
Duty to Cooperate Statement

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18 Draft Local Plan 2021-2036

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Contents

1	Introduction.....	1
2	Background.....	1
2.1	National Context	1
3	Barnet’s approach to meeting the requirements of the Duty to Cooperate.....	2
3.2	London Context	3
3.3	Hertfordshire	4
4	Statement(s) of Common Ground	4
5	Barnet Planning Policy Context and Local Plan progress.....	7
6	Summary of engagement.....	8
	Appendix A - Meetings held from March 2017 onwards	9
	Appendix B - GLA & Neighbouring LPA Local Plan status	12

1 Introduction

1.1.1 This statement outlines how the London Borough of Barnet is managing the requirements of the Duty to Cooperate throughout production of the Council's Local Plan. The Duty seeks to ensure a joined-up approach is taken in plan making, where collaborative working with other relevant organisations and bodies seeks to deliver sustainable development within the administrative boundary and the wider area. This statement details the work undertaken to date and identifies how the Council is responding to the key strategic and cross boundary issues identified.

2 Background

2.1 National Context

2.1.1 The Duty to Cooperate is a statutory duty for all Local Planning Authorities (LPAs), introduced in November 2011 through Section 110 of the Localism Act 2011, which established a Duty to Cooperate in relation to the planning of sustainable development¹.

2.1.2 LPAs are under a Duty to Cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. This includes the requirement to cooperate during the preparation of development plan documents and other local development documents with local planning authorities, county councils, and relevant bodies.² Relevant bodies include the Environment Agency, English Heritage, Natural England, Homes England, the relevant Primary Care Trust, the Office of Rail Regulation, the relevant Integrated Transport Authority, the Highways Authority and the Local Enterprise Partnership. Strategic policy-making authorities, in collaborating to identify relevant strategic matters covered in their plans, should engage with their local communities and infrastructure providers³.

2.1.3 The NPPF outlines the following matters on which strategic policies should be formulated to address the strategic priorities of the area, including any relevant cross-boundary issues, setting out the overall strategy for the pattern, scale and quality of development:

- i) housing (including affordable housing), employment, retail, leisure and other commercial development;
- ii) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- iii) community facilities (such as health, education and cultural infrastructure); and
- iv) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

- 2.1.4 Whilst, as Planning Practice Guidance (NPPG) makes clear, the Duty to Cooperate is not a duty to agree, LPAs should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting local plans for examination. The NPPG also states that ‘cooperation should produce effective and deliverable policies on strategic cross boundary matters.’ In order to demonstrate effective and on-going joint working, strategic policy-making authorities are required to prepare and maintain one or more statements of common ground documenting the cross-boundary matters and progress made through cooperatively addressing these.
- 2.1.5 The NPPF notes that the examination of a local plan should include an assessment to identify if the plan has been prepared in accordance with legal and procedural requirements which therefore includes the Duty to Cooperate. The duty requires a proactive, ongoing and focussed approach to strategic matters. Constructive cooperation is seen as an integral part of Local Plan preparation and should result in clear planning policy outcomes capable of being demonstrated through the examination process.
- 2.1.6 Cooperation should be a continuous process of engagement from initial thinking through to implementation. Therefore, it is too late at examination stage to seek to retrospectively rectify any deficiencies identified in relation to the legal compliance part of the independent examination. Consequently, it is normally the first matter that an Inspector will explore and, if not undertaken thoroughly and fully in compliance with legislation, can result in a local plan being found unsound.

3 Barnet’s approach to meeting the requirements of the Duty to Cooperate

- 3.1.1 It is very important that evidence of the Duty to Cooperate (DtC) starts as early as possible and that regular constructive engagement continues throughout the plan-making process. The most important aspect of the DtC will be the outcomes; being able to demonstrate the result of the strategic cooperation and how this has influenced the submitted Local Plan. It follows therefore the DtC must involve not only policy planners responsible for drafting the Local Plan, but senior officers and elected members must also be involved in the strategic planning and decision-making processes.
- 3.1.2 This section provides a brief overview of the geography, strategic development strategy and priorities and the key relationships and bodies involved. Setting out the local context for implementing the DtC, it will also be beneficial in helping to inform the contents of Statement(s) of Common Ground subsequently drafted and used to evidence how the DtC has been met.

