

Cabinet, 15 October, 2014

Duty to cooperate Memorandum of Understanding between Cheshire East Borough Council and The Borough Council of Newcastle under Lyme.

Submitted by: Executive Director of Regeneration and Development

Portfolio: Planning and Assets

Ward(s) affected: All

Purpose of the Report

To advise Members, that the Council has agreed and signed a Memorandum of Understanding (MoU) between the Borough council, Stoke-on-Trent City Council and Cheshire East Borough Council, demonstrating the duty to cooperate, pursuant to section 33A of the Planning and Compulsory Purchase Act, 2004, for submission to the Examination in Public of Cheshire East Council's Local Plan Strategy.

Recommendations

1) That Cabinet note the action taken.

Reasons

The MoU has been submitted to Cheshire East Borough Council to form part of the evidence supporting the Submission version of the "Local Plan Strategy" (Cheshire East Local Plan) Examination in Public (which opened on 16 September 2014). There was insufficient time between officers agreeing the substantive content of the MoU and the start of the Examination in Public to bring a report for formal Cabinet approval; hence the reason why the MoU was signed by the relevant officer and Portfolio Holder in accordance with the provisions of the Council's Scheme of Delegation.

The matter does not make or change policy and therefore in accordance with the Council's Scheme of Delegation (appendix 4 of the Constitution relating to Matters of Urgency) any action taken as a 'matter of urgency,' shall be reported to the next available committee.

1.0 Background

- 1.1 Newcastle-under-Lyme Borough Council is a neighbouring Authority to Cheshire East Borough Council. The Duty to Co-operate Protocol is based on protecting the adopted strategy for the Borough, as set out in the Core Spatial Strategy, for the benefit of the area, existing businesses and residents and to ensure there are no unacceptable impacts on the borough as a result of the Cheshire East Local Plan Strategy.
- 1.2 In September 2014 the Executive Director Regeneration and Development consulted the Portfolio Holder for Planning and Assets in this matter based upon a report (copy attached at Appendix 2). It recommended the signing of a

Memorandum of Understanding between Cheshire East Council, Stoke on Trent City Council and Newcastle-under-Lyme Borough Council (Appendix 1) by the Executive Director of Regeneration and Development, the Portfolio Holder for Planning and Assets for submission to Cheshire East Council.

- 1.3 The report was duly considered and the recommendation was approved and implemented. The signed memorandum of Understanding now acts as evidence of the discussions which have taken place with Cheshire East Borough Council and provides a statement on the outstanding issues prior to Cheshire East Council's Local Plan strategy Examination in Public.

2.0 Appendices

1. The Cheshire East Borough Council, Newcastle-under-Lyme, and Stoke-on-Trent Councils Duty to Cooperate Memorandum of Understanding (MOU).
2. Report detailing the background to the MOU provided to the Portfolio Holder for Planning and Assets and containing the recommendation set out in section 1.2