

# **DRAFT DUTY TO COOPERATE STATEMENT**

**Euston Area Plan**

**January 2014**

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# 1 Introduction

- 1.1 This draft statement outlines how the Euston Area Plan has been prepared in accordance with the statutory duty to co-operate and sets out how the London Borough of Camden, the GLA and TfL have co-operated with each other and other bodies in the preparation of the document. It will be updated at the submission stage, following the proposed submission publication period.

## Localism Act 2011

- 1.2 The "duty to co-operate" is a statutory duty. Section 110 of the Localism Act 2011 inserts a Section 33A and a Section 20(5)(c) into the Planning and Compulsory Purchase Act 2004 (PCPA 2004). These statutory provisions are included in this statement as Appendix 1 for ease of reference.
- 1.3 Section 33A imposes a duty on a local planning authority to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed (being those identified in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Section 20(5)(c) extends the purposes of the independent examination to include determining whether the duty has been complied with. Consequently there is a need to demonstrate compliance if the independent examination is to proceed.
- 1.4 Section 33A came into force on 15 November 2011 and applies to all plans submitted for examination after that date.
- 1.5 The duty to co-operate requires a local planning authority to engage constructively, actively and on an ongoing basis in any process by means of which particular activities are undertaken. Those activities include the preparation of development plan or other local development documents and activities which prepare the way for those activities and that support these activities *in so far as they relate to a strategic matter*.
- 1.6 A strategic matter is defined as sustainable development or use of land that has or would have a *significant impact on at least two planning areas*, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.

## The National Planning Policy Framework

- 1.7 The National Planning Policy Framework (NPPF) states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities (para 178).
- 1.8 The NPPF provides some guidance on what could be considered as a "strategic matter". It outlines that local planning authorities should set out the strategic priorities for the area in the Local Plan (para 156). This should include strategic policies to deliver:
- the homes and jobs needed in the area;
  - the provision of retail, leisure and other commercial development;

- 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);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

1.9 Paragraph 181 of the NPPF states that '*Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with crossboundary impacts when their local plans are submitted for examination*'.

## **2 Euston Area Plan context**

2.1 The Euston Area Plan is being prepared jointly by the London Borough of Camden, TfL and the GLA. It forms part of Camden's *development plan*, the set of documents that collectively form the strategy for the future growth and development of Camden and set out the policies we use when the Council makes decisions on planning applications. It will also be adopted by the GLA as supplementary planning guidance to the London Plan.

2.2 The plan has been through various stages of preparation. An initial workshop was held with stakeholders in September 2012 prior to a wider consultation on the vision, objectives and key issues for Euston from November to December 2012. Following on from this, a consultation was carried out on the draft Euston Area Plan from July to October 2013.

2.3 Through the preparation of this plan and the other planning policy documents the Council and the GLA will continue to undertake, a collaborative approach to plan-making that considers a range of issues, including strategic matters. The London Plan 2011 and Camden Core Strategy 2010-2025 set out objectives for strategic issues such as:

- the homes and jobs needed;
- the location and provision of retail and employment development;
- how growth will be supported and managed (including the designation of Euston as an Opportunity Area/ Growth Area);
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, and energy (including heat);
- the provision of social infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.4 The Euston Area Plan helps to deliver the strategic objectives of the London Plan and Camden's Core Strategy, interpreting and building upon the objectives that relate to the Euston area, and promotes sustainable development in line with the NPPF.

2.5 While the London borough of Camden is the local planning authority for the area, the GLA provides a strategic planning overview for the wider London area, and TfL provides a strategic transport overview. As the Euston Area

Plan is being produced jointly by these bodies this allows active and ongoing cooperation throughout the preparation of the document at project team level and at Management Board and Strategic Board level (specific multi agency project boards). Furthermore, the attendance of Network Rail and High Speed Two Ltd at the Euston Area Plan Management Board and Strategic Board has also allowed regular input from strategic transport providers.