- 3.1.3 The London Borough of Barnet is a Local Planning Authority that, in terms of local government hierarchy, sits below the Greater London Authority (GLA), which represents the London Mayor as the Strategic Regional Authority. To support the production of the Barnet Local Plan and meet the requirements of the DtC the Council is already, and will continue, engaging throughout the plan making process with its neighbouring authorities and other relevant bodies.
- 3.1.4 Particularly important will be the need to demonstrate constructive engagement with neighbouring authorities to resolve the issue of unmet housing need, including a robust mechanism for undertaking strategic cross boundary planning to examine how the identified needs could be accommodated. It will be necessary to consider the implications of any material changes in local housing need (using the outputs of the MHCLG's standard methodology as a starting point) with other relevant authorities and agencies. At the Local Plan Examination, the Council will need evidence the efforts made to address this key strategic matter through effective joint working, rather than seeking to defer to subsequent Plan updates. Therefore, in a letter sent 28th November 2019 to neighbouring London boroughs and all Hertfordshire authorities, the Council has formally asked whether these authorities are able to help meet some of Barnet's housing need. Account will be taken of responses received to this letter when drafting the publication version of the Local Plan to be submitted for Examination. Whilst there is no duty to agree to accommodate the needs of a neighbouring authority, if that is the conclusion that is reached, it must be based on clear and robust evidence and on a proper consideration of all the issues.

3.2 London Context

- 3.2.1 The Mayor's London Plan addresses London wide strategic planning matters. Whilst London Borough Local Plans can deal with cross boundary issues, they in the main concentrate on borough specific policies. These policies can be strategic in that they apply across the whole borough, or they can also be more localised. Section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004 requires borough plans to be in general conformity with the London Plan.
- 3.2.2 As made clear in national policy and guidance, effective cooperation between the Mayor, boroughs and local planning authorities bordering London is vital to ensure that important strategic issues are planned effectively. In meeting, the duty to cooperate it is therefore important that Barnet effectively collaborates with the GLA, adjacent London Boroughs and other relevant public bodies. This is to ensure that its Local Plan is effective and collaborative in addressing the requirements set out in national (NPPF) and regional (London Plan) policy.

3.2.3 The London Plan has been under review since 2017, with ongoing consultation and revisions made prior to and during the Examination held over Spring / Summer 2019. In October 2019, the London Plan Examination Panel issued their Report. The Panel deemed the London Plan sound, subject to suggested modifications. Having considered the Panel's report, the Mayor sent his 'Intend to Publish' version of the London Plan to the MHCLG Secretary of State on 9th December 2019. The Secretary of State now has six weeks until 20th January to consider whether the plan is in accordance with national policy and has the power to issue directions in relation to its adoption.

3.3 Hertfordshire

3.3.1 If London is unable to accommodate all its development needs, the most significant strategic issue facing the wider South East for the coming decades will be how and where to accommodate growth outside London in a way that will contribute towards achieving sustainable development. Therefore, as with the London Plan, Barnet's emerging Local Plan will also need to fully recognise the functional relationships with the wider South East – in Barnet's case in terms of immediate proximity, the Hertfordshire authorities. This is likely to include consideration of migration, commuting, shopping and leisure trips, transport infrastructure, supply chains, freight and logistics, waste management, climate change, and green infrastructure. Barnet's Local Plan needs to address these cross boundary strategic matters and will therefore include policies that have implications for development and infrastructure beyond the boundaries of London.

4 Statement(s) of Common Ground

4.1.1 Paragraph 27 of the NPPF introduced, (as part of the DtC process), a requirement for strategic policy making authorities to 'prepare and maintain one or more statements of common ground (SoCG) documenting the cross-boundary matters being addressed and progress in cooperating to address these.' This is required 'in order to demonstrate effective and on-going joint working.' The purpose of the SoCG is to document cross-boundary matters and progress in cooperating to address them. It demonstrates that the Local Plan is based on effective and ongoing cooperation and that LPAs have sought to produce strategies that as far as possible are based on agreements with other authorities.

4.1.2 Produced, published and kept up to date by the signatory authorities as an accessible and public record of where agreements have or have not been reached on cross boundary strategic issues; it is necessary to have the SoCG on the Council's website at the latest by the time that the draft plan (Regulation 19 stage) is published. It should then aid the Inspector examining the Local Plan highlighting agreement reached on cross boundary strategic issues and sit together with an updated version of this DtC statement to show how the agreements have influenced the Local Plan.

