

Section 4 Duty to Cooperate (DtC) 2020-2021

Introduction

- 1.1 The Localism Act 2011 requires local planning authorities to engage constructively with neighbouring local planning authorities and prescribed bodies on an ongoing basis on strategic planning matters that impact on more than one local planning area. Local planning authorities are required to give details of what action they have taken in relation to duty to co-operate in their Authority Monitoring reports.
- 1.2 The Core Strategy was adopted in October 2015 and the Council's role in Duty to Cooperate was considered at the Examination of the Submission document. The Inspector concluded in her report that taking the plan as a whole, the Core Strategy complied with the legal DtC in the Act.
- 1.3 The Table below shows the DtC activity that has taken place between 1 April 2020 and 31 August 2021.

Date	Issue / Plan	Organisation	Details	Outcomes / Proposed action
April 2020 and April 2021	Minerals	West Midlands Aggregates Working Party	This meeting includes the minerals planning authorities of the former West Midlands Region and other interested parties, including representatives from the Environment Agency and industries. Meetings of each group are usually held twice a calendar year and allow a sharing of knowledge and experience, provide a forum for discussions and provide objective and authoritative technical advice, including comments	Feed into ongoing work on the minerals and waste local plan. Issues of discussion included: <ul style="list-style-type: none"> • Impacts of Covid19 and need for a pragmatic approach to minerals planning; • HS2 and assessing demand for aggregates and potential impacts on local supply;

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			on annual Local Aggregates Assessments.	<ul style="list-style-type: none"> • Taking account of HS2 (and its impacts) in LAA demand forecasting; • LAAs for 2019/20 to be combined; • Updates on local minerals plans in West Mids; • Industry updates; • Need for materials supply audits for major projects and significant housebuilding schemes; • AMRI data request; • Covid19 impacts obscuring demand forecasting in LAAs; and • Need for national guidance on LAA demand forecasting
June 2021	Minerals and Waste Issues	Joint meeting with Gloucestershire and Worcestershire County Councils	Discussions on duty to cooperate issues, best practice and local minerals and waste related matters.	Matters of discussion included: <ul style="list-style-type: none"> • Updates from the three minerals and waste planning authorities on progress with planning policy development; • possible planning reform; • methods of electronic consultation; • waste operator surveys trials; • cross-boundary planning applications; and

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				<ul style="list-style-type: none"> Statement of Common Ground - Herefordshire
April 2020 to end August 2021 (and ongoing)	Preparation of Minerals and Waste Local Plan	Historic England (HE) and Natural England (NE).	Consultation on the Publication Draft MWLP took place during the Spring of 2021. Representations from Natural England and Historic England were received.	<p>Representations received at the regulation 19 consultation from NE and HE were followed up with discussions on issues relating primarily to water quality and historic heritage. Further evidence in the form of Historic Impacts Assessments was subsequently produced.</p> <p>A Schedule of Main Modifications and Minor Changes will be submitted alongside the MWLP, for consideration at examination. These are considered necessary in order to address issues raised by NE, HE and others during the Publication Draft MWLP consultation.</p>
December 2020 and June 2021	Waste and Minerals issues	West Midlands Resource Technical Advisory Body (WM RTAB) Comprises authorities of the former West Midlands	Herefordshire Council is an active member of the WM RTAB in relation to waste matters. This group comprises authorities of the former West Midlands Region and other interested parties, including representatives from the Environment Agency and industry. Meetings of this group are held twice a year and allow a sharing of knowledge	<p>Discussion topics during 2020/21 included:</p> <ul style="list-style-type: none"> Need for changes to National Planning Policy for Waste (NPPW); updates on planning policy development;

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		Regions and other interested parties, including representatives from the Environment Agency and industries.	and experience, provide a forum for discussions and provide objective and authoritative technical advice.	<ul style="list-style-type: none"> • preparation of RTAB terms of reference; • comments on emerging national practice guidance on duty to cooperate in waste planning; • West Mids landfill capacity; • waste needs assessments best practice; • feedback from National Waste TAB Chairs Meeting; and • Government announcements/consultations on waste related issues.
Ongoing	Economic Development	Local Enterprise Partnership	Herefordshire is part of a Local Enterprise Partnership (LEP) with Shropshire and Telford Councils and continues to work closely in relation to its plan making functions.	Ongoing partnership.
Ongoing	Nutrient Management Plan	<ul style="list-style-type: none"> • Natural England • Dwr Cymru - Welsh Water • Powys County Council (neighbouring 	Since the adoption of the Core strategy the Council has continued to fulfil DtC requirements in both the implementation of the Core Strategy, in relation to the Nutrient Management Plan, and in relation to the preparation of a number of Development Plans which, when adopted, will form part of the Local Plan.	Ongoing partnership working to implement the nutrient management plan.

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		planning authority)	<p>The NM Board is the responsible body for ensuring the delivery of the Conservation Objectives for the River Wye Special Area of Conservation which is essential for the implementation of the Core Strategy policies. Membership of the board consists of senior representatives from Natural England, Environment Agency, Natural Resources Wales, Welsh Water, Herefordshire Council and Powys County Council and other relevant stakeholders. The board is supported by a Technical Group which is responsible for identifying and analysing options to deliver improvements to Water Quality and includes representatives from the same organisations as the board. Within this reporting period the Board met in September 2020 and January 2021. Information about the board, updates to the NMP action plan and monitoring dashboard and minutes of the meetings can be viewed here: Herefordshire Council Nutrient Management Plan</p>	

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2020/21	Interim Phosphate Plan (IPP)	Herefordshire Council (lead) Natural England/ Welsh Water / Severn Trent Water	The purpose of the IPP is to enable developers of proposals that would result in additional overnight stays, to proactively seek to demonstrate nutrient neutrality of their development proposals via an established methodology to provide sufficient certainty to enable Herefordshire Council as competent authority to determine no likely significant effect to the HRA, through appropriate assessment. The Interim Plan comprises a phosphorous calculator, a set of potential measures to offset the identified phosphorous load of projects and plans and an alternative potential methodology for costing the offsetting of phosphorous via Section 106/ CIL contributions.	Implement the IPP
July 2021	Shropshire Local Plan Review Herefordshire Minerals and Waste Local Plan	Shropshire Council	Statement of Common Ground signed confirming there no areas of disagreement between the two authorities on strategic planning matters.	Both Councils will continue to work together as appropriate as the Shropshire Local Plan Review and the Herefordshire Minerals and Waste Local Plan proceed to adoption. The Statement of Common Ground will be reviewed at the appropriate stage as the Herefordshire Core Strategy is updated.
December 2020 and June 21	Telford and Wrekin Local Plan	Telford and Wrekin Council	Meetings to discuss any DtC issues between the authorities. Confirmed that no strategic matters identified.	Ongoing biannual meetings planned.

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October 2020	Black Country Plan Review	Black Country Authorities (BCA's)	Response to correspondence from the BCA's seeking views as to whether Herefordshire council would be prepared to accommodate some of the BCA's identified needs for housing and employment development. The response confirmed that Herefordshire is not expecting to deliver levels of housing or employment land in excess of local needs and is therefore unable to assist in this matter.	Future attendance at BCA's DtC as appropriate.