Duty to Cooperate Statement

SOUTH WORCESTERSHIRE Development Plan
May 2013
South Worcestershire Councils\textsuperscript{1} Statement on Duty to Co-operate

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\textsuperscript{1} The three South Worcestershire District Authorities are Malvern Hills District Council, Worcester City Council and Wychavon District Council. The South Worcestershire Development Plan is a product of this co-operation.
South Worcestershire Development Plan

Statement on the ‘Duty to Co-operate’

Summary

- This statement provides an overview on how the ‘duty to co-operate’ inherent within national legislation and policy has been complied with in preparing the South Worcestershire Development Plan (SWDP).
- Through doing so it provides evidence that the South Worcestershire Councils, in their capacity as the Local Planning Authorities, have given all bodies of relevance covered by the ‘duty’ an adequate opportunity to influence the SWDP; had serious discussions on the SWDP and its implications; and had discussions about outside implications that could affect the SWDP.
- This statement of compliance on the ‘duty to co-operate’ should be read in conjunction with the Council’s Consultation Statement, Infrastructure Delivery Plan and the background papers. These provide much of the reasoned justification for the preferred options taken forward and hence support the practical policy outcomes that have resulted from co-operation, consultation and the evidence base.
- Co-operation is not a ‘one-off’ exercise and will remain fundamental in implementing and monitoring the effectiveness of the policies within the SWDP, in addition to bringing forward additional Local Plan documents. The extent to which the Councils continue to ‘co-operate’ will be reported annually within the Annual Monitoring Report and Infrastructure Delivery Plan.
1. Introduction

1.1 The Localism Act received Royal Assent on 15 November 2011. It aims to shift power from central government back into the hands of individuals, communities and councils. The Localism Act introduces a ‘duty to co-operate’. That requires local authorities to work with neighbouring authorities and other prescribed bodies\(^2\) to maximise the effectiveness of the preparation of their development plan documents and supporting activities so far as it relates to a strategic matter. Section 110 of the Localism Act inserts a new Section 33A into the Planning and Compulsory Purchase Act 2004 (see Appendix 1).

1.2 The impact of the Duty to Co-operate is to introduce a new way of working into local government and its partners. It:
- requires councils and public bodies to engage constructively, actively and on an ongoing basis in relation to planning of sustainable development
- requires councils to consider whether to enter into agreements on joint approaches or prepare joint local plans (if an LPA)
- applies to planning for strategic matters\(^3\) in relation to the preparation of local and Marine Plans, and other activities that prepare the way for these activities

1.3 Local authorities neighbouring South Worcestershire (Malvern Hills District Council, Worcester City Council and Wychavon District Council) are identified in Map 1.

Map 1: Neighbouring Authorities\(^4\)

1.4 The prescribed bodies are defined in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Those relevant to South Worcestershire are:
- Environment Agency;

\(^2\) Prescribed by Regulation 4(1) of The Town and Country Planning (Local Planning) (England) Regulations 2012
\(^3\) Section 33A(4)(a) of the Localism Act – See Appendix 1
\(^4\) Gloucestershire and Warwickshire constitute neighbouring authorities by reason of the proximity of their associated districts.
1.5 In respect of other bodies Local Enterprise Partnerships (LEPs) are not defined by statute and are therefore not covered by the Duty. However, LEPs have been identified in the regulations\(^5\) as bodies that those covered by duty *should have regard to* when preparing local plans and other related activities. A similar status is also now enjoyed by Local Nature Partnerships. The Civil Aviation Authority were also consulted, but advised in January 2013 that they would not be responding to any core strategies or other strategic planning documents unless there was a direct aviation involvement.

1.6 Relevant planning policy issues to be considered under the duty to cooperate are also explained in National Planning Policy Framework (paragraphs 178 -181 and 156). Specifically it states “… the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities” (paragraph 178). Co-operation should be a continuous process of engagement from initial thinking through to implementation and should consider cross boundary issues such as:

- homes and jobs needed in a geographical area;
- infrastructure projects;
- retail, leisure and other commercial developments;
- social infrastructure;
- climate change mitigation and adaptation (e.g. flood risk);
- landscape and the natural and historic environment.

1.7 The outcome of the Duty to Co-operate is intended to enable the promotion of culture change and enhance the spirit of partnership working on strategic cross-boundary issues so that development requirements are more likely to be met. Significant potential benefits of Duty to Co-operate that might accrue include:

- it should act as a strong driver to change the behaviour of local authorities so that strategic leadership is strengthened;
- through the spirit of co-operation, greater potential access to the resources of other stakeholders can be achieved and by working alongside incentives (e.g. New Homes Bonus), the Duty is intended to increase the effectiveness of plans thereby giving confidence to funders and investors;
- through greater co-operation, help to reduce the costs of plan preparation through the sharing of the preparation of evidence and staff time and expertise.

1.8 Further information on the duty to co-operate is outlined in a note published by the Planning Advisory Service available on its website\(^6\).

\(^5\) Under section 33A(9) and regulation 4(2).  
2. Co-operation in the preparation of the South Worcestershire Development Plan

2.1 This statement has been prepared to outline the principal activities undertaken by the South Worcestershire Councils (SWC) in the preparation of the draft South Worcestershire Development Plan (SWDP). At the point that the duty to co-operate was introduced (November 2011) the SWDP was already at an advanced stage of preparation having already been subject to four stages of informal consultation to inform the final draft plan. The pre-submission draft of the SWDP was considered by members in December 2012 and approved for a final technical consultation, to take place 11 January – 22 February 2013, prior to submission to the Secretary of State in early April 2013.

2.2 This statement identifies activities that have taken place before the duty was introduced and others that are on-going. It should be emphasised strongly from the outset that SWC’s approach is not confined to consultation just to meet the statutory requirements. Rather, it is one based on building meaningful and productive partnerships at the local level and ensuring that strategic solutions are reached at the appropriate scale with appropriate parties wherever these can be of benefit in the delivery of infrastructure and services to the communities. When taken together, these activities help to demonstrate how the duty to co-operate has been fulfilled in preparing the SWDP.

2.3 In plan-making, there are a number of different levels of co-operative working, applying equally to local plans as well as to previous core strategies. These are summarised below in Box A:

<table>
<thead>
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<th>Box A. Levels of co-operative working in plan-making</th>
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<tr>
<td>1. Consult each other</td>
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<td>2. Share evidence</td>
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<tr>
<td>3. Collective resourcing / commissioning of evidence</td>
</tr>
<tr>
<td>4. Establish common objectives for elements of strategy and policy</td>
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<td>5. Joint working on decisions to formulate core strategies</td>
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<td>6. Mutual agreement to critical content before proceeding with individual core strategies</td>
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<tr>
<td>7. One joint core strategy, separately adopted</td>
</tr>
<tr>
<td>8. One joint core strategy, adopted by one formal joint committee</td>
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2.4 As highlighted by Map 1 there are a number of local authorities bordering on or in close proximity to South Worcestershire. In terms of developing an understanding of key cross-boundary issues, the south Worcestershire authorities have been engaged in the following ways:

- the preparation of a joint plan which recognises the particular circumstances of the South Worcestershire sub-region;
- embedding or ‘mainstreaming’ partnership and cross-cutting joint working into the everyday work of the district authorities and Worcestershire County Council;
- via general and technical consultation
- topic based working groups

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8 http://www.rpi.org.uk/media/1421253/2012-06-15_planning_city_regions_under_the_duty_to_cooperate_-_gavin_hall.pdf
2.5 The following paragraphs explore how Malvern Hills District, Worcester City and Wychavon District councils have co-operated with each other, Worcestershire County Council and neighbouring authorities.
3. **Co-operation between authorities within South Worcestershire**

3.1 From the outset of the South Worcestershire Development Plan process, the South Worcestershire Councils have undertaken exhaustive joint working, in a manner fully consistent with the spirit and intent of the Duty to Co-operate and the relevant tests of soundness. This joint working provided the mechanisms and commitment on which to base the development of the plan. The three Councils co-operated together in:

- governance and the co-ordination of decision-making stages;
- project management and resourcing;
- evidence base development including commissioning and producing evidence;
- extensive consultation activities;
- plan preparation; and
- preparation for testing the Plan at Examination

3.2 The principal reason behind producing the joint South Worcestershire Development Plan and its predecessor (South Worcestershire Joint Core Strategy) is the lack of available / suitable development land within the administrative boundary of Worcester to meet its objectively identified housing and employment needs. This issue was considered by the Panel during the examination of the Worcestershire County Structure Plan in 2000, who concluded that beyond the plan period ending 31st March 2011, Worcester would need co-operation from Malvern Hills and Wychavon District Councils to meet the city’s projected employment and housing growth.

3.3 In December 2006, Malvern Hills District, Worcester City and Wychavon District Councils, in collaboration with Worcestershire County Council, agreed with the Government Office for the West Midlands to work together on a replacement plan for the whole area to be referred to as “South Worcestershire”. As well as having significant strategic benefit it was considered by the partner authorities that other substantial benefits in the generation of the evidence base and the use of staff and other resources would be accrued.

3.4 The partnership approach to delivering Worcester’s growth needs were clearly acknowledged in the emerging revision of the West Midlands Regional Spatial Strategy (WMRSS). The WMRSS Phase 2 Revision (submitted for examination in December 2007) set out a total housing requirement for the period 2006 – 2026 of 10,500 for Worcester. Of this total, the WMRSS advocated that 7,300 of the requirement would be delivered in Malvern Hills and Wychavon Districts, the assumption being that the urban capacity of the city at that time was 3,200 dwellings. Whilst factors such as the Office for National Statistics revised Household Projections (2008), updated urban capacity estimates and the revised Strategic Housing Market Assessment (GVA Grimley 2012) have changed the figures significantly; the fact remains that much of Worcester’s growth can only be delivered beyond its administrative boundary.

