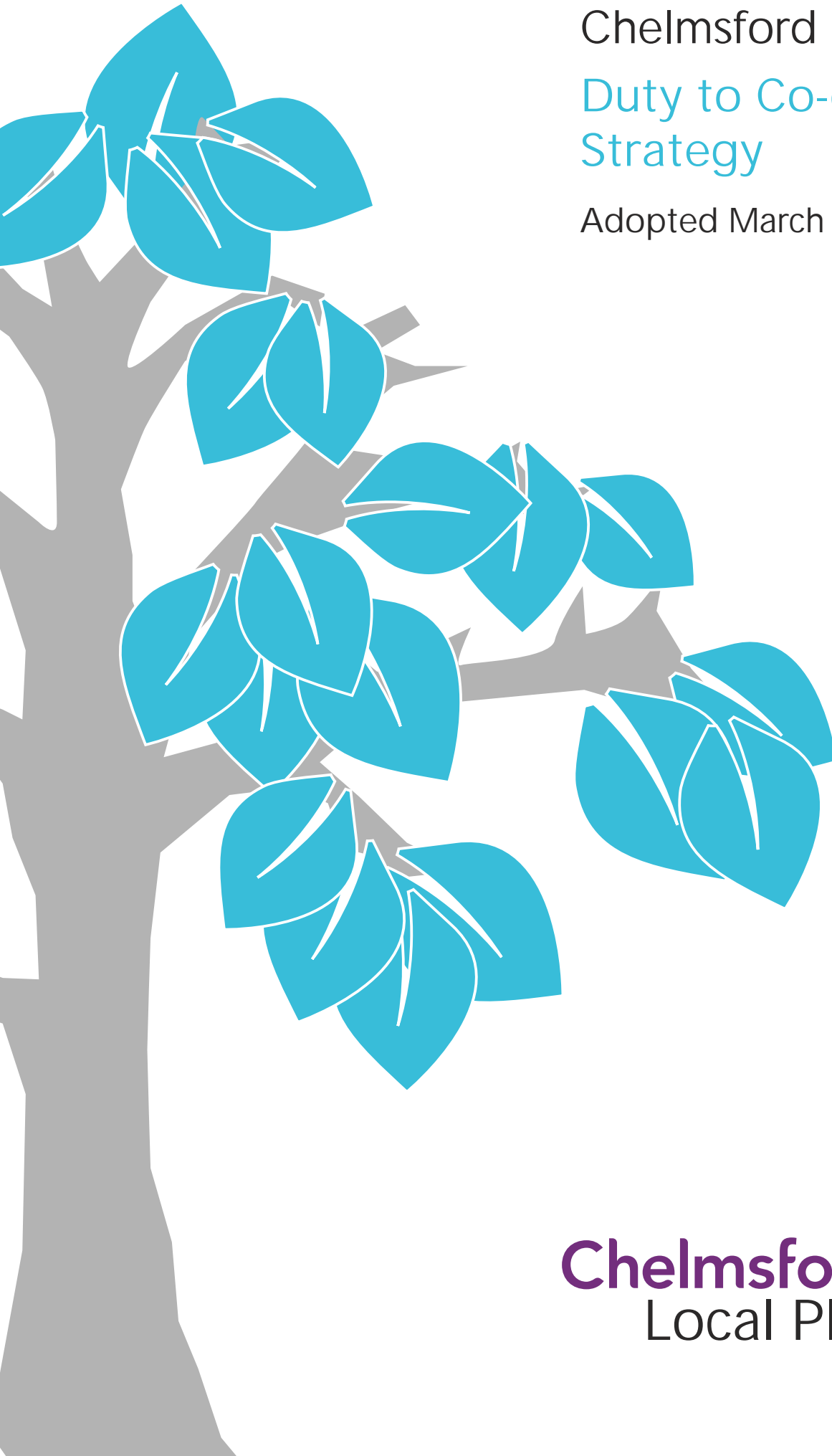


Chelmsford Local Plan

Duty to Co-operate Strategy

Adopted March 2015





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Part I Introduction

Introduction

1.1 Chelmsford City Council (CCC) has always understood the importance of co-operating with others on strategic planning matters. It has a history of working together with neighbouring authorities and stakeholders on plan making and this continues today. This background of collaboration should provide a strong basis for CCC to develop effective joint working arrangements required to satisfy the legal duty test on its Local Plan.

1.2 This Strategy outlines CCC's commitment to implementing the Duty to Co-operate on its Local Plan. It explains in broad terms who we will seek to co-operate with, when we will co-operate and what co-operation mechanisms we will put in place. It does not identify the strategic cross boundary issues that may need to be addressed as this work will follow later (and is described in Part 7).

