

Committee: Planning Policy Working Group

Agenda Item

Date: 27 January 2016

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Title: Duty to Cooperate

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and Building Control

Summary

1. This report updates members on the Duty to Cooperate work.

Recommendations

2. To note the report.

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.

Situation

1. 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 Development Framework (LDF) in due course.
2. The National Planning Policy Framework (NPPF) states in paragraph 178 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'.

Background

3. Strategic priorities are defined in the draft NPPF as:
 - a. The homes and jobs needed in the area;
 - b. The provision of retail, leisure and other commercial development;
 - c. the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - d. the provision of health, security, community and cultural infrastructure and other local facilities; and
 - e. climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

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 (Historic England)
- c. Natural England
- d. Mayor of London
- e. Civil Aviation Authority
- a. Homes and Communities Agency

- b. Primary Care Trusts
- c. Office of Rail Regulation
- d. Highways Agency (now Highways England)
- e. Transport for London
- f. Integrated Transport Authorities; and
- g. Marine Management Organisation.

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

4. 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
- East Hertfordshire District Council
- Epping Forest District Council
- Harlow Council
- Braintree District Council
- Chelmsford District Council
- North Hertfordshire District Council
- South Cambridgeshire District Council/Cambridge City 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
 - Hertfordshire Local Enterprise Partnership
 - London Stansted Airport (M.A.G.)
5. 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. West Anglian rail main line
 - d. Scale and location of new housing
 - e. Scale and location of new employment sites including West Essex Enterprise Zone
 - f. Retail developments with cross border significance
6. 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, Gypsy and Traveller Accommodation Assessment)
 - Greater Cambridgeshire and Greater Peterborough Local Enterprise Partnership
 - South East Local Enterprise Partnership
 - Cooperation for Sustainable Development Board (Epping Forest, Harlow and Uttlesford districts, Brentwood Borough, Chelmsford City and Essex County Council, East Herts and Broxbourne districts and Hertfordshire County Council, and the London Boroughs of Waltham Forest, Redbridge and Enfield and City of London the Conservators of Epping Forest).
 - West Essex Partnership (Epping Forest, Harlow and Uttlesford)
 - West Essex Local Investment Plan (housing investment priorities)
 - Integrated County Strategy Steering Group (regeneration and growth points)
 - A120 Economic Corridor Group (Essex County Council, Tending, Colchester, Braintree and Uttlesford)

- London Stansted 4 Authorities steering group
 - Strategic Aviation Special Interest Group (SASIG)
 - London Stansted Local Authority Quarterly meetings (Uttlesford, East Hertfordshire District Council, Essex and Hertfordshire County Councils)
 - West Anglia Rail Routes Group
 - Consult statutory bodies on planning applications and draft planning policy documents
7. 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.

Update

8. The Coop Officers Group met on 12 January 2016. The notes are awaited.
9. The Assistant Director attended the recent meeting of the **West Anglia Taskforce – Working Group** on 7 January 2016 where the discussion focused around the economic case for four tracking and the physical challenges which would be required to be overcome. The meeting agreed a way forward to be presented to the Taskforce.
10. The Leader of the Council and Assistant Director attended the A120 group on 14 January 2016. This is a grouping of Councils and public bodies led by Essex County Council and including Tendring, Colchester, Braintree and Uttlesford Councils and the Haven Gateway Partnership. The aim of the group is to improve the economic prosperity of the corridor and to campaign for and support improvements to the strategic road network. The main focus of the meeting was on the current preparatory work to confirm a preferred route for the dualled A120 from Braintree to Marks Tey. This work is being led by ECC but will be subject to public consultation. The aim is to decide on a preferred route by mid 2017 and present this to the Secretary of State.
11. Officers have continued joint meetings with **South Cambridgeshire Council** most recently on 20 November 2015. A Councillor meeting was held on 24 November 2015 and the minutes are attached as Appendix 1.
12. A recent Councillor and Officer meeting was held with **Braintree District Council** on 7 December 2015. The minutes are attached as Appendix 2.

Conclusion

13. Work with other Councils and organisations continues as part of the integrated work of the Planning Policy Team. As part of the development of the revised plan there are some important Duty to Cooperate meetings to be held and decision to be made. Councillors will be aware that some of these

decisions will be difficult and involve a significant amount of discussion and negotiation before an outcome can be secured.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the Duty to Cooperate	2 – Some Council's have been found lacking in this Duty by Inspectors. Therefore need to ensure that we capture as many groups, issues and outcomes 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.

