

Co-ordinated Plan Making – Preparation of Joint Cross-Boundary Local Plan Policies

Memorandum of Understanding

Between

Rochford District Council

Southend Borough Council

Essex County Council

Introduction

This Memorandum of Understanding (MoU) between Rochford District Council (RDC), Southend Borough Council (SBC) and Essex County Council (ECC) (collectively ‘the Authorities’) sets out how cooperation will be managed in respect to strategic cross-boundary planning issues across the administrative areas of Rochford and Southend. It sets out a range of common issues and opportunities arising from economic and demographic growth pressures which cut across administrative boundaries and how they will be addressed.

The Authorities have a strong foundation for cooperation, having jointly prepared and adopted a number of planning policy and evidence based documents, including the London Southend Airport and Environs Joint Area Action Plan (RDC & SBC) and Essex and Southend Waste Local Plan (ECC & SBC).

The Localism Act 2011 places a Duty to Cooperate on local planning authorities and county councils¹ (amongst other public sector organisations), requiring them to engage constructively, actively and on an on-going basis in the preparation of plans where this involves strategic matters. The Neighbourhood Planning Act 2017² and national policy requires local planning authorities to identify the strategic priorities for the development and use of land in the authorities’ area and set out policies to address those priorities in the development plan documents, taken as a whole.

This MoU 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.

The Authorities 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 Association of South Essex Local Authorities (ASELA) and the South East Local Enterprise Partnership in developing their growth priorities.

Background

The ‘development plan’ for an area can comprise a number of different adopted planning policy documents ranging from Joint Strategic Plans, Local Plans through to neighbourhood plans. Planning

¹ Section 110.

² Section 8

law requires that decisions on planning applications need to be taken in accordance with the 'development plan' unless material considerations indicate otherwise³.

RDC and SBC have commenced a review of their respective Development Plans, which includes the preparation of a joint South Essex Plan⁴ (SEP) and respective separate Local Plans.

The SEP is expected to provide a high-level framework for the distribution and identification of broad locations for growth across South Essex but is unlikely to provide the site-level detail and technical policies needed to deliver and manage the growth effectively. This site-level detail and technical policy needs to be delivered through a more localised development plan document, such as a Local Plan(s).

The timely adoption of an updated development plan is critical so that RDC and SBC, as Local Planning Authorities, can continue to positively influence development, ensure it is located in right place, is of the right type and quality, is supported by necessary infrastructure and facilitates sustainable development. The first stage of consultation on the SEP is due in 2020 and RDC and SBC are at a similar stage of preparing their respective local plans, both having recently completed the first stage of public consultation, the 'Issues and Options' stage.

Objectives

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

- provide a high level statement of intent under the Duty to Co-operate to collaborate on strategic issues;
- identify the key strategic issues that will have a bearing across the wider geographic area;
- articulate the process for and outcomes from this collaboration, principally through the statutory planning process; and
- 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.

Key Strategic Cross-Boundary Issues

There are number of key cross-boundary matters between RDC, SBC and ECC (where appropriate) that require a consistent localised response, including:

- **Ensuring High Quality Outcomes** – strategic collaboration provides the opportunity for greater ambition in planning and delivering high quality sustainable development; particularly, for example, through garden community principles⁵. More generally, new development must be sustainable, functional and viable, but also reflect high standards of design. Major new developments will be planned carefully with the use of masterplans and design codes where appropriate;
- **Providing Sufficient Homes** – housing need is high across the area and a large amount of land is being promoted for development either side of the Rochford/Southend administrative boundary. There is a need to ensure that preparation of a spatial strategy, site assessment and selection is consistent across both authority areas;
- **Providing for Employment** – to strengthen local economies to provide more employable and skilled workers; more employment opportunities for residents, and higher productivity firms; to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth;

³ Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004

⁴ Being prepared through ASELA, comprising: Basildon, Brentwood, Castle Point, Rochford, Southend, Thurrock Councils and Essex County Council. See ASELA and SEP MoU's and SEP Statement of Common Ground - [here](#)