- 2.6 The proposed submission Euston Area Plan is the culmination of a number of processes, activities and levels of engagement and co-operation. It reflects the views expressed and comments made during its preparation by a number of organisations. A separately submitted Consultation Statement sets out how a range of authorities and bodies have been involved and consulted and indicates how views have been positively taken into account in the plan's preparation.
- 2.7 The Euston Area Plan contains a series of area-wide strategic principles and place-based development principles which will help manage the use of land and the design and layout of buildings, places and spaces in the Euston Area. These build on the existing policies in the London Plan, Camden Core Strategy 2010-2025, Camden Development Policies 2010 and Camden Site Allocations 2013, and set out objectives to meet local needs and wider area requirements in accordance with the higher level policies. Where the plan does provide policy coverage on more strategic issues, the provisions still remain predominantly local in effect, and include:
- Highlighting the need for connectivity across the Euston Station site and the wider area
  - Highlighting the potential of the Euston Area as a knowledge quarter
  - Seeking the provision of new open spaces as well as improvements to existing open spaces
  - Supporting the provision of additional transport infrastructure to support the proposed High Speed Two line, including Crossrail Two, which is being progressed separately by Transport for London
  - Supporting development and open spaces above the station approach and tracks to the north of Euston Station
  - Guiding the distribution of retail, employment and other uses within the plan area; and
  - Setting design principles for the plan area and for Character Areas within it.
- 2.9 This statement sets out how the relevant 'duty to co-operate' bodies have been involved in the evolution of the plan, and how this involvement has helped shape the proposals as they emerged. The GLA, TfL and Camden Council consider that this statement demonstrates that the duty to co-operate requirements (as set out in the Localism Act 2011 and described in the National Planning Policy Framework) have been fulfilled and that the Euston Area Plan team has effectively co-operated with other bodies throughout the preparation of the plan.

### **3 Relevant "Duty to Co-operate" bodies**

- 3.1 The following 'duty to co-operate' bodies are relevant to the Euston Area Plan:
- Westminster City Council
  - Other local planning authorities

- Environment Agency
- English Heritage
- Natural England
- Mayor of London (incorporating the Homes and Communities Agency)
- Primary Care Trust / Health bodies
- Transport for London
- Highways Agency
- Thames Water
- HS2 Ltd and Network Rail

3.2 The summary below sets out how the Euston Area Plan team has engaged with the statutory bodies and, where relevant, how this has influenced the policy approach advocated in the Area Action Plan.

### **Westminster City Council**

3.3 Camden Council has liaised with Westminster on an ongoing basis regarding planning policy issues in the production of the Camden local development framework, including the recent production of the Fitzrovia Area Action Plan. The Euston Area Plan team have continued this cooperation during the production of the Euston Area Plan.

3.4 Meetings were held with colleagues in Westminster in January and September 2013, in order to provide Westminster with updates regarding the progress of the Plan and seek their comments. General support was expressed for the work of the Euston Area Plan, whilst transport and tall buildings were highlighted as areas of interest for Westminster.

3.5 Westminster City Council was consulted during the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultations provided comments on the draft Euston Area Plan in October 2013, focusing on transport and design/ tall buildings. Support was given for strategic Principle EAP3 (Transport). Westminster highlighted a wish to ensure that the impacts of any taller buildings proposed are adequately considered, suggesting that a 3D modelling exercise should consider any impact on views from Regent's Park and other adjoining conservation areas and welcoming any opportunity to work with the Euston Area Plan team in identifying any important viewpoints in Westminster

3.6 A subsequent high level 3D modelling exercise was carried out in November/ December 2013. The EAP team consulted Westminster on the views that should be tested, although Westminster did not provide any suggestions. A number of views were therefore tested from Regent's Park and adjoining conservation areas, as suggested in Westminster's comments on the draft EAP. Following the 3D modelling exercise, an excerpt from the findings of the exercise was sent to Westminster. No further comment has been received.

### **Other local planning authorities**

3.7 In October 2012, the Euston Area Plan team contacted all London borough planning departments to notify them of the production of the Euston Area Plan, and to invite them to contact us if they wished to be consulted in the production of the Plan. The City of Westminster responded and highlighted a wish to be involved (see above). The London Borough of Camden, the Mayor

of London and TfL are also members of the HS2 London Planning Forum (which also include LB Brent, Westminster City and RB Kensington and Chelsea), which discusses potential HS2 impacts and mitigation measures.