3.5 The decision taken in 2006 to undertake a joint plan was underpinned by the agreement between the three authorities to adopt the following governance arrangements:

- At each stage each of the three Councils would need to formally accept the emerging document. The individual authorities would retain the decision-making role;
- That a Joint Advisory Panel (JAP) of elected members from each authority would be formed to advise and steer the development of the plan. The terms of reference (updated version, January 2012) are attached as Appendix A3;
- That an Officer Steering Group (OSG – Heads of Service level) would be convened to oversee the technical and professional aspects of plan preparation

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9 Initially the assessment was carried out by the West Midlands Regional Planning Authority in their work on the Regional Spatial Strategy. More recently the SHMA (2012) informs the overall housing growth.
• That the financial, technical and professional responsibility for the plan preparation would be shared equally between the three authorities. As with the decision-making at council level, the three separate planning departments were retained.

In terms of the levels of co-operative working proposed at Box A (p4) it is suggested that the level of co-operation achieved between the three South Worcestershire Councils for the plan preparation is level 7.

3.6 In addition to joint working between the three authorities, throughout the process, there has been very close co-operation at with Worcestershire County Council. This role has been discharged in particular through the County's seat at JAP meetings and active officer-level participation at OSG meetings and in practical terms, which has enabled a good synergy to develop between the strategic policy roles of the County (e.g. in the areas of waste, minerals, transport and education) and the developing SWDP. This has created a firm foundation for particularly close working on the South Worcestershire Infrastructure Delivery Plan (SWIDP) and the Community Infrastructure Levy (CIL) development work and has allowed the South Worcestershire authorities' reciprocal input into relevant Worcestershire strategies (e.g. Worcestershire Infrastructure Strategy, Waste Plan revision, Local Transport Plan 3). This co-operation has further included the joint commissioning of evidence, the joint testing of policies and close collaboration in the policy development process (e.g. via the shared commissioning of transport modelling at various stages of plan development).

3.7 South Worcestershire Councils have also worked in very close liaison with Worcestershire County Council on:

• Education matters, benefitting from their input into evidence of the need for education provision and related infrastructure and mindful of the on-going changes to education provision such as Academies and Free Schools. County Council education officers also attended key consultation events answering technical and policy questions raised by the public.

• Demographic analysis set out in the Demographics background paper, produced and updated by the County Council, which informed the analysis in the Housing Background Paper produced by the South Worcestershire Councils

• The development of policies SWDP 32 (minerals) and SWDP 33 (waste), to ensure complementarity between those policies and the adopted Worcestershire Waste Core Strategy and the emerging Worcestershire Minerals Local Plan,

• The County Council as the lead Flood Authority in the development of SWDP28 Management of Flood Risk and SWDP 29 - Sustainable Drainage Systems

• The Worcestershire Green Infrastructure Group is made up of officers from all the District Councils, and specialist within the County Council, and nature interests such as the Worcestershire Wildlife Trust, and Natural England- hosted by the Worcestershire County Council -has been involved in policy formulation for the SWJCS/ SWDP, and evidence gathering for strategic sites in South Worcestershire.

3.8 In terms of the levels of co-operative working proposed at Box A (p5) it is suggested that the level achieved for the plan preparation between the three South Worcestershire Councils and Worcestershire County Council would approximate to level 5/6.
4. Co-operation with neighbouring and other authorities

4.1 Table 1 provides a summary of some of the widespread engagement that has taken place to inform and plan for the promotion of cross-boundary relationships. This is in addition to engagement through responses submitted by neighbouring and other interested authorities to the consultations undertaken at the various stages of the emerging SWDP.

4.2 As can be seen from Table 1 there has been on-going cross-boundary liaison between authorities for some time in the course of the production of the SWDP and equivalent documents in other authority areas. As well as including direct neighbours, where appropriate, this has also included authorities where a border is not directly shared (most notably the seven local authorities and local transport authority and executive within the West Midlands conurbation).

Table 1: Examples of engagement with neighbouring authorities

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<thead>
<tr>
<th>Authority(s)</th>
<th>Date</th>
<th>Key point(s) of discussion</th>
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<tbody>
<tr>
<td>Malvern Hills, Worcester City, Wychavon Worcestershire County Council</td>
<td>Regular meetings throughout process of elected members (Joint Advisory Panel) and officers (Officer Steering Group)</td>
<td>• Governance</td>
</tr>
<tr>
<td>Bromsgrove, Redditch and Wyre Forest Districts and Worcestershire County Council and Herefordshire Council</td>
<td>Monthly meetings (since before SWJCS / SWDP preparation) of Worcestershire Planning Officers Group, Worcestershire Housing Officer Group, Officer comments on DPD consultation documents</td>
<td>• Identification of strategic issues of shared interest</td>
</tr>
<tr>
<td>Tewkesbury District</td>
<td>On-going since 2009</td>
<td>• Accommodation of Tewkesbury housing overflow into Malvern and Wychavon</td>
</tr>
<tr>
<td>Stratford on Avon District</td>
<td>On-going since 2009; co-operation on the development of common policies e.g. in respect of heavy goods vehicles</td>
<td>• Accommodation of Stratford upon Avon housing overflow into Wychavon</td>
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<tr>
<td>Cotswold District</td>
<td>On-going since 2007; as for Stratford above</td>
<td>• Agreed approach to the control of HGV movement within the Vale of Evesham</td>
</tr>
<tr>
<td>Shropshire County</td>
<td>On-going since 2007</td>
<td>• To ensure complementarity of development proposals for Tenbury Wells and Burford.</td>
</tr>
<tr>
<td>Wyre Forest District</td>
<td>On-going since 2009</td>
<td>• To ensure joint consideration of the approach to potential development in the villages of Bayton &amp; Clows Top</td>
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<tr>
<td>Warwick District Council, Warwickshire County Council, Stratford District Council (along with the northern Worcestershire Districts)</td>
<td>Between 2006-2010</td>
<td>• Joint commissioning of consultants and input into SHMA 2007 and annual updates. Also, inputs and commissioning for joint GTAA 2008.</td>
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<tr>
<td>CEPOG (comprising Birmingham, Coventry, Solihull, Dudley, Sandwell, Walsall, Wolverhampton Metr. Districts and CENTRO)</td>
<td>November 2011 April 2013</td>
<td>• Discussion of proposed housing and employment provision within SWDP in relationship to anticipated levels by the metropolitan authorities within the RSS context. • Agreement to work towards a statement of common ground with Birmingham and the Black Country authorities in respect of outstanding objection in respect of employment land provision</td>
</tr>
<tr>
<td>Shropshire, South Staffordshire, Worcestershire County and Districts (north and south)</td>
<td>Late 2011</td>
<td>• Technical / preliminary discussions around the formulation of a consistent approach to respective CIL Schedules.</td>
</tr>
</tbody>
</table>

4.3 In respect of co-operation with the other Worcestershire Districts (Bromsgrove, Redditch and Wyre Forest) this has led to a good understanding of each area’s situation and requirements. These have not extended, at this stage, to the identification of any significant cross-boundary housing requirements (in either direction) but has led to significant benefits in respect of the development of compatible policies across the entirety of Worcestershire, close liaison on issues such as strategic infrastructure planning, preparation for co-ordinated Community Infrastructure Levies across Worcestershire and a shared approach to the preparation of key evidence (e.g. the Worcestershire Strategic Housing Market Assessment). As with the County Council it is suggested that a level of cooperative working (as defined by Box A, p4) of approximately 5/6 has been achieved between the SWCs and other Worcestershire districts.

4.4 Conversations with non-Worcestershire neighbours immediately adjacent to South Worcestershire have not demonstrated an immediate need for land to accommodate unmet housing need from those districts. In the longer term, though, the South Worcestershire authorities have been apprised of the potential need for such considerations in due course by Tewkesbury and Stratford upon Avon Districts. There have, however, been other benefits arising from these conversations including:
- Cotswold District and South Worcestershire developing complementary policies in relation to the Vale of Evesham Heavy Goods Vehicles Control Zone;
- Shropshire and South Worcestershire agreeing to develop complementary approaches to the development of Burford and Tenbury Wells which, although in different administrative areas, have a close proximity and functional synergy with each other.
It is suggested that a level of co-operative working (as defined by Box A, p5) of approximately 4 has been achieved between the SWCs and their non-Worcestershire neighbours.

4.5 Where appropriate conversations have also taken place with authorities with whom there are no shared boundaries, the most significant of these were discussions with the West Midlands metropolitan authorities (via their representative grouping Chief Engineers and Planning Officers Group (CEPOG)). Arising from the 2011 Preferred Options consultation, strong representations were made by the metropolitan authorities that the SWDP’s proposed housing allocations at that time (21,600 – based on the 2007 SHMA) did not adequately meet the needs expressed by the WM RSS Phase 2 proposals and would not sufficiently support the metropolitan authorities’ migration requirements into the South Worcestershire area, thereby working against the West Midland strategy of urban renaissance. The concerns lodged with the South Worcestershire authorities at that stage (through the representation and also in a face-to-face meeting), coupled with the revised housing requirements as defined by the 2012 SHMA, was a significant factor in the elevation of the proposed housing requirements at the Proposed Significant Changes stage in August 2012 to that now proposed (23,200). The representations made by the metropolitan authorities in response to the Proposed Significant Changes confirmed that they were content with this revised level whilst retaining the right for further discussions as their own plans evolved.

4.6 The issue of unmet housing need is also addressed in the Housing Background Paper produced in support of the SWDP.
5. **Co-operation with prescribed bodies**

5.1 As described at paragraph 1.4 the prescribed bodies are defined in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 with those appropriate to the South Worcestershire context being:

- Environment Agency;
- English Heritage;
- Natural England;
- Highways Agency;
- Homes and Communities Agency;
- Primary Care Trust;
- Office of Rail Regulation;
- Highway Authority

5.2 Throughout the preparation of the SWDP there has been on-going liaison and co-operation with the nominated statutory bodies with issues being identified initially via formal liaison and the consultation process. The following paragraphs provide evidence of those prescribed bodies that had a direct influence on the plan’s development and the outcome of that co-operation.