1.3 Although the Duty to Co-operate is not a duty to agree, the Council will make every effort to seek co-operation on cross-boundary and strategic planning matters in a focused, positive and structured way. At the same time, CCC will continue to work constructively with nearby planning authorities on their local plan preparation.

1.4 The Draft Duty to Co-operate Strategy was subject to consultation in November 2014 - January 2015. Those public bodies that are subject to the legal duty, and therefore directly affected by the Strategy, were invited to comment.

Part 2 What is the Duty to Co-operate Strategy?

What is the Duty to Co-operate Strategy?

2.1 This Strategy outlines how CCC will co-operate and engage on strategic matters when preparing its new Local Plan (Chelmsford City Plan). Strategic matters are larger than local issues that cannot be dealt with by one local planning authority alone. For example, the provision of new housing, jobs, retail, infrastructure, flooding and flood risk. The Government's Duty to Co-operate is considered to be the mechanism by which strategic issues are planned for at local level in the absence of Regional Spatial Strategies.

2.2 The Strategy describes to nearby planning authorities (see map in Appendix 2) and prescribed bodies what co-operation and engagement arrangements they can expect from this Council on strategic planning matters identified.

2.3 The Strategy aims to:

- Ensure proactive, on-going, focused and constructive co-operation on cross-boundary planning matters
- Achieve legally compliant and 'sound' Local Development Documents, and
- Facilitate effective strategic planning in the region.

2.4 CCC is determined to ensure that Duty to Co-operate activities positively influence the evolution of its Local Plan and shape the proposals as they emerge. Whilst there is no duty to agree, it will make every effort to secure the necessary co-operation on strategic cross-boundary matters before submitting the Local Plan for Examination.

Strategic matters are defined in the Localism Act 2011 as: (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.

Please note that the Local Plan will guide growth and development in Chelmsford City Council's administrative area for the period up to 2036. It will provide the Council's vision, objectives and Spatial Strategy. It will also contain Strategic Development Policies, Development Management Policies, Site Specific land use allocations and a Local Plan Policies Map. Once adopted, the Local Plan will replace the existing Local Development Framework (LDF).

Please note that this Strategy is concerned with the implementation of the Duty to Co-operate on the emerging Chelmsford City Local Plan. It is a policy document that sits alongside the Council's Statement of Community Involvement (SCI).

Part 3 Why do we need it?

Why do we need it?

3.1 The Localism Act creates a duty on all local authorities and prescribed bodies (defined in Regulations and guidance) to co-operate with each other to address strategic matters relevant to their areas. Specific guidance on how authorities are expected to address strategic planning matters and apply the Duty to Co-operate is given in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). This guidance has been used to produce this Strategy.

3.2 The timetable for preparing the Chelmsford Local Plan is set out within the Council's approved Local Development Scheme (LDS) and summarised in Table 1.

Table 1 - Timetable for Preparing the Chelmsford City Local Plan

Stage	Timescale (all dates are provisional)
Duty to Co-operate Scoping Report -Consultation with relevant Planning Authorities and bodies	Summer 2015
Local Plan Evidence gathering and public participation – Scoping Consultation (Regulation 18)	Autumn/Winter 2015
Local Plan Preferred Options Consultation (Regulation 19)	Autumn 2016
Draft Local Plan Submission Document Consultation (Regulation 19)	Spring 2017
Submission of Local Plan to the Secretary of State (Regulation 22)	October 2017
Independent Examination	January 2018
Adoption	May 2018

3.3 Some early discussions have taken place between CCC and neighbouring planning authorities regarding its future Local Plan. These are informal because at this point in time no decisions have been made about the quantum and distribution of Chelmsford's future growth. This will be informed by the emerging Local Plan evidence base including an objectively assessed housing needs study to be commissioned shortly. However, discussions with our neighbouring councils are useful now as there is potential for a number of cross- boundary issues such as the provision of major new transport

infrastructure, distribution of jobs and housing and, climate change mitigation and adaptation. A strategy is needed to progress effective co-operation on strategic matters throughout preparation of the Local Plan and beyond into its delivery and review.

Part 4 Who is the Strategy for?

Who is the Strategy for?

4.1 The Strategy is aimed at neighbouring and nearby local planning authorities, Essex County Council and a range of other prescribed bodies as defined in legislation and guidance. These are listed in Appendix I and these bodies are required to co-operate with CCC on strategic cross-boundary planning matters of common concern.

4.2 The Strategy is also aimed at other relevant bodies that the Council might need to co-operate with when preparing the Local Plan. These include the Local Enterprise Partnership, Local Nature Partnerships and private sector utility and infrastructure providers (see Appendix I). These other bodies may have a key role in supporting the Council in its Local Plan preparation and developing the evidence base.