⁵ www.tcpa.org.uk/garden-city-principles

- **Transport Infrastructure and connectivity** - Developing appropriate integrated and sustainable transport networks to support the efficient movement of people and goods, including strategic transport corridors (including A127, A13 and A130) recognising the requirements of both Essex and Southend local transport plans, including modal shift, sustainable travel, new technology, rail franchisee investment plans, footpath and cycle networks, and any access mitigation to enable strategic scale development across administrative boundaries, and future proofed internet access to all new development;
- **London Southend Airport** – the existing planning framework for London Southend Airport will need to be reviewed and rolled forward having regard to national policy, the economic potential of the area and environmental constraints;
- **Collaboration to accelerate delivery and Infrastructure Planning** - including for example education, health, flood and water management and how provision will be funded/ delivered and governance structures to maximise developer contributions including alignment of infrastructure requirements and provision between ECC and SBC and other providers;
- **Environment and Climate change** – reducing greenhouse emissions, minimising vulnerability and improving resilience, encouraging reuse of existing resources and supporting renewable and low carbon energy. Protection of designated sites for wildlife, biodiversity net gain, blue and green infrastructure and built heritage;
- **Approach to Minerals and Waste** – ensuring SBC and ECC planning response to minerals and waste is appropriately addressed; and
- **Resource efficiency** - the ability to more effectively align resources and reducing duplication of work to support the timely preparation of Local Plans.

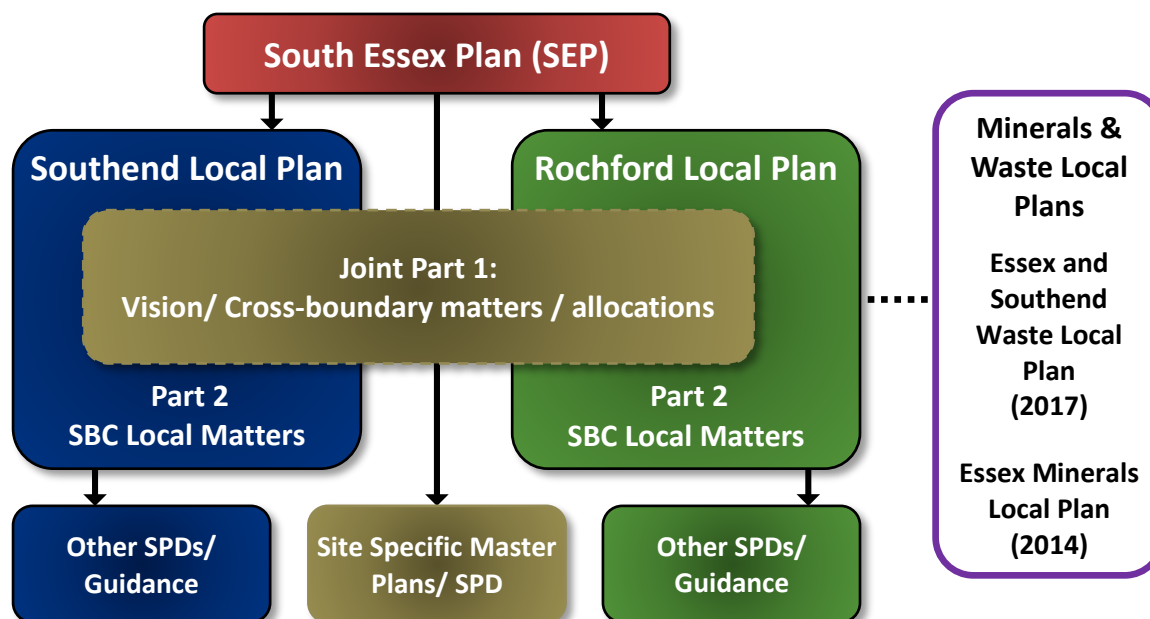
It is recognised that minerals and waste planning is a strategic cross boundary matter which falls to ECC and SBC. A separate Statement of Common Ground will be prepared to manage these planning matters.

Collaborative approach and outcomes

To ensure that strategic cross-boundary issues are planned for and addressed consistently RDC and SBC agree to prepare, in collaboration with ECC, a common strategic section for the current reviews of each of their Local Plans. This Joint Part 1 of their Plans will provide the evidence to support their cross-boundary approach, and may include a joint vision, spatial strategy and policies responding to the issues outlined above. The separate Part 2 for each plan will then address local issues and policies within each authorities' area.

Both Local Plans will be progressed alongside the preparation of the SEP. The need for more detailed Supplementary Guidance and Masterplans will be kept under review.

