

 Executive 14th December 2012		Agenda Item No. 8
Title	Sub Regional Duty to Cooperate Planning Statement	
For further information about this report please contact	David Barber Development Policy Manager	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	Yes/No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	12/10/12	Bill Hunt/Chris Elliott
Head of Service	12/10/12	Tracy Darke
CMT	23/10/12	
Section 151 Officer	12/10/12	Mike Snow
Monitoring Officer	12/10/12	Andy Jones
Finance	12/10/12	Mike Snow
Portfolio Holder(s)		Les Caborn
Consultation & Community Engagement		
The preparation of the Duty to Cooperate Statement has been carried in close consultation with officers from the Local Authorities in the sub region (through the Coventry, Solihull and Warwickshire Planning Officers Group (CSWAPO) and through the CSW Lead Officers Group (formally CSWACE)		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 This report seeks agreement for a Duty to Cooperate Planning Statement covering the Local Authorities in the Coventry, Solihull and Warwickshire Sub-Region.

2. **RECOMMENDATION**

- 2.1 That the Coventry, Solihull and Warwickshire "Statement of Common Ground and Cooperation" detailed in Appendix 1 be approved as the basis for working across the sub region on planning matters of common interest.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Section 110 of the Localism Act amends the Planning and Compulsory Purchase Act 2004 and requires neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents through the Duty to Cooperate. This Duty covers the need to address cross-border issues that had otherwise been dealt with by means of the Regional Spatial Strategy and provides the framework for ensuring the cross boundary consequences of local planning decisions are fully considered.
- 3.2 The Duty enacted by the Localism Act is strongly backed up by the National Planning Policy Framework (NPPF). The Framework makes it clear that Local Plans should be based on cooperation with neighbouring authorities, public, voluntary and private sector organisations. It goes on to say that joint working on areas of common interest should be undertaken diligently and for the mutual benefit of neighbouring authorities. Cross boundary issues should be clearly reflected in the Local Plan. The framework also suggests how we might demonstrate that we have fulfilled the Duty to Cooperate including a suggestion that a jointly prepared strategy could be developed.
- 3.3 Failure to comply with the Duty to Cooperate will mean the Local Plan is found unsound and indeed the Inspector will require the Council to demonstrate it has complied with the Duty prior to an Examination in Public Hearing being scheduled. It is therefore vital, both in terms of good common sense planning and in terms of ensuring early adoption of the Local Plan, that we fulfil the Duty to Cooperate.
- 3.4 The proposed Duty to Cooperate Statement detailed in Appendix 1 sets out how the local authorities in the sub region intend to work together to deal with common issues and to partially fulfil the requirements of the Localism Act and the NPPF. This therefore forms an important part of how Warwick District Council intends to fulfil its Duty to Cooperate. In particular the Statement will help to inform the development of the New Local Plan by ensuring that cross boundary issues are considered.
- 3.5 Whilst the Sub Regional Statement is an important element in the fulfilling the Duty to Cooperate, the Council will need to carry out a range of other activities to alongside this including:
- Bilateral cooperation with neighbouring authorities on cross boundary issues
 - Cooperation with the Warwickshire County Council on infrastructure and other common issues
 - Cooperation with other prescribed bodies

- 3.6 The Statement will only have value if the other Local Authorities in the sub-region also agree to it. At the time of preparing this report none of the other Council's had formally agreed to the Statement, though Lead Officers/Chief Executives had indicated a willingness to support the statement and most of the Council's involved had indicated an intention to seek formal agreement during November, December or January. A verbal update on how this is progressing can be provided at the Executive Meeting by which time a fuller picture will have been established.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework and Fit for the Future** – The Duty to Cooperate Statement is consistent with Fit for the Future and the Local Plan Preferred Options. Fit for the Future seeks to "embrace partnership working where the value exceeds the cost. This sub-regional statement is an examples of this. The Statement will need to be considered over the coming months as the draft Local Plan is developed and in this way it is likely to have an impact on the future Policy framework.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications associated with this report

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 Alternatives to this Statement have been considered and discounted as follows:
- 6.2 **Joint Local Plan:** the potential to develop a joint Core Strategy/Local Plan with sub-regional partners has been considered. However, this has been discounted as each Local Authority in the sub-region is moving forward on preparing development plans in a different way and using different timescales. This is something we may wish to consider for future Core Strategies/Local Plans.
- 6.3 **No sub-regional statement:** It would have been possible to attempt to fulfil the Duty to Cooperate through a series of bilateral agreements without any formal sub-regional Statement. However such an approach was rejected on the basis that some issues (such as housing numbers, employment investment sites) have an impact right across the sub region and therefore need to be explored jointly by the authorities in the sub-region.