

4th November 2014

Planning & Development Committee

**Memorandum of Understanding between Brentwood
Borough Council and Basildon Borough Council**

Report of: *Gordon Glenday, Head of Planning and Development*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Borough Council and Basildon Borough Council, as the Local Planning Authorities, have prepared a “Memorandum of Understanding” (MoU) to agree to work together when considering cross boundary strategic planning issues. The MoU is set out in Appendix A.
- 1.2 This MoU sets out that both Councils will explore whether land to the west of Laindon (in Basildon Borough) and to the east of West Horndon (in Brentwood Borough) has any potential of meeting some of the development needs of both boroughs through a cross boundary development opportunity.
- 1.3 Both Councils consider this approach to be consistent with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance under the duty to cooperate on plan making.

2. Recommendation

- 2.1 That the Memorandum of Understanding document be approved, as set out in Appendix A.**

3. Introduction and Background

- 3.1 Section 110 of the Localism Act 2011 amended Section 33A of the Planning and Compulsory Purchase Act 2004 requiring Local Planning Authorities to cooperate on strategic planning matters. This in turn is

supported by policy and guidance expectations in the National Planning Policy Framework (NPPF) and Planning Practice Guidance.

- 3.2 Brentwood Borough Council and Basildon Borough Council, as the Local Planning Authorities, have prepared a “Memorandum of Understanding” (MoU) to agree to work together when considering cross boundary strategic planning issues. The MoU is set out in Appendix A.
- 3.3 This agreement represents a duty to cooperate statement under the Localism Act 2011, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 3.4 This MoU sets out that both Councils will explore whether land to the west of Laindon (in Basildon Borough) and to the east of West Horndon (in Brentwood Borough) has any potential of meeting some of the development needs of both boroughs through a cross boundary development opportunity.
- 3.5 This MoU is as a result of continued discussion between Brentwood and Basildon Councils as part of the duty to cooperate. This follows analysis of consultation responses to the Brentwood Local Plan Preferred Options 2013. It is also in light of consultation on the Basildon Borough Council Core Strategy Revised Preferred Options 2014, when land to the west of Laindon in Basildon (known as PAD5) and on the border with Brentwood Borough, was proposed by Basildon Borough Council as a strategic growth location.
- 3.6 The MoU is the necessary mechanism for agreement of a joint working arrangement between the Councils to prepare a consultation document and undertake public consultation to explore the suitability of a garden suburb development in this location. It commits the strategic planning and democratic resources of both Councils to work together for this aim and sets out the key principles that should be agreed and considered.

4. Issue, Options and Analysis of Options

- 4.1 Local Planning Authorities are required to produce Local Plans for their area. Plans should meet the objectively assessed needs of the area and demonstrate joint working with neighbouring authorities on planning issues that cross administrative boundaries.
- 4.2 Brentwood Borough Council’s most recent consultation as part of preparing its emerging Local Development Plan (Local Plan 2015-2030 Preferred Options, July 2013) received representations suggesting that

the area south of the A127 and east of the A128 be considered as an alternative growth location. This area borders the administrative boundary with Basildon Borough.

- 4.3 Basildon Borough Council's most recent consultation as part of preparing its emerging Local Development Plan (Core Strategy Revised Preferred Options, January 2014) proposed land west of Laindon (known as PAD5) as a strategic growth location. This area borders the administrative boundary with Brentwood Borough.
- 4.4 As part of draft Plan consultation both Councils are demonstrating delivery of new development within their urban areas and some small urban fringe sites in the short to medium term. However, the potential larger location of land west of Laindon in Basildon Borough to land east of West Horndon in Brentwood Borough has the potential to offer land supply solutions for the longer term across both boroughs.
- 4.5 In light of the above the MoU has been produced to provide the mechanism for joint working on a consultation document that considers the options. The MoU sets out that both Councils will explore the potential of the land to provide a cross boundary opportunity to help meet the objectively assessed needs of both boroughs.
- 4.6 Following the consultation, the Councils will analyse all responses and decide whether to continue exploring this development option. This could lead to the establishment of a joint project between the Councils to carry out further testing and assessment against their evidence base as part of plan-making in the future. If both Councils agree to continue, the MoU will be updated to reflect the next stage.