5.3 On transport matters involving the Highways Agency and Office of Rail Regulation the South Worcestershire Councils have worked in very close liaison with Worcestershire County Council as the relevant Strategic Transport Authority. In this capacity Worcestershire County Council has been the lead authority on these matters on behalf of SWCs. This has enabled the SWCs to ensure that their liaison with these bodies has been meaningful and credible whilst at the same ensuring that all such contacts are relevant to the wider transport strategy context (e.g. the Worcester Transport Strategy) and that the planning proposals coming forward through the SWDP demonstrably take account of the strategic infrastructure issues through the utilisation of joint (SWC/WCC/HA) modelling and evidence gathering and assessment. The outcome of this close working has been the production of a number of policies in the SWDP that will enable the provision of a comprehensive infrastructure solution, including SWDP 4 – Moving Around South Worcestershire and SWDP 7 – infrastructure.

Other key outcomes are summarised below, and are set out in detail in the Transport Background Paper and the evidence it signposts

Input into joint evidence base studies, Worcester Transport Strategy model and transport modelling which influenced the spatial strategy by:

- Demonstrating the overall impact of the proposed development on the road network
- Confirming there are no strategic transport showstoppers – including the M5 Junctions; A4440
- Providing the basis for transport infrastructure costs and implications for delivery

Responses to consultations led to:
- Amendments to strategic policies SWDP 5 (Movement) and SWDP 7 (Infrastructure)

Highways officers attended the SWDP consultation events, answering technical and transport policy questions raised by the public, resulting in more effective consultation and informed responses. Highways officers have also commented on the proposed housing and employment allocations in terms of their impact regarding highway issues and sustainable transport facilities.

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10 See paragraph 1.5, page 4 for situation regarding the Civil Aviation Authority.
5.4 Co-operation with the Environment Agency has been extensive, particularly in the later stages of the plan’s development throughout 2012 that ultimately contributed to the proposed Significant Changes and their associated consultation and in ensuring that the revisions caused the SWDP to be NPPF-compliant. Co-operation between the SWCs and the Environment Agency at this time was intensive and directly led to the following outcomes:

- A joint identification that this aspect of the SWDP needed to be revisited;
- The joint commissioning by SWCs and EA of a refreshment of the Strategic Flood Risk Assessment and the Water Cycle Study;
- Consequent to these discussions and the updating of the evidence base the joint working contributed directly to a significant strengthening and updating of the relevant policies (policies SWDP 28 – Management of Flood Risk; SWDP 29 – Sustainable Drainage Systems; SWDP 30 – Water Resources, Efficiency and Treatment) and strongly influenced the decisions leading to a number of deletions, boundary alterations and other amendments to site proposals and enabled the South Worcestershire Councils to confirm that no housing will be allocated or permitted outside Flood Zone 1.
- At earlier stages of the Plan, they were also involved in the development of Sustainability Appraisal objectives to assess the social, economic and environmental effects of the Plan.

At the time of preparation of this report (April 2013), work is ongoing under the Duty to Co-operate to address the concerns expressed by the EA.

5.5 Strong representations were also received from English Heritage on the SWDP Preferred Options. This led directly to the development of a working group that drew upon the technical and professional expertise of the three South Worcestershire Councils, Worcestershire County Council and English Heritage within their conservation and archaeological disciplines. This working group met on a number of occasions and:

- Jointly identified that the policies as proposed by the Preferred Option were insufficient particularly within the NPPF context.
- Jointly considered the national policy advice offered by English Heritage and proposed amended policies designed to assure the continuing integrity and sustainability of the Historic Environment in South Worcestershire.

As a result of this, the approach to the historic environment in the SWDP was significantly changed, with the original policy being divided and rewritten to provide a clearer strategic framework for the protection of the historic environment and a focussed approach to the management of the historic environment when decisions are being made on changes to it (SWDP 6 – Historic Environment; SWDP 24 – Management of the Historic Environment).

5.6 All of the nominated Prescribed Bodies have been invited by SWC to participate on the various consultation stages and through other less formal avenues. Whilst less intensive in nature these contacts have influenced the conduct of the SWDP with the PCT involvement, for example, contributing to the decision to incorporate a Health Impact Assessment and Equality Assessment into the SWDP Integrated Assessment alongside the Sustainability Appraisal and Habitats Regulations Assessment.
6 Co-operation with other bodies

6.1 Whilst not required by statute recent regulations do however require Local Authorities to have regard to Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs). Similarly as Local Transport Boards are inaugurated it is anticipated that these will receive particular regard by local authorities.

6.2 Since its formation the Worcestershire LEP has taken a keen interest in the development of the SWDP in order that the SWDP might help to facilitate the growth agenda of the LEP. This interest has been most effectively demonstrated via occasional meetings between the LEP Business Board and SWDP Policy Officers. These discussions have helped to influence the development of the SWDP, particularly in respect of the housing and employment allocations, in order to ensure complementarity of the SWDP with the LEP’s aspirations for the area which are primarily presented via the Place Shaping Group.

6.2 The Place Shaping Group (PSG) is an executive group of the Worcestershire Local Strategic Partnership and the Worcestershire Local Enterprise Partnership. Its focus is to shape the place where we live by developing a strategic and co-ordinated voice for the key strands of economy, housing, transport and infrastructure. It also works to ensure that key local plans, such as the SWDP, are fully aligned with the new Single Sustainable Community Strategy for Worcestershire. The approach complements the Worcestershire Local Enterprise Partnership’s focus on opportunities for business growth, jobs and enterprise to secure sustainable economic development for the benefit of businesses and people who live and work in the county.

6.3 Through the cross-over of representation with officers and elected members it has been possible to ensure a good level of co-operation between the LEP (including the PSG) and the SWDP and to bring these strategic themes together. This is particularly pertinent in respect of the high-level strategic objectives for the area and in the identification and agreement of infrastructure enhancements that will be required via the emerging Worcestershire Infrastructure Strategy and South Worcestershire Infrastructure Development Plan.

6.4 A further body accorded similar status as the LEP is the Local Nature Partnership. Due to the relatively late incorporation of this as a formal body it has not been possible to demonstrate that the Duty to Co-operate has been satisfied in quite the same way as with other bodies. However, in spite of this, throughout the process key members, in particular the Worcestershire Wildlife Trust and Natural England have made representations and have had a presence at key consultation events, there answering technical and related policy questions raised by the public.

6.5 South Worcestershire Councils have also worked in very close liaison with Worcestershire County Council on:

- Education matters, benefitting from their input into evidence of the need for education provision and related infrastructure and mindful of the on-going changes to education provision such as Academies and Free Schools. County Council education officers also attended key consultation events answering technical and policy questions raised by the public.

- Demographic analysis set out in the Demographics background paper, produced and updated by the County Council, which informed the analysis in the Housing Background Paper produced by the South Worcestershire Councils
• The development of policies SWDP 32 (minerals) and SWDP 33 (waste), to ensure complementaritity between those policies and the adopted Worcestershire Waste Core Strategy and the emerging Worcestershire Minerals Local Plan,

• The County Council as the lead Flood Authority in the development of SWDP 28 - Management of Flood Risk and SWDP 29 - Sustainable Drainage Systems

• The Worcestershire Green Infrastructure Group is made up of officers from all the District Councils, and specialist within the County Council, and nature interests such as the Worcestershire Wildlife Trust, and Natural England - hosted by the Worcestershire County Council - has been involved in policy formulation for the SWJCS / SWDP, and evidence gathering for strategic sites in South Worcestershire.
7 Co-operation with Infrastructure providers

7.1 Infrastructure is an important and integral element to the future development of South Worcestershire and there has been extensive and coordinated engagement on this matter by Worcestershire County Council and the three South Worcestershire Councils over the last five years. This engagement intensified with the preparation of the South Worcestershire Infrastructure Delivery Plan (SWIDP) to support the South Worcestershire Development Plan (SWDP). Through late 2011, 2012 and early 2013, this has involved extensive engagement with a wide range of infrastructure providers, including two technical consultation exercises in summer 2012 and early 2013. The SWIDP covers the full range of physical, social and green infrastructure. Therefore, the engagement involved, infer alia, the County Council (especially as transport and education authority) the utility providers health agencies and the representative of the emergency services. This engagement established the infrastructure required to support the development proposed in the SWDP and the all the associated costing, phasing and funding issues. Further information, including the full consultation schedule, can be found in the SWIDP itself.

7.2 Specific infrastructure and service providers’ seminars and workshops were also held at early stages of the plan to assess strategic infrastructure requirements on different patterns of development (e.g. rural dispersal versus urban concentration).

7.3 Through the preparation of the South Worcestershire Infrastructure Delivery Plan (SWIDP) (which has taken place as a linked subsidiary exercise to the preparation of the SWDP) extensive and parallel consultation has taken place with a wide range of infrastructure providers ranging from the highways and education authority to utility companies. This has involved requesting a costed assessment of the infrastructure requirements arising from the SWDP and their financial and phasing implications. It also identifies relevant delivery partners, following consideration of which bodies are best placed to support the development of critical infrastructure during the plan period.

7.4 The South Worcestershire plan and evidence has benefitted in particular from:

- The South Worcestershire Councils working in very close liaison with Worcestershire County Council who have also been developing a Worcestershire Infrastructure Strategy. The outcomes of the on-going County Council engagement with infrastructure providers have informed the South Worcestershire Infrastructure Delivery Plan and its evidence.
- Face to face meetings between the South Worcestershire Councils and infrastructure providers.
- Targeted technical consultations with infrastructure providers, additional to the consultations on the plan document, on:
  - the South Worcestershire Infrastructure Delivery Plan - Interim Position Statement (July 2012) held during August-September 2012; and
  - the South Worcestershire Infrastructure Delivery Plan (November 2012) held during January - February 2013.
- On-going engagement with infrastructure providers in updating the South Worcestershire Infrastructure Delivery Plan which is a living document.
8 Conclusion

8.1 This report demonstrates the Councils’ compliance with the Duty to Co-operate in preparing the South Worcestershire Development Plan. It provides evidence that clear engagement and co-operation has been embedded within the plan-making process as a whole, from its inception in 2006 up to the present day, including actions prior to the enactment of the Duty.

8.2 It demonstrates how meaningful cross-boundary working has taken place, and every effort was made to engage statutory and non-statutory consultees in the plan-making process. It goes on to provide evidence of face to face meetings that have taken place, including regular planning groups, and shows that key authorities and organisations have been fully engaged in the process. The report pays particular attention to strategic matters as defined in the Localism Act, drawing out the main strategic cross-boundary issues and their outcomes.

