

Committee: LDF Working Group

Agenda Item

Date: 7 February 2014

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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.

Recommendations

2. a) To note the report.

b) To continue to work on a Memorandum of Understanding with East Herts District Council.

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

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 Councillors, officers from

	the Planning Policy Team and others as necessary.
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Situation

6. 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.
7. As part of the Council's Duty it has 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.
8. Regular meetings are held with the district's Parish and Town Councils to keep them informed and updated about the Council's process and to listen to their views and comments. During the last year the Council have met specifically with Saffron Walden Town Council and Great Dunmow Town Council who are both preparing Neighbourhood Plans. The Council has 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 the Parishes.
9. Meetings have been held with South Cambridgeshire District Council and letters exchanged. At this stage of both Council's plan preparations it is not consider that there are any specific cross border issues which we need to cooperate with. In July 2013 South Cambs DC consulted on the Proposed Submission Local Plan through which the Council is meeting its objectively assessed housing need fully within the District. The situation will be kept under review and both Councils will respond to formal consultation requests as required.
10. As part of its Cooperation with South Cambridgeshire, and the wider Cambridgeshire Authorities, the Council was consulted as part of the Joint Cambridgeshire and Peterborough Joint Strategic Planning Units work on housing numbers within its area. In addition the Council were consulted, and supported, the creation of the Cambridge City Deal.
11. Meetings have been held with East Hertfordshire District Council (EHDC) and letters exchanged. The main impact on the two districts is felt in the area of Bishops Stortford and Stansted, Takeley and Elsenham. This close geographical relationship means that the three settlements in Uttlesford look towards Bishop Stortford for some of their retail services as well as some education provision. In addition sewerage from this area does feed towards the Bishops Stortford direction. The Uttlesford Water Cycle Study includes this issue. The other key impact is London Stansted Airport both in terms of overflying and also in terms of its transport impact to the M11 and rail network.

The M11 and A120 and their junctions also have an impact on both districts especially junction 8 of the M11. Any new allocations in these areas will need to consider the cross border issues. Both Councils will respond to formal consultation requests as required.

12. East Hertfordshire District Council had requested that Uttlesford undertake a study to consider the impact of the draft 18 ha employment allocation on land north east of Bury Lodge Lane, on Bishops Stortford to ensure that there is no significant impact. The Council therefore commissioned Carter Jonas to undertake this work which was published in November 2012. This concluded that the development would be different in type and nature to employment within Bishop's Stortford and would therefore complement, rather than compete with the town. This was also the broad conclusion of East Herts Council's Strategic Economic Development advice (see EHDC District planning Executive Panel for 25 July 2013).
13. At a duty to cooperate meeting with officers and members in October 2013 a number of the cross boundary issues were discussed. EHDC expressed concern about the potential impact of development in Elsenham on Bishop's Stortford and questioned what infrastructure was going to be put in place to support the strategy. Uttlesford DC confirmed that primary school capacity was not an issue, but that further work was required regarding the delivery of secondary school provision. It was indicated that Hertfordshire CC had advised that they were seeking to influence the admissions policies of the schools in Bishop's Stortford and that Essex CC would need to provide for pupils from Essex. It was also indicated that the emerging East Herts District Plan would be seeking to address the secondary school issues in Bishop's Stortford through a flexible policy approach. There was some discussion over the potential impact that the development in Elsenham could have on the retail offer in Bishop's Stortford. It was agreed that increased footfall was beneficial but it was acknowledged that traffic congestion in the town centre and locality was a particular issue, although mitigated to some extent by the rail connection. The Councils have agreed to work towards a formal Memorandum of Understanding on these issues.
14. In relation to Stansted Airport, the 4 main authorities affected (Uttlesford and East Herts Districts, Essex and Hertfordshire Counties) have met in February 2013 and June 2013 to discuss aviation issues and the Davies Commission. A further meeting has been organised for 17 January to discuss the Airports Commission Interim Report published in mid-December 2013.
15. In relation to highway issues, in January 2013 Uttlesford met with Essex County Council and the Highways Agency to discuss and agree with the Highways Agency the model to be used to assess the capacity of Junction 8 in relation to the growth associated with the emerging Local Plan. In May 2013 and June 2013 both Uttlesford and East Herts District Councils and the two County Councils met to specifically discuss Junction 8 and its capacity to meet increased traffic from growth in Uttlesford and East Herts. In August 2013 the District and County Councils met with the Highways Agency to further discuss the model to assess the capacity of junction 8.

