

Proposed Submission Version Local Plan

Duty to Cooperate Statement

March 2019



1. Introduction

Purpose of the Document

- 1.1 This document demonstrates how Warrington Borough Council has cooperated with neighbouring Local Planning Authorities and other public bodies, known as ‘prescribed bodies’ in the preparation of its Local Plan.
- 1.2 The document sets out the context of the Duty to Co-operate, the actions that Warrington Borough Council has taken to meet its duty and to ensure that the Plan’s policies address strategic issues identified by either neighbouring Local Planning Authorities or prescribed bodies.
- 1.3 The Council has prepared a separate draft Statement of Common Ground which provides a written record of the progress made by the Council in planning for strategic cross-boundary matters.
- 1.4 As part of the evidence base documents for the Proposed Submission Version Local Plan consultation, the Council will publish all minutes from meetings with neighbouring authorities, as well as other bodies that the Council has liaised with during the preparation of the Local Plan, together with all relevant correspondence.

What is the Duty to Cooperate?

- 1.3 The Duty to Cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004 which governs plan-making. It places a legal duty on Local Planning Authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. Its requirements are over and above the requirements for local planning authorities to consult with specific consultation bodies when preparing Local Plans in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.4 The Duty to Cooperate is a legal compliance test of Plan-making and Local Planning Authorities must demonstrate how they have complied with the duty. If a planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further at examination.
- 1.5 Cooperating on cross-boundary strategic priorities is also required in meeting the ‘Effective’ test of soundness as set out in paragraph 35 of the National Planning Policy Framework (NPPF) (2019).

The Localism Act

- 1.6 The Duty to Cooperate, as set out in the Localism Act, requires Local Planning Authorities to “engage constructively, actively and on an on-going basis”, on the preparation of local plans “so far as relating to a strategic matter”. Strategic matters are defined as:
 - Sustainable development or use of land that would have a significant impact on at least two local planning areas including use of land in connection with infrastructure that is strategic; and

- Sustainable development or use of land in a two tier areas if the development or use is a county matter or would have a significant impact on a county matter.
- 1.7 The duty requires that councils set out planning policies to address such issues and requires them to consider joint approaches to Plan-making.

National Planning Policy Framework

- 1.8 The NPPF 2019 reinforces the Localism Act and sets out what is expected to ensure Local Planning Authorities work collaboratively with other bodies to properly coordinate activity on strategic priorities across administrative boundaries. The NPPF states that Local Planning Authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for Examination.
- 1.9 Paragraph 20 of the NPPF sets out the strategic issues where cooperation might be appropriate, which are:
- Housing (including affordable housing), employment, retail, leisure and other commercial development;
 - Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy;
 - Community facilities; and
 - Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 1.10 In addition, the NPPF sets out the need to work collaboratively with Local Enterprise Partnerships, Local Nature Partnerships, private sector bodies and utility and infrastructure providers in order to deliver sustainable development.
- 1.11 Cooperation is intended to be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

2. Duty to Cooperate Bodies

Prescribed Bodies

- 2.1 The Localism Act 2011, as amended, sets out the bodies covered by the Duty to Cooperate, a number of whom are 'prescribed'. These organisations are required to cooperate with Local Planning Authorities and the other prescribed bodies in relation to local plans in so far as they relate to strategic matters. These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital to make local plans as effective as possible. These requirements are over and above the requirements for local planning authorities to consult with a number of these bodies when preparing Local Plans under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 The Council has engaged with the following "prescribed bodies" in the preparation of the Local Plan:

- Environment Agency;
- Historic England;
- Natural England;
- Homes England;
- NHS Warrington Clinical Commissioning Group;
- Highways England;
- Civil Aviation Authority;
- Network Rail Infrastructure Limited; and
- Marine Management Organisation.

2.3 The Council has also engaged with the following additional ‘specific consultation bodies’

- Utility providers in respect of:
 - Gas;
 - Electric;
 - Sewage;
 - Water; and
 - Telecommunications
- The Coal Authority

2.4 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty but in accordance with Planning Practice Guidance the Council has engaged them in the preparation of the Plan and has had regard to their activities relevant to Local Plan-making.

2.5 The prescribed and other bodies have been consulted at all stages of the Plan preparation and where appropriate there has been more ‘in depth’ co-operation in the preparation of joint studies and evidence based documents. Co-operation with the prescribed bodies has been an integral part of the preparation of the Infrastructure Delivery Plan (IDP) that sits alongside the Local Plan.

2.6 Where draft policies within the Proposed Submission Version Local Plan have the potential to impact upon the operation or area of interest of the prescribed and additional specific consultation bodies, these policies have been shared and the opportunity to comment has been provided.

Other Local Authorities

2.7 The Duty to Co-operate also extends and applies to neighbouring Local Planning Authorities. The following Local Planning Authorities have been engaged with the preparation of the Local Plan:

- Cheshire East Council;
- Cheshire West & Chester Council;
- Halton Borough Council;
- Salford City Council;
- St Helens Council;
- Trafford Council;
- Wigan Council,
- Greater Manchester Combined Authority (GMCA);
- Liverpool City Region Combined Authority (LCRCA).

- 2.8 The Council has been in regular dialogue with its neighbouring authorities throughout the development of its Local Plan and their Plans. This has been in the form of formal Duty to Co-operate meetings, e-mails and correspondence on specific issues. Where appropriate, joint evidence base documents have been prepared.
- 2.9 Where draft policies within the Proposed Submission Version Local Plan have the potential to impact upon adjoining neighbouring authorities, these policies have been shared and the opportunity to comment has been provided.
- 2.10 Where strategic issues have been identified which require agreement or ongoing joint working with another local authority and/or statutory consultee, the Council has included these issues together with the appropriate agreement and or required actions within its draft Statement of Common Ground.