8.3 In practice the ‘duty to co-operate’ has affected SWCs in the following ways:

- Within the South Worcestershire Sub-Region the three councils have worked intimately together to develop a plan suitable to support the sub-region’s economic growth aspirations and to develop a joint plan so that the housing requirements of Worcester and its immediate neighbours might be met whilst at the same time safeguarding the natural and historic environments which are central to the area’s appeal.
- Working with neighbouring local authorities to identify and address strategic cross-boundary issues.
- Working with the County Council to identify and address strategic issues both within South Worcestershire and those affecting more than one local authority area.
- Working with other public bodies and infrastructure providers to ensure that relevant strategic planning matters are identified and addressed.
- Resulting in sufficient and effective dialogue about cross boundary issues, particularly housing, employment, infrastructure, and flooding/water quality.
- The South Worcestershire Councils providing their evidence of objectively assessed needs, and considering unmet requirements from neighbouring authorities. Key evidence, such as the Strategic Housing Market Assessment and the South Worcestershire Infrastructure Delivery Plan, has been made available in a timely way to inform plan production and consultation before the Regulation 19 stage of publication of the Proposed Submission Plan.

8.4 This report will be used as the basis for future updates, in terms of continued compliance, to provide transparency for local communities, to be presented through future Local Plan Monitoring Reports.

8.5 Co-operation is an on-going and pragmatic process and reaching agreements with neighbouring authorities or other relevant bodies may not always be conveniently timed. Some authorities already have up-to-date Core Strategies in place (e.g. Wyre Forest, Shropshire) whilst others have not progressed as far as SWCs. This may affect the extent to which some forms of co-operation can take place, although in the case of the SWDP, the proposed on-going monitoring and early review will allow for the dialogue that has been started to continue and broaden as the process evolves. However, it is clearly preferable to work with others throughout the period of preparing a local plan to identify as early in the process as possible the strategic issues and to work collaboratively to address these. For the duty to co-operate to be most effective those authorities seeking to deal with strategic issues should therefore collaborate from the outset. In some cases the main driver for dealing with cross-boundary issues arises not in South Worcestershire, but in other local authority areas. It is reasonable to expect those local authorities to take the lead in identifying and addressing the strategic cross-boundary issues arising from those major
developments and the SWCs look forward to continuing and strengthening co-operative working to achieve sustainable development in such cases.

8.5 The South Worcestershire Councils consider that this report evidences that the responsibilities placed on the councils in relation to their duty to co-operate with neighbouring authorities and prescribed bodies has been fulfilled. Liaison with those authorities and bodies has been embedded within the SWDP process from its early stages. The benefit of this close working has ensured many policies and proposals of the SWDP were in increasing accordance with these bodies’ plans and programmes throughout the process, reflected by the degree of support expressed in comments at successive stages of consultation. The success of this approach should not be underestimated.
Extract of Localism Act on Duty to Cooperate

110 Duty to co-operate in relation to planning of sustainable development

1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

"33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is —
   (a) a local planning authority,
   (b) a county council in England that is not a local planning authority, or
   (c) a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person —
   (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
   (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are —
   (a) the preparation of development plan documents,
   (b) the preparation of other local development documents,
   (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
   (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
   (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a "strategic matter"—
   (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
   (b) sustainable development or use of land in a two-tier area if the development or use—
      (I) is a county matter, or
      (ii) has or would have a significant impact on a county matter.

(5) In subsection (4) —
"county matter" has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),
"planning area" means —
   (a) the area of —
      (i) a district council (including a metropolitan district council),
      (ii) a London borough council, or
      (iii) a county council in England for an area for which there is no district council,
   but only so far as that area is neither in a National Park nor in the Broads,
   (b) a National Park,
(c) the Broads,
(d) the English inshore region, or
(e) the English offshore region, and
“two-tier area” means an area —
(a) for which there is a county council and a district council, but
(b) which is not in a National Park.

(6) The engagement required of a person by subsection (2) (a) includes, in particular —
(a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
(b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1) (c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section —
“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and
“land” includes the waters within those regions and the bed and subsoil of those waters.”

2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a county council’s minerals and waste development scheme) after subsection (4) insert —
“(5) Also, subsection (3) (b) does not apply to section 33A (1) (a) and (b).”

3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents: purpose of independent examination) after paragraph (b) insert
“; and
(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”
Appendix A2

Extract from Planning and Compulsory Purchase Act 2004
(Section 28)

28 Joint local development documents

(1) Two or more local planning authorities may agree to prepare one or more joint local
development documents.

(2) This Part applies for the purposes of any step which may be or is required to be taken
in relation to a joint local development document as it applies for the purposes of any
step which may be or is required to be taken in relation to a local development
document.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a
local planning authority in connection with a local development document must be done
by or in relation to each of the authorities mentioned in subsection (1) in connection with
a joint local development document.

(4) Any requirement of this Part in relation to the RSS is a requirement in relation to the
RSS for the region in which each authority mentioned in subsection (1) is situated.

(5) If the authorities mentioned in subsection (1) include one or more London borougs
the requirements of this Part in relation to the spatial development strategy also apply.

(6) Subsections (7) to (9) apply if a local planning authority withdraw from an agreement
mentioned in subsection (1).

(7) Any step taken in relation to the document must be treated as a step taken by-

(a) an authority which were a party to the agreement for the purposes of any
corresponding document prepared by them;

(b) two or more other authorities who were parties to the agreement for the
purposes of any corresponding joint local development document.

(8) Any independent examination of a local development document to which the
agreement relates must be suspended.

(9) If before the end of the period prescribed for the purposes of this subsection an
authority which were a party to the agreement request the Secretary of State to do so he
may direct that-

(a) the examination is resumed in relation to the corresponding document;

(b) any step taken for the purposes of the suspended examination has effect for
the purposes of the resumed examination.

(10) A joint local development document is a local development document prepared
jointly by two or more local planning authorities.

(11) The Secretary of State may by regulations make provision as to what is a
corresponding document.
Terms of reference, constitution and guidance

Role and function
1. The purpose of the Joint Advisory Panel is to:
   a) Consider reports and examine issues related to the production of a joint Development Plan (Development Plan Document) for South Worcestershire and to make recommendations to the Councils for Malvern Hills and Wychavon Districts and Worcester City regarding the content and development of the Development Plan.
   b) Make recommendations to the above Councils regarding the content of the Local Development Schemes covering South Worcestershire and the timetabling of Development Plan Documents.
   c) Make recommendations to the above Councils regarding future plan making and development management arrangements associated with the implementation of the Local Development Schemes for South Worcestershire.

Constitution
2. The Joint Advisory Panel will be comprised of 15 district councillors, with 5 district councillors nominated by each of the Councils for Malvern Hills and Wychavon Districts and Worcester City (referred to as the South Worcestershire Authorities).
3. The Joint Advisory Panel will not be subject to formal political balance considerations however, in the interests of openness representation from political groups will be sought from each Council.
4. Substitution arrangements will apply both to ensure the Joint Advisory Panel is quorate and to safeguard each Authority’s vote share.
5. The quorum of the Joint Advisory Panel will be 6 councillors comprising at least two councillors from each South Worcestershire Authority.
6. The Joint Advisory Panel has no executive / decision making capacity / powers in respect of any of the planning or other functions of the South Worcestershire Local Authorities and does not represent a formally constituted Joint Committee.

Rules and Procedures
7. There is no prescribed maximum period with respect to district councillors’ membership of the Joint Advisory Panel. Membership of the Panel will be subject to each of the South Worcestershire Local Authorities own arrangements for the review of nominations to external bodies / partnerships.
8. The Joint Advisory Panel will elect a chairman to conduct its meetings / business at its first meeting and subsequently at the first meeting in each municipal year. No member will hold the position of Chairman for more than 12 consecutive months unless an extension is agreed by the Panel, subject to a maximum period of 24 consecutive months.
9. Meetings will not be held in public. However, representatives of other organisations, other elected members or individuals may be invited to attend meetings at the Chairman’s discretion to discuss issues relevant to the work of the Panel.
10. Where commercially sensitive or confidential policy development matters / technical studies are to be discussed closed meetings of the panel will be held where other organisations, elected members and individuals will be excluded. The Panel will at all times seek to minimise the requirement for closed or workshop sessions.

11. Meetings of the Panel will be serviced by the Democratic Services teams from each of the South Worcestershire Authorities on a 12 months rotational basis (unless alternative arrangements are agreed by the officer team).

12. The Panel's recommendations will be decided on a simple majority of votes. Voting rights will extend to each elected member on the Panel.

13. Notes of the Joint Advisory Panel will be reported to the Planning Committee of each of the South Worcestershire Authorities and / or, if required, to their respective full Council meetings.

14. An agenda (and, where possible, reports) will be circulated to Panel Members five clear working days before the Panel meeting.

Guidance and arrangements for meetings of the Panel

15. The primary purpose of the Panel is to assist the three South Worcestershire Authorities to work together in order to implement their decision to prepare a joint South Worcestershire Development Plan and other development plan documents under the provisions of Section 28 of the Planning and Compulsory Purchase Act 2004 (see Appendix A1).

16. The Panel will consider both strategic and local policy issues so as to enable the Development Plan to gain common agreement and to be swiftly endorsed through the decision making processes of each Council. The Panel will also consider the content of studies and documents and consider any other matter of common interest relating to spatial planning across South Worcestershire.

17. The Panel will aim to recommend to each of the South Worcestershire Authorities a Development Plan which appropriately reflects the needs, opportunities and aspirations of each of the South Worcestershire Authorities in the context of a coherent and consistent spatial strategy for South Worcestershire as a whole. The Development Plan will give due regard to other key strategies and plans, specifically the West Midlands Regional Spatial Strategy (until formally abolished) and Community Strategies covering South Worcestershire.

18. Members of the Panel will:
   a. be prepared at each meeting to debate issues and seek common agreement;
   b. promote and recommend the Panel's recommendations to their respective District Council decision making bodies;
   c. provide regular reports to their District Council regarding the work of the Panel and progress with the SWDP.
   d. make every effort to attend meetings of the Panel.