- 4.1.3 It is expected that consultation on the Regulation 18 draft Local Plan will identify relevant cross-boundary issues and the authorities and organisations that the Council needs to engage with on such matters. This statement outlines the engagement undertaken to date and will be maintained throughout the plan making process to record, together with subsequent SoCG the outcomes of engagement. This will be evidenced by the 'actions' set out in the SoCG with neighbouring authorities submitted alongside the Draft plan for Examination. Taken together with the consultation statements on the Local Plan itself, these documents will provide an essential audit trail of decisions and consequential drafting changes made to the Local Plan.
- 4.1.4 Therefore, in reviewing the consultation responses received to the Regulation 18 Draft Plan, Barnet will consider the need for producing one or more SoCG that set out agreed spatial priorities. Whilst not necessarily needing to be lengthy, SoCGs should demonstrate a collective shared view of long-term priorities. In addition to setting out cross boundary issues, this could entail highlighting initial unresolved issues and setting out a clear strategy for when and how discussions to resolve them will take place.
- 4.1.5 The Local Strategic Partnership (LSP) might also be used as a sounding board for the Local Plan and any related DtC work arising. The LSP is an advisory Committee which brings together the key public, private and voluntary organisations within the Borough to identify and articulate the needs and aspirations of Barnet's local communities and provides a forum to assist the Council by collectively reviewing and steering public resources. The functions of the LSP are discharged by the Barnet Partnership Board which includes the following partners:
- Barnet Clinical Commissioning Group
 - CommUNITY Barnet
 - Barnet and Southgate College
 - Middlesex University
 - Brent Cross Shopping Centre
 - Metropolitan Police
 - Job Centre Plus
 - Groundwork London
 - Federation of Small Businesses (North London Branch)
 - West London Business
 - Argent Related
 - Saracens

4.1.6 North London NHS organisations are working together with five councils including Barnet to form a health and social care partnership. The health service is experiencing an increasing demand for services and an escalation in the cost of health and social care. A plan has therefore been produced to improve the health and wellbeing of local people by making local health and social care services more sustainable for the future. This Sustainability and Transformation Plan for the health and social care services covering the population of North Central London (NCL) recognises that the health and social care needs of local people are changing, and that there are serious issues facing health and care services. The aim is to ensure NCL is a place with the best possible health and wellbeing, however, many buildings are old and not designed or equipped to deliver a modern, 21st century health and care service. In order to provide the best possible place for patients to be cared for in modern, well-equipped and safe surroundings, there is a need to upgrade existing facilities in primary care, mental health and some hospitals. Establishing and maintaining regular liaison with relevant partners within the NHS is therefore essential to ensure a joined up and coordinated approach to planning services and that going forward, and working with resources available, the right facilities are provided in the right locations.

4.1.7 It is possible that separate documents will be needed to address matters of varying detail and scale as not all matters will be relevant to all strategic partners. Having regard to the strategic matters outlined in the NPPF and detailed in para 2.3 above, it is envisaged that an overarching SoCG will be drafted involving as signatories the GLA, Hertfordshire County Council in addition to adjacent London and Hertfordshire authorities covering matters such as housing numbers, location of tall buildings, protected views, employment, transport, physical, green and social infrastructure and sports facilities. Additional SoCG may also be required with:

- Transport for London (TfL) and Highways England covering the following transport related matters: West London Orbital Line, New Southgate Crossrail Station, buses, station accessibility, station capacity, cycle network, freight, electric vehicle charging points, existing TfL infrastructure, and the TfL Road Network.
- The Canal and River Trust covering matters addressed: active transport, open space and biodiversity, freight, flooding, heating and cooling, boating and the Welsh Harp.
- The Environment Agency and Natural England addressing matters such as: air quality, open space, biodiversity and flood risk.
- Historic England in relation to heritage issues.
- Thames and Affinity Water addressing water related matters.

4.1.8 The intention is that these documents will address strategic matters in more detail than is appropriate within this DtC statement. It is envisaged that the SoCG will serve to evidence the Council's ongoing engagement work; consistent with the duty to cooperate seeking to address/ resolve issues raised with the relevant organisations throughout the Local Plan process.