Please note that this Strategy sets out how CCC will co-operate on strategic cross-boundary planning matters with other Councils and bodies specifically defined in legislation or national guidance. It is not aimed at other Local Plan consultees such as local residents, community groups, Parish and Town Councils, landowners and developers as these are not specifically listed as Duty to Co-operate public bodies. However, the Council will seek to involve, engage and consult these people and organisations on its Development Plans and when considering Planning Applications. More details are set out in its adopted Statement of Community Involvement (SCI).

Part 5 Our approach to Duty to Co-operate

Our approach to Duty to Co-operate

5.1 This Council and many others have a history of working together and with other bodies to address strategic planning matters of common concern. This historical background of co-operation will provide a strong foundation on which to implement the Duty to Co-operate.

5.2 Co-operation on preparing a Local Plan is a two way process between different authorities or bodies. There may be a situation where an offer to co-operate by CCC is declined, or agreement on a shared policy outcome cannot be achieved. Although the Duty to Co-operate is not a duty to agree, CCC will make every effort to ensure that cross-boundary strategic planning matters are properly addressed at the formative stages of the Local Plan process, and that any major disagreements are resolved before submission for Examination.

5.3 CCC will seek to ensure co-operation and engagement is undertaken appropriately for the Local Plan i.e. that it is proactive, continuous, rigorous and constructive. The Council will also ensure that arrangements for co-operation are fit for purpose and reasonable. In some instances it may be acceptable to continue to discuss strategic matters through existing joint working arrangements. These include the Essex Planning Officers Society (EPOA), the Co-operation for Sustainable Development Group, the Chelmsford Tomorrow Local Delivery Mechanism and the Officer Strategic Spatial Planning Liaison Group (associated with the London Plan). However, it is accepted that other mechanisms will need to be established and new authorities and bodies may well need to be proactively engaged depending on the strategic matters identified.

Part 6 Options for Co-operation

Options for Co-operation

6.1 In meeting the requirements of the Duty to Co-operate, Government Guidance recommends that local planning authorities ‘scope’ the Local Plan strategic matters at the beginning of the preparation process. This should take into account the functional geography of the strategic matters and identify the local authorities and prescribed bodies that need to be co-operated with. Guidance also advises that consideration is given to preparing joint-evidence base documents and Local Development Documents.

6.2 As recommended by Government, CCC will prepare a ‘Scoping Report’ to identify authorities and bodies that CCC will need to co-operate with in seeking to address each strategic matter, and the proposed methods and timescales for doing this. The Scoping Report will ensure that any cross-boundary issues are addressed at the earliest possible stage. This should maximise effective working on the preparation of the Local Plan in relation to strategic matters and reduce the risk of challenge at Examination.

6.3 Comments will be invited on a Draft Scoping Report to ensure CCC is taking the correct approach to meeting its Duty to Co-operate. It will also provide an opportunity for stakeholders to highlight any strategic matters CCC may have missed and to identify any potential for joint or aligned Development Plans and policies. The Scoping Report is expected to be published for consultation in Summer 2015 (see Table 1).

6.4 Once finalised, the Scoping Report will form the framework for an agreed approach and commitment from CCC in how it will discharge its Local Plan Duty to Co-operate. It will also be used to inform the first public consultation on the Local Plan due to be carried out in Autumn 2015 (see Table 1).

6.5 Throughout the Local Plan preparation process, the list of strategic matters and opportunities for joint working will be kept under review and influence the engagement and co-operation activities promoted. CCC will develop new and/or build on existing established joint working mechanisms, as appropriate. Co-operation arrangements the Council propose to employ and/or consider include:

- Joint Officer and Member meetings, committees and working groups
- Commissioning of joint evidence base studies and reports
- Joint or aligned plans across Council areas
- Memorandums of Understanding as a framework for co-operation
- Getting key decisions in writing from other authorities/bodies
- Confirming understanding/intentions in writing
- Joint statements of policy/action
- Joint statements of co-operation/ Statements of Common Ground

6.6 These arrangements will be undertaken in addition to statutory Local Plan and planning application consultations, and general correspondence issued by the Council.



6.7 CCC will regularly record and report on co-operation and engagement activities, what decisions have been reached and why and what the outcomes are for Local Plan policy and Strategy. For example, updates to the Council's Development Policy Committee and in its Authority Monitoring Report (AMR).

Part 7 Demonstrating we have met the Duty to Co-operate

Demonstrating we have met the Duty to Co-operate

7.1 The 'Duty to Co-operate' is a legal requirement under the Localism Act 2011 of the Local Plan preparation process and is the first thing that the Planning Inspectorate will assess before considering whether the Plan is sound. To do this, the Planning Inspectorate will require comprehensive and robust evidence to demonstrate that the duty has been met for the Chelmsford City Local Plan at Examination (expected to be in early 2018 – see Table 1).

