

Local Plan Committee

4th April 2016

Item
12

Report of	Head of Commercial Services	Author	Karen Syrett 01206 506477
Title	Duty to Co-operate – Memorandum of Co-operation		
Wards affected	All		

The Local Plan Committee is asked to consider the Memorandum of Co-operation with Braintree, Chelmsford, and Tendring District Councils and Essex County Council.

1. Decision(s) Required

- 1.1 To recommend that the Portfolio Holder for Economic Growth and Planning signs the Memorandum of Co-operation: Collaboration on Strategic Priorities in North and Central Essex on behalf of Colchester Borough Council.

2. Reasons for Decision(s)

- 2.1 Colchester Borough Council signing a Memorandum of Co-operation (MoC) with a selection of neighbouring Councils and the County Council would provide a framework in which future collaborative working will take place and provide strong evidence of Duty to Co-operate.
- 2.2 The MoC does not attempt itself to set planning policy (that would be a matter for this Committee) instead it is concerned with committing the Council to joint working on planning issues to improve the overall performance of local planning which is a Portfolio Holder matter. Hence the relevant Portfolio Holder is being asked to sign off this decision. It should be noted that any product of this joint working would form part of the Local Plan and would be for this Committee to deal with in the normal way.

3. Alternative Options

- 3.1 To not recommend that CBC sign the MoC which would miss the opportunity for CBC to provide strong evidence of its compliance with the statutory Duty to Co-operate and for CBC to participate in a framework in which future collaborative working will take place.

4. Supporting Information

- 4.1 As part of the work on the new Local Plan, officers and Members as appropriate have been working with our neighbouring local authorities, particularly those within our identified strategic housing market area

(Chelmsford, Braintree and Tendring) and Essex County Council, as well as Maldon District Council on key cross border issues.

- 4.2 Chelmsford, Colchester, Tendring and Braintree have worked together to commission a number of pieces of evidence base to support the new Local Plans, particularly in relation to housing need across the strategic market area. Work has also been undertaken with Braintree, Tendring and Essex County Council on the exploration of the potential for new garden communities across the area.
- 4.3 A group of senior officers and leaders of the authorities met several times in late 2014 and 2015 with a view to ensuring closer working across the locality on planning matters. At these meetings it was agreed to produce a Memorandum of Co-operation (MoC) which could be signed by all the authorities and provide a framework within which individual Local Plans could be progressed. An officer working group was set up, with support from John Williamson, the manager of the Cambridgeshire and Peterborough Joint Planning Unit, to undertake this piece of work.
- 4.4 As part of work on their Local Plans, local authorities have a Duty to Co-operate with others on cross border strategic issues. This is a legal duty which must be demonstrated at the examination into the Local Plan, or it is not able to succeed. This MOC will help to demonstrate that this duty has been met and provide a framework for future co-operation.
- 4.5 Maldon District Council have been engaged in this process and have attended both Member and officer groups. However given the current stage of preparation of their Local Plan, officers have suggested at this time that they will not be a signatory to the MoC.
- 4.6 Content of the MoC
The MOC is titled Collaborative Working on Strategic Priorities in North and Central Essex. It starts with a general introduction and context of the location of the authorities involved and why they have chosen to carry out this piece of work.
- 4.7 The MoC then goes on to identify 4 key objectives of the MOC which are to provide evidence on the Duty to Co-operate, to identify major strategic issues, to articulate the process and outcomes from the collaboration and to ensure the alignment of strategic investment priorities and work together on the funding for such projects.
- 4.8 The MoC identifies the key strategic issues that need to be tackled across the local authority area, grouped into themes around transport, infrastructure and connectivity, providing sufficient new homes, providing employment, addressing education and healthcare needs and ensuring high quality outcomes.

- 4.9 The MoC also identifies the governance arrangements for the monitoring of the document, through a joint Member Group and that the MoC should be in place until the final Local Plan has been adopted, or if it is replaced by a new version. A full copy of the MOC is set out in Appendix 1.

4.10 Local Plan 'Part 1'

Within the MoC there is reference to the production of some strategic cross border policies which would build from the issues and objectives identified in the MOC. This is being called a 'Part 1' of a Local Plan by officers, although there is no formal name for this part of the process.

- 4.11 The Local Plan Part 1 is expected to include a small number of strategic policies such as housing numbers, strategic employment and infrastructure which are cross boundary issues. Each local authority will produce its own Local Plan but it is intended that each Plan will have the same part 1 section within it. A draft of this 'Part 1' is currently being finalised by the officer working group and John Williamson with a view to it being part of the draft Local Plans when they are published in June.

5. Proposals

- 5.1 The MoC: Collaborative Working on Strategic Priorities in North and Central Essex, is a strong piece of collaborative working which demonstrates the Council's ongoing commitment to working together and meeting the Duty to Co-operate and it is therefore recommended that this Committee recommends that the Portfolio Holder for Economic Growth and Planning, sign it on behalf of Colchester Borough Council.
- 5.2 The other local authorities in the group are also considering the MoC in the coming weeks. A completed and signed document will be published on the website.

6. Strategic Plan References

- 6.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

7. Consultation

- 7.1 There will be no consultation on the MoC. The joint Part 1 to the Local Plan will be consulted on later this year.

8. Publicity Considerations

- 8.1 The Duty to Co-operate is a statutory requirement and therefore the MoC is not likely to generate publicity.

9. Financial Implications

- 9.1 There are no direct financial implications.