5 Barnet Planning Policy Context and Local Plan progress

5.1.1 The latest version of the Council's Local Development Scheme (January 2020) sets out the timetable for production of Barnet's Local Plan documents. In addition to the Local Plan itself, details are given of the North London Waste Plan DPD, adopted and emerging SPDs as well as neighbourhood planning and Community Infrastructure Levy (CIL) activity.

5.1.2 Consultation and engagement on the Local Plan is being carried out in accordance with the measures sets out in Barnet's Statement of Community Involvement that was adopted by the Council in 2018.

5.1.3 With regards the emerging Barnet Local Plan, at each stage summaries of comments received and responses from stakeholders will be produced and made available for viewing on the Local Plan pages of the Council's website [<https://www.barnet.gov.uk/planning-and-building/planning-policies/local-plan-review>]. Read alongside forthcoming SoCGs, these documents will demonstrate progress made on matters between the Council and stakeholders.

5.1.4 The Council started a review of its current Local Plan in 2017. Consultations on issues to be addressed in the Plan took place during 2017, including in the autumn of that year holding a series of Local Plan Visioning Workshops involving elected Members, senior Barnet officers and a range of local Barnet amenity society, residents' forum and interest groups. The outcomes of these discussions have informed the Preferred Approach Local Plan document that is now being consulted on. Comments received on the consultation draft Local Plan, together with any additional / refreshed evidence base work required, will be used to inform the Regulation 19 Publication document which the Council anticipates seeking representations on during Autumn 2020. Representations received at that stage will be submitted, alongside the Local Plan and supporting evidence base documentation, for independent examination during 2021. If found sound by the Inspector then, subject to consultation on any modifications required, the Local Plan will be adopted in late 2021.

5.1.5 As evidence of the Local Plan's positive preparation, this DtC Statement will be updated and included as part of supporting documentation that accompanies the submission version of the Local Plan document. It will assist the Planning Inspector in determining that the Council has fulfilled its Duty to Cooperate responsibilities.

6 Summary of engagement

6.1.1 The Council has good relations with adjoining London boroughs. Due to the regular meetings it attends with most of them, (detailed in para 6.2 below), there is less of a need to meet each regularly on a one to one basis.

6.1.2 Officers representing Barnet meet regularly with London stakeholders to discuss emerging planning policy, London and local plan issues at forums including:

- *Association of London Borough Policy Officers (ALBPO) and officer sub-group* – quarterly. Addresses national policy, London Plan and borough Local Plan, Supplementary Planning Documents, Article 4 Directions and Neighbourhood Planning issues.
- *West London Alliance Planning Policy Officers Group* – quarterly. Addresses national policy, London Plan and borough Local Plan, Supplementary Planning Documents, Article 4 Directions, Neighbourhood Planning and Heathrow planning issues. This grouping of seven west London Boroughs (Barnet, Brent, Harrow, Ealing, Hammersmith & Fulham, Hounslow and Hillingdon) together with the Old Oak Common Development Corporation, have cooperated in commissioning a number of joint West London evidence base studies including:
 - i) Strategic Flood Risk Assessment Level 1 2017;
 - ii) Strategic Housing Market Assessment 2018,
 - iii) Gypsy & Travellers Needs Assessment 2018,
 - iv) Small Housing Sites Assessment 2018;
 - v) Employment Land Availability Assessment 2018;
 - vi) Affordable Workspace Study – underway and
 - vii) Strategic Infrastructure Delivery Plan 2019.
- *North London Waste Plan* – joint working with 6 other London Boroughs (Brent, Camden, Enfield, Haringey, Islington and Waltham Forest) to consider waste issues.
- *Planning Officers Society* – meets quarterly at Chief Planner or equivalent.
- *Urban Design London* – Barnet Council has an annual season ticket enabling access to a comprehensive programme of CPD, networking, seminar and training events

6.1.3 The Appendix below sets out further details of other meetings that have occurred since the start of 2017 and the topics addressed with adjacent boroughs, GLA, Transport for London and other statutory bodies. A full account of the statutory bodies consulted, and whether they responded, will be added post Regulation 18 consultation within the appendix.

