

## Memorandum of Understanding between the Berkshire Unitary Authorities on Strategic Planning and the “Duty to Co-operate” on Planning Matters in Berkshire.

As single tier authorities, the six Berkshire unitary authorities are both local and strategic planning authorities for their areas. The Localism Act 2011 brings significant changes to strategic planning in England. Strategic planning remains an essential part of the planning system. The Act provides for a bottom up approach to strategic planning in a local area through the “duty to co-operate.”

The Act sets out that a local planning authority has a duty to co-operate by:

*“engaging constructively, actively and on an on-going basis in the preparation of development plan and other documents and in activities that can reasonably be considered to prepare the way for the preparation of such documents for strategic matters.”*

The requirements of the Localism Act are complemented by the guidance in paragraphs 178-181 of the National Planning Policy Framework (NPPF), although these are additional to those within the Act. The NPPF includes reference to local authorities considering agreements on joint approaches to the undertaking of activities and to considering whether to agree to prepare joint local development documents. The duty involves a continuous process of engagement from initial thinking through to implementation. It should result in meeting development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.

The Duty to Co-operate has become the first matter that is tested at a local plan examination. Failure to co-operate will result in delay and increased costs in bringing forward up to date local plans thereby increasing the risks at planning appeals.

In the light of the duty the Berkshire Unitary Authorities have formulated and agreed the following memorandum of understanding:

- A. **Agreeing Strategic/Cross Boundary Issues:**The authorities will endeavour to agree appropriate Berkshire, or part of Berkshire, baseline positions on relevant strategic planning matters as a starting point for the potential development of strategic planning policies for all or part of Berkshire.
- B. **Joint Evidence Base:**The authorities will develop an evidence base that provides potential for sharing across authorities where it is prudent and appropriate to do so relating to strategic planning matters. This might include issues such as demographics, population projections, housing market assessments, gypsy and traveller needs, employment, retail and transport studies, infrastructure plans, minerals and waste (see separate Memorandum of Understanding), strategic environmental and green infrastructure, decentralised energy infrastructure and other issues of cross

boundary interest. This could include the joint commissioning by two or more Berkshire authorities of studies into these matters.

- C. **Other Authorities Plans:**Where it will add weight, the authorities will consider, assess and make joint representations on the strategic aspects of local plans prepared by authorities adjoining Berkshire, especially on minerals and waste matters;
- D. **Joint Strategies:**The authorities will consider opportunities to develop joint strategies and deliver agreed or joint positions or policies in relation to specific topics or development needs where the evidence demonstrates that this is appropriate, (e.g. planning for the SPA or AWE).
- E. **Statements of Common Ground:**The authorities will involve their neighbouring authorities and other partner organisations (e.g. the Berkshire LEP, Environment Agency, Highways Authority, etc.) to which the duty to co-operate applies in the identification of issues and options, in resolving objections and preparing statements of common ground in relation to the preparation of individual local plan documents and other planning policy documents.

The operation of this Memorandum of Understanding will be the responsibility of Berkshire Development Plans Group (DPG), reporting to the Berkshire Heads of Planning (BHoP). In turn, BHoP will periodically (at least once a year) keep Lead Councillors informed on how mechanisms for fulfilling the duty to co-operate are progressing and being taken forward.

This Memorandum of Understanding provides a framework for joint working between the Berkshire authorities and it allows refined Agreements to be agreed between individual authorities on specific areas where they consider it appropriate.

Signed:

Bracknell Forest Borough Council



Royal Borough of Windsor and Maidenhead

West Berkshire Council

Reading Borough Council

Slough Borough Council.

Wokingham Borough Council

*3rd December 2014*