16. The Council continue to meet with 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 Association (EPOA) and Essex Planning Policy Officers Group. At these meetings we update each other on Local Plan progress and joint working
17. Officers from Uttlesford and Epping Forest have met for duty to cooperate discussions in July 2012 and September 2013. The main issues which need to be considered jointly relate to meeting objectively assessed housing need; the future of North Weald airfield, West Anglia Rail and Central line, M11 junctions, economic development and gypsy and traveller matters. Uttlesford is concerned that any increase in aviation use at North Weald airfield could affect flight patterns from Stansted airport resulting in a greater impact on residents. Both authorities attend the West Anglia Routes group and the London Stansted Cambridge Consortium. Both Councils will continue to be involved in discussions relating to the increase in tracks to Stansted and extension of the central line. M11 junctions 7, 7a and 8 are the biggest issue of joint concern and the Councils will continue to liaise on this as an issue to establish delivery of improved junctions via existing mechanisms.
18. Officers attended a duty to cooperate meeting in November 2013 with officers from Harlow, Epping Forest and East Hertfordshire District Councils. At this meeting the structure of meeting our duty to cooperation obligation was discussed. It was considered that Memorandums of Understanding between relevant authorities covering relevant issues would be the most appropriate mechanism. Training provided by the Planning Advisory Service (PAS) for Officers and Members was discussed.
19. In relation to highway issues, Uttlesford, East Herts, Harlow and Epping Forest have worked with Herts CC, Essex CC and the Highways Agency in the production and running of the Harlow Stansted Gateway Transport Model (HSGTM). This work is ongoing, and meetings have so far been held on 9/7/12, 30/8/12, 25/10/12, 15/11/12, 9/1/13, 21/3/13, 9/5/13, 2/7/13, 14/8/13 and 22/10/13. The HSGTM is a predictive regional model which will be used to assess traffic flows on the strategic and local road networks using housing and employment growth data up to 2036 provided by local planning authorities.
20. The HSGTM will also model possible mitigation measures where additional congestion would occur, including the proposed construction of a new junction close to Harlow on the M11 (J7A) which is currently out on public consultation. The initial findings are that additional dwellings north of Harlow (options modelled are 10,000 or 5,000 dwellings) would require mitigation to relieve network stress and congestion impacts.
21. In relation to Braintree District the main issues which need to be consider jointly relate to highways, retail, strategic housing sites and Gypsy and Traveller issues. Uttlesford has taken part in duty to cooperate meetings in August 2013 with regard to Site Allocations and Development Management

Plan Pre-Submission Draft. It is agreed that while the Council's would need to work together it was not consider that any of our emerging proposals would have any material impact on each other's district.

22. Braintree Council has raised concerns over the capacity of the roundabout junction on the A120 at Braintree where dual carriageway changes to single carriageway. However the Councils have agreed that the proposed development in Uttlesford is far enough away from the boundary and junction so as to have a negligible impact.
23. Braintree remains a provider of retail services for the southern part of our district and this is not seen as changing. A supermarket is proposed in Great Dunmow but would not see this as providing anything more than meeting the identified need within our District.
24. Both Uttlesford and Braintree are providing for their own housing requirements. Uttlesford's nearest sites are in Great Dunmow and to the west of the town. It is agreed that this would not have any impact on Braintree district.
25. Chelmsford City Council has raised issues regarding potential development in areas across the boundary in Uttlesford e.g. Felsted and Leaden Roding. The draft plan does not include any new strategic allocations in these areas but infill etc may be allowed.
26. Uttlesford attended a duty to cooperate workshop in December 2012 of Chelmsford City Council's Focussed Review of Core Strategy and Development Control Policies. There was general agreement that Chelmsford's Focused Review, in order to comply with the NPPF, is not a strategic issue.
27. As part of Essex Planning Officers Association Uttlesford and other districts in Essex are working together to commission the new gypsy and traveller needs assessment. Uttlesford have taken on the leadership and commissioning of this work. This will provide an evidence base for future allocations for each district. Uttlesford do not foresee a situation where it will not be able to provide for the District's identified need.
28. Letters have been exchanged with North Hertfordshire District Council. At this stage of both Council's plan preparations it is not consider that there are any specific cross border issues which we need to cooperate with. The situation will be kept under review and both Councils will respond to formal consultation requests as required.
29. Officers have responded to a duty to cooperate questionnaire and attended a duty to cooperate meeting in October 2013 with Maldon District Council. There are not considered to be any cross border issues in the Maldon Draft Local Development Plan. The only issue within Uttlesford which potentially has an impact on Maldon is considered to relate to Stansted Airport and flight

paths, employment, public transport and traffic. The situation will be kept under review.

30. Regular meetings continue to be held in relation to Stansted Airport, the Council's key cross border issue. Uttlesford, East Herts Districts and Essex and Hertfordshire Counties meet regularly with Manchester Airports Group on planning and economic development matters to discuss the contribution the airport can make to the economic development of the area.
31. The Council is an active member of the London Stansted Cambridge Consortium which is the parent group to the West Anglia Rail Routes Group. It is made up of a number of London Boroughs, Districts, Counties and the four LEPs in the area (South East LEP, Greater Cambridge, Greater Peterborough LEP, London LEP and Hertfordshire LEP). This allows the council to focus on the key rail and road network within the district as well as the key issue of sub-regional economic development. The issues under discussion have ranged from key employment sectors within the Corridor, support for key infrastructure investment, the future of Stansted Airport and the future capacity of the West Anglia main rail line.
32. The London Assembly and the Essex Planning Officers Association maintain a dialogue about the London Plan and respective Local Plans to ensure there is awareness across London and Essex.
33. Officers have attended a duty to cooperate meeting held by the London Assembly in October 2013. The meeting focussed on the initial work on the London Plan especially housing numbers and land availability in London, and the need to look at outer London areas to meet the future demand for housing.
34. The Council has been working with the two Local Enterprise Partnerships (South East LEP and Greater Cambridge, Greater Peterborough LEP) over infrastructure requirements to ensure the delivery of our and partner organisation's needs. The Council has been involved in the development of both LEPs Growth Prospectuses and has supported the overall direction of travel of the documents. This has combined working with authorities to highlight key infrastructure requirements as well as working on collective employment and housing numbers.

Recommendation

- 35 The Local Plan Working Group is asked to note this paper.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the	2 – Some Council's have been found	3 – Will result in the Local Plan being	Cooperate closely with current organisations and

Duty to Cooperate	lacking in this Duty by Inspectors. Therefore need to ensure that we capture as many groups and issues as possible to present a full picture of our work.	found unsound. Significant impact on planning policy and planning applications.	continue to do this through the plan making process. Identify any gaps in cooperation and work closely with those bodies to rectify situation.
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- 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.