	
<p>Neighbourhood Plans</p>	<p><u>Malvern Hills</u></p> <p>12 designated neighbourhood areas in Malvern Hills District, 6 of which border Herefordshire - Clifton-upon-Teme, Leigh and Bransford, Alfrick and Lulsley, Martley, Knightwick and Doddenham, Malvern Town, Tenbury (together with Burford).</p> <p>Currently, no significant cross boundary issues arising from neighbourhood plans from Malvern Hills. SWDP allocates sites to meet objectively assessed need across south Worcestershire. Therefore, most neighbourhood plans in Malvern Hills are not currently seeking to identify additional sites for housing.</p> <p>Clifton – Regulation 16 stage. Consultation until</p>	<p>Agreed to notify each other of any potential cross boundary issues arising in emerging neighbourhood plans.</p>

	<p>10<sup>th</sup> February 2017.  Martley, Knightwick &amp; Doddenham – Regulation 14 consultation held in July / August 2016.</p> <p>Herefordshire:  Currently there are 106 designated neighbourhood areas in the county.  15 have been adopted  1 withdrawn post examination - Hope under Dinmore as did not agree with the Inspector changes regarding a large open space allocation.  14 have been sent to examination including Cradley and Bosbury.  Colwall NP have not progressed to regulation 14 yet. 1 awaiting referendum. 1 passed referendum.  Whitbourne adopted  No cross boundary issues raised by these neighbourhood plans.  Allocations – allows you to only have 3 yr. supply.</p>	
<p><b>Strategic &amp; Locally Significant Planning Issues</b></p>		
<p>a. Community Infrastructure Levy (CIL)</p>	<p><u>South Worcestershire</u></p> <p>South Worcestershire Councils submitted their Community Infrastructure Levy Charging Schedules for joint examination by the planning inspectorate in July 2016. The proposed levy rates (per m<sup>2</sup>) in Malvern Hills are residential in main urban areas (£0), residential in all other areas (£40), student accommodation (£100), food retail and retail warehouses (£60), shops, hotels, industrial &amp; office, education, health, community and all other uses (£0).</p> <p>Examination was held in November 2016. Inspector’s report expected soon.</p> <p><u>Herefordshire:</u></p> <p>CIL currently on hold awaiting white paper as advised by consultants.</p>	

b. Infrastructure Delivery Plans	<u>No updates?</u>	
c. Travellers & Travelling Showpeople – GTAA's + Site Allocations DPD	<p><u>South Worcestershire</u></p> <p>Worcestershire GTAA published Nov 2014.</p> <p>South Worcestershire GTAA Addendum published November 2016</p> <p>The purpose of the GTAA Addendum was to address questions relating to the Worcestershire GTAA that were raised at the Baughton Traveller Site appeal. Also to consider whether any changes are required to the GTAA following the Government's change in definition of Travellers in the Planning Policy for Traveller Sites.</p> <p>Key findings from the South Worcestershire GTAA Addendum:</p> <ul style="list-style-type: none"> <li>• The five-year pitch requirement, 2014/15 to 2018/19 increased slightly for Malvern Hills (+2) and Wychavon (+2), but decreased for Worcester (-5). The changes were primarily due to revised turnover rates which are now based on turnover at County managed sites to be consistent with DCLG Guidance and the SWDP Inspector's recommendation.</li> <li>• No change in the requirements arising from the revised definition of Gypsies and Travellers were proposed. Until the outcome of legal challenges to the revised definition are known, arc4 considered it appropriate to base the needs analysis on the wider cultural need.</li> </ul> <p>In March / April 2016 the South Worcestershire Councils consulted on Preferred Options for the Traveller &amp; Travelling Show people Site Allocations DPD, including 33 potential additional pitches across 7 Traveller sites in south Worcestershire. None of the sites are near Herefordshire border.</p>	

	<p>South Worcestershire Councils' undertook a further call for Traveller sites between 18<sup>th</sup> November 2016 and 9<sup>th</sup> January 2017.</p> <p>The revised timetable for the preparation of Traveller &amp; Travelling Show people Site Allocations DPD makes provision for consultation on revised Preferred Options in June/July 2017, Submission in March 2018, Examination in May 2018 and Adoption in September 2018.</p> <p><u>Herefordshire:</u></p> <p>GTAA finalised in November 2015. Identified need for 48 residential pitches, 9 travelling show people plots and 3 transit pitches up to 2031. However additional 18 pitches identified for travellers living in bricks and mortar accommodation based on extrapolation from trends elsewhere as no direct evidence available for this. The requirement for the first five years which the DPD will cover is seeking to identify 19 residential pitches, 5 travelling show people and the 3 pitches. General consensus is that 3 pitches for transit will not be adequate given the evidence from records of unauthorised encampments occurring in the county in the last 3 years.</p> <p>The consultants had used approach to turnover as set out by the Inspector to the SWDP.</p> <p>The DPD preferred options identified a potential 21 residential pitches, and two sites for transit/ temporary stopping places but no plots for travelling show people. Residential pitches include new sites, extended and intensified local authority sites.</p>	
<p>d. Other DPD's and SPD's – including Affordable Housing, Developer Contributions</p>	<p><u>South Worcestershire</u></p> <p>In 2016, South Worcestershire Councils' prepared SPDs on affordable housing and developer contributions.</p> <p>In 2017, South Worcestershire Councils' will prepare SPD's on planning for health, design, water management &amp; sustainable drainage</p>	

