

Committee: Planning Policy Working Group

Agenda Item

Date: 22 February 2017

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Title: Duty to Cooperate

Portfolio Holder: Richard Fox, Planning Policy Team Leader

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. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

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

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 Development Framework (LDF) in due course.
7. 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

8. The SHMA **Co-op Officers** Group has met on 19 January and 16 February. There was a **Co-op Member Board** meeting on 23 January. A paper recommending two Memoranda of Understanding between the SHMA authorities and other related organisations was considered at Cabinet on 16 February. Specific Duty to Co-operate sessions with **South Cambridgeshire District Council** took place on 11 January and 13 February at officer level. There was a Member discussion with South Cams on 13 January. Two meetings with **Braintree District Council** took place on 20 January and 7 February.
9. In terms of specific issues, officers from **Essex and Cambridgeshire County Councils**, South Cambridgeshire and Uttlesford District Councils discussed the traffic impacts of potential development in Uttlesford on the Cambridgeshire Highways network on 1 February. There was a session on Essex Infrastructure with ECC officers on 3 February and a SHMA workshop on the Functional Economic Market Area on 3 February.
10. Where published and agreed, minutes of the various meetings are appended and there will be a power point presentation at the meeting summarising the main issues covered.

Conclusion

11. 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

12.

Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the Duty to Cooperate.	2 – Some Councils 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.