- 3.8 All other neighbouring London boroughs were contacted during both the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultations to highlight the opportunity to view the consultation documents and provide comments. Separate emails were additionally sent to the City of London and Islington in July 2013 highlighting key elements of the Euston Area Plan and encouraging them to provide comments.
- 3.9 In addition, the Euston Area Plan team contacted the key cities along the proposed route of the High Speed Two rail link (Birmingham, Sheffield, Leeds and Manchester) to notify them of the production of the draft Euston Area Plan, and to invite comments. Sheffield City council provided a response, stating that they did not have any specific comments, but would broadly support the principles and objectives proposed to guide future development.

#### **PCT / Health bodies**

- 3.10 Camden Council has carried out ongoing engagement of relevant health bodies through its work on the Camden local development framework. During the preparation of the Camden Core Strategy, the local PCT helped to identify key health infrastructure facilities needed to support projected growth (see Core Strategy appendix 1), and latterly, the Camden Health Commissioning Board has been involved in identifying relevant health projects and prioritising funding the Camden Community Investment Programme and developing funding priorities for a Camden Community Infrastructure Levy.
- 3.11 A meeting was held with NHS North Central London in January 2013 to inform them of the production of the Euston Area Plan, and to discuss any potential health requirements arising from the Plan. No specific infrastructure proposals or requirements for Euston were identified, but it was agreed that the Euston Area Plan team would keep NHS NCL informed of plan progress in order to enable them to consider any health needs arising. Following on from this in May 2013, information was provided to NHS North Central London regarding the emerging growth figures for the Euston Area, followed by a notification of the consultation on the draft EAP in July 2013, which invited comments on the Plan and any health infrastructure implications. Whilst no further response has been received, the EAP highlights the need for development to be supported by appropriate healthcare provision.
- 3.12 There has also been ongoing liaison with other health related organisations, notably UCLH and the Francis Crick Institute, with separate meetings held in October 2012, wider stakeholder workshop meetings, and notification of both the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultations . These organisations did not identify any specific infrastructure requirements arising from growth, but expressed support for the provision of medical and research uses in the Euston area to support the expansion of an existing cluster in the area.

#### **Environment Agency**

- 3.13 There has been ongoing consultation with the Environment Agency regarding flood risk and other environmental issues, in particular relating to the

emerging sustainability appraisal. The Agency helped to inform the production of the Sustainability Appraisal Scoping Report and subsequent draft SA Report, with ongoing liaison regarding the sustainability objectives and indicators, and changes made to the sustainability appraisal framework to reflect the comments received. The agency has expressed support for the approach taken to sustainability appraisal and welcomed the changes made to reflect its feedback.

- 3.14 The Environment Agency has been invited to make comments at each stage of plan production. However whilst the EA has provided active input into the sustainability appraisal process, no comments have been received on the contents of the Euston Area Plan itself.

### **English Heritage**

- 3.15 English Heritage played an active role in the overseeing the production of the Euston Historic Area Assessment, attending project meetings and advising on the approach taken. The organisation has therefore played an important role in shaping the evidence base supporting the Euston Area Plan, with a number of changes made to the assessment to reflect the advice given.
- 3.16 English Heritage have commented on both the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultations. General support was given in both responses to the approach taken to the plan, with detailed comments and suggestions provided. Wherever possible, the suggested changes have been incorporated into the proposed submission EAP.

### **Natural England**

- 3.17 Natural England was consulted on the production of the Sustainability Appraisal Scoping Report and draft SA Report, and notified of the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultation. Natural England expressed general support for the draft Euston Area Plan, and for the approach taken in the SA Scoping Report and SA Report.

### **Mayor of London**

- 3.18 The GLA is jointly preparing the EAP along with TfL and the London Borough of Camden, and forms part of the Euston Area Plan project team and management structure. It provides a strategic, London-wide planning overview for the EAP.
- 3.19 As of April 2012 the Homes and Communities Agency's London functions have been devolved to the GLA.

### **Transport for London**

- 3.20 Transport for London is jointly preparing the Euston Area Plan along with the GLA and the London Borough of Camden, and forms part of the EAP project team and management structure. It provides a strategic, London-wide transport overview for the EAP.