Appendix 1

Uttlesford/South Cambs DtC

Attendees:

Cllr Tim Wotherspoon, Strategic Planning and Transportation Portfolio Holder

Cllr Robert Turner, Planning Portfolio Holder

Jo Mills, Director of Planning and New Communities

Caroline Hunt, Planning Policy Manager

Cllr Susan Barker, Deputy Leader and Portfolio Holder for the Environment

Andrew Taylor, Assistant Director Planning and Building Control

Uttlesford

- Issues and Options consultation open till 4 December 2015. Three public meetings held recently. Local pressure groups against various housing schemes.
- Meeting a number of local councils surrounding us to explore issues and cross border concerns.
- Uttlesford planning to deliver its own needs within the District and not asking other Councils to consider taking housing or employment needs. Uttlesford has not been asked to provide for anyone else's needs as yet.
- Currently have a five year land supply but need to ensure through put of new housing to maintain this.
- Will sieve out areas of search early next year using various evidence base and consultation. This will lead to a staging/sieving document in April/May time.
- Call for Sites published on 7 December 2015.

South Cambs

- Finalising the additional evidence for the Local Plan work jointly with Cambridge City Council. This will be subject to public consultation shortly.
- Both South Cambs and Cambs City are planning to jointly deliver their full housing and employment needs within the districts. Therefore not asking Uttlesford to take any need.
- Cambourne has delivered on average 220 per year. They are expecting to deliver 250 per year from new settlements as part of their new plan.

- South Cambs and Camb City have joint committee (this also includes Cambridgeshire CC) to deal with applications which cross the border. The application is submitted to the authority with the largest site area.
- In this instance where there are two promoters they have encouraged a joint master plan and framework document to ensure consistency.
- Transport assessments for areas of search are key to assessment. Need to explore the impact of the proposed development on the local road network. This needs to cover roads across borders as appropriate. A1301, A1307 and A505 are key roads.
- Welcome Trust - Are proposing some housing development as part of a wider 20 year master plan for the development and growth of this important national and international science base. This is likely to affect primary school provision in the local area but not secondary school. Not sufficient to delivery its own primary school. This is an existing site with local, national and international support and something the Council are keen to support and protect.
- Smithsonhill - looking to submit application next year for employment land to north of Hinxton. Need to understand the highway issues surrounding this and other sites in the local area.
- No allocations/expected development which would be likely to have an impact on Uttlesford.
- Will respond to UDC Issues and Options consultation.
- Agree to meet again in early 2016 to understand outcome of UDC and future joint working.

Appendix 2

Braintree and Uttlesford Councillor DTC meeting

Cllr Lady Newton, Cabinet member Planning and Housing, BDC

Cllr Bowers-Flint, Deputy to Cabinet Holder Planning and Housing, BDC

Jon Hayden, Corporate Director, BDC

Cllr Barker, Portfolio Holder for the Environment, UDC

Andrew Taylor, Assistant Director, UDC

UDC

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- Currently have a five year land supply but need to ensure through put of new housing to maintain this.
- Will sieve out areas of search early next year using various evidence base and consultation. This will lead to a staging/sieving document in April/May time.
- Call for Sites published on 7 December 2015.
- Need to find and allocate about approximately 5000 housing units taking into account those built and those approved.
- Currently speaking to large scale promoters through Garden City Developments CIC. Interesting to see whether Councils can secure more control of development through this model.

Braintree

- Had expected to announce preferred options in January - but need more time to focus on key issues such as highways with HE and ECC. Will present Development Management policies in January. Then Feb - May will present

various options to Local Plan meeting. Expect to announce preferred options at the beginning of June.

- Looking for certainty and deliverability for their sites. Will take pragmatic approach to delivery of numbers. Also wanting to make a decision now for the future and provide certainty for residents and the district.
- Looking at new settlements as a key option with 7 - 8000 units as a minimum to ensure a secondary school is delivered as well as other facilities. They expect such sites to deliver 1,500 units during the plan period.
- Braintree are looking to deliver their own housing and employment needs within their District and are not asking other Councils for assistance in this regard.
- Transport is a key issue for both authorities. Need to try and hold a wider meeting with other authorities on the strategic network (A120/M11).
- Need to understand and plan for the growth of Stansted and jobs growth.
- Looking to develop a Chapter 1 on infrastructure, green infrastructure, schools, ED and housing numbers and then use this as a joint introduction to a range of Local Plans (Tendring, Colchester, Malden, Chelmsford and Braintree). Working with John Williamson to deliver this. Developing a simple MoU. UDC happy to support this in principle.
- Successful bid to Treasury/CLG to be announced for £650,000 for North Essex (Tendring, Colchester and Braintree) to further pursue Garden Settlements. This money will be used on studies and further information and justification.
- Garden City Principles - ultimately Braintree is after high quality development. Only get one chance to do that in the lifetime of the development. Proud of Great Notley and wish to deliver further high quality schemes for their community.