

DRAFT HEADS OF TERMS

Cooperation Agreement

In relation to: The production of the Hereford Area Plan

THIS COOPERATION AGREEMENT is made on the ????

BETWEEN:

(1) THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL of Plough Lane Hereford, HR4 0LE acting in its capacity as Local Planning Authority ("the LPA");

and

(2) HEREFORD CITY COUNCIL of Town Hall, St Owen Street, Hereford, HR1 2PJ acting in its capacity as Parish Council ("the City Council")

IT IS AGREED as follows:

This Cooperation Agreement sets out the tasks and responsibilities of the LPA and the City Council, who have entered into this agreement with a view to jointly co-operating on the production of the Hereford Area Plan

Duties and Obligations of the LPA

The LPA will:

- act openly and professionally in its dealings with the City Council.
- have primary responsibility for the daily activity of producing the Hereford Area Plan, and its subsequent delivery as part of the Local Development Framework.
- undertake appropriate appraisal, analysis and due diligence testing in the preparation of the Hereford Area Plan.
- commission work (where required) from Consultants and/or the Strategic Partners to assist them in preparing the Hereford Area Plan.
- ensure that Hereford City Council is made aware at the earliest opportunity of any requirements, or restrictions that the LPA are constrained by in the preparation of the Hereford Area Plan
- provide Hereford City Council with relevant documents and information in its possession that will assist in preparing the Hereford Area Plan.
- acknowledge that while Hereford City Council shall cooperate in good faith there shall be no express or implied warranty in respect of the City Councils participation.

Duties and Obligations of Hereford City Council

The City Council will:

- act openly and professionally in its dealings with the LPA.
- assist the LPA by providing such data or other information as it may have in its possession relating to the physical, social and economic development of Hereford. The City Council will not be required to provide any warranty on the information provided, unless such warranty is in place and can be transferred.

- act promptly in seeking any formal approvals or undertaking any actions as may be needed to support the preparation of the Hereford Area Plan.

Working Together

The parties to this agreement agree to act in good faith in working together and will agree a joint communications strategy to include an approach to consultation with the adjoining Parish Councils, the public and the press.

The quorum for all joint meetings relating to the preparation of the Hereford Area Plan, shall be at least one LPA representative and at least one City Council Representative. Minutes of those meetings shall be taken by one of the Parties and distributed to the other as soon as reasonably practicable after each meeting.

Costs and availability of resources

Each Party shall each bear their own costs in connection with this agreement and all other work carried out in the process of producing the Hereford Area Plan.

The Parties shall make available (at their own cost) sufficient staff and resources, as may reasonably be required, so as to allow them to properly work in collaboration with each other in the preparation of the Hereford Area Plan.

Public Consultation

The Parties shall also work together to consult and communicate effectively with members of the public, local businesses, community groups including adjoining Parish Councils in the preparation of the Hereford Area Plan.

Saving of Herefordshire Council's Statutory Powers

Nothing contained or implied in this Agreement shall restrict, prejudice or otherwise affect the duties, powers, rights and obligations of The County of Herefordshire District Council, granted to, or imposed on it as the Unitary Authority for the area, specifically the exercise of its functions as the local planning authority, all of which duties, powers, rights and obligations shall be fully and freely exercisable as prescribed in all public and private statutes, bye-laws, orders, regulations and statutory instruments.

Saving of Hereford City Council's Statutory Powers

Nothing contained or implied in this Agreement shall prejudice or otherwise affect the rights, powers, duties and obligations of Hereford City Council or fetter its discretion in the exercise of its functions as a Parish Council.

Termination

Either Party will be entitled to terminate this agreement by written notice upon the other Party.

In the event that the City Council wishes to terminate this agreement, Herefordshire Council still has the right to fully exercise its functions as the local planning authority and prepare and publish the Hereford Area Plan.

In the event that the either party wishes to terminate this agreement, the City Council will (should they so wish) have the right to prepare a Neighbourhood Plan for their administrative area, supported by the LPA,