

Section 4 : Authority Monitoring Report – Duty to Cooperate 2016 - 2017

1.0 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.
- 1.2 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. 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 Following the adoption of the Core Strategy, the Council is preparing a number of development plan documents and as part of this work the Council works with neighbouring authorities and the prescribed bodies on a number of planning matters as appropriate. The Council also fulfils the DTC requirements in relation to the Nutrient Management Plan which is required to ensure the implementation of the strategic growth set out in the Core Strategy. Additionally the Council participates in any other events or meetings which offer the opportunity to identify any issues that will require co-operation between local planning authorities and prescribed bodies.

2.0 Details of DTC during the reporting period

- 2.1 The following paragraphs set out how Herefordshire Council has worked with neighbouring authorities and prescribed bodies during the reporting period of 2016/17.

Nutrient Management Plan

- 2.2 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.
- 2.3 The Council has worked with the following organisations in relation to the NMP:
 - **Natural England**
 - **Welsh Water**
 - **Powys County Council (neighbouring planning authority)**
 - **Monmouthshire County Council (neighbouring planning authority)**
- 2.4 A Nutrient Management Plan (NMP) is required in order to ensure that the River Wye Special Area of Conservation (SAC) achieves and maintains favourable condition with respect to phosphate levels. The NMP 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 NMP Evidence base and options appraisal took into account the levels of growth proposed within the Core Strategy and considered these in combination with Powys growth proposals.

- 2.5 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. Within this reporting period the Board has met quarterly. 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-planevidence-base/nutrient-management-plan-board>

- 2.6 A stakeholder seminar was held in September 2016 to which was attended by officers and members from Powys and Brecon Councils. The purpose of the event was to inform attendees of the purpose of the Nutrient Management Plan and the role of various organisations in protecting the water quality of the River Wye.

Herefordshire Local Plan Development Plan Documents:

Traveller Sites DPD

- 2.7 Herefordshire Council is preparing a Travellers Sites DPD which identifies the number of new pitches required over the plan period and identifies sites to help this meet this requirement. 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 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. The Council has worked with the following organisations:

- **All Neighbouring Authorities**
- **Environment Agency**
- **Highways England**

Minerals and Waste Local Plan

- 2.8 The council is preparing a Minerals and Waste Local Plan which will replace the saved minerals and waste policies contained in the Herefordshire Unitary Development Plan. Herefordshire Council is a member of the West Midlands Resource Technical Advisory Body (WM RTAB) in relation to waste and the West Midlands Regional Aggregate Working Party (WM AWP) in relation to minerals.
- 2.9 **WM RTAB:** This group 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 officers from waste planning authorities across the West Midlands, the Environment Agency, the waste management industry and environmental organisations.

- 2.10 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 obligations when preparing their development plans.
- 2.11 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.
- 2.12 The RTAB meetings take place two to three times a year and Herefordshire Council continues to engage with neighbouring and sub regional waste planning authorities through this mechanism.
- 2.13 **WM AWP:** The National Planning Policy Framework requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates by participating in the operation of an Aggregate Working Party and taking its advice into account when preparing their Local Aggregate Assessment.
- 2.14 Membership includes representatives from the Department of Communities and Local Government, Mineral Planning Authorities, the Mineral Products Association, the British Aggregates Association, and other such representatives as appropriate.
- 2.15 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, there were two meetings of the WMAWP meetings and these were attended by a Herefordshire Council Officer.
- 2.16 Gloucestershire County Council lies adjacent to Herefordshire, on its southern boundary and is not within the WM AWP or the WMTAB. Following consultation of the Issues and options paper a cross boundary meeting will be held between the two authorities in the near future.

Hereford Area Plan

- 2.17 The Hereford Area Plan (HAP) will set out the detailed proposals to ensure delivery of the targets in the Core Strategy specifically for Hereford. A Hereford Area Plan Reference Group was set up in July 2016 is to help to progress the preparation and delivery of the Hereford Area Plan (HAP) by providing advice, guidance and information upon the plan making process and the contents of the document. The Group membership includes a representative of The Herefordshire Nature Partnership as well as representatives of organisations with interest in the Plan's preparation are represented on the HAP reference group.

Rural Area Site Allocation DPD

- 2.18 The Rural Area Site Allocation DPD (RASA) will contain more detailed proposals to ensure the full delivery of the rural growth targets in the Core Strategy. This will include settlement boundaries and site allocations for those settlements highlighted within fig 4.14 and 4.15 of the Core Strategy which are not included within a neighbourhood plan. An issues and options report was consulted on in June 2017 and a preferred site options consultation is planned for April/May 2018. At these times all of the adjacent authorities, parish councils and the prescribed bodies were/will be consulted.

Other Issues:

Neighbourhood Plans

- 2.19 Herefordshire Council has taken a positive approach to neighbourhood planning and provides support and advice to those communities interested in producing plans to complement the Core Strategy and provide detailed policies and site allocations for parishes. Neighbourhood Development Plans were included within the review of the Local Development Scheme in 2014. A separate section on this is included within the AMR. The Council will consult with neighbouring planning authorities and parish councils at regulation 16 Stage if the neighbourhood plan area borders adjoining authorities.

Duty to Co-operate with adjoining local authorities

- 2.20 Within this reporting period, Duty to cooperate meetings have been held with two of the neighbouring authorities; Malvern Hills District Council on behalf of the South Worcestershire Councils, and Shropshire County Council. It was concluded at both meetings that there were no strategic cross boundary issues that required addressing.

Local Nature Partnership

- 2.21 The Local Nature Partnership is a member of the Hereford Area Plan Reference Group and this provides the opportunity for the Council to have regard to the views of the partnership from an early stage during the plan making process.

Local Enterprise Partnership

- 2.22 Herefordshire is part of a Local Enterprise Partnership (LEP) with Shropshire and Telford Councils and continues to work closely in the exercising its plan making functions. T

Other:

West Midlands Planning Officers Group

- 2.23 Council Officers continue to attend meetings of this group which provides the opportunity for identification of any strategic cross boundary issues to be addressed.

Welsh National Development Framework

- 2.24 Council officers participated in the National Development Framework Engagement Event held by the Welsh Government. This was an opportunity to participate in early consultation

discussions about shaping the Welsh National Development Framework which will be a twenty year national development plan.