### **Highways Agency**

- 3.21 The Highways Agency responded to both the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultations, but in both responses did not have any comments to make.

### **Thames Water**

- 3.22 Thames Water was invited to comment on both the Stage 1 (vision and objectives) and stage 2 (draft EAP) consultation. Whilst no comments were received during the Stage 1 consultation, Thames Water proposed a new policy and supporting text regarding water and sewerage capacity. The suggested changes were incorporated into Strategic Principle EAP 4 (Environment and open space), with appropriate amendments to integrate into the text.

### **HS2 Ltd and Network Rail**

- 3.23 Network Rail and HS2 (should the scheme proceed) will play an important role in the redevelopment of the Euston Station site, and therefore the regeneration of the wider area. Therefore representatives from both organisations attend the monthly Euston Area Plan Management Board and quarterly Strategic Board in order to provide regular input and technical guidance to inform plan preparation. The Euston Area Plan team has also liaised with HS2 Ltd and Network Rail regarding the HS2 Development Options work stream, to help inform the station design and EAP masterplanning.

## **4 General Co-operation**

- 4.1 This section outlines other examples of joint-working and co-operation that have had an influence on the preparation of the policies in this plan.

### **London-wide planning**

- 4.2 The GLA has jointly produced the EAP (along with Camden Council and TfL) and is responsible for strategic planning at the pan-London level and liaises with all boroughs in developing London-wide London Plan policies, supporting guidance and, where relevant, opportunity area planning frameworks. This role in overseeing development across borough boundaries enables the GLA to ensure an integrated approach to strategic planning across the capital. As part of its strategic planning functions the GLA is also working with the London boroughs of Ealing, Brent and Hammersmith and Fulham to produce an opportunity area planning framework for the Old Oak Common area in northwest London, which is an interchange station on the proposed HS2 line and is identified as an Opportunity Area in the London plan.

### **Camden Local development framework**

- 4.3 Camden council's development plan includes a number of other documents that provide the framework in which the Euston Area Plan will be implemented. The Camden Core Strategy 2010-2025 sets out the Council's planning vision and spatial strategy for the borough. All of our other planning

documents must be in general conformity with the London Plan and consistent with the Camden Core Strategy. General conformity and consistency has already been confirmed at the Public Examination for the Camden Core Strategy and Development Policies documents prior to adoption.

- 4.4 Camden's Development Policies document provides a detailed basis for development management decisions borough-wide to assist implementation of the vision and objectives of the Core Strategy. The two documents were prepared together and both adopted in November 2010.
- 4.5 The Euston Area Plan translates the Core Strategy and Development Policies to the local area level and has used the same evidence base (with relevant updates and new background evidence) as the Core Strategy. Given this context the preparation of the Euston Area Plan can be seen as a continuation of cooperation which began when the Core Strategy was produced. It is therefore useful to highlight the link between the respective documents and examples of how co-operation has taken place on an ongoing and constructive basis. A number of other plans and strategies will also have influenced its preparation.
- 4.6 Two pieces of evidence that have had a strong influence on the preparation of the Core Strategy have been the Central London Infrastructure Study 2009 and the Greater London Strategic Housing Market Assessment 2008. These studies also form part of the basis of evidence for the Euston Area Plan, providing evidence for the strategic requirements that the plan will help to meet.

#### ***Central London Infrastructure Study***

- 4.7 In September 2008 Westminster City Council, alongside its partner authorities in Central London Forward commissioned URS Corporation to carry out an assessment of their strategic infrastructure needs. Central London Forward comprises:
  - City of London
  - Westminster City Council
  - London Borough of Camden
  - London Borough of Islington
  - London Borough of Southwark
  - Royal Borough of Kensington and Chelsea.
- 4.8 The Study provides a strategic understanding of the implications for growth across the whole of Central London, with an indication of how growth, and therefore demand for infrastructure, is distributed across the area. In summary, this report covers:
  - basic utilities infrastructure including, water and sewerage, flood risk, power and telecommunications and waste management facilities;
  - transport infrastructure - in particular proposals for mainline rail termini and major road congestion hotspots; and
  - social infrastructure including that which is provided on a London wide or sub regional level such as adult learning and further education colleges, higher education, primary and secondary healthcare facilities, and emergency services.