7.2 This evidence will be set out in a Duty to Co-operate Statement of Compliance submitted alongside the Local Plan. This will highlight how preferred strategic approaches and policies have resulted from effective co-operation and joint working. This will also report on how the duty will be taken forward through to plan implementation and monitoring.

Part 8 Appendix I Relevant "Duty to Co-operate" bodies

Appendix I - Relevant "Duty to Co-operate" bodies

The following 'Duty to Co-operate' bodies are relevant to the preparation and implementation of the Chelmsford City Local Plan:

- Essex County Council
- Neighbouring and nearby local planning authorities including Braintree, Basildon, Uttlesford, Castle Point, Colchester, Rochford, Harlow, Southend-on-Sea, Tendring, Thurrock, Brentwood, Epping Forest, Maldon and London Boroughs adjoining Essex
- Environment Agency
- Natural England
- Clinical Commissioning Group
- National Health Service Commissioning Board
- Essex Police
- Essex Fire and Rescue
- Historic Buildings and Monuments Commission for England (English Heritage)
- Integrated Transport Authority
- Highway Authority
- Marine Management Organisation
- Network Rail
- Mayor of London (Greater London Authority)
- Transport for London
- Highways Agency
- Civil Aviation Authority
- Homes and Communities Agency
- Office of Rail Regulation
- Sport England
- South East Local Enterprise Partnership
- Local Nature Partnership (led by Essex Wildlife Trust)
- Relevant private sector bodies (including Writtle College and Anglia Ruskin University)
- Relevant utility and infrastructure providers (Transport network providers and operators, water supply and sewerage providers, energy providers, telecom providers).

These organisations are registered on the Council's Development Plan Consultation Database.

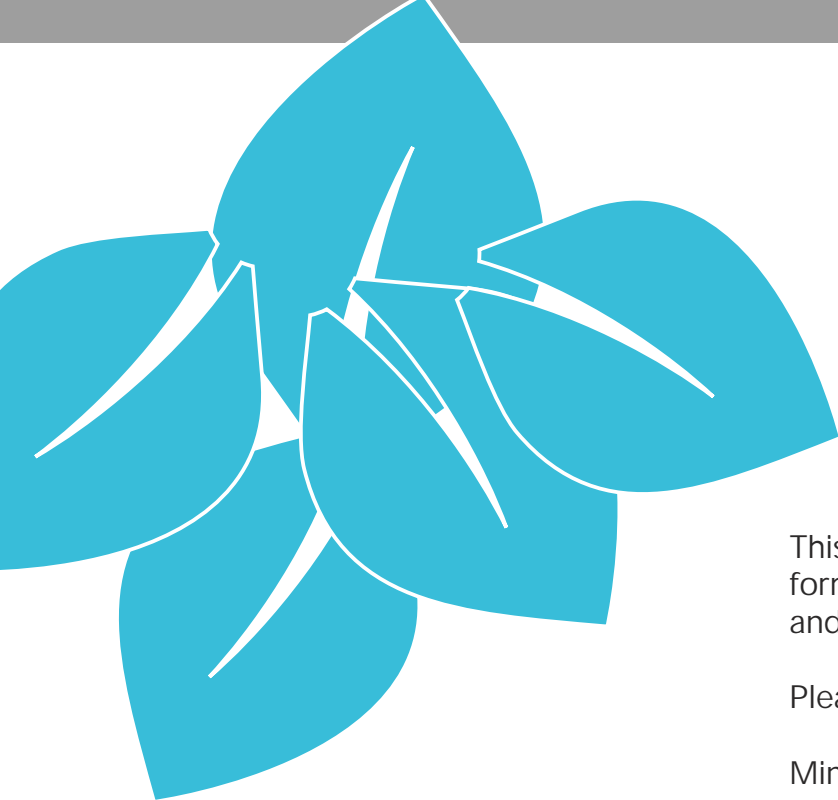
Part 9 Appendix 2 Map of Planning Authorities that adjoin or are near to Chelmsford City Council's Administrative Area

Appendix 2 – Map of Planning Authorities that adjoin or are near to Chelmsford City Council's Administrative Area

Chelmsford City Council is adjoined by seven local planning authorities. Essex County Council is the local Highway Authority and Education Authority. It is also responsible for the Minerals and Waste Local Plans with Southend-on-Sea Unitary Authority.

Clear evidence of effective co-operation between these authorities will be particularly important in terms of addressing strategic matters associated with CCC's Local Plan.





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