5. Reasons for Recommendation

- 5.1 Both Council's have a duty to cooperate on planning issues that cross administrative boundaries. The NPPF sets out the expectation that joint working on areas of common interest be diligently undertaken for the mutual benefit of neighbouring authorities.
- 5.2 The Councils deem it necessary to undertake public consultation in order to thoroughly consider and appraise a garden suburb to the west of Laindon in Basildon and to the east of West Horndon in Brentwood, to assist in delivering housing land supply in the long term. The MoU has been produced to provide the mechanism for joint working between the Councils so that a consultation document can be prepared.

- 5.3 The Councils consider this approach to be consistent with the NPPF and the Planning Practice Guidance under the duty to co-operate on plan making.

6. Consultation

- 6.1 The MoU has not been subject to consultation. The MoU provides the mechanism for joint working between both Councils so that a consultation document can be prepared to explore the potential of the proposal.

7. References to Corporate Plan

- 7.1 The joint consultation will inform preparation of the Brentwood Local Development Plan, a key priority in the Council's Corporate Plan as part of 'A Prosperous Borough'. Consideration and appraisal of this proposal will enable continued preparation of the Plan in order that it stands the best chance of being found 'sound' at Examination in Public.

8. Implications

Financial Implications

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- 8.1 The MoU sets out that both Councils agree to share the costs and expenses arising in respect of the Project between them. Costs will be apportioned between the Councils in the ratio Brentwood Borough Council 50% : Basildon Borough Council 50%.
- 8.2 It is agreed that each Council will commit an equal level of resource to ensure that deadlines are met, where possible. The costs of these resources will be met by the respective Council. Any variation to the level of resourcing will be subject to review and a cost implication may be applicable to the authority that is not providing the same level of resourcing.
- 8.3 Each Authority will commit in principle to a level of funding for the consultation document and the subsequent consultation, subject to the relevant Council's sign-off procedure.
- 8.4 Basildon Borough Council will manage finances on behalf of both Councils. Brentwood Borough Council will arrange for transfer of their apportionment in appropriate instalments to Basildon Borough Council. These are likely to be, but not exhaustive to:

- Any joint cost accrued to prepare the consultation document;
- Any joint cost accrued publicising the consultation;
- Any joint cost accrued analysing the results and publishing the outcome.

Legal Implications

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- 8.5 The legal duty to co-operate in relation to planning of sustainable development has statutory requirements in the Localism Act and the Local Plan Regulations. The NPPF paragraphs 178-181 (Planning Strategically across local boundaries) sets out the Government's expectations that local plans will co-ordinate and reflect strategic priorities. Paragraph 181 states that LPAs will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts when their Local Plans are submitted for examination.
- 8.6 It is a "duty to co-operate" and not a "duty to agree" but effective co-operation will mean consistent approaches to relevant evidence base and consultation responses, as well as seeking to achieve the strategic priorities for enabling sustainable development. The Inspector examining the Local Plan will consider not only the soundness of the evidence base but also the measures taken under the duty to co-operate.

Other Implications

- 8.7 Both Councils will commit to issuing joint press releases and attending joint press conferences, where appropriate, to ensure communities are updated.
- 8.8 Both Councils will keep Thurrock Borough Council, as a neighbouring authority, and Essex County Council, as the highways, minerals and waste, social and educational authority informed on this strategic issue.

9. Background Papers

- 9.1 Brentwood Borough Local Plan 2015-2030 Preferred Options for Consultation (July 2013)
- 9.2 Basildon Borough Core Strategy Revised Preferred Options (January 2014)

10. Appendices to this report

Appendix A - Memorandum of Understanding Relating to Consultation for Potential Development to the West of Laindon in Basildon and East of West Horndon in Brentwood

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