19. Officer support to the Panel will be provided by each of the South Worcestershire Authorities through the Officer Steering Group. Representatives from Worcestershire County Council will be invited to attend meetings as observers and contributors. County Councillors may be invited to meetings from time to time as required by the business of the Panel.
20. Venues for meetings will rotate between the three South Worcestershire Authorities. Meetings will normally be held during the working day.

21. The frequency of meetings of the Panel will be agreed by the Panel. In order to progress the Development Plan in accordance with the Local Development Schemes for South Worcestershire it may be necessary for the frequency of meetings to be adjusted or to hold special meetings of the Panel. Occasionally it may also be appropriate for the Panel to recommend to the South Worcestershire Authorities that committee / council meeting calendars are adjusted or aligned and / or special meetings are held in order for the Development Plan to meet LDS deadlines.

22. The Panel will also consider arrangements for joint consultation and publicity in association with the preparation of the Development Plan. However, the Panel will not undertake consultation directly nor will it issue publicity or offer statements on behalf of the South Worcestershire Authorities unless invited to do so by the Authorities.

23. The Panel will receive and consider progress reports with respect to the production of the Development Plan and, if necessary and appropriate, make recommendations to the South Worcestershire Authorities regarding the adequacy of plan preparation in relation to the Local Development Schemes for South Worcestershire and resources associated with plan making.
Appendix A4

History of relationship with Tewkesbury Council in relation to development to the north of Tewkesbury

Duty to Cooperate - Tewkesbury area.
Representations have been received from landowners promoting land at Mitton, in Wychavon, to deliver cross boundary housing to Tewkesbury Borough and the Joint Core Strategy (JCS) area.
There are two main parcels of land promoted:

<table>
<thead>
<tr>
<th>South Worcestershire SHLAA ref 12/05.</th>
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<tbody>
<tr>
<td>Land on the eastern side of Bredon Road, known as “Mitton Land”, is situated in Wychavon District although abuts the built up area of Tewkesbury, Gloucestershire. 27ha - to provide 375 dwellings. Promoted by Carter Jonas on behalf of the Croome Estate trustees and Mactaggart and Mickel.</td>
</tr>
</tbody>
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<tr>
<th>South Worcestershire SHLAA ref: 12/06.</th>
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</thead>
<tbody>
<tr>
<td>A larger area for 75 ha at Mitton being promoted by the North Tewkesbury Land Consortium (RPS). This could provide 750 dwellings. Total provision would be 1, 125 dwellings plus a new primary school, commercial uses and open space.</td>
</tr>
</tbody>
</table>

The sites were not ruled out in the SHLAA, but developability panel comments associated with the sites (2008) stated:

12/06 Land at Mitton, North Tewkesbury – (This is for the two sites together, covering some 91ha): “Major issues include flooding and drainage at the site. RSS consideration - may come off SW figures rather than WM”. So at that stage the cross boundary issues were considered.

The site was subsequently split in two at the request of the promoters to reflect the different ownerships. The smaller more southerly site is covered by flood plain constraints to a greater extent.

The promoters of the land consider residential development here would contribute to the SWDP and / or the Gloucester / Cheltenham and Tewkesbury Joint Core Strategy. They consider it could provide an urban extension to Tewkesbury.
The South Worcestershire Authorities have liaised with Tewkesbury Borough Council (BC) since the outset of the SWJCS / SWDP on cross boundary issues.
[Land at the Mythe - Part of this land crosses the Tewkesbury BC border with Malvern Hills District. However, it has not been promoted through the SWDP SHLAA process, and is within the functional floodplain].

The South Worcestershire Authorities have not allocated the land for Tewkesbury growth, and earlier dialogue with Tewkesbury BC at the SWJCS stage and later indicated that the land was not required for cross-boundary purposes at that time.

The latest stance from Tewkesbury BC was discussed at their Executive committee meeting on 5th September 2012 in response to the SWDP Significant Changes to the Preferred Options consultation (full report reproduced below).

The Council resolved:
“Recommendation:
"That the South Worcestershire Development Plan Team be informed that Tewkesbury Borough Council:

- Supports the South Worcestershire Significant Changes to the Preferred Options consultation document to guide development in the area and provide some certainty on the future growth of the smaller settlements.
- Requests that the South Worcestershire Development Plan (SWDP) and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy teams continue to discuss cross boundary matters.
- Advises the SWDP team that the level of objectively assessed need for the JCS area is currently being considered by the JCS Councils to inform the Preferred Option document for the JCS. Until this work has been completed, it is not possible to confirm that the development required by the JCS area can all be met within its boundaries.
- Supports the approach adopted by the South Worcestershire Development Plan Team in preparation of the Significant Changes to the Preferred Options Development Plan Document and agrees that at this point in time the ‘land at Mitton’ is not required to meet the development needs of the South Worcestershire area. If this area is required to meet an identified need in the future for either South Worcestershire or the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy then it should only be brought forward for development as part of a statutory development plan and any proposal should address issues relating to flood risk management and impacts upon services and infrastructure in Tewkesbury town."

Previous cross boundary discussions have taken place, and formal consultations on the SWDP are referred to in committee reports from Tewkesbury BC related to the North Gloucestershire Joint Core Strategy area. These formal responses are summarised in the above September 2012 Tewkesbury BC Executive Committee report, relating to 9 November 2011 (SWDP Preferred Options consultation) and the 7th April 2010 (South Worcestershire Site Allocations and Policies DPD). In none of the responses was there considered to be a requirement to provide for cross boundary housing needs in the Tewkesbury area within Wychavon or Malvern Hills District.

Officer meetings have also taken place on:

- 20th January 2009 - when it was concluded that any development of the land at Mitton would mainly serve Tewkesbury’s housing needs, rather than those of Wychavon.
- 8th March 2010 - Wychavon and the SWDP Project officer met with Cheltenham and Tewkesbury BC Officers.
- 7 June 2011 - JCS and SWDP officers and those with land interests at Mitton
- 3 January 2012 - JCS and SWDP officers, Tewksbury BC and Wychavon Chief Executives and Members re: cross boundary issues
- 21st November 2012 - Wychavon District Council officers met with Tewkesbury Borough Council officers and a representative from the North Gloucestershire JCS.

All meetings considered that land at Mitton was not required to serve the Tewkesbury area, but that a dialogue would continue over cross boundary issues.

Thus at the current stage of the SWDP there is no evidence that the land adjacent to Tewkesbury within Wychavon or Malvern Hills Districts is required to serve Tewkesbury Borough Council’s needs.
Tewksbury Borough Council – report to Executive committee, 5 September 2012

Report to: Executive Committee
Date of Meeting: 5 September 2012
Subject: South Worcestershire Development Plan: Significant Changes to the Preferred Options
Report of: Alys Thomas, Assistant Policy Planner
Chief Officer: Mella McMahon, Director of Borough Development
Lead Member: Councillor Davies
Number of Appendices: N/A

Executive Summary:
The South Worcestershire Development Plan has been prepared jointly by the three local authorities of Worcester City, Malvern Hills and Wychavon District Councils to guide development within their areas to cover the period up to 2030. The proposals in the Preferred Options document build on the work done between 2007 and 2010 on the South Worcestershire Joint Core Strategy, but this work has been revisited in light of the intention to abolish Regional Spatial Strategies.

The South Worcestershire Development Plan Significant Changes to the Preferred Options stage has been formally published and Tewkesbury Borough Council has been invited to comment on the current Preferred Options consultation document by 14 September 2012.

Tewkesbury Borough Council has previously made comments in respect of the South Worcestershire Joint Core Strategy, which, amongst others, made specific representation regarding development on land at Mitton. This consultation document does not propose that land at Mitton be developed.

Members are requested to support the formal publication of the South Worcestershire Development Plan, subject to appropriate consideration of the issues raised in the report.

Recommendation:
That the South Worcestershire Development Plan Team be informed that Tewkesbury Borough Council:

- Supports the South Worcestershire Significant Changes to the Preferred Options consultation document to guide development in the area and provide some certainty on the future growth of the smaller settlements.
- Requests that the South Worcestershire Development Plan (SWDP) and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy teams continue to discuss cross boundary matters.
- Advises the SWDP team that the level of objectively assessed need for the JCS area is currently being considered by the JCS Councils to inform the Preferred Option document for the JCS. Until this work has been completed, it is not possible to confirm that the development required by the JCS area can all be met within its boundaries.
- Supports the approach adopted by the South Worcestershire Development Plan Team in preparation of the Significant Changes to the Preferred Options Development Plan Document and agrees that at this point in time the ‘land at Mitton’ is not required to meet the development needs of the South Worcestershire area. If this area is required to meet an identified need in the future for either South Worcestershire or the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy then it should only be brought forward for development as part of a statutory development plan and any proposal should address issues relating to flood risk management and impacts upon services and infrastructure in Tewkesbury town.

Reasons for Recommendation:
To ensure the views of Tewkesbury Borough Council and the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy are taken into consideration in the development of the South Worcestershire Development Plan Document.
**Resource Implications:**
None

**Legal Implications:**
Under Section 16 of the Planning and Compensation Act 2004 Worcester City, Malvern Hills and Wychavon District Councils are required to prepare a Local Development Framework. The South Worcestershire Development Plan is a key component of the Local Development Framework.


**Risk Management Implications:**
High levels of development to the north of Tewkesbury in neighbouring authorities could impact on service and infrastructure requirements for Tewkesbury town.

Additional development near the border of Tewkesbury Borough could potentially impact on the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. This strategy is currently assessing sustainable development locations across the Joint Core Strategy area to meet the needs of the three authorities to 2031.

**Performance Management Follow-up:**
Tewkesbury’s Planning Policy Team will continue to review the progress of the South Worcestershire Development Plan.

**Environmental Implications:**
Biodiversity has been considered by South Worcestershire in the preparation of the public consultation document.
A Habitats Regulations Assessment has been prepared alongside the South Worcestershire Development Plan which assesses the potential impacts of the plan on protected European species and habitats.

