

## **Section 4: Duty to cooperate**

### **Introduction**

The Localism Act 2011 requires local planning authorities to engage constructively on an on-going basis on strategic planning matters that impact on more than one local planning area. The Town and Country Planning Regulations 2012 set out which other organisations the Council is also required to engage constructively, actively and on an ongoing basis with. The Core Strategy was adopted in October 2015 and the Council's role in Duty to Cooperate (DtC) was considered at the Examination of the Submission document. In the early stages of the examination the Inspector raised concerns over the compliance of the Minerals and Waste Policies in relation to DtC as well as other issues. As a consequence the minerals and waste policies were removed from the submitted plan by way of a main modification. With this modification, the Inspector's report issued in September 2015 found that the Council had generally worked well with all the neighbouring authorities during the preparation of the Core Strategy and identified that there had been positive and constructive engagement with surrounding authorities. The Inspector concluded that in relation to the prescribed bodies all relevant organisations have been engaged. A separate Minerals and Waste plan is being prepared and details of related DTC is outlined below.

The following outlines the details of DtC for the monitoring period of the plan:

### **Nutrient Management Plan**

A Nutrient Management Plan is needed in order to ensure that the River Wye Special Area of Conservation (SAC) achieves and maintains favourable condition with respect to phosphate. The plan takes into account proposed development growth within Herefordshire and calculates the predicted impact that development will have on the phosphate levels within the SAC. The preparation of this plan has involved comprehensive and collaborative joint working with Natural England, the Environment Agency and Welsh Water since 2010 when this issue was identified as a critical strategic issue that needed to be addressed. This process has been overseen by the Water Steering Group which is made up of the organisations referred to above as well as officer representatives from adjoining authorities. This constructive collaboration contributed to the publication of the Evidence Base and Options Appraisal in May 2014 and the Action Plan November 2014.

The Nutrient Management 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. The inaugural meeting of the board was held in July 2015 and further meetings took place in October 2015. Information about the board and minutes of the meetings can be viewed here:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/nutrient-management-plan-board>

### **Gypsies and Travellers**

Herefordshire Council is preparing a Travellers Sites DPD. An issues and options report was consulted on in August 2014 and preferred options consultation took place between July and September 2016. At these times all of the adjacent authorities and the prescribed bodies were consulted. Additionally throughout the reporting period on-going dialogue was had with neighbouring authorities via telephone conversations and emails regarding issues such as site identification, GTAAs and any opportunities for joint working. Additionally Highways England was consulted on site specific issues affecting the strategic road network.

### **Duty to Co-operate with adjoining local authorities**

A Memorandum of Understanding in relation to DtC was signed between Herefordshire Council and Malvern Hills District Council, on behalf of the South Worcestershire Authorities in January 2015. The 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) 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). It is anticipated that further MoUs will be signed with other neighbouring authorities in the future.

Within this reporting period, a meeting between the two authorities was held in December 2015 and it was concluded that there were no strategic cross boundary issues that required addressing.

Officers from Shropshire and Herefordshire Councils met in January 2014 to discuss the progress of the development plan documents of both authorities as well as progress in demonstrating meeting objectively assessed needs, particularly in respect of housing. No cross boundary issues were identified.

A Duty-to-Co-operate Stakeholder meeting with Telford & Wrekin Council / Herefordshire Council was held in July 2015 regarding development plans. No issues were identified in relation to the need to accommodate development requirements of the other authority. Although not neighbouring authorities, the two councils are both members of the Marches Local Enterprise Partnership.

### **Minerals and Waste Local Plan**

The minerals and waste policies were removed from the Core Strategy during the examination as a modification to the plan. The early stages of preparing a Minerals and Waste Local Plan commenced over this monitoring period. Until this is completed and adopted, the saved relevant policies from the Unitary Development Plan will be retained.

### ***West Midlands Resource Technical Advisory Body (WM RTAB)***

The WM RTAB brings together professionals in waste management with the expertise and responsibilities in the sustainable management of material resources and strategic waste management planning. Membership of the group is drawn from waste planning authorities

across the West Midlands, the Environment Agency, the waste management industry and environmental organisations.

The purpose of the group is to share knowledge and experience, provide a forum for discussion and provide objective and authoritative technical advice to waste planning authorities, other local authorities, LEPs and other organisations. Its meetings present an opportunity to help waste planning authorities meet their duty to cooperate when preparing their development plans.

The group monitors key waste management and waste planning trends in the West Midlands area, in order to help identify cross boundary issues and provide a context for local plan making and monitoring. Waste planning authorities are invited to bring to RTAB, at the appropriate stages in the plan making process, any significant cross-boundary issues, and give notice of such matters and provide any relevant information in advance of the meeting. In its consideration of such issues, RTAB will explore to what extent the plan has analysed the available data to demonstrate that appropriate provision is being made for an amount of waste equivalent to the generated in its area, allowing for known imports and exports; and whether specific sites or areas are identified to make provision for waste management.

The RTAB meetings take place two to three times a year and Herefordshire Council continues to engage with other waste planning authorities through this mechanism. Over the 2015/6 monitoring period, the group met twice and a training event was also attended on the use of the Environment Agency's waste data interrogator.

#### ***West Midlands Aggregates Working Party (WM AWP)***

The National Planning Policy framework (NPPF) expects mineral planning authorities to plan for a steady supply of aggregates by preparing annual Local Aggregate Assessments (LAAs) and through participating in the operation of an Aggregates Working Party and taking the advice of that party into account when preparing their LAAs and minerals plans. It also expects minerals planning authorities to plan for a steady and adequate supply of industrial minerals by cooperating with neighbouring and more distant authorities to coordinate the planning of industrial minerals to ensure adequate provision on made to support their likely use in industrial and manufacturing processes.

Herefordshire Council has been a member of the WM AWP since it was formed and membership, as recommended by the NPPF continues. Over the monitoring period only one AWP meetings was held (due to a change in the secretariat for the group), although pertinent information and consultations also took place via email to the group members during this time and in October 2015 a meeting was attended to discuss non-aggregate minerals planning matters. Additionally, meetings to discuss cross-boundary issues took place with Worcestershire County Council and a minerals safeguarding workshop was attended as part of Gloucestershire's consultation on their emerging minerals local plan.