	<p>systems, and renewable &amp; low carbon energy.</p> <p><u>Herefordshire</u></p> <p><u>Hereford Area Plan</u> – This will cover the administrative area of the City and also parts of some of the surrounding parishes to allow consideration of the strategic extension and the Hereford bypass to the west of the city. An issues and options consultation will be taking place in the spring. It will include reference to the new university proposals that were in very early stages at time of adoption of the core strategy.</p> <p><u>Rural Site Allocations DPD</u> – This will allocate sites and / or identify settlement boundaries for those parishes that are identified in the rural policy of the Core Strategy which are not preparing or making progress s with neighbourhood plans. It will not include other land use policies.</p> <p><u>Minerals and Waste Development Plan</u> – Currently the UDP minerals and Waste policies are saved. The council has appointed Hendeca as consultant to assist in the production of the development plan and updated evidence is currently being collated prior to an issues and options consultation.</p> <p><u>Gypsy &amp; Traveller Site Allocations DPD</u> – Preferred options consultation took place last summer. Currently undertaking further technical work on the sites prior to pre submission hopefully later this year.</p> <p><u>Hereford Transport Package</u> - not a dpd or spd but closely linked to the HAP. This will look at how active travel measures in Hereford can be encouraged and will help identify the route of the bypass. Currently a corridor is shown in the core strategy. The link to the Worcester road will be the last section of the road to be completed.</p>	
f. Malvern Hills AONB	Majority of the AONB unit’s Work Programme for 2016/17 appears to fall outside the scope of strategic planning. The more strategic elements include:	Jim Burgin and James Bisset (officers on the AONB Officer Steering Group) to

	<ul style="list-style-type: none"> <li>• Ensuring that comments on planning applications incorporate wider landscape issues.</li> <li>• Promoting AONB guidance to all interested parties - including new colour guidance 'Building Design and Environmental Colour Assessment' which provides advice and guidance to planners and the development industry on appropriate colour selection for new developments within the AONB and its immediate setting.</li> <li>• Production of a '10 years of landscape change' document.</li> <li>• Scoping the distribution and significance of ash trees in the AONB landscape (in the light of ash dieback).</li> <li>• Exploring dark sky status for the AONB.</li> <li>• Supporting the provision of local housing that is appropriate to the area and which meets local needs.</li> </ul>	advise Fred Davies and Kevin Singleton if any strategic planning issues requiring cooperation between the Councils' arise.
g. Any other cross boundary issues	None identified	
<b>Any Other Business</b>	<p><u>Self-Build Register</u></p> <p>Herefordshire and South Worcestershire authorities have registers in place which meet the requirements of the regulations. No charges currently made to enter details on the register as minimal service offered. All currently considering how to promote self-build to meet their demand on the registers. Recognised that there is likely to be double counting between the registers as adjacent authorities.</p>	
<b>Date / Time of Next Meeting</b>	Tuesday, 16 <sup>th</sup> January 2018 in Malvern	



## Duty to Cooperate – Memorandum of Understanding

### Between

### Herefordshire Council and

### Malvern Hills District Council (on behalf of the South Worcestershire Councils)

#### **Introduction**

- 1.1 This Memorandum of Understanding establishes a framework for co-operation regarding any identified strategic planning issues between Herefordshire Council and the three South Worcestershire Councils (Malvern Hills District Council, Wychavon District Council and Worcester City Council) in the preparation, adoption, implementation and review of the Herefordshire Local Plan and the South Worcestershire Development Plan and any other relevant Development Plan Documents (DPD's).
- 1.2 The Localism Act 2011 requires local planning authorities to engage constructively on an on-going basis on planning matters that impact on more than one local planning area. The parties to this memorandum consider that at the time of signing there are no identified strategic planning issues arising from the South Worcestershire Development Plan and the Herefordshire Core Strategy Submission affecting the local planning authorities although the work of the authorities is of mutual interest. However, the purpose of this MOU is to set out a mechanism which ensures that any key strategic issues are identified and addressed on an ongoing basis to ensure that the authorities continue to meet the requirements in relation to the Duty to Cooperate.
- 1.3 Guidance on the requirements of the Duty is provided in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). The NPPF sets out the key strategic priorities that should be addressed jointly as follows:
  - The homes and jobs needed in the area.
  - The provision of retail, leisure and other commercial development.
  - The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
  - The provision of minerals and energy (including heat).
  - The provision of health, security, community and cultural infrastructure and other local facilities.
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

#### **Objectives of the Memorandum of Understanding**

- 2.1 The following are the key objectives of the MoU.
  - To identify strategic planning priorities that raise cross boundary issues between the parties of the MoU.
  - To work collaboratively to address the implications of any such identified strategic planning priorities.
  - To ensure awareness of current stages of Local Development Plan Documents and Neighbourhood Plans.
  - To ensure that the production and review of Development Plan documents are informed by the views of the parties of this agreement.