10. Equality, Diversity and Human Rights Implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:-

<http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration>

or go to the Colchester Borough Council website

www.colchester.gov.uk and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.

- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

- 11.1 None

12. Health and Safety Implications

- 12.1 None

13. Risk Management Implications

- 13.1 Formalisation of arrangements to ensure the Council complies with its Duty to Co-operate is intended to minimise the risk of the Local Plan being found unsound.

14. Disclaimer

- 14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

Appendix 1 – MoC

A Memorandum of Co-operation: Collaborative Working on Strategic Growth Priorities in North and Central Essex

Introduction

Essex is a large county made up of some 12 city and district authorities together with the county council. Despite its size the authorities have a strong track record of working collaboratively on growth issues through regional and structure plans; and, more recently, as part of the South East Local Enterprise Partnership.

In Essex as elsewhere, economic and demographic growth pressures cut across administrative boundaries, reflecting functional and spatial geographies. Settlement patterns, migration flows, commuting and strategic infrastructure needs all have significant influences within and between local authority areas.

The Localism Act 2011 places a Duty to Co-operate on local planning authorities and county councils¹, requiring them to engage constructively, actively and on an on-going basis in the preparation of plans where this involves strategic matters. The National Planning Policy Framework encourages authorities to prepare joint, non-statutory documents, particularly where this provides evidence of having effectively cooperated to plan for issues with cross-boundary impacts².

This Memorandum of Co-operation (MOC) seeks to meet this purpose and to go further in setting out a range of common challenges and opportunities across the area and how these will be addressed.

Parties to the Memorandum

This Memorandum is agreed by the following Local Authorities:

- Braintree District Council
- Chelmsford City Council
- Colchester Borough Council
- Essex County Council
- Tendring District Council

This group of neighbouring authorities historically have made a significant contribution to Essex's growth. They have agreed to come together because of their shared desire to

¹ Localism Act 2011, section 110.

² National Planning Policy Framework, paragraph 181.

continue to promote sustainable growth; and the particular need to articulate the strategic priorities within the wider area and how these will be addressed. Central to this is the effective delivery of planned strategic growth, particularly housing and employment development, with the necessary supporting infrastructure. The authorities will continue to engage with the South East Local Enterprise Partnership in developing their growth priorities.

Objectives

Against this background, the main aims of this MOC are to:

- provide a high level statement of intent under the Duty to Co-operate to collaborate on strategic issues;
- to identify the key strategic issues that will have a bearing across the wider geographic area;
- to articulate the process for and outcomes from this collaboration, principally through the statutory planning process; and
- to ensure appropriate integration and alignment of strategic investment priorities in support of sustainable growth, and to use this to make the case collectively for the necessary funding.

Strategic Issues

Future population growth will be driven largely by net migration rather than natural change. This will require an appropriate response from the local authorities to ensure that sufficient houses, employment premises and supporting social and other infrastructure are provided. The ageing profile of residents also requires a proactive response to provide the right type of housing and supporting facilities.

Past under-investment in transport infrastructure and increased demand for road and rail use has placed significant strain on the network. Future planned growth provides the opportunity to address these infrastructure needs as well as to ensure that sustainable travel modes are promoted, although there will be significant challenges in funding what is required.

Against this background, the key strategic issues the authorities need to address collaboratively are:

- **Transport Infrastructure and Connectivity** – Focused on addressing capacity constraints on the A12, A120, A130 and A414; together with upgrades to the Great Eastern Main Line rail line and services; and provision of upgraded broadband infrastructure and services.

- **Providing Sufficient New Homes** - To meet the needs of a growing and ageing population; through ensuring the availability of developable land in appropriate locations and that the market delivers a suitable mix of housing types.
- **Providing for Employment** - To strengthen and diversify local economies to provide more jobs; and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth.
- **Addressing Education and Healthcare Needs** - A range of good quality educational opportunities will need to be addressed as part of a sustainable growth strategy, including practical vocational training and apprenticeships linked to local job opportunities. The authorities will need to work with the NHS and local health partnerships to ensure adequate provision of healthcare facilities to support new and growing communities.
- **Ensuring High Quality Outcomes** – Strategic collaboration provides the opportunity for greater ambition in planning and delivering high quality sustainable new communities; particularly, for example, through new garden communities. More generally, new development must be functional and viable, but also reflect high standards of urban and architectural design. Major new developments will be planned carefully with the use of masterplans and design codes where appropriate.

Collaborative approach and outcomes

With the removal of the statutory requirement to produce a strategic plan, Local Plans are the main vehicle for delivering an area's growth requirements and how these will be accommodated. However, as these are necessarily limited in their geographic scope, individual local authorities cannot fully reflect strategic influences and issues within them.

The authorities' agreed response to this is to produce a common strategic section for the current reviews of each of their Local Plans. This 'Part 1' of their Plans will provide the evidence to support their strategic approach to the key issues outlined above, and a spatial strategy and policies responding to these issues in a proactive manner. The separate 'Part 2' for each plan will then address local issues and policies within each authorities' area.

Governance

The work required to deliver the necessary outcomes from this strategic collaboration will be overseen by a Joint Member Group with representation from each of the participating authorities. This will be supported by an Officer Group which will report to the Joint Member Group. Terms of Reference for these Groups will be developed and agreed. Other sub-regional groupings and partners will be engaged as necessary as work progresses.

Timing

This Memorandum has immediate effect and will remain in place until adoption of the last of the authorities' local plans, unless this version is reviewed and replaced before this.

Signature	Role	Authority