Figure 1: Planning Policy Hierarchy and relationship with SEP and other local planning documents



Key Deliverables

- Continue to prepare the **SEP** in partnership with ASELA⁶
- Prepare **two local plans** – ‘Rochford New Local Plan’ and ‘Southend New Local Plan’ to comprise:
 - a **Joint Part 1**, which may include a joint vision and spatial strategy for the whole of the area, strategic allocations, such as for large scale development opportunities (housing, economic, infrastructure, environmental) and the management of London Southend Airport;
 - separate **Part 2** to address local matters for Southend and Rochford respectively - e.g. development management policies, local allocations and in SBC related mineral matters.
- RDC and SBC will be responsible for expediting preparation of Part 2 policies of their Local Plans as required to support delivery and examination of the Joint Part 1.
- A detailed **Evidence Base** will be developed in support of these documents including a series of reports and independent assessments of proposals.
- A **Statement of Common Ground** will be prepared, setting out the process and timetable for the plan, governance and working arrangements. The statement will be reviewed on an ongoing basis and updated as and when needed.
- A joint **Communications Strategy** will be developed drawing on the Statements of Community Involvement (SCI) for each Authority, describing how existing systems and processes in each Authority will be used when consulting on the local plans.

Core Principles

In preparing two local plans with a Joint Part 1, RDC and SBC, in collaboration with ECC, agree to:

⁶ Association of South Essex Local Authorities Memorandum of Understanding; Strategic Planning in South Essex Memorandum of Understanding.

- engage constructively, actively and on an on-going basis in relation to cross-boundary planning matters under the Duty to Cooperate;
- be open and communicate about concerns, issues and opportunities in respect of collaboration and joint working;
- act in a timely manner, recognising the time critical nature of consultations, technical projects and plan preparation;
- adhere to statutory requirements, comply with applicable laws and standards, data protection and freedom of information requirements;
- encourage, develop and share best practice in cross-boundary planning matters;
- ensure adequate resources and staffing is in place to undertake effective collaboration and joint working (a separate resource paper will be prepared and agreed); and
- collaborate to increase certainty and accelerate delivery.

Area Covered

For the purposes of this MoU the geographic area applies to the administrative areas of RDC and SBC. SBC is a unitary authority, whilst RDC is a two-tiered authority with ECC responsible for education infrastructure, transport, minerals and waste planning amongst other areas.

Planning for minerals and waste is the responsibility of ECC and SBC. This is managed through separate planning processes and will therefore not be part of this MoU, separate MOU's and SCG's will be prepared to manage these matters.

The Essex and Southend Waste Local Plan adopted in 2017 provides the waste planning framework for both areas, however the Essex Minerals Local Plan adopted in 2014 covers the upper tier area of Essex only. This Plan is now under review and will continue to cover the upper tier area of Essex only. The SNLP Part 2 will incorporate mineral related planning matters in accordance with national policy.

Governance, Roles and Responsibilities

The work required to deliver the necessary outcomes from this strategic collaboration will be overseen by an advisory member Joint Briefing Panel (JBP) with representation from each of the participating authorities. This will be supported by a Joint Officer Group, which will report to the JBP. 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.

Formal decisions on key stages of the local plans (to be set out in respective Local Development Schemes) will be taken by individual Local Planning Authorities on the advice of the JBP. The aim will be to get concurrent agreement at both Councils within the constraints of the various meeting schedules.

Timing

This MoU has immediate effect and will remain in place until adoption of both Local Plans, unless this version is reviewed and replaced before this. It will be reviewed as and when indicated through a Statement of Common Ground.

Status

This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However, the parties agree to abide by the principles set out in this MoU.

This MoU is not a development plan, nor a legally binding document, but will be used in the consideration of how the Authorities have jointly approached cross-boundary planning issues and

legal compliance with the Duty to Co-operate. This MoU may be supported by other documentation, and other subject specific MoUs, which set out in more detail how the parties will work together to tackle more detailed matters with respect to cross-boundary planning in Rochford and Southend.

It is accepted that an individual party that is a signatory to this MoU may also be a signatory to other MoUs between itself, or with other parties in respect of the Duty to Co-operate.

Signed by

Signature	Role	Authority
		Rochford District Council
		Southend Borough Council
		Essex County Council