- To identify and agree where appropriate any infrastructure investment needs associated with any proposed development.
- To establish a robust and transparent process to ensure compliance with Duty to Cooperate requirements.
- To identify and consider locally significant cross boundary issues as appropriate.

### **Governance Arrangements**

- 3.1 Herefordshire Council and the South Worcestershire Councils are responsible for preparing, adopting and reviewing their own local plans and associated Development Plan Documents.
- 3.2 Officer representatives from Herefordshire Council and the South Worcestershire Councils will meet on a bi-annual basis (or more frequently as considered appropriate). The purpose of these meetings will be to:
- i. update on the preparation, adoption and review of any relevant Development Plan Documents
  - ii. to identify and address strategic cross boundary issues emerging from the development plan process.
- 3.3 Officers will report back to Councillors as appropriate to keep them informed of discussions and where appropriate arrange for Councillors to meet to discuss these issues.
- 3.4 To maximise the effectiveness and efficiency of this arrangement, other local authorities that are subject to separate MoUs relating to Duty to Cooperate with the undersigned will also be invited to attend these meetings.

### **Evidence of Cooperation**

- 4.1 Minutes of all meetings will be recorded. The attached schedule identifies the current cross boundary issues that are relevant to the parties of this Memorandum and how they are addressed. This schedule will be updated as any new issues arise to demonstrate effective cooperation where appropriate.

### **Review and Duration**

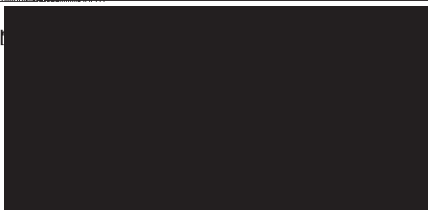
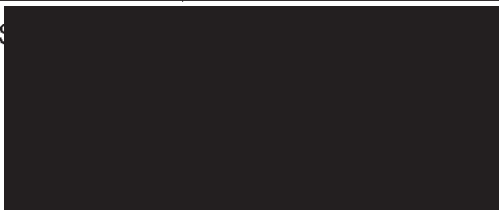


- 5.1 This MoU will be reviewed twelve months from the date of signing. Any request to terminate this MoU must be made in writing giving a reasonable period of notice. The MoU will remain in place until the duty to cooperate is no longer required by the legislation. The parties will agree to any variations to this MoU in writing.

### **Limitations to the Memorandum**

- 6.1 In accordance with the NPPG the signatory local authorities undertake to make every effort to secure the necessary cooperation on any identified strategic cross boundary matters. However it is recognised that there may not always be full agreement with respect to any issues and the Duty does not require an agreement to be reached. Therefore for the avoidance of doubt, this MOU will not restrict the discretion of any of the local planning authorities in the preparation of their development plans and associated documents, in their response to consultations or in the exercise of any of their statutory powers and duties. It is not a formally binding legal document.

- 6.2 Minerals and waste are County matters and on-going engagement is provided at the County level through the Regional Aggregates Working Party (RAWP) and Resource Technical Advisory Body (RTAB) respectively.
- 6.3 Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are not covered by the Duty to Cooperate but are identified as bodies that those covered by the duty "should have regard to" when preparing local plans and related activities.

We the undersigned agree on behalf of our local planning authorities to cooperate on strategic cross boundary issues in accordance with this Memorandum of Understanding:

<b>Malvern Hills District Council on behalf of the three South Worcestershire Councils</b>	<b>Herefordshire Council</b>
<b>Portfolio Holder for Planning and Housing: Councillor Melanie Baker</b>	<b>Cabinet Member Infrastructure: Councillor Philip Price</b>
Signature 	
Date: 22/1/15	Date: 22 Jan 15
<b>Head of Planning, Economy and Housing: Gary Williams</b>	<b>Strategic Planning Team Leader: Kevin Singleton</b>
Signature 	Signature 
Date: 22/1/15	Date: 22 Jan 15

**Schedule of Engagement between Herefordshire Council and South Worcestershire Councils on Strategic and Locally Significant Planning Issues**