- 4.9 Co-operation on this involved meetings of Central London Forward, establishing the brief for the study and providing the necessary input and information, alongside the other London boroughs, into the various iterations of the Study. Other bodies, such as Transport for London, Thames Water and Primary Care Trusts, were involved in providing relevant information to the consultants.
- 4.10 In turn, and to apply the analysis to the Camden level, URS undertook a more detailed analysis and an Infrastructure Study was prepared for Camden which supports the Core Strategy and therefore the preparation of Euston Area Plan. This study in itself involved co-operation with a number of the relevant prescribed bodies (such as Transport for London and the PCT) to identify their service needs, plans and programmes (also see section 3 of this statement for further details on the relevant "Duty to Co-operate" bodies).

### ***Strategic Housing Market Assessments***

- 4.11 The Greater London Strategic Housing Market Assessment (SHMA) 2008 formed a key element of the evidence base for the Core Strategy by informing housing policy and helping to shape strategic thinking on housing. SHMAs were introduced by the former national Planning Policy Statement on Housing (PPS3) and continue through the NPPF to form the basis for assessing full housing needs across the a wide market area.
- 4.12 A subsequent sub-regional North London SHMA was completed in 2010 and involved:
- Project Group – representatives (made up of planning and housing officers) of the seven North London Boroughs (including LB Camden).
  - Stakeholder Group – representatives from a wide range of national and regional organisations including GLA, Home Builders Federation, Homes and Community Agency, London Development Agency, National Housing Federation and Shelter.
- 4.13 The production of the SHMA involved detailed input from Camden Council officers as part of the project group, and required co-operation with the other boroughs in the project group and the national and regional agencies that made up the stakeholder group.
- 4.14 The above two examples have been identified as they provided the evidence base for two key policy approaches. The preparation of the evidence base, and in turn the adoption of the Core Strategy, incorporated a wide range of information that required co-operation with other London boroughs and regional and subregional organisations.
- 4.15 Camden Council's involvement in these studies is one of the processes leading up to, and forming part of, the preparation of other plans and strategies which identify housing needs and makes provision to meet them, and the co-operation with these bodies is therefore in accordance with Section 33A.
- 4.16 There are other examples such as Housing Capacity/ Strategic Housing Land Availability Assessments and Strategic Flood Risk Assessments which highlight the joint-working and co-operation that underpins the processes and activities which support the preparation of development plans. This co-

operation has been carried out in different and proportionate ways, notwithstanding the statutory "duty to co-operate", but importantly will have influenced the policies on which this plan is based and with which it is consistent.

### **Other Plans and Strategies**

- 4.17 **Site Allocations:** The Camden Site Allocations Plan forms part of Camden Council's development plan and sets out guidelines for future development on significant sites which have been or are likely to be subject to development proposals. It applies to sites across the borough. The Euston Area Plan has been prepared to complement and add detail to the relevant policies and guidance outlined in the Site Allocations Plan, taking into account the potential changed context that would result from High Speed Two.
- 4.18 **Camden Plan 2012-2017:** The Camden Plan 2012-2017 is the Council's five year vision statement for the borough. The Euston Area Plan contributes towards a number of the key strategic corporate objectives of the Camden Plan:
- **Providing democratic and strategic leadership fit for changing times:** by seeking to influence national and London government and work with partners to unlock the borough's collective resources for the benefit of all.
  - **Developing new solutions with partners to reduce inequality:** by exploring new solutions to addressing long-term problems alongside our partners
  - **Creating conditions for and harnessing the benefits of economic growth:** by seeking to enhance access to employment opportunities for Camden residents'
  - **Investing in our communities to ensure sustainable neighbourhoods:** by planning for investment in physical and social infrastructure
- 4.19 **Placeshaping:** The Euston Area Plan complements the Council's placeshaping work and place plans through guidance on future development and change in the area and how it will be expected to help deliver improvements and benefits for surrounding communities. Place plans have been prepared for a number of areas within the borough to provide a strategic and holistic approach to the way we see and serve different communities, matching resources to the needs of people and places. These have involved the Council and its partners such as the NHS, Transport for London, voluntary organisations and local groups, working together to identify priorities and coordinate their activities to address the needs of specific areas:
- The King's Cross place plan has been jointly prepared by Camden and Islington Council's and was approved in July 2012. It sets out a vision to ensure that local communities benefit from regeneration and transport connections, and includes specific reference to growth and change at Euston: *"impacts on the Somers Town community will need to be carefully considered and appropriate benefits secured in terms of safety, accessibility and permeability of the station area and access to employment and housing"*.
  - The Camden Town Place Plan is being finalised, and seeks to join up a range of initiatives and interventions to deliver improvements to the area. Its integrated vision seeks to support and build upon Camden

