

**Committee: Planning Policy Working Group**

**Agenda Item**

**Date: 23 March 2016**

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**Title: Duty to Cooperate**

**Author: Andrew Taylor, Assistant Director Planning 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'.

## Update

3. The **SHMA Officers Group** met on 25 February 2016 to discuss the spatial options for development and the drafting of a Memorandum of Understanding for the area.
4. The Assistant Director attended the **West Anglia Taskforce** business meeting in Cambridge on 26 February. This engagement with the business community is vital to delivering the cross border infrastructure which is needed for our area.
5. The Assistant Director attended the **LSCC task and finish group** set up to consider and produce a vision for the Core area (Broxbourne, East Herts, Epping Forest, Harlow and Uttlesford).
6. The **Cooperation for Sustainable Board** met on Monday 7 March. The agenda and minutes are attached at Appendix A of this report.
7. The Assistant Director attended a meeting of the **West Anglia Taskforce – Working Group** on 8 March 2016 as part of the launch of the interim findings of the Taskforce and also the LSCC Growth Commission report. The minutes of the meeting from 23 February are attached as Appendix B.
8. The Assistant Director attended the **LSCC Board** meeting on 9 March. The Board discussed. The minutes of the previous meeting held on 4 December 2015 are attached as Appendix C.
9. The Assistant Director attended the recent meeting of the **Strategic Spatial Planning Officer Liaison Group** (SSPOLG) and attended the recent meeting on 5 February 2016. This meeting discussed the second Wider South East Summit and the membership of the new Political Steering Group (Appendix D). The meeting also discussed the work being undertaken as part of the London Plan review and the need for a common understanding of evidence.

## Conclusion

10. 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.