

Record of officer decision

Decision title:	Duty to Co-operate in relation to aggregate minerals and waste matters between Powys Council and Herefordshire Council
Date of decision:	1 April 2020
Decision maker:	Marc Willimont – Acting Assistant Director for Regulatory Environment and Waste, Economy and Place.
Authority for delegated decision:	<p>Within the Scheme of Delegation point 65.</p> <p>To act on behalf of Herefordshire Council in respect of all land use planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments, including: the Town and Country Planning (Development Plan) Regulations 1991.</p>
Wards:	All
Consultation:	<p>Consultation has been, and will continue to be, carried out by Herefordshire Council on the emerging Minerals and Waste Local Plan (development plan document) and its supporting evidence, in line with the Town and Country Planning (Local Planning) (England) regulations 2012) (as amended).</p> <p>In addition, there has been ongoing cooperation between Herefordshire Council and Powys Council (and other bodies) on matters relating to minerals and waste planning policy production, in line with the Duty to Cooperate requirements. These are set out in: the Localism Act 2011; section 33A of the Planning & Compulsory Purchase Act 2004; and Part 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012.</p>
Decision made:	To agree to be a signatory to the Memorandum of Understanding between Herefordshire Council and Powys Council in relation to the production of aggregate minerals and waste planning policies and associated evidence documents in both local planning authorities.
Reasons for decision:	<p>Government requires neighbouring local authorities, other planning authorities and prescribed bodies to co-operate on strategic planning matters and to agree on these matters in order to demonstrate effective and on-going joint working by strategic plan-making authorities.</p> <p>Any strategic and other cross-boundary matters should be identified in any signed agreements, as should the cooperation between plan making authorities in addressing any such issues.</p> <p>This Memorandum of Understanding demonstrates how Herefordshire Council and Powys Council have co-operated and sets out how strategic matters will be addressed through future planning policy development, following this co-</p>

	<p>operation. By being a signatory, Herefordshire Council is giving a public commitment that the duty to cooperate has been fulfilled, that effective joint-working on cross-boundary strategic matters has taken place, and that the strategic matters have been addressed rather than deferred. This MoU could be used as a pre-cursor to any identified future need for a Statement of Common Ground with Powys Council and any other relevant bodies.</p> <p>This agreement will not prevent Herefordshire Council or Powys Council from making representations to their respective minerals or waste plans or from participating at either authority's examinations in public.</p> <p>Strategic cross boundary issues, in this instance, relate to minerals provision, the safeguarding of mineral resources and their associated infrastructure. Herefordshire Council has worked, and will continue to work with Powys Council on these matters. Whilst at present, there are no strategic matters of concern, should any issues arise at future stages of the emerging MWLP or in relation to emerging minerals or waste plans in Powys, then these will be addressed as part of the ongoing duty to cooperate requirements.</p>
Highlight any associated risks/finance/legal/equality considerations:	This decision will enable Herefordshire Council to meet the requirements of Government's planning policy and to ensure effective strategic planning of aggregate minerals and waste matters.
Details of any alternative options considered and rejected:	<p>Not to be a signatory to this Herefordshire/Powys memorandum of understanding.</p> <p>This is not considered to be a viable option. Officers have worked closely with our neighbouring minerals planning authorities, including Powys, for many years and there are no strategic or other minerals planning issues on which there is disagreement.</p> <p>Not to sign would mean that Herefordshire Council has failed to meet the requirements of the duty to cooperate and this would not only damage its reputation, but could also cause the emerging Minerals and Waste Local Plan to fail to meet these statutory obligations and it could subsequently be found to be unsound at the examination in public.</p>
Details of any declarations of interest made:	None

Marc Willimont

Acting Assistant Director for Regulatory Environment and Waste