**as at 18 December 2014**

<b>Policy Area / Topic</b>	<b>Name of Group &amp;/or Organisation(s) Involved</b>	<b>Date / Stage</b>	<b>Key Points of Discussion / Issues</b>	<b>Proposed Actions / Outcomes</b>
Memorandum of Understanding / Approach to Duty to Cooperate Engagement	Herefordshire Council (HC) and Malvern Hills District Council (MHDC) on behalf of the South Worcestershire Councils (MHDC, Worcester City and Wychavon)	Dec 2014	Memorandum of Understanding (MoU) to establish a framework for engagement and cooperation on strategic planning issues between Herefordshire Council and South Worcester Councils.	MoU prepared by HC and MHDC.  HC and MHDC officer representatives to meet on a bi-annual basis (or more frequently as considered appropriate).  Neighbouring authorities in Gloucestershire and Shropshire to be invited to attend meetings as appropriate.
South Worcestershire Development Plan (SWDP)	South Worcestershire Councils		SWDP, previously South Worcestershire Joint Core Strategy (SWJCS), includes the approach to housing supply and economic growth, transport infrastructure and traveller provision.  Public consultations have included SWJCS Issues and Options Consultation (Nov 2007), SWJCS Preferred Options Consultation (Sept 2008), SWJCS Potential Strategic Sites Consultation (Jan - March 2009), Preferred Options Consultation (Nov	No outstanding or unresolved issues

Policy Area / Topic	Name of Group &/or Organisation(s) Involved	Date / Stage	Key Points of Discussion / Issues	Proposed Actions / Outcomes
			<p>2011) and Significant Changes to the Preferred Options (Aug – Sept 2012).</p> <p>SWDP has not proposed any land for development within Herefordshire administrative boundary.</p>	
		<p>Jan – Feb 2013</p> <p>Jan 2013</p>	<p>Proposed Submission Plan – consultation for legal compliance and test of soundness.</p> <p>HC written confirmation that the Council have been kept informed of progress of the SWDP throughout its preparation through formal consultation and informal discussions.</p> <p>Acknowledgement that the SWDP does not identify any land within Herefordshire administrative boundary.</p> <p>Confirmation that HC is not seeking to identify any land within South Worcestershire to met HC's development requirements.</p>	<p>No outstanding or unresolved issues</p>
		<p>Oct – Nov 2014</p>	<p>Proposed Modifications – consultation on proposed new housing sites.</p> <p>SWDP has not proposed any land for</p>	<p>No outstanding or unresolved issues</p>

Policy Area / Topic	Name of Group &/or Organisation(s) Involved	Date / Stage	Key Points of Discussion / Issues	Proposed Actions / Outcomes
			development within Herefordshire administrative boundary.	
Herefordshire Local Plan	Herefordshire Council	April 2013 – Draft Core Strategy Consultation	<p>Herefordshire Local Plan includes approach to housing supply and economic growth, transport infrastructure and traveller provision.</p> <p>MHDC written response acknowledged that Draft Core Strategy does not seek to identify any land within the administrative areas of Malvern Hills / South Worcestershire.</p> <p>Noted that Herefordshire Traveller DPD to be prepared.</p>	No outstanding or unresolved issues
		July 2014 - Core Strategy Pre-Submission Publication	<p>MHDC written response noted that Draft Core Strategy does not seek to identify any land within the administrative areas of Malvern Hills / South Worcestershire.</p> <p>Noted that Herefordshire Traveller DPD to be prepared.</p> <p>MHDC written confirmation that Council had no objections to the Draft Core Strategy on the grounds of legal</p>	No outstanding or unresolved issues

Policy Area / Topic	Name of Group &/or Organisation(s) Involved	Date / Stage	Key Points of Discussion / Issues	Proposed Actions / Outcomes
			compliance or soundness.	
Community Infrastructure Levy  (Although the Duty to Cooperate legislation does not apply to CIL it is nevertheless useful for the signatories to share progress on this issue).	Shropshire Herefordshire and South Worcestershire Councils	November 2011	Meeting to discuss approaches to CIL	No outstanding or unresolved issues
Infrastructure Delivery Plans (IDPs)	South Worcestershire Councils	Nov 2012 – SWIDP Published	SWIDP includes reference to Hartlebury waste plan (Wychavon DC)	No significant cross boundary issues
		May 2013 – SWIDP submitted to PINS	SWIDP significantly revised for consideration by South Worcestershire Councils on 30/09/14	
	Herefordshire Council	Draft IDP March 2013  IDP May 2014	Herefordshire Infrastructure Plan includes reference to Hartlebury waste plan. This has planning permission and is included in the Joint Waste Management Strategy agreed between	



<b>Policy Area / Topic</b>	<b>Name of Group &amp;/or Organisation(s) Involved</b>	<b>Date / Stage</b>	<b>Key Points of Discussion / Issues</b>	<b>Proposed Actions / Outcomes</b>
			Worcestershire County and Herefordshire Councils.	
Sub regional planning	West Midland Planning Officers Group (WMPOG) includes officers from Herefordshire and South Worcestershire Councils	Quarterly meetings	WMPOG discuss and initiate actions relating to sub regional planning including:  Identification of strategic issues of shared interest  General planning liaison  Rail services	Identify and discuss strategic planning priorities that raise cross boundary and sub regional issues.  Ensure awareness of current stages of local development plans documents.
Gypsies, Travellers and Travelling Show People	Worcestershire GTAA led by Malvern Hills, includes South Worcestershire Councils	August 2013	Worcestershire GTAA Online Stakeholder Consultation of neighbouring authorities including Herefordshire	No outstanding or unresolved issues
		August 2014	Worcestershire GTAA Stakeholder Briefing of neighbouring authorities including Herefordshire	No outstanding or unresolved issues
	Herefordshire GTAA	August 2014	Herefordshire GTAA Online Stakeholder Consultation of neighbouring authorities including South Worcestershire Councils	No outstanding or unresolved issues