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**1.0 INTRODUCTION**

1.1 The South Worcestershire Development Plan (SWDP) has been prepared jointly by the three local authorities of Worcester City, Malvern Hills and Wychavon District Councils to guide development within their areas to cover the period up to 2030. On 3 July 2012, the three Councils approved a further period of consultation on Significant Changes to the SWDP Preferred Options document, to go out to public consultation between 6 August and 14 September 2012.

1.2 The significant changes document includes amendments to policies including those that impact on service provision, such as the delivery of affordable housing; new policies that will help guide development and infrastructure provision in South Worcestershire up to 2030- such as a specific policy for infrastructure; changes to site allocations, either introducing new sites (mainly for housing or employment uses), deleting sites, or varying the site boundaries or level of development envisaged.

1.3 In November 2011, Members considered the South Worcestershire Development Plan Preferred Options consultation document. The Plan did not propose development on land adjacent to Tewkesbury Borough at Mitton.

1.4 A copy of the South Worcestershire Development Plan: Significant Changes to the Preferred Options can be found at http://www.swdevelopmentplan.org/?page_id=2496.

**2.0 CURRENT PROPOSALS**

2.1 The South Worcestershire Development Plan document brings together both strategic and detailed planning policies into one single document and contains the overall development strategy for South Worcestershire, together with approximately 50 core policies, supported by an infrastructure delivery plan.
2.2 The South Worcestershire Development Plan Preferred Options document set a housing requirement of 20,361 between 2006 and 2030. This figure has been increased to 23,200 during the plan period in the Significant Changes document. The South Worcestershire Councils’ locally derived housing provision policy reflects the overall scale of housing growth associated with the Strategic Housing Market Assessment (SHMA) (23,157 dwellings), aiming to improve the alignment of housing, jobs and the labour force.

2.3 The Significant Changes document reiterates Tewkesbury Borough Council’s support of SWDP’s approach and agreement that ‘land at Mitton’ is not required to meet development needs in the South Worcestershire area. It is noted that the three JCS Councils did not request that the housing needs of the JCS area be met in South Worcestershire through the Joint Core Strategy: Developing the Preferred Options document.

2.4 It is noted by the SWDP team that current evidence indicates that there are options available to accommodate the needs of Cheltenham, Gloucester and Tewkesbury within the JCS plan area. However, at this stage the level of development requirement for the JCS area is still to be confirmed and there can therefore be no certainty that the JCS area would be able to meet all of its development requirements.

2.5 The document states that councils in South Worcestershire diligently undertook joint working with adjoining authorities to consider strategic priorities for the delivery of homes, including cross-boundary housing requirements. Future action is to continue Duty to Cooperate activities through the remaining plan-preparation stage to submission, in the aim of developing a Memorandum of Understanding with relevant bodies. Tewkesbury Borough Council will continue to co-work with South Worcestershire on cross-boundary issues.

2.6 The Localism Act and National Planning Policy Framework place a duty on Local Authorities to co-operate, particularly on “strategic priorities”, and to ensure that any cross boundary issues are dealt with together with a strategic approach to sustainable development.

2.7 Further to the consultation period on this document, South Worcestershire intend to review the representations received and produce a submission version of the SWDP for sign off by all three Councils for the further “tests of soundness” consultation in the autumn of 2012.

3.0 OTHER OPTIONS CONSIDERED

3.1 In arriving at the development strategy set out in the South Worcestershire Development Plan, it needs to be demonstrated that alternative options have been considered and that the emerging strategy presents the most sustainable and robust option in accordance with the overarching vision. Several alternative options were considered and the reasons for discounting them have been provided within the plan. These included additional growth at Worcester, additional growth in the main towns, additional growth in larger villages, growth at Mitton and a freestanding settlement.

3.2 With the anticipated abolition of the Regional Spatial Strategies (RSS) there exists no strategic direction for the South Worcestershire Development Plan, and similarly for the JCS. It is therefore necessary to consider all realistic development opportunities, which may include cross boundary development.

3.3 The ‘land at Mitton’ was included in the Deposit draft of the Tewkesbury Borough Local Plan under draft policy HSG19 which was removed on the advice of the inspector’s report of December 2003. At that time the inspector advised that:

"Policy HSG19 of the Deposit Draft has been deleted from the Revised Deposit Draft Local Plan. It proposed the allocation of a site for residential development that lay outside the Borough boundary, within Wychavon District. Its deletion satisfies all but one of the objections, which is concerned that this would prevent its development in the future. However, there is no evidence of any prospect of an allocation outside the Borough’s boundary at Mitton being implemented within the Plan period and it would therefore be unreasonable to place any reliance on this site to contribute to the housing requirement. The deletion of the policy would not prevent consideration being given in the future to alternative ways of meeting any need for..."
the expansion of Tewkesbury, but this would be a matter for joint consideration by the respective planning authorities.”

4.0 CONSULTATION
4.1 General public consultation is being carried out by the South Worcestershire Development Plan team.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES
5.1 The saved policies of the adopted Tewkesbury Borough Local Plan (2006)
   Tewkesbury Borough Interim Housing Strategy 2010-12
   Emerging Joint Core Strategy

6.0 RELEVANT GOVERNMENT POLICIES
6.1 Draft West Midlands Regional Spatial Strategy
   National Planning Policy Framework (2011)

7.0 RESOURCE IMPLICATIONS (Human/Property)
7.1 None

8.0 SUSTAINABILITY IMPLICATIONATIONS (Social/Community Safety/Cultural/ Economic/ Environment)
8.1 Development to the north of Tewkesbury and in Bredon could impact on facilities and infrastructure in Tewkesbury.
   The South Worcestershire Development Plan is supported by a sustainability appraisal.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)
9.1 The impacts on Equalities and Human Rights will need to be considered by the South Worcestershire Development Plan Team in preparation of the plan.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS
10.1 Executive Committee decision 9 November 2011:
    That the South Worcestershire Development Plan Team be informed that Tewkesbury Borough Council:
    • Supports the South Worcestershire Preferred Options consultation document to guide development in the area and provide some certainty on the future growth of the smaller settlements;
    • Strongly supports the Development Strategy which seeks to avoid increasing peak flood levels downstream of the South Worcestershire area and includes appropriate sustainable drainage systems and maintains or reduces surface water run-off rates;
    • Requests the South Worcestershire Development Plan and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Teams continue to discuss cross boundary matters and for these discussions to be reported to the South Worcestershire Joint Advisory Panel and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Member Steering Group;
    • Supports the approach adopted by the South Worcestershire Development Plan Team in preparation of the Preferred Options Development Plan Document and agrees that, at this point in time, the ‘land at Mitton’ is not required to meet development needs of the South Worcestershire area. If this area is required to meet an identified need in the future for either South Worcestershire or the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy then it should only be brought forward for development as part of a Statutory Development Plan and any proposal should address issues relating to flood risk management and impacts upon services and infrastructure in Tewkesbury Town.

Executive Committee decision 7 April 2010:
That the South Worcestershire Joint Planning Unit (SWJPU) be informed that Tewkesbury Borough Council:

• Supports the development of the site allocations development plan document to guide development in the area and provide some certainty on the future development of the smaller settlements.

• Strongly supports the inclusion of appropriate urban drainage solutions in all development with the Severn, Avon and Isbourne catchment areas to include water storage and attenuation measures as appropriate.

• Strongly supports the provision of key infrastructure to support all allocations including contributions to primary services accessed by residents such as health, education and leisure, regardless of administrative boundaries.

• Requests that the South Worcestershire Planning Unit and Joint Core Strategy team lobby Gloucestershire and Worcestershire County Councils to ensure that residents of ‘Category 1’ villages, and specifically Bredon and Broadway, are able to access key services by public transport, regardless of administrative boundaries.

• Requests the SWJPU and Joint Core Strategy teams meet to discuss cross boundary implications and for this discussion to be reported to the Joint Core Strategy Member Steering Group and South Worcestershire Joint Advisory Panel.

2. Tewkesbury Borough Council considers that development of ‘Land at Mitton’ is unacceptable. Development in this location is over and above the proposed housing requirements set out in the draft Regional Spatial Strategy for the South West. Tewkesbury Borough Council would object to any proposals for development in this location. Development of Land North of Tewkesbury would impact on services and facilities of the Town. Critically it would have a negative impact on existing flood issues in this area and an adverse impact on the flood plain.

Background Paper: South Worcestershire Joint Core Strategy – Significant Changes to the Preferred Option – July 2012


Contact Officer: Alys Thomas
Assistant Policy Planner
01684 272027 / alys.thomas@tewkesbury.gov.uk

Appendices: N/A
Appendix A5

History of relationship with Stratford on Avon District Council in relation to development between Stratford upon Avon and Long Marston

Under the NPPF Duty to Co-operate (paragraph 54, 178, 182), in preparing the SWDP the councils have sought the views of Stratford District Council (SDC).

SDC officers have indicated in correspondence (February 2013) to the SWDP partner authorities that there has been no need for SDC to make formal representations to the SWDP process for provision to be made to meet any of the district’s development needs in the SWDP.

Furthermore, there are no strategic cross-boundary issues affecting SDC that have not been taken into account in the SWDP. On this basis it is apparent that there is no need for the Long Marston development in the context of the Duty to Co-operate.
Appendix A6

Statements from Other Authorities

Authorities sending statements in respect of the South Worcestershire authorities' discharge of their Duty to Co-operate:

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<td>Stratford on Avon District Council</td>
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Our Ref PP250G/ConsultMat/Lett/Letters/FD/EG

To Planning Policy Managers
- Bromsgrove District Council
- Cotswold District Council
- Gloucestershire County Council
- Gloucester City Council
- Herefordshire Council
- Redditch Borough Council
- Stratford on Avon District Council
- Forest of Dean
- Tewkesbury District Council
- Worcestershire County Council
- Cheltenham Borough Council
- Wyre Forest District Council
- Warwickshire County Council
- Shropshire Council

Dear Sir/Madam

South Worcestershire Development Plan (SWDP)
Localism Act (2011), Section 110 Duty to Co-operate

The purpose of this letter is as follows. First, to confirm the latest position with respect to the SWDP. Second, to seek confirmation whether there is any need for formal confirmation regarding the Duty to Co-operate.

