

**Redditch Borough Council**

Town Hall, tel: (01527) 64252  
Walter Stranz Square, fax: (01527) 65216  
Redditch, minicom: 595528  
Worcestershire B98 8AH dx: 19016 Redditch

Councillor R. Hollingworth  
Leader of the Council  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcestershire  
B60 1AA

Councillor Bill Hartnett  
Leader of the Council  
Redditch Borough Council

Thursday 5<sup>th</sup> July 2012

Dear Roger,

**Duty to Co-operate – Bromsgrove District Council and Redditch Borough Council**

The Localism Act (S. 110) inserted a new section into the Planning and Compensation Act 2004 (S. 33A) called the 'Duty to Co-operate'. The 'Duty to Co-operate' is a legal obligation, which requires local authorities to co-operate with each other in relation to planning for sustainable development, in particular the preparation of development plan documents relating to a strategic matter.

The Act defines a strategic matter (within subsection 4) as "*sustainable development or use of land that has or would have a significant impact on at least two planning areas*".

As you are aware, Redditch Borough's boundary is very close to the existing urban area, therefore restricting the capacity of the Borough to sustainably accommodate all identified development need within its boundaries. Redditch Borough Council considers that development need which cannot be accommodated within the Borough boundary could be sustainably located to the north/ north-west of Redditch, in Bromsgrove District, preferably contiguous to the boundary.

The Duty to Co-operate is a legal requirement of the plan making process. Both authorities must address the Duty in order for the two emerging plans to be found 'sound' at examination.

The National Planning Policy Framework (NPPF) (paragraph 181) 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*'. In accordance with this, local authorities will have to provide evidence that they have complied with the legal duty. The Planning Advisory Service (PAS) has suggested that there are various forms of evidence that can be produced to demonstrate the compliance with the Duty to Co-operate including:

- Memorandum of understanding;
- Statement of common ground;
- Shared or common evidence bases;

- Agrees shared policies; and
- Joint plans

PAS advises that evidence should be as formal as possible and must be reasonable and proportionate.

It is important to address this issue as soon as possible in the plan making process. The Planning Inspectorate (PINS) has clearly stated that they are unable to assist Local Authorities in resolving problems with the Duty to Co-operate, and that all issues must be resolved before plans are submitted for examination. This is evidenced in their most recent involvement with the City of York Core Strategy. In this instance the Inspector felt that not enough work had been done to identify the cross boundary sites that would be critical to the delivery of the plan. As a result, the City of York intends to withdraw its Core Strategy in order to allow time to prepare the additional evidence required.

It is the intention of this letter to establish the first formal agreement of joint working under the new 'Duty to Co-operate'. It would be very helpful if you could respond in agreement to this letter in order to progress with the collation of joint evidence to underpin what I hope will be two 'sound' plans.

Please do not hesitate to contact me if you wish to discuss this further.

Kind regards

**Councillor Bill Hartnett**  
Leader of the Council  
Redditch Borough Council