Policy Area / Topic	Name of Group &/or Organisation(s) Involved	Date / Stage	Key Points of Discussion / Issues	Proposed Actions / Outcomes
<u>Locally Significant Issues</u>				
Malvern Hills AONB	Malvern Hills AONB Joint Advisory Committee (JAC)	Biannually	Co-ordination of the management of the AONB and the implementation of the Management Plan.  Liaise on planning issues through the JAC.	No outstanding or unresolved issues
	Malvern Hills AONB Steering Groups	Quarterly	Provision of guidance, advice and support to the JAC and Staff Unit.	No outstanding or unresolved issues
Neighbourhood Planning	Herefordshire and South Worcestershire Councils	Ongoing Updates	Ensure awareness of current stages of Neighbourhood Plans in adjoining authorities including Colwall, Cradley, Brimfield & Little Hereford, Whitbourne and Ledbury (all Herefordshire) and Clifton upon Teme , Martley / Knightwick / Doddenham, Alfrick & Lulsley and Malvern Town (all Malvern Hills District)	No outstanding or unresolved issues

## Duty to Cooperate Meeting

Between Herefordshire Council and Malvern Hills District Council (on behalf of the South Worcestershire Councils)

2:00 pm on 23<sup>rd</sup> November 2015

Elgar Room at Malvern Council House

### Draft Note of Meeting

Item	Key Points of Discussion	Actions / Outcomes
<b>Introductions:</b> Gary Williams, Rosie Murray, David Clarke (all MHDC), Kevin Singleton, Angela Newey, Karla Johnson (all HC)		
<b>Memorandum of Understanding</b>		
a. Background	<p>MoU establishes a framework for co-operation regarding any identified strategic planning issues between Herefordshire Council and the three South Worcestershire Councils (Malvern Hills District Council, Wychavon District Council and Worcester City Council).</p> <p>At the time of signing there were no identified strategic planning issues arising from the South Worcestershire Development Plan and the Herefordshire Core Strategy Submission affecting the local planning authorities.</p> <p>The purpose of the MOU is to set out a mechanism which ensures that any key strategic issues are identified and addressed on an on-going basis to ensure that the authorities continue to meet the requirements in relation to the Duty to Cooperate.</p> <p>The NPPF sets out the key strategic priorities that should be addressed jointly as follows:</p>	

	<ul style="list-style-type: none"> <li>• The homes and jobs needed in the area.</li> <li>• The provision of retail, leisure and other commercial development.</li> <li>• The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.</li> <li>• The provision of minerals and energy (including heat).</li> <li>• The provision of health, security, community and cultural infrastructure and other local facilities.</li> <li>• Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</li> </ul> <p>In accordance with the NPPG the signatory local authorities will undertake to make every effort to secure the necessary cooperation on any identified strategic cross boundary matters. However it is recognised that there may not always be full agreement with respect to any issues and the Duty does not require an agreement to be reached.</p> <p>Limitations of the MoU - minerals and waste are County matters. Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) also not covered by the Duty to Cooperate.</p>	
<p>b. Governance Arrangements</p>	<p>Officer representatives from Herefordshire Council and the South Worcestershire Councils to meet on a bi-annual basis (or more frequently as considered appropriate).</p> <p>Officers to report back to Councillors as appropriate to keep them informed of discussions and where appropriate arrange for Councillors to meet to discuss these issues.</p> <p>To maximise the effectiveness and efficiency of the arrangement, other local authorities that are subject to separate MoUs relating to</p>	<p>Invitation to other neighbouring authorities to be considered as-and-when appropriate dependent on the issues.</p> <p>Review MoU at next meeting.</p>

	<p>Duty to Cooperate with Herefordshire and the South Worcestershire Councils will also be invited to attend these meetings when considered appropriate.</p> <p>The MoU to be reviewed twelve months from the date of signing. Any request to terminate the MoU to be made in writing giving a reasonable period of notice. The MoU to remain in place until the duty to cooperate is no longer required by the legislation. The parties to agree to any variations to the MoU in writing.</p> <p>Minutes of all meetings to be recorded.</p>	
c. Schedule of Engagement	<p>The schedule of engagement identifies the cross boundary issues that are relevant to Herefordshire and the South Worcestershire Councils and how they are addressed.</p> <p>The schedule will be updated as any new issues arise to demonstrate effective cooperation where appropriate.</p>	Schedule of engagement to be updated as any new issues arise.
Herefordshire Core Strategy - Update	<p>Herefordshire Local Plan</p> <p>The Core Strategy was adopted by full council on 16<sup>th</sup> October 2015.</p> <p>Work will now progress on a number of DPDs which with the Core Strategy will make up the local plan :</p> <ul style="list-style-type: none"> <li>• Minerals and Waste DPD – The minerals and waste policies were removed from the Core Strategy at the beginning of the examination as a main modification to</li> </ul>	

be reviewed as part of a separate Minerals and Waste DPD. Until the adoption of the DPD the relevant policies of the UDP will be saved.