Malvern Hills District Council and Worcester Council will be considering a draft pre-submission SWDP on 10 December 2012. Wychavon District Council will be considering the document on 18 December 2012. The papers for these meetings can all be found at www.swdevelopmentplan.org (http://www.swdevelopmentplan.org/?page_id=3799).

If all three Councils approve the document at this stage it will then be subjected to a six week representations procedure to draw views on legal compliance and soundness. It is anticipated that this will take place from 11 January 2013. Assuming that the representations do not necessitate further changes to the SWDP we will submit it to the Secretary of State in the spring.

The SWDP to be considered on the 10/18 December sets out the three participating Councils’ position with respect to the Duty to Co-operate. The plan does not identify any land within your administrative areas for our development requirements. Similarly we are not aware of any formal request or representation to allocate any land within the SWDP area to meet your...
development requisition. In coming to this view we believe that the SWDP does take account of significant cross-boundary issues which have been subjected to both formal consultation procedures and more informal contact between our authorities.

The above position needs to be formally ratified by all named Councils if we are to demonstrate to the Planning Inspectorate, that we have satisfied the Legal Duty to Co-operate. Could you please respond to me, paul.bayliss@wychavon.gov.uk, by **Wednesday 9 January 2013** to confirm this position.

Please do not hesitate to contact me if you require any further clarification with regard to this matter.

Yours faithfully

Paul Bayliss  
Project Manager  
South Worcestershire Development Plan  
01386 8666334
Dear Mr P Bayliss

Further to your letter regarding the South Worcestershire Development Plan and the requirement for cooperation with the County Council, I am pleased to write to confirm our past and continued involvement in the preparation of the plan.

The County Council has a high level, strategic interest in the South Worcestershire Development Plan and has been involved in the preparation of the Plan as an informal partner throughout its preparation. Most notably:

1. Officers from the County Council have been invited to and attended the Officer Steering Group throughout.

2. The County Council has had informal elected member representation on the South Worcestershire Joint Advisory Panel.

3. The County Council has helped the South Worcestershire Authorities prepare their evidence base and supported them in developing policies which have a strategic element (for example green infrastructure).

In its role as the Strategic Authority, the County Council has ensured synergies between the local and the strategic level are identified and exploited through regular communication and liaison between the South Worcestershire Authorities and strategic forums such as the Place Shaping Group.
The South Worcestershire Authorities and the County Council have also developed a joint evidence
base, both through sharing individual work (for example infrastructure evidence) and through
shared procurement of advice (for example the CIL viability study). This ensures that planning at the
local and strategic level is consistent and coordinated.

Worcestershire County Council will continue to work with the South Worcestershire Authorities
through to examination and beyond, to ensure the successful adoption and implementation of the
development plan.

Yours Sincerely,

Dale Bristow

Dale Bristow
Strategic Planning and
Environmental Policy Manager
Dear Paul

South Worcestershire Development Plan – Section 110 Duty to Co-operate
Thank you for your letter regarding the above and for the update with regard to the latest position on the SWDP. The District Council supports the SWDP in its next stage of progression towards its submission. It is considered crucial to have an up-to-date planning framework in place to avoid the threat of unplanned development by appeal, the effects of which would also impact on adjoining Local Authorities.

As requested in your letter, I can confirm that we have not submitted any previous representations to the SWDP requesting an allocation of land within your administrative area to meet Wyre Forest District’s future development needs.

Officers of the District Councils have held a number of meetings to discuss strategic cross boundary issues under the Duty to Co-operate and we are therefore in general agreement that the SWDP does not raise any significant areas of concern. Indeed we have submitted previous representations to the SWDP supporting the reduced housing allocations in Great Witley, Abberley and Clows Top which we consider to be a more sustainable approach.

As previously raised under our Duty to Co-operate discussions, the District Council would not be supportive of an allocation of land to the south of Stourport-on-Severn in the Astley Cross area. We understand that should the SWDP not progress through to submission, then the risk of a speculative planning application for this area would be heightened. The District Council would strongly object to such an application as it would be considered contrary to our Adopted Core Strategy. It is also considered that the pressure on local services would impact most significantly on Stourport-on-Severn and more specifically Areyles Kings.

continued/...

Economic Prosperity and Place Directorate
Wyre Forest House
Finepoint Way
Kidderminster
Worcs DY11 7WF

Mike Parker, Director of Economic Prosperity and Place
Finally, it is noted that under Policy SWDP 17 it is the intention of both Malvern Hills District Council and Worcester City Council to produce separate DPDs for Gypsy, Traveller and Travelling Show people pitch provision. The District Council wishes to reserve the right to comment on these DPDs under the Duty to Co-operate requirements.

Yours sincerely

Rebecca Mayman
Planning Policy Manager
ITEM 11 SOUTH WORCESTERSHIRE DEVELOPMENT PLAN: SIGNIFICANT CHANGES TO THE PREFERRED OPTIONS

ACTION RESOLVED:
That the South Worcestershire Development Plan Team be informed that Tewkesbury Borough Council:

- supports the South Worcestershire Significant Changes to the Preferred Options consultation document to guide development in the area and provide some certainty on the future growth of the smaller settlements;
- requests that the South Worcestershire Development Plan (SWDP) and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) Teams continue to discuss cross boundary matters;
- advises the SWDP Team that the level of objectively assessed need for the JCS area is currently being considered by the JCS Councils to inform the Preferred Option document for the JCS. Until this work has been completed, it is not possible to confirm that the development required by the JCS area can all be met within its boundaries; and
- supports the approach adopted by the South Worcestershire Development Plan Team in preparation of the Significant Changes to the Preferred Options Development Plan document and agrees that, at this point in time, the ‘land at Mitton’ is not required to meet the development needs of the South Worcestershire area. If this area is required to meet an identified need in the future for either South Worcestershire or the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy
- then it should only be brought forward for development as part of a statutory Development Plan and any proposal should address issues relating to flood risk management and impacts upon services and infrastructure in Tewkesbury Town.

Subject to call-in period - No - Decision taken as a matter of urgency under Scrutiny Rule of Procedure 15.1 as there would be no time for the call-in period to expire before the consultation period ends and comments need to be made.

Extract:

Gloucester City Council Response

3.8 Members are advised that it is appropriate to respond to the SWDP in respect of the Significant Change proposed to SWDP2 on that basis that amended text be supported in respect of embracing the requirements of the NPPF and the need to be sound and robust in fully considering any unmet need from that contained within adjoining development plans. The amendment in respect of this issue is supported and welcomed.

3.9 However, the City Council should make the SWDP authorities aware that the JCS authorities are yet to identify and confirm the objectively assessed development needs for the JCS area and any distribution of that need. On that basis, the SWDP authorities are correct in that the JCS authorities did not previously request that unmet need from the JCS area be accommodated within South Worcestershire and that no evidence was provided to the SWDP authorities at the time. The City Council’s position, however, is that without an agreed objectively assessed development need figure for the JCS area it has not been possible to provide that evidence to the SWDP authorities. This is still the case.

3.10 On this basis and without this evidence from the JCS authorities the City Council is of the opinion that the SWDP cannot reach the conclusion in respect of the development needs of the JCS area, particularly from their own representations to the Joint Core Strategy Preferred Options document seeking further clarification on this matter as below.

‘That clarification is provided in the Preferred Options on the location of specific sites to the north of Tewkesbury referenced under Theme 2 of Phase 2 growth 2012-2030 and Proposed Policy JCSA’

3.11 The City Council is therefore of the opinion that the SWDP authorities should continue to work diligently with the JCS authorities and ensure that the SWDP remains flexible in respect to cross boundary needs and option appraisals until the JCS authorities have established the objectively assessed development needs for the JCS area and a preferred distribution of that need.

3.12 The City Council considers this an important issue for the SWDP authorities particularly should they continue to maintain their objection to the Joint Core Strategy Developing the Preferred Option Document content where they are seeking a significant reduction of 600 houses at this location to that contained within the document.

6.0 Future Work and Conclusions

6.1 To continue to work collaboratively with the SWDP authorities in producing the Joint Core Strategy to examination under the duty to co-operate.

Full Committee Report can be found at: http://democracy.gloucester.gov.uk/documents/s21289/Response%20to%20South%20Worcestershire%20Development%20Plan%20Consultation.pdf
Mr P Bayliss  
South Worcestershire Development Plan  
Orchard House  
Farrier Street  
Worcester  
WR1 3BB

Places & Communities  
Geoff Hughes

Your Ref:  
Our Ref:  
Please ask for:  
Direct Line / Extension: 01432 260137  
Fax: 01432 363031  
E-mail: ks1@herefordshire.gov.uk

3 January, 2013

Dear Paul

South Worcestershire Development Plan (SWDP) - Localism Act (2011), Section 110  
Duty to Co-operate

Thank you for your letter emailed to Herefordshire Council on 7th December 2012.

I can confirm that Herefordshire Council have been kept informed of the progress of SWDP throughout its preparation through formal consultation and informal discussions. In respect of the preparation of the plan, Herefordshire Council recognises that the plan does not identify any land within the administrative area of Herefordshire Council. In addition, I can confirm that Herefordshire Council have not made any representation to identify any land within the SWDP area to meet Herefordshire Council’s development requirements.

Yours sincerely

KEVIN SINGLETON  
TEAM LEADER LEADER STRATEGIC PLANNING

Working in partnership for the people of Herefordshire  
P O Box 4, Plough Lane, Hereford HR4 0XH
Herefordshire Council Main Switchboard (01432) 260000, www.herefordshire.gov.uk  
NHS Herefordshire Main Switchboard (01432) 344344, www.herefordshire.nhs.uk
Paul Bayliss  
Project Manager  
South Worcestershire Development Plan  

4th January 2013

Dear Paul

**South Worcestershire Development Plan (SWDP)**  
**Localism Act (2011), Section 110 Duty to Co-operate**

I write in response to your letter concerning the above, I can confirm that based on the South Worcestershire Development Plan as currently drafted Bromsgrove District Council does not share any significant cross boundary issues with any of the Districts preparing the plan. As such we believe the requirements in respect of cooperation on strategic matters as outlined in section 110 of the Localism Act have been met. However the Council reserves the right to withdraw this support should changes be made to any part of the plan which subsequently creates a significant impact on Bromsgrove District.

