

Committee: LDF Working Group

Agenda Item

Date: 19 October 2012

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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.
2. This is the second report on this topic and follows an earlier report in March this year.

Recommendations

3. To note the report.

Financial Implications

4. None

Background Papers

5. None

Impact

- 6.

Communication/Consultation	Communication and consultation form the bedrock of cooperating. This paper is published on the website.
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 Local Plan being found unsound.
Sustainability	The Duty to Cooperate will include all factors.
Ward-specific impacts	Affects all wards equally

Workforce/Workplace	This will involve officers from the Planning Policy Team and others as necessary.
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Situation

7. This report seeks to update members on the Duty to Cooperate which forms part of Section 110 of the Localism Act 2011. The Duty 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 Plan in due course.
8. As part of our Duty we have held a number of meetings with Essex County Council to discuss amongst other things planning policy, highways, education, ecology, air quality, archaeology and the historic environment.
9. We hold regular meetings with our Parish and Town Councils to keep them informed and updated about our process and to listen to their views and comments. During the last year we have met specifically with Saffron Walden Town Council and Great Dunmow Town Council who are both preparing Neighbourhood Plans. We have also commissioned the Rural Community Council for Essex (RCCE) to support parishes in the production of Neighbourhood Plans, Parish Plans or Village Design Statements. A number of meetings have been held between parishes and the RCCE and the Council sees this as a positive and proactive way of supporting our Parishes.
10. We have held a meeting with South Cambridgeshire District Council and exchanged letters. At this stage of both our plan preparations we do not consider that there are any specific cross border issues which we need to cooperate with. We will keep the situation under review and both Councils will respond to formal consultation requests as required.
11. We have held a meeting with East Hertfordshire District Council and exchanged letters. We agreed that the issue of Stansted Airport was key to both Councils. We meet regularly with Stansted Airport to review the operation of the airport as well as review plans for changes and developments. The M11 and A120 and their junctions also have an impact on both districts especially junction 8 of the M11. We have both participated in the joint working party including Essex and Hertfordshire Council Councils, Harlow, East Hertfordshire and Uttlesford District Councils to model traffic flows in the area and consider the impact of a new junction close to Harlow on the M11. As part of our draft Local Plan we have proposed an 18 ha employment allocation in Stansted Mountfitchet. East Hertfordshire District Council has requested that we undertake a study to consider the impact of this draft allocation on Bishops Stortford to ensure that there is no significant impact. We have agreed and have commissioned Carter Jonas to complete this work. We will keep the situation under review and both Councils will respond to formal consultation requests as required.

12. We continue to meet with our colleagues at Epping Forest District Council, Chelmsford City Council, Braintree District Council and Harlow District Council on a regular basis as part of Essex Planning Officers Group and Essex Planning Policy Officers Group. At these meetings we update each other on Local Plan progress and joint working.
13. We have exchanged letters with North Hertfordshire District Council. At this stage of both our plan preparations we do not consider that there are any specific cross border issues which we need to cooperate with. We will keep the situation under review and both Councils will respond to formal consultation requests as required.
14. We continue our regular meetings in relation to Stansted Airport, our key cross border issue, and have broadened our approach by becoming more involved with the London Anglia Growth Partnership which is the parent group to the West Anglia Rail Routes Group. This allows us to focus on the key rail and road network within the district as well as the key issue of sub-regional economic development.
15. As part of our production of the Phase 2 Water Cycle Study we have worked closely with Anglia Water, Thames Water and Veolia to ensure a robust and accurate study.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the Duty to Cooperate	2 – As no Examinations have been held which have considered this Duty there is no examples to follow. Therefore need to ensure that we capture as many groups and issues as possible to present a full picture of our work.	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.