Hereford Area Plan – This will include specific site allocations to also include the line of the bypass.

- Rural Site Allocations DPD

This plan will cover those parishes where no neighbourhood plan is being produced. It is likely to be a sites allocation document only with no additional policies.

- Gypsy & Traveller Site Allocations DPD

The GTAA has just been completed taking into account the advice of Inspector to the SWDP regarding turnover.

- Currently there are 94 Neighbourhood Plans in varying stages of progress in the County.
- HRA – Nutrient Management Plan. The Council is working with Natural England and the Environment Agent to reduce current phosphate concentrations in the river Wye SAC to comply with conservation objectives and to ensure that the Core Strategy development can be delivered.
- Fracking Two areas of Herefordshire have been identified in the Governments Habitats regulations assessment of 14th onshore oil and gas licencing round

	<p>published in August 2015 for consultation. The two areas (not in the vicinity of the Herefordshire/Malvern boundary) are::</p> <ul style="list-style-type: none"> <li>○ Block 51: Whitchurch, Welsh Newton, Goodrich and Kerne Bridge</li> <li>○ Block 61: Hope Mansell</li> </ul> <p>The consultation closed in September 2015.</p>	
South Worcestershire Development Plan (SWDP) – Update	<p>SWDP does not identify any land within Herefordshire boundary.</p> <p>Jan – Feb 2013 – Proposed Submission Plan – consultation for legal compliance and test of soundness.</p> <p>Oct – Nov 2014 – Proposed Modifications – consultation on proposed housing sites.</p> <p>Jan – May 2015 – Examination Hearings</p> <p>Oct – Nov 2015 – Proposed Main Modifications</p>	
<b>Strategic &amp; Locally Significant Planning Issues</b>		
a. Community Infrastructure Levy (CIL)	<p><u>South Worcestershire</u></p> <p>Current position - preliminary draft charging schedule has been prepared and the viability assessment is being re-worked. Proposing zero-rated CIL on strategic sites. Many SWDP site</p>	

	<p>allocations have S106 agreements and would not be subject to CIL.</p> <p><u>Herefordshire</u></p> <ul style="list-style-type: none"> <li>• Current position – preliminary draft charging schedule being re-run. Strategic sites probably to be zero rated.</li> </ul>	
<p>b. Infrastructure Delivery Plans</p>	<p><u>South Worcestershire</u></p> <p>Current position – IDP being refreshed. Not possible to establish what can be delivered through CIL until sites assessed. Carrington Bridge bid supported by Worcestershire LEP.</p> <p><u>Herefordshire</u></p> <p>Infrastructure Delivery Plan published in 2014. Appendix 5 5 Appendix 5 of the Core Strategy identifies infrastructure requirements for strategic sites.</p>	
<p>c. Travellers &amp; Travelling Showpeople – GTAAs + Site Allocations DPD</p>	<p><u>South Worcestershire</u></p> <p>Worcestershire GTAA published Nov 2014.</p> <p>SWDP 17 (Travellers &amp; Travelling Showpeople) and GTAA examined at Hearings in May 2015. SWDP Inspector published Interim Findings. Inspector accepted principle of “turnover” but recommended 2 amendments to the GTAA methodology – (i) Travellers that said they intended to move within the District in the next 5 years should be added to the need (despite the fact</p>	



that they would leave a pitch, thus in theory no net change) and (ii) turnover in Malvern Hills over previous 5 years may not be sustainable in next 5 years. Therefore recommended turnover for Malvern Hills be based on turnover at LA site.

Based on GTAA and Inspectors Interim Findings, need for permanent Traveller pitches in south Worcestershire between 2014/15 and 2018/19 is 35 pitches (Wychavon 31, Malvern Hills 4, Worcester 0). Transit pitches is 5, Travelling Showpeople plots is 0.

South Worcestershire Councils working on a Traveller & Travelling Showpeople Site Allocations DPD.

Call for Sites in Feb / March 2015. Sites have been assessed and 6 potential sites identified (5 intensification of existing sites) and 1 potential new site with potential for 30 pitches. 5 sites in Wychavon, 1 in Malvern Hills – not near Herefordshire border. Intention is that SWC's consider short-listed sites in February 2016, prior to consultation on Preferred Options in March / April 2015.