Town's status as a cultural and creative industries cluster while balancing the vibrancy and night time economy of the area with the quality of life of residents and community safety, along with establishing better integration with surrounding areas (including Euston). It highlights potential knowledge economy linkages between Camden Town and the medical and scientific cluster at Euston

- Camden's Somers Town Community Investment programme covers the south eastern part of the EAP area. A regeneration strategy is being developed to use the land assets to address the priorities of local people including new housing, the rebuilding of a school, community safety access to jobs and training and open space has been approved by Camden Council. At the same time the recently established Somers Town Neighbourhood Planning Forum is working towards developing a plan for Somers Town and Ampt Hill. Camden Council and the EAP team have liaised with the Forum to discuss the relationships between these emerging pieces of work.

- 4.20 These examples highlight how the Euston Area Plan, the Site Allocations Plan, the Camden Plan and the placeshaping programme are strongly linked and have continued to contribute to each other as they have evolved. A significant amount of cooperation has taken place between the Council and the various stakeholders and statutory partners during the preparation of each of these documents and the Plan will help to deliver their various objectives and principles within the Euston area.

## **5 Conclusion**

- 5.1 It is considered that EAP has been subject to effective co-operation through constructive, active and ongoing engagement with relevant authorities and bodies that have an interest in the plan. A strongly collaborative approach has been taken, reflecting the joint nature of the document. The EAP project team considers that that the plan reflects the views of the relevant bodies and the outcomes of these different processes and activities. The EAP team has not received any objections to the Euston Area Plan concerning the duty to co-operate (to date), and the Council's view is that the duty to co-operate is being fulfilled.
- 5.2 A great deal of co-operation and engagement has also been undertaken as part of the preparation of other plans and strategies, all of which has influenced and formed a basis for the Euston Area Plan.
- 5.3 It is also worth noting that the process of co-operation will not end once the Euston Area Plan has been adopted. The effectiveness of the plan in delivering the vision and objectives it contains and helping to deliver Core Strategy will be subject to ongoing monitoring and review. Review processes will involve proportionate engagement, consultation and co-operation with prescribed bodies and in relation to any area that may be affected.

## Appendix 1

### Localism Act Section 110 - Duty to co-operate in relation to planning of sustainable development

(1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (**local development**) after section 33 insert—

#### 33A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—
- (a) a local planning authority,
  - (b) a county council in England that is not a local planning authority, or
  - (c) a body, or other person, that is prescribed or of a prescribed description

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
- (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are-

- (a) the preparation of development plan documents,
- (b) the preparation of other local development documents,
- (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
- (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
- (e) activities that support activities within any of paragraphs (a) to (c),

so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
- (b) sustainable development or use of land in a two-tier area if the development or use—
  - (i) is a county matter, or
  - (ii) has or would have a significant impact on a county matter.

(5) In subsection (4)—

“county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),

“planning area” means—

- (a) the area of—
  - (i) a district council (including a metropolitan district council),
  - (ii) a London borough council, or
  - (iii) a county council in England for an area for which there is no district council, but only so far as that area is neither in a National Park nor in the Broads,
- (b) a National Park,
- (c) the Broads,
- (d) the English inshore region, or
- (e) the English offshore region, and

“two-tier area” means an area—

- (a) for which there is a county council and a district council, but
- (b) which is not in a National Park.

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
- (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section—

“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and

“land” includes the waters within those regions and the bed and subsoil of those waters.....

(3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (**development plan documents: purpose of independent examination**) after paragraph (b) insert: “; and

- (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”