

**The duty to cooperate**

*This is Appendix 7 to Document RSAP 5 the Pre-submission Consultations Statement*



1. The Localism Act came into effect in November 2011, after the work on preparing the Site Allocations Policies and Proposals Map had been completed. Section 110 of the Act inserted, with immediate effect, Section 33A into the Planning and Compulsory Purchase Act 2004. This is the new duty to cooperate in relation to planning of sustainable development.
2. Section 33A imposes a duty on the County Council, in preparing development plan documents, to engage constructively, actively and on an ongoing basis with other local planning authorities and other bodies, and to have regard to their activities which are relevant to the preparation of the document.
3. Such cooperation beyond administrative boundaries and with other bodies is particularly important for minerals and waste management matters. It has been an integral part of Cumbria County Council's approach in preparing the Minerals and Waste Development Framework.
4. In the earliest stages of preparing the plan, the County Council complied with the requirements for engaging with the three statutory consultation bodies with regard to the Sustainability Appraisal/Strategic Environmental Assessment. This involved the council in convening working group meetings with the Environment Agency, Natural England and English Heritage together with the Cumbria district councils and the Lake District National Park Authority. The group agreed the basic principles of the Sustainability Appraisal process.
5. Other contexts of formal cooperation have been provided by the County Council's engagement with the North West Regional Aggregates Working Party (RAWP) and, for waste planning matters, the Regional Technical Advisory Body (RTAB).
6. The members of the Aggregates Working Party include representatives of the minerals industries trade associations, Environment Agency, Highways Agency, Department of Communities and Local Government, the mineral planning authorities and, previously, Government Office for the North West. The members are listed in Appendix F of the RAWP Annual Report (Document reference LD177).
7. The main purpose of the RAWP is to monitor, and to keep in balance, the demand and supply patterns of land won primary aggregates, marine dredged aggregates and alternative aggregates. It does this by regular surveys of aggregate sales, planning permissions and consideration of national, regional and sub regional apportionments. The system of RAWPs has demonstrated its success since it was set up in the 1970's.
8. The RTAB provided advice on the preparation of the regional strategy for waste management and its implementation. The role and composition of an RTAB are set out in Annex D of Planning Policy Statement 10 – Planning for sustainable waste management (Document ND40). Following the abolition of

the regional planning body, and consequently the RTAB, the authorities, and others in the North West, have continued to engage regularly with each other in an informal waste network.

9. There is also an informal officer working group for minerals and waste matters in Local Development Frameworks with representatives of all the planning authorities in the North West. This is referred to as the North West Counties MWDF Group, which met quarterly during the preparation stages of Development Frameworks and continues but less frequently. A Cumbria representative also occasionally attends the similar Northern Counties Group.
10. In addition to consultations, joint meetings were held with industry stakeholders and with environmental bodies at stages during the preparation of the MWDF.
11. With regard to radioactive wastes, the County Council is actively engaged with the Local Government Association's Nuclear Legacy Advisory Forum. (NuLeAF).
12. This has involved representing NuLeAF on the Nuclear Decommissioning Authority's Low Level Waste Strategy Group, now renamed as Programme Delivery. This meets quarterly and by far the majority of its members are representatives from the industry and the other regulators. Cumbria CC representatives also attend the NuLeAF Radioactive Waste Steering Group and its Officer Working Group. These include local authority representatives from around the country and meetings frequently involve presentations from the industry and the other regulators.
13. Within Cumbria, the front loading process was focussed on the Council's network of Neighbourhood Forums and Local Committees and their public meetings, which are attended by district council representatives and a range of other organisations. Meetings with parish councils and others were held when requested.
14. The Cumbria local authorities have regular meetings of a Joint Planning Officers Group (JoPO). This is supported by a Development Plans Officer Group (DPOG) and Development Management Officers Group (DMOG). Relevant Local Development Framework matters are discussed at the meetings of these groups.
15. A tangible example of cooperation is that the County Council, Copeland Borough, Eden and South Lakeland Districts and the Lake District National Park Authority came together and jointly commissioned the Strategic Flood Risk Assessment for their Local Development Frameworks. The other three districts had already commenced theirs but all of the Cumbria authorities subsequently jointly updated the information in the Assessments.
16. Detailed discussions about potential sites were discussed with officers at each of the districts before the Site Allocations Policies were written. There have been similar discussions more recently about the Mineral Consultation Areas.