Please do not hesitate to contact me if you require any further clarification with regard to this matter.

Yours sincerely

Mike Dunphy  
Strategic Planning Manager  
Planning and Regeneration  
Bromsgrove District Council
From: Joanne Billingham [mailto:joanne.billingham@cotswold.gov.uk]
Sent: 03 January 2013 11:25
To: Godwin, Elaine
Cc: Chris Vickery; Lesley A. Davies
Subject: South Worcestershire Development Plan: Location Act (2011), Section 110 Duty to Cooperate

FAO Paul Bayliss,

South Worcestershire Development Plan Localism Act 2011, Section 110 Duty to Cooperate.

Further to your letter of 7th December 2012, I can confirm that various discussions have taken place regarding the SWDP between our Councils and that Cotswold District Council considers that the Duty to Cooperate has been met.

Please contact me if you have any questions on this.

Regards,

Jo Billingham

---

Joanne Billingham  
Principal Planning Policy Officer  
Forward Planning  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 7PX  
Tel: 01285 623000  
Fax: 01285 623900
Paul Bayliss  
Project Manager  
South Worcestershire Development Plan  
Orchard House  
Farrier Street  
Worcester  
WR1 3BB

03 January 2013

Dear Paul,

**South Worcestershire Development Plan (SWDP)**  
**Localism Act (2011), Section 110 Duty to Co-operate**

Thank you for your letter in respect of the South Worcestershire Development Plan and in particular the Duty to Co-operate as part of the plan process.

I can confirm that we have been party to all consultations and have had up till now, no concerns regarding cross boundary issues nor any requirements to allocate sites outside the county boundary. Neither are we aware of any development planned within Warwickshire to provide development needs from outside the county.

Consequently, we are in agreement with your Duty to Cooperate statement. However, we would appreciate being consulted on any future change to this position.

If you require any further information please contact Tony Lyons on 01926 412391 or, via e-mail, at tonylyons@warwickshire.gov.uk

Yours Sincerely

Tony Lyons  
Principal Planning Officer  
Planning Policy
Hello Paul

Thank you for consulting Gloucestershire County Council (GCC) on the above topic. I can confirm that Gloucestershire County Council has not requested any land to be allocated within the South Worcestershire Development Plan area to meet its development requisition. Also, I can confirm that GCC has been consulted at various stages of the Plan’s production.

If you require any further information or clarification on this matter please do not hesitate to contact me.

Thank you

Rob Niblett
Planning Officer
Paul Bayliss
Project Manager
South Worcestershire Dev Plan
Derby House
Furzer Street
Worcester
WR1 3R5

Dear Mr Bayliss

South Worcestershire Development Plan
Localism Act (2011), Section 110 Duty to Co-operate

Thank you for your letter on this subject.

I can confirm the following:

1. Stratford-upon-Avon District Council has not made a formal request or representation for provision to be made to meet any of its development requirements in the SWDP area.

2. There are no strategic cross-boundary issues affecting Stratford-upon-Avon District that have not been taken into account in the SWDP.

I trust this is helpful.

Yours sincerely,

Paul Harris
Policy Planner
Appendix A

Statements from Statutory Consultees

Statutory consultees sending statements in respect of the South Worcestershire authorities’ discharge of their Duty to Co-operate:

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<td>Office of Rail Regulation</td>
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Dear Paul,

On behalf of South Worcestershire Clinical Commissioning Group I write to confirm that, from our perspective, we are satisfied that you have met the requirements outlined in your letter dated 25th February 2013 and titled “South Worcestershire Development Plan (SWDP) Localism Act (2011), Section 110 - Duty to Co-operate”.

Yours sincerely

David Mehaffey
Director of Strategy
NHS South Worcestershire Clinical Commissioning Group
Wildwood | Worcester | WR5 2LG

Mobile: 07711 386838
david.mehaffey@worcestershire.nhs.uk

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From: Howell, Serena [mailto:Serena.Howell@highways.gsi.gov.uk]
Sent: Wednesday, February 27, 2013 02:15 PM
To: Bayliss, Paul
Subject: RE: South Worcestershire Development Plan (SWDP) Localism Act (2011), Section 110 - Duty to Co-operate

Paul

Further to Elaine’s email of the 25th Feb, I would like to confirm that the South Worcestershire planning authorities have consulted the Highways Agency and asked for input at the key steps in the plan making process.

Regards

Serena Howell, Asset Manager
Highways Agency | The Cube | 199 Wharfside Street | Birmingham | B1 1RN
Tel: +44 (0) 121 6788446 | Mobile: + 44 (0) 7760 171584
Web: http://www.highways.gov.uk
GTN: 6189 8446

Safe roads, reliable journeys, informed travellers
Highways Agency, an executive agency of the Department for Transport
Dear Paul,

Thank you for your letter regarding the Localism Act 2011 Section 110 Duty To Co-operate. Whilst we are not a statutory body under the meaning of the Act we have been engaged in the SWDP process since the very early stages of the SWJCS and we are pleased to confirm that in our experience the three councils have discharged their duty to co-operate efficiently and effectively. We have been pleased to be involved in the ‘team-working’ approach used by the councils and we consider that that inclusive attitude has improved the plan considerably. In that light we consider that the SWDP is sound in terms of meeting the requirements of section 110.

I hope that these comments are of use to you but please don’t hesitate to contact us again if we can be of further assistance.

Best Wishes,

Steve

Steve Bloomfield
Conservation Officer - Planning
Dear Mr Bayliss

Planning Consultation: South Worcestershire Development Plan

Thank you for your consultation on the above document which was received by Natural England on 25 February 2013

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England can confirm that you have sought our cooperation and guidance through the planning process and have prepared a plan that responds effectively to the issues affecting the natural environment. We are therefore satisfied that your council's Duty to Cooperate has been satisfactorily discharged as far as our interests are concerned.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 0300 060 1524. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Roslyn Deeming
Land Use Adviser
Dear Paul

Thank you for your letter dated 25 February 2013 regarding the Duty to Co-operate under Section 110 of the Localism Act. Your letter has asked that we confirm that you have met the requirements of the Duty to co-operate and that the SWDP is a sound document.

As you know we have made representations indicating we consider the SWDP in its current form is unsound on a number of issues. As such, we cannot confirm the point on soundness at this stage. However with regards to the requirements of the Duty to co-operate, we consider that the plan process and consultation to date has been undertaken in the spirit intended under the Duty to Co-operate. You have engaged in consultation with us throughout the process. There was a period during the early stages of the scoping of the additional SFRA work where additional/closer consultation would have been beneficial, and we consider that the soundness issues we have raised are an inevitable consequence of the very challenging timescales you had to produce the submission document in the context of changing site allocations and the need to produce the evidence base to support those.

I have been in discussions with Fred Davies about the way forward to resolve and address the soundness issues we have raised and am encouraged that resolutions to the issues seem achievable and welcome that you are working towards this. I would also stress that we welcome your willingness to engage with us and the issues we have raised despite the fact that unfortunately our representation was technically a late submission being approximately 30 minutes after the 5pm deadline. I anticipate that discussions will be on-going and we are very keen to give whatever support we can to assist in this process ahead of the Examination in Public. This on-going liaison again demonstrates that the plan process has been undertaken in accordance with the spirit intended, and the requirements of, the Duty to Co-operate.

To conclude, we can confirm we consider you have met with the requirements of the Duty to Co-operate. At this stage we cannot confirm we find the plan sound, but we are confident that by working together over the coming months we can reach satisfactory resolution of the outstanding issues.

I trust this email will assist as a response to your 25 February letter, but please do not hesitate to contact me if there are any queries.

I look forward to further communication with you and your team in the near future.

Kind regards,
Ruth.

Ms Ruth Clare MRTPI, AIEMA.
Planning Technical Specialist
Sustainable Places
Environment Agency, Midlands Region, West Area, Riversmeet House, Newtown Industrial Estate, Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG
direct telephone: 01684 864383
fax: 01684 293599
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Dear Mr Bayliss

Thank you for your letter dated 25 February 2013 regarding the duty to co-operate. As you are aware, English Heritage is listed as one of the “prescribed” bodies relating to the Duty to Co-operate on the planning of sustainable development. This requires those bodies listed as “prescribed”, together with local planning authorities, to co-operate with one another constructively, actively and on an ongoing basis in the preparation of development plans in relation to strategic matters.

In reaching our decision on the Plan in question (South Worcestershire Development Plan - Draft Submission), we have taken account of the extent to which the South Worcestershire councils and English Heritage have engaged in the preparation of the document and your response to any strategic issues which we may have raised.

As a statutory consultee, we consider that the councils has consulted with and, where appropriate, provided sufficient opportunities to engage with English Heritage at all stages in the preparation of the local plan and its accompanying Sustainability Appraisal. In particular, English Heritage welcomes the establishment of the Heritage Working Group to help develop the Plan's policies on the historic environment. We are also satisfied that the Councils have taken proper account of our comments on strategic issues in formulating the document now under consideration.

In conclusion and bearing in mind that the duty to cooperate is ongoing we consider that English Heritage has been suitably engaged to date in the preparation of the local plan to its draft submission stage and that insofar as our organisation is concerned, has taken on board the strategic issues that we have raised and have included provisions in the local plan to address those issues. We would hope that in light of the ongoing duty, that we will be able to continue to work closely with the Council on any further changes to the Plan following Submission that may affect our interests and further to this the implementation of policies in support of a positive strategy for the conservation and enjoyment of south Worcestershire's historic environment.

Yours sincerely

Amanda Smith

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http://www.english-heritage.org.uk/professional/archives-and-collections/portico/
Dear Mr Bayliss

Thank you for your letter of 25th February.

I am sorry for the delay in responding, I can confirm that you have consulted on the SWDP with the Office of Rail Regulation (ORR).

For future reference ORR only needs to be consulted if a planning application or transport plan impacts or makes reference to the railway or tramway.

Yours sincerely

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