

The JLP Duty to Co-operate is seen solely in the context of; **Section 110 of the Localism Act 2011**, and **Part 2 of The Town and County Planning (Local Planning) (England) Regulations 2012**. In this context they both draw on a list of the parties seen to be necessary to co-operate with on strategic planning matters and these are listed. It also includes reference to **Paragraph 156 of the National Planning Policy Framework**.

### **Section 110, Localism Act 2011**

This imposes the requirement for a Local Planning Authority to co-operate with others in order to further sustainable development. The JLP is drafted in this context primarily at statutory bodies at a similar hierarchy to the LPA – Babergh and Mid-Suffolk District Councils.

### **Part 2 of The Town and County Planning (Local Planning) (England) Regulations 2012**

This regulation imposes a similar requirement as to the need to consult with statutory bodies that provide strategic services and aid economic growth.

### **National Planning Policy Framework**

Paragraph 156 sets-out the **strategic priorities** for the LPA area in the Local Plan and no more. However, Paragraph 156 sits within the Section entitled **Plan-making – Local Plans**, starting at paragraph 150 and finishing at paragraph 157 (NPPF page 37). In a nutshell, each paragraph states;

150. Local Plans are key to delivering sustainable development.

151. LPs to be objective and be consistent within the NPPF as a whole, including the presumption in favour of development.

152. LPAs to seek to achieve; economic, social and environmental dimensions of sustainable development. Significant adverse impacts to be; avoided, mitigated or compensated for.

153. LPAs to produce a LP. It can be reviewed in whole or in part and supplemented by Supplementary Planning Documents to ease the application process and infrastructure delivery.

154. LPs should be aspirational but realistic. They should address; special, economic, social and environmental change. They should set out opportunities for development and contain clear policies.

155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the local community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

156. LPAs should set out the strategic priorities for the area. To deliver; homes and jobs, retail, leisure and commercial provision, infrastructure for transport, telecommunications and cultural, climate change mitigation and conservation.

157. Crucially LPs should; plan positively for the development and infrastructure required, cover an appropriate time scale, be based on co-operation, indicate broad locations for strategic development, allocate sites, limit change of use, identify inappropriate development sites, contain a clear strategy for enhancing the natural and historical environment.

These paragraphs to the NPPF need to be studied in full: however it is apparent that Paragraph 156 is not the starting point for the Duty to Co-operate at this level. Firstly, the NPPF needs to be taken in its entirety and secondly, Paragraphs 150 to 157 is a sub-set specifically aimed at the making of Local Plans. Paragraph 155 is of particular relevance – *early and meaningful engagement* et al.

## Observations

The framework of the JLP is to cherry pick the NPPF and to ignore not only the letter of that document but also its spirit of a bottom up process based on local involvement at the community level.

It is not clear to see where the authority is derived from to ignore the NPPF as a whole document. Many important sections within the JLP commence with a reference to paragraph 156 of the NPPF and this leap frogs over the need to; '*reflect the vision and aspirations of local communities*' (para 150), '*be consistent with the principles and policies set out in this Framework*' (para 151), '*Early and meaningful engagement and collaborations with neighbourhoods*' (para 155). By starting at 156 the need to engage and involve local communities is not fully addressed. The present process of consultation is not a substitute for proper engagement.

## References

**Section 110, Localism Act 2011 – see**

<http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

**Part 2 of The Town and County Planning (Local Planning) (England) Regulations 2012 - see**

<http://www.legislation.gov.uk/uksi/2012/767/regulation/4/made>

**National Planning Policy Framework- see**

<https://www.gov.uk/guidance/national-planning-policy-framework>

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