

<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## **CABINET**

**15 APRIL 2016**

### **REPORT OF THE LEADER AND PORTFOLIO HOLDER FOR PLANNING**

#### **A.1 NORTH AND CENTRAL ESSEX MEMORANDUM OF CO-OPERATION**

(Report prepared by Simon Meecham)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

The purpose of this report is to:

- (1) Update Cabinet in regards to the co-operation and collaboration on strategic planning matters between Braintree, Chelmsford, Colchester, Essex and Tendring Councils; and
- (2) To note and endorse the Leader of Tendring District Council and Portfolio Holder for Planning has signed the 'Memorandum of Co-operation' for strategic planning with North and Central Essex authorities.

##### **EXECUTIVE SUMMARY**

Members and officers from Braintree, Chelmsford, Colchester, Essex, Maldon and Tendring have been preparing joint evidence and collaborating on strategic development and infrastructure matters to inform their emerging Local Plans. As part of this, a Memorandum of Co-operation (MoC) has been produced to identify and agree the key strategic priorities across north and central Essex.

The MoC identifies four key objectives 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.

This Report promotes the MoC in the interests of openness and transparency. It is also brought before Cabinet to celebrate the MoC as an excellent example of local authorities working together on the larger than issues requiring leadership from local government.

##### **RECOMMENDATION(S)**

- (a) **To note and endorse that the Leader of Tendring District Council and Portfolio Holder for Planning has become a signatory to the 'Memorandum of Co-operation: Collaboration on Strategic Priorities in North and Central Essex' on behalf of this Council.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Memorandum of Co-operation helps us to achieve our corporate goals for prosperity, people and place through a framework of collaboration to:

- identify major strategic issues, including economic growth, delivering housing needs, protecting the environment and articulating the processes and outcomes from such collaborative working; and
- ensuring the alignment of strategic investment priorities in north and central Essex - working together on the funding for such projects.

### FINANCE, OTHER RESOURCES AND RISK

#### Finance and other resources

There are no direct financial implications of the MoC. The MoC will however help to secure smarter working relationships between the authorities and our external stakeholders.

#### Risk

The risk is that the other authorities do not sign the MoC and this would leave gaps in the north and central Essex area for collaboration. This risk is considered by officers to be very unlikely.

### LEGAL

The Localism Act (2011), the Planning Regulations (2012) and both the National Planning Policy Framework (2012 – as amended) and Planning Practice Guidance require in law and in guidance effective collaboration between certain public bodies including Local Authorities.

Strategic Planning is an executive function and sits with the Portfolio for Planning and the Leader's role includes promotion of joint partnership working.

### OTHER IMPLICATIONS

Area or Ward affected – All

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

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

1.2 Braintree, Chelmsford, Colchester and Tendring have cooperated to commission an evidence base to support their emerging Local Plans, particularly in relation to housing need across the strategic market area. Evidence collaboration has also been undertaken between Braintree, Colchester, Tendring and Essex Councils' on the exploration of the potential for new garden communities.

- 1.3 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 north and central Essex on strategic planning matters. At these meetings it was agreed to produce a Memorandum of Co-operation (MoC) which could be signed by all the authorities to 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.
- 1.4 As part of the Local Plan production, local authorities have a 'Duty to Co-operate' with each other on cross border strategic issues. This is a legal duty, the co-operation must be demonstrated as active, ongoing and with outcomes or Local Plans will fail at the Examination in Public stage. The MoC will help to anchor this collaboration. Strategic Planning is an executive function and sits with the Planning Portfolio, the Leader of the Council role includes joint working with partners.
- 1.5 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.

## **CURRENT POSITION**

- 1.6 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.
- 1.7 The MoC then goes on to identify four key objectives 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.
- 1.8 The MoC identifies the key strategic issues that need to be tackled across the local authority areas, grouped into themes around transport, infrastructure and connectivity, providing sufficient new homes, providing employment, addressing education and healthcare needs and ensuring high quality outcomes.
- 1.9 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.

## **2 A Local Plan 'Part 1a'**

- 2.1 Within the MoC there is reference to the production of strategic policies which would build from the issues and objectives identified in the MoC. This is being called a 'Part 1a' of a Local Plan by officers, although there is no formal name for this part of the process at present.
- 2.2 The Local Plan Part 1a is expected to include a small number of strategic policies on for example, agreed housing numbers, strategic employment and infrastructure, all of

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 1a section within it. A draft of this 'Part 1a' is currently being finalised by the officer working group with a view to it being part of the draft Local Plans when they are published at 'preferred options' stage later this year

### **3 Conclusion and Next Steps**

- 3.1 The MoC: Collaborative Working on Strategic Priorities in North and Central Essex is evidence of collaborative working which demonstrates the Councils' ongoing commitment to working together and meeting the Duty to Co-operate.
- 3.2 The other local authorities in the group are also considering the MoC in the coming weeks; if agreed, a signed version of the document will be published on the website. At the time of publishing, Braintree District Council had also formally become a signatory of the MoC.

#### **BACKGROUND PAPERS FOR THE DECISION**

Memorandum of Co-operation for agreement and signature

#### **APPENDICES**

Appendix A - Memorandum of Co-operation for agreement and signature

## Appendix A – Memorandum of Co-operation

### **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 councils<sup>1</sup>, 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 impacts<sup>2</sup>.

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 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;

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<sup>1</sup> Localism Act 2011, section 110.

<sup>2</sup> National Planning Policy Framework, paragraph 181.

- 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.

<b>Signature</b>	<b>Role</b>	<b>Authority</b>