

**Committee: Planning Policy Working Group**

**Agenda Item**

**Date: 23 February 2016**

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**Title: Duty to Cooperate**

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**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 **Coop Officers Group** met on 12 January 2016 and the notes are attached as Appendix A.
4. The Assistant Director and Planning Policy Team Leader attended a workshop held by **Epping Forest District Council** on 2 February 2016. The workshop was held to receive a presentation from two consultants engaged by the Council. The first presentation related to an Urban Capacity study which has been commissioned to study the potential capacity of the urban areas of the district. The second was on the Green Belt review and led to a workshop for officers to consider and discuss the approach taken by the Consultants so far in assessing the Green Belt.
5. 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 B). The meeting also discussed the work being undertaken as part of the London Plan review and the need for a common understanding of evidence.
6. The Portfolio Holder and Assistant Director attended the **West Essex Strategic Transport Board** on 8 February 2016. This meeting discussed the key transport priorities within West Essex and principally J7, J7A and J8 of the M11 together with the A120 and A414.
7. The **Coop Officers Group** met on 11 February 2016 and the notes of the meeting are awaited.
8. The Assistant Director will be attending a meeting of the **West Anglia Taskforce – Working Group** on 23 February 2016 and a verbal update can be provided at the meeting.

## Conclusion

9. 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.