

Committee: LDF Working Group

Agenda Item

Date: 2 March 2012

6

Title: Duty to Cooperate

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Item for noting

Summary

1. This report updates members on the Duty to Cooperate, the work we are currently doing and areas of new work, engagement and cooperation.

Recommendations

2. To recommend to Cabinet approval of the report.

Financial Implications

3. None

Background Papers

4. Localism Act 2011

Impact

- 5.

Communication/Consultation	Communication and consultation form the bedrock of cooperating. This paper is published on the website and the recommendation is to seek endorsement from Cabinet.
Community Safety	The Duty to Cooperate will include all factors.
Equalities	The Duty to Cooperate will include all factors.
Health and Safety	The Duty to Cooperate will include all factors.
Human Rights/Legal Implications	The Duty to Cooperate will include all factors. Failure to comply would result in the LDF being found unsound.
Sustainability	The Duty to Cooperate will include all factors.
Ward-specific impacts	Effects all wards equally
Workforce/Workplace	This will involve officers from the Planning

Situation

6. This report seeks to update members on the new Duty to Cooperate which forms part of Section 110 of the Localism Act 2011. The Duty came into effect on 15 December 2011 and it requires local planning authorities, public bodies and others to engage constructively, actively and on an ongoing basis in relation to the planning of sustainable development. An assessment of compliance with the Duty will form part of the Examination of the Local Development Framework (LDF) in due course.
7. As this is a new Duty there is no best practice to follow and no Examinations have taken place which assess other councils' work in relation to the Duty. There is draft guidance available in the National Planning Policy framework (NPPF) and the Planning Advisory Service and The Planning Inspectorate have run a number of seminars explaining how they consider the Duty should be met.
8. The draft National Planning Policy Framework (NPPF) states in paragraph 44 that 'public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities...(and) the government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities'.
9. Strategic priorities are defined in the draft NPPF as:
 - a. Housing and economic development requirements
 - b. The provision of retail, leisure and other commercial development
 - c. The provision of infrastructure for transport, minerals, waste, energy, telecoms, water supply and water quality
 - d. The provision of health, security, community infrastructure and other local facilities; and
 - e. Climate change mitigation and adaptation, protection and enhancement of the natural and historic environment, including landscape, and where relevant coastal management.
10. The consultation on Local Plan Regulations sets out a draft list of bodies which UDC would need to cooperate with (and vice versa). These are:
 - a. Environment Agency
 - b. Historic Buildings and Monuments Commission for England
 - c. Natural England
 - d. Mayor of London

- e. Civil Aviation Authority
- f. Homes and Communities Agency
- g. Primary Care Trusts
- h. Office of Rail Regulation
- i. Highways Agency
- j. Transport for London
- k. Integrated Transport Authorities; and
- l. Marine Management Organisation.

It may be that not all these bodies are relevant to UDC although most will be.

11. In addition to the above list we need to ensure cooperation with the following bodies:

Other Councils

- Essex County Council
- Cambridgeshire County Council
- Hertfordshire County Council
- South Cambridgeshire District Council
- East Hertfordshire District Council
- Epping Forest District Council
- Chelmsford District Council
- Braintree District Council
- North Hertfordshire District Council
- St Edmundsbury District Council

Other organisations

- Anglia Water
- Thames Water
- Veolia
- Transco
- National Grid

Network Rail

Train Operating Companies

Greater Cambridgeshire and Greater Peterborough Local Enterprise Partnership

South East Local Enterprise Partnership

London Stansted

12. The Council needs to consider which planning issues cross our administrative boundaries, particularly those which relate to strategic priorities. The main issues are considered to be:
 - a. London Stansted airport
 - b. M11 and A120
 - c. Main line train route
 - d. Scale and Location of new housing
 - e. Scale and Location of new employment sites including West Essex Enterprise Zone
 - f. Retail developments

13. We currently work with partners in the following ways:

Essex Planning Officers Association: Regular meetings to monitor progress and exchange good practice. Also acts as commissioning body for key evidence base e.g. Demographic Study)

Cambridgeshire (and LEP members) Chief Planning Officers Group: Regular meetings to monitor progress and exchange good practice.

Greater Cambridgeshire and Greater Peterborough Local Enterprise Partnership

South East Local Enterprise Partnership

West Essex Partnership (Epping Forest, Harlow and UDC)

West Essex Local Investment Plan (housing investment priorities)

Integrated County Strategy Steering Group (regeneration and growth points)

London Stansted 4 Authorities steering group

Strategic Aviation Special Interest Group (SASIG)

London Stansted Local Authority Quarterly meetings (UDC, East Hertfordshire District Council, Essex and Hertfordshire County Councils)

West Anglia Rail Routes Group

Local Strategic Partnership Uttlesford Futures

Consult statutory bodies on planning applications and draft planning policy documents

14. It is important that this existing cooperation is maintained and enhanced and in some cases it will be necessary to enter into formal cooperation agreements to deliver the outcomes necessary. This has worked well in the past (e.g. West Essex Partnership and Essex Planning Officers Association) and can ensure clarity for both partners.

Recommendation

15. The LDF Working Group is asked to comment on this paper, endorse the approach and recommend the paper to Cabinet for their approval.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the Duty to Cooperate	2 - Some risk or impact	3 – Will result in the Local Plan being found unsound. Significant impact on planning policy and planning applications.	Cooperate closely with current organisations and continue to do this through the plan making process. Identify any gaps in cooperation and work closely with those bodies to rectify situation.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.