Appendix A - Meetings held from March 2017 onwards

Public body / Organisation	Meeting dates	Topics Discussed
GLA Draft London Plan	1st December 2017 17th January 2018 19th January 2018 25th October 2019	Launch Event North Sub Regional Event Borough Event
Hertsmere Duty to Cooperate meeting	9th October 2018	Liaison meeting – respective local plan reviews
Transport for London	11th December 2017 29th January 2019	Liaison meetings
West London Orbital	16th December 2019	Progress meetings
LB Camden Duty to Cooperate meeting	31st January 2019	Liaison meeting
London Development Database (LDD) meetings and related events providing updates from GLA's new data projects; GIS meetings on how London will work together to get a compatible set of GIS data on a map publicly available online hosted by the GLA, and automation of the LDD system.	17th May 2017 19th May 2017 28th July 2017 6th September 2017 31st January 2018 25th May 2018 4th October 2018 14th February 2019 26th February 2019 20th June 2019 21st June 2019 23rd September 2019	LDD Seminar LDD GIS Coordination Group LDD GIS Group LDD Management Group meeting LDD Management Group meeting LDD Seminar LDD Management meeting LDD Management meeting LDD Automation LDD Management meeting Housing Delivery Test Workshop LDD Automation
Enfield Duty to Cooperate meetings	21st March 2019 8th December 2019	Liaison meeting – respective local plan reviews Discuss cross border issues and Enfield's local Plan IIA and SA scoping work
GLA & LB Brent – Staples Corner	28th March 2019 26th September 2019 6th January 2019	Masterplan meetings
GLA	24th November 2017	London SHLAA Methodology & London SHMA

GLA	13th April 2017	Environment Strategy
Environment Agency meeting	24th April 2019	Barnet
LB Brent Duty to Cooperate meetings	27th March 2017 2nd May 2019	Draft Brent Local Plan policies. A5 Corridor Tall Buildings Study. Staples Corner Growth Area.
LB Harrow Duty to Cooperate meeting	21st May 2019	Local Plan liaison.
LB Harrow - Edgware Town Centre	12th July 2019	Edgware SPD.
Affinity Water meeting	17th July 2019	Hatfield
Green Arc Meeting	10th July 2017 at Theydon Bois	Meeting attended by reps from London Boroughs, Herts and Essex authorities to disseminate good practice, update on projects and discuss scope for joint working on environmental and Green Arc initiatives.
Estates Strategic Group meeting	27th March 2019 21st August 2019	Local Plan update covering the quantum and locations for growth proposed and the hospital sites put forward for potential intensification for residential uses.
Pan London & Regional Meetings	Meeting dates	Topics discussed
Association of London Borough Planning Officers (ALBPO) Meetings - Development Plans	Bi-monthly	
Association of London Borough Planning Officers (ALBPO) Meetings – Policy Officers sub group	Bi-monthly	
Association of London Borough Planning Officers (ALBPO) Meetings – Neighbourhood Plans	Quarterly	
West London Alliance Policy Officers & Chief Planners	Quarterly	
Transport for London	Quarterly	
Planning Advisory Service	Various Events	
New London Architecture	Various Events 31st October 2019	Seminars, workshops etc including: Think Tank on the new London Plan
Urban Design London	Various Events 20th November 2019	Seminars, workshops etc including: Discussion on London Plan panel report
Planning Officers Society - London	8th November 2019	
Environment Agency	9th November 2017 5th April 2018 8th February 2019	West London Strategic Flood Risk Assessment

Thames Water	9th November 2017 8th February 2019	West London Strategic Flood Risk Assessment
Wider South East Summit – GLA and authorities from South East England	26th January 2018 25th October 2019	Duty to Cooperate strategic matters between London and the wider south east England region.
Other Conferences and National Events	Meeting dates	Venues/ topics discussed
Planning Officers Society / British Property Federation Conference	19th April 2018	Birmingham
Planning Officers Society Conference	25th January 2019	Central London

Appendix B - GLA & Neighbouring LPA Local Plan status

GLA	London Plan Examination Panel published. Adoption of replacement London Plan anticipated early 2020.
LB Brent	Reg 19 publication draft Local Plan issued Nov 2019.
LB Camden	Local Plan adopted 2017. Evidence base gathering with Issues & Options early 2020.
LB Enfield	Reg 19 publication expected by autumn 2020.
LB Haringey	Local Plan DPDs adopted 2017 – review to commence 2020.
LB Harrow	Full Local Plan review underway – broad level Reg 18 issues and options consultation early 2020.
Hertsmere BC	Reg 18 consultation on potential housing and employment sites issued Nov 2019.