#### Herefordshire

ARC 4 is finalising amended version of the GTAA. This is being updated to respond to criticism during the consultation on the earlier version about how turnover had been taken into account in the methodology. The earlier version of Feb 2015 had concluded that by including turnover there was a requirement for 6 pitches for the first five years or 50 without

	<p>turnover. Michael Bullock had advised that the Inspector had been considering the issue of turnover in some detail as part of the SWDP examination and recommended that the conclusions from his report were followed for the Herefordshire GTAA.</p> <p>The subsequent revisions resulted in a 5 yr requirement for 19 residential pitches (48 in total up to 2031).</p>	
<p>d. DPD's and SPD's – including Affordable Housing, Developer Contributions</p>	<p><u>South Worcestershire</u></p> <p>SPD's being prepared on Affordable Housing, Developer Contributions and Health. There will also be a Renewable and Low Carbon Energy SPD.</p>	
<p>e. Neighbourhood Planning</p>	<p><u>Malvern Hills</u></p> <p>Currently 11 designated neighbourhood areas in Malvern Hills, with a 12<sup>th</sup> to be consulted on in Dec / Jan.</p> <p>6 neighbourhood areas border Herefordshire - Clifton-upon-Teme, Leigh and Bransford, Alfrick and Lulsley, Martley, Knightwick and Doddenham, Malvern Town, Tenbury (together with Burford).</p> <p>Early stages in most neighbourhood areas. Kempsey and Welland close to pre-submission consultation and publicity stage.</p> <p>Currently, no significant cross boundary issues arising from neighbourhood plans from Malvern Hills. SWDP allocates sites to meet objectively assessed need across south</p>	

	<p>Worcestershire. Therefore, neighbourhood plans in Malvern Hills are not currently seeking to identify additional sites for housing.</p> <p><u>Herefordshire</u></p> <p>Currently, 94 designated neighbourhood areas in Herefordshire. 11 reached Regulation 11 stage and 6 sent to examination.</p> <p>Only 3 of the parishes bordering Malvern Hills District have designated neighbourhood areas:</p> <p>Colwall Parish: Neighbourhood Area designated September 2012 but not progressed to regulation 14.</p> <p>Cradley: Neighbourhood Area designated August 2013. Currently working on Reg 14.</p> <p>Whitbourne – Neighbourhood Area designated November 2012. Submission of Reg 14 plan imminent.</p> <p>No expected strategic cross boundary issues from any of these plans.</p>	
f. Malvern Hills AONB	Lead officers at Herefordshire and South Worcestershire are James Bisset and Jim Burgin respectively. No strategic cross boundary issues arising.	
g. Any other cross boundary issues	None identified	

<b>Any Other Business</b>	Possible MoU's with neighbouring authorities.	Potential MoU's with other neighbouring authorities to be considered at a future meeting.
<b>Date / Time of Next Meeting</b>	To be agreed.	

## **Travellers Sites Development Plan Document – Stakeholders Meeting**

### **Notes of meeting of 2nd February 2017 Plough Lane Offices, Hereford**

#### **Present:**

Cllr Price - Cabinet Member Infrastructure

Peter Baines – Travellers Support Group

Stephanie Jenkins – Secretary of South Wales and Northern Ireland Office Showman’s Guild

Michael Boswell – Treasurer of South Wales and Northern Ireland Showman’s Guild

Richard Gabb – Programme Director Housing and Growth

Kevin Singleton – Team Leader Strategic Planning

Angela Newey – Senior Planning Officer

#### **Welcome and Introductions:**

Cllr Price welcomed everybody to the meeting and explained that it was an opportunity for those present to have an open discussion about the Travellers Sites DPD, progress to date and the next stages of the plan process.

Cllr Price explained the process to date in preparing the Travellers Development Plan Document.

- Public consultation on the preferred options took place in July – September 2016.
- Councillors with proposed sites in their wards were consulted in May 2016
- In January a seminar about the DPD was held to which all councillors were invited. This was chaired by Cllr Price. AN had outlined to members the need for a travellers DPD and identification of additional pitches. Chief Inspector Adam Thomas spoke about the need for transit provision in the county to enable the police to utilise their statutory powers in addressing unauthorised encampments which would be to the benefit of travellers, the local community and landowners. Carol Trachonitis, Herefordshire Council’s Equality and Compliance Manager talked to Councillors about the Council’s duties under the Equality Act as well as the recently cabinet approved Equality Policy which identifies the production of a Gypsy, Roma & Traveller (GRT) strategy as one of three main priorities.  
[https://www.herefordshire.gov.uk/downloads/file/4217/equality\\_policy\\_2017-2019](https://www.herefordshire.gov.uk/downloads/file/4217/equality_policy_2017-2019)
- An event for all parish councils was being held on Monday 6<sup>th</sup> February.

AN outlined the contents of the DPD preferred options, outlined the sites that were included and a summary of the responses received. The identification of sites had been a challenging process with three ‘call for sites’ resulting in a small number of suggestions of sites for residential traveller pitches submitted. There were no suggestions for sites for Travelling Show People or for use as temporary stopping places.

#### **Proposed approach to Transit / temporary stopping places**

The GTAA has identified a need for 3 transit/temporary stopping place pitches. However given the number of unauthorised encampments and the number of vehicles associated with these since

2014, sites that could accommodate more than 3 pitches would be required if we are to address the issue.

The DPD was based on the provision of temporary stopping places rather than providing transit sites with permanently placed facilities. There would be a water and electricity supply. Temporary sanitation and waste disposal facilities would be brought in as and when required. When the site is not in use it would be locked but kept available for further temporary stoppings.

