

1 September 2015

Planning and Licensing Committee

Response to the Chelmsford City Council Duty to Co-operate Scoping Report July 2015 consultation

Report of: *Gordon Glenday – Head of Planning & Development*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Chelmsford City Council Duty to Co-operate Scoping Report was available for focused consultation from 9 July to 21 August 2015. As a neighbouring local planning authority Brentwood Borough Council has a legal duty to cooperate on planning matters of cross-boundary significance.
- 1.2 The Scoping Report identifies potential cross boundary strategic matters associated with Chelmsford's next Local Plan. It also identifies authorities and bodies that the City Council will need to co-operate with and explains the methods that may be used to engage with these bodies.
- 1.3 This report provides a summary of the Duty to Co-operate Scoping Report aims and sets out Brentwood Borough Council's proposed response. The response was submitted in August to meet the consultation deadline subject to the approval of Committee.

2. Recommendation

- 2.1 That the response to the Chelmsford City Council Duty to Co-operate Scoping Report July 2015 consultation as set out in Appendix A of this report be approved.**

3. Introduction and Background

- 3.1 The Duty to Co-operate is set out in Section 110 of the Localism Act 2011. This applies to all local planning authorities and County Councils in England, and to a number of other prescribed bodies.

- 3.2 The Duty to Co-operate requires local planning authorities to cooperate on strategic planning issues that cross administrative boundaries, such as, providing land for new homes, jobs and infrastructure. These are larger than local issues that cannot be dealt with by one authority alone. The intention behind this provision was to ensure that authorities collaborate on matters that cross administrative boundaries, to guarantee a consistency of approach to matters of strategic interest.
- 3.3 As one of the first stages in the preparation of their next Local Plan, Chelmsford City Council has prepared a Duty to Co-operate Scoping Report. The report identifies a number of issues where strategic matters with cross boundary implications will need to be addressed, these include:
- Housing and Travellers
 - Employment
 - Infrastructure
 - Retail
 - Leisure and Open Space
- 3.4 The report also sets out issues where strategic matters are unlikely to result in cross boundary implications, namely:
- Water supply and waste water
 - Flooding
 - Green Belt
 - Climate change, mitigation and adaptation
 - Natural environment and landscape
 - Heritage
- 3.5 In addition to identifying potential cross boundary strategic matters the Scoping Report also identifies Duty to Co-operate bodies that could be impacted, and therefore who Chelmsford City Council may need to work with to consider/address them. It also explains the methods that may be used to engage with relevant Duty to Co-operate bodies.
- 3.6 The Scoping Report takes account of a variety of Duty to Co-operate activities already undertaken between Chelmsford City Council and Brentwood Borough Council, among other authorities. This includes the preparation of joint evidence base studies with other Essex authorities and one-to-one meetings. These activities have helped to identify the potential strategic matters set out within the Scoping Report.

- 3.7 The report acknowledges further strategic matters and processes for considering them are likely to arise as the Local Plan evolves. As such, it advises that strategic matters and co-operation activities will be kept under review.

4. Issue, Options and Analysis of Options

- 4.1 To help ensure that Chelmsford City Council is taking the correct approach to identifying and considering strategic matters, the City Council have invited Brentwood Borough Council, together with other neighbouring and nearby local planning authorities, to make representations on the Duty to Co-operate Scoping Report.
- 4.2 Officers responded to the consultation in August in order to meet the deadline set by Chelmsford City Council. This response was submitted subject to the approval of the Council at the next available opportunity – Planning & Licensing Committee.
- 4.3 The Council is duty bound to co-operate with neighbouring authorities on their Local Plans, as it is with preparation of the Brentwood Local Development Plan. Responses were provided to each of the 15 questions asked in the Chelmsford City Council Duty to Co-operate Scoping Report. The full response is set out in Appendix A.

5. Reasons for Recommendation

- 5.1 The response sets out that Brentwood Borough Council support the approach Chelmsford City Council has taken with regard to the scope of the consultation document. In particular we welcome setting out co-operation methods to engage with relevant authorities/bodies on each of the strategic matters identified.
- 5.2 Responses to each of the 15 questions are provided, including suggestions for how the Scoping Report could be improved and issues that require further discussion.
- 5.3 The Council will continue to engage with Chelmsford City Council as we each progress our respective Local Plans.

6. Consultation

- 6.1 Chelmsford City Council has undertaken a seven week consultation on the Duty to Co-operate Scoping Report from 9 July to 21 August 2015. The consultation is not open to the public and is aimed at neighbouring

and nearby local planning authorities, Essex County Council and other prescribed bodies as defined in legislation and guidance relating to the Duty to Co-operate.

- 6.2 The response raises the issue of ending a consultation in August, particularly in light of the targeted nature of those invited to respond, predominantly local planning authorities. Most authorities operate a recess period for August and so it is unlikely that Brentwood Borough Council is alone in having to submit a response that could not be approved by committee until after the deadline.

7. References to Corporate Plan

- 7.1 Chelmsford City Council's next Local Plan will set out policies and site allocations for future growth, investment and infrastructure provision to 2036 and beyond. This Plan will have a close relationship with the emerging Brentwood Local Development Plan, the production of which is a key priority in the Council's Corporate Plan (Prosperous Borough).

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director (Section 151 Officer)

Tel/Email: 01277 312542/christopher.leslie@brentwood.gov.uk

- 8.1 None directly arising from this report.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer and Head of Support Services

Tel/Email: 01277 312860/christopher.potter@brentwood.gov.uk

- 8.2 None directly arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 There are no other implications identified that are not already specified within this report or the Council's response.

9. Background Papers

- 9.1 Chelmsford City Council Duty to Co-operate Scoping Report, July 2015.

10. Appendices to this report

Appendix A - Brentwood Borough Council letter in response to the Chelmsford City Council Duty to Co-operate Scoping Report consultation (July 2015).

Report Author Contact Details:

Name: Camilla James, Senior Policy Planner
Telephone: 01277 312528
E-mail: camilla.james@brentwood.gov.uk