

**Committee:** Local Plan Leadership Group

**Date:**

**Title:** Update on Duty to Cooperate Meetings

Thursday, 24 June  
2021

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## Summary

1. The duty to co-operate was introduced in the Localism Act (2011) and amends the Planning and Compulsory Purchase Act (2004). It places a legal duty on local planning authorities and public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. This means that the Council must seek to actively engage neighbouring councils and a range of other agencies when preparing and reviewing its planning policies, particularly in relation to strategic priorities and cross-boundary issues. The Council will need to produce a Duty to Cooperate Statement of Compliance which will be made available for inspection as part of the Local Plan Examination process.
2. The purpose of this report is to update members on the how the Council is working with its Duty to Cooperate Partners in preparing the Local Plan.

## Recommendations

3. For Information

## Financial Implications

4. None

## Background Papers

5. 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

- 6.

Communication/Consultation	The Council records all duty to cooperate meetings and makes them available on the website
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Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/A

## Situation

7. In 2020/2021 the Council has held duty to cooperate meetings with the following partners on the following dates.

Historic England	3.9.20
Natural England	16.10.20
Water Utilities and agencies	20.10.20
Transport and Highways	27.1.21
Greater Cambridge Shared Planning Service	16.4.20 / 4.6.20 / 17.12.20
Co-operation for Sustainable Development Officer Group	11.11.20 / 25.2.21 / 13.5.21
Harlow	18.3.21
Enfield Council	6.7.20
West Essex Clinical Commissioning Group	25.3.21

8. The meetings updated the partner on the local plan timetable and was an opportunity for them to advise the Council on issues the plan should consider, and the appropriate evidence needed. Notes of the meetings are available on the website [here](#).
9. The meetings raised the following key points:
- Historic England: Recommended a holistic growth options study approach including commissioning heritage study element. HE can comment on

options, but it is for UDC ultimately to balance competing issues and justify decision-making.

- b. Natural England: Local Plan needs to consider Impact Risk Zones to SSSI, open space and green infrastructure, air quality, priority habitats, water quality and agricultural land value and to progress the Hatfield Forest Mitigation Strategy.
  - c. Water utilities and agencies: Wastewater infrastructure together with surface water flooding and sewer flooding must be considered as part of the Local Plan Review. Withdrawn policies on water efficiency should be rolled forward and consider use of multi-functional Sustainable Drainage Systems (SuDS). Provision of water and dealing with wastewater is harder to support in free standing new communities than in urban extensions given the lead in time required.
  - d. Transport and highways: UDC, ECC, Highways England and Homes England to work closely in developing Strategic Spatial Options, and preparation of Evidence Base.
  - e. Greater Cambridge Shared Planning Service: Opportunity to coordinate infrastructure discussions via UDC's Strategic Infrastructure Delivery Group (SIDG); to work closely to monitor impacts of any development close to or straddling the Greater Cambridge/Uttlesford boundary which might be proposed through respective local plans.
  - f. Co-op Group: Cross boundary / strategic matters include air pollution mitigation strategy for Epping Forest SAC, Princess Alexandra Hospital, Hatfield Forest SSSI and highways and transportation.
  - g. Harlow Council: Unlikely Harlow will have additional employment land available in future and therefore cannot be looked to for jobs/employment land provision. To liaise over work on Hatfield Forest Mitigation Strategy and Harlow Green Infrastructure Strategy and to consider whether other studies would benefit from being jointly commissioned.
  - h. Enfield Council: The Council has been requested to help accommodate Enfield Council's employment and housing requirements. UDC has responded that the Council will give due consideration at the appropriate stage but UDC raises concerns about the appropriateness of meeting Enfield's housing and employment needs as the District is not closely related to Enfield's administrative area and the lack of evidence as to whether businesses who wish to locate in Enfield would chose Uttlesford and how they would sustainably operate in terms of employee and business travel patterns.
  - i. West Essex Clinical Commissioning Group: WECCG are reconsidering primary care provision, capacity and timelines as plan progresses.
10. As part of the First Consultation (Issues and Options) the council wrote to all duty to cooperate partners, explaining the Issues and Options consultation,

encouraging them to respond on the themes and to identify any cross-boundary issues.

11. The following responses were received. The reference numbers are hyper-linked to the appropriate Theme where you can enter the reference number in 'comment id' to read the representation in full.

<b>Duty to Cooperate Partner</b>	<b>Issues and Options Representation reference</b>	
Chelmsford City Council	<a href="#">WYL80</a>	<a href="#">LCH65</a>
	<a href="#">CH60</a>	<a href="#">B53</a>
	<a href="#">CC70</a>	<a href="#">LE41</a>
	<a href="#">T74</a>	<a href="#">H50</a>
		<a href="#">CNP73</a>
North Herts District Council	<a href="#">AO3</a>	
Greater Cambridge Shared Planning Service	<a href="#">CH72</a>	<a href="#">B65</a>
	<a href="#">CC82</a>	<a href="#">LE54</a>
	<a href="#">T91</a>	<a href="#">H66</a>
Anglian Water	<a href="#">WYL57</a>	<a href="#">CC35</a>
Thames Water	<a href="#">AO22</a>	
Environment Agency	<a href="#">AO21</a>	
Historic England	<a href="#">CH71</a>	
Natural England	<a href="#">B59</a>	<a href="#">T82</a>
	<a href="#">CC77</a>	<a href="#">AO25</a>
West Essex Clinical Commissioning Group	<a href="#">LCH68</a>	

12. The next stages involve meeting with partners as appropriate and having a round table meeting of all duty to cooperate partners in September as the Council is finalising preparation of the development strategy.

## **Risk Analysis**

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Risk	Likelihood	Impact	Mitigating actions
That the Council has not engaged constructively, actively and on an on-going basis to demonstrate to the Inspector that the effectiveness of local plan preparation has been maximised in the context of strategic cross boundary matters	1. Little or no risk or impact	Plan will not pass legal tests	Ensure ongoing discussions with duty to cooperate partners and recording of all meetings.

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.