It was confirmed that there is no need for transit sites for Showpeople.

### **Travelling Show People Sites**

SJ and MB explained that the Showman's Guild of Great Britain is the national organisation that protects the interests of its members:

- Travelling showmen who gain their livelihoods by attending funfairs. The Guild is made up of different Sections which represent the different regions of the country. Herefordshire is within the South Wales and Northern Ireland Office Showman's Guild Section.
- As members of the Showman's Guild, Travelling Show People are required to obey the Guild's rules which are enforced by the Guild's own disciplinary tribunals. These cover such matters as the orderly running of fairs and the conduct of members both on and off fairgrounds.
- SJ and MB explained the requirements for sites for Travelling Show People. These differ from other traveller groups as require large enough sites to accommodate fairground rides, equipment and stalls etc. These are usually required to be situated on the site where the show people live to enable maintenance and security. These provide a base for when the winter months when the travelling season is over. However it is now becoming more common for some members of the family to stay resident at the site throughout the year – e.g. elderly relatives or children staying to attend school.

SJ stressed the importance of having an adequate supply of sites to provide a secure and settled base for families. This allows them to have proper access to health and other facilities and is particularly important to enable the children to receive education in school without disruption. With the lack of sites some families experience overcrowding and some are forced to move to different areas of the country causing disruption to families when children are settled in local schools.

The provision of winter quarters and the loss of fairgrounds are of constant concern to the Guild. When the travelling season is over, a permanent base is needed where the showpeople and their families can spend the winter months. Ideally it should be within reach of schools and shops, and be large enough to allow maintenance work on the equipment to be carried out.

South Wales and Northern Ireland section are the only section without winter quarters. Ideally would like to be able to own and rent out sites. Occupants would pay rent for the land from guild but would eventually take ownership of the land but would still be under guild's regulations. A solution would be to have long leases on council owned site as land is generally too expensive to purchase. The Showman's Guild Section would like to run it for members.

There is great difficulty in finding sites for showmen. These need larger areas than other gypsies and travellers sites as require additional land space for storage of fairground equipment. The Guild has found that flood risk has often been used as a reason for refusing planning permission.

Private sites are well integrated in the local community.

There is a low take up in involvement in the planning process as there is concern that by providing written responses could be found to be contravening planning

AN explained that the GTAA had identified a requirement for 9 travelling show plots up to 2031. However there were no new sites identified in the Preferred Options consultation document. None had come through the call for sites process.

AN asked whether there was potential for additional plots to be provided on any of the existing sites in the Homs Road Area of Ross on Wye. SJ did not think that this was possible.

It was suggested that the DPD should include an additional enabling policy that would set out the criteria for new showpeople plots to reflect the different requirements that these have compared to other traveller sites. It was agreed that in the absence of any site allocations for this purpose that this may be the best way forward.

MB has been involved in planning issues with the Guild over a number of years and offered to send in some information relating to planning issues.

### **Residential Traveller Pitches**

Peter Baines from the Traveller Support Group explained that he is not representing all travellers and not a traveller himself. He got involved supporting travellers when he identified the lack of sites for travellers and associated difficulties in access to schooling and health etc. as a human rights issue. Has been supporting travellers for 40 years in various matters but particularly with planning applications.

When the Travellers Support Group was started, local authorities had duty to provide sites for gypsies and travellers. At that time there were as many objections to new sites as there are now. A judicial review found Hereford and Worcester Council (as was then) to be in breach of statutory duty. The findings of this review resulted in the provision of the local authority sites that currently exist although initially there was a greater number of pitches. However now that duty has been removed.

PB referred to the continuing difficulties in getting planning applications approved by planning committee. There is a recent example of this where a site at Wellington Heath was refused contrary to the planning officer's recommendation. A major problem is that there is a misconception that traveller sites are always associated with trouble makers when this is just not the case. There are many sites around the county where there are no issues but the media focus on the number of cases where there are issues and this can be blown out of proportion.

KS referred to the preparation of draft landscape guidelines that could be included in the DPD either as part of policy or either included as an appendix. The content of these guidelines would need be carefully considered to ensure that they do not impose unreasonable requirements on this type of development.

PB suggested that the Council could provide more tenanted land particularly in relation to the sale of small holdings. RG explained that the Council needs to raise capital to fund services and therefore there is competing use for the land.

### **Next stages**

The plan is to go through the committee cycle to reach full council in July 2017. A 6 week consultation exercise between July and September would follow. At the end of that, the

examination period would begin. It is anticipated that this would run for 3-4 months including hearings of 2-3 days. A decision would be likely to be made just after Christmas.

PB reminded the Council that the Inspector to the Core Strategy identified the preparation of the DPD as a key priority in her examination report. If adequate progress is not made in this respect then the Council could find itself open to judicial review.

**Close of meeting**

Cllr Price thanked the attendees for coming to the meeting and said that it had been a useful and constructive discussion.