

Braintree District Council

Statement on Duty to Co-operate

July 2015



The Duty to Cooperate was created in the Localism Act 2011. It places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation on strategic cross boundary matters, such as providing land for new homes and jobs, infrastructure and flood risk. These are issues which may have an impact in more than the local authority area.

Braintree District Council has a long history of effective joint working with other public bodies on plan making activities. This historical background of co-operation will provide a strong foundation on which to implement the Duty to Co-operate. Nevertheless joint working to address strategic cross boundary issues can be challenging.

The following text outlines Braintree District Council's approach to the Duty to Cooperate;

The Council's Officers and Members will actively engage with other Local Authorities and Public Bodies in strategic matters, which impact on the District and its neighbours, under the Duty to Co-operate. The Council will respond in a timely manner to requests, and will seek a positive and pro-active dialogue to resolve cross border matters.

The National Planning Practice Guidance sets out that there is no definitive list of actions that constitute effective co-operation under the Duty. But that effective co-operation is likely to require sustained joint working with concrete actions and outcomes and is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone.

The activities that fall within the Duty to cooperate include activities that prepare the way for or support the preparation of Local Plans and can relate to all stages of the plan preparation process. This might involve joint research and evidence gathering to define the scope of the Local Plan, assess policy impacts and assemble the necessary material to support policy choices.

The Council will undertake its obligation under the DTC as follows;

- Commissioning joint evidence base documents as required;

These are technical evidence documents, normally but not always produced by independent specialist consultants. The joint commissioning of evidence ensures a standard approach to assessment has been made across the area covered and also makes the best use of local authority resources.

- Hold joint meetings with relevant authorities as and when required;
Throughout the Plan process, meetings will be held with all relevant stakeholders to inform and discuss the Local Plan preparation. These meetings will also include clear actions and outcomes of further work to resolve any issues under discussion and ensure that decisions are made.
- Pre-consult with relevant authorities during the production of the new Local Plan and other relevant local plan documents;
Draft Plans will be shared with relevant authorities so that prior to public consultation, any issues can be discussed and resolved wherever possible, ensuring the Local Plan will be sufficiently robust.
- Memorandums of understanding to be drafted between authorities where significant strategic issues need to be resolved;
Where appropriate the local authority will enter into Memorandums of understandings with relevant authorities, this is to ensure strategic cross border matters are dealt with efficiently and effectively and that both sides have a clear understanding of the processes involved, and key issues.
- Respond to Duty to Cooperate requests promptly;
This is to ensure that Duty to Cooperate issues can be responded to quickly, without causing unnecessary delay to the production of the Local Plan.
- Maintaining a record of all correspondence with relevant bodies;
A report will have to be presented at examination demonstrating how the Council has fulfilled its obligations under the Duty to Cooperate. A full and auditable record of the efforts made by the Council under the Duty is necessary to provide a robust and credible evidence base.
- Provided written agreement on agreed course of action;
All agreements will be put in writing. This is in order to make sure that all parties have a clear understanding of agreed or not agreed courses of action.
- Publishing in its Annual Monitoring Report updates on the Duty;
This will help inform the Local Plan examination.

Duty to Cooperate bodies

The following bodies (also known as prescribed bodies) are identified as being relevant for the production of Braintree's Local Plan documents.

- Essex County Council;
- Neighbouring local planning authorities;
- Environment Agency;
- Natural England;
- Clinical Commissioning Group;
- National Health Service Commissioning Board;
- Essex Police;
- Historic England;
- Integrated Transport Authority;
- Highways England;
- Marine Management Organisation;
- Network Rail;
- Civil Aviation Authority;
- Homes and Communities Agency;
- Office of Rail Regulation;
- Sport England;
- South East Local Enterprise Partnership;
- Local Nature Partnership;
- Utility and infrastructure providers.

All these organisations are included in the Council's consultation database.

The Council looks forward to a constructive working relationship with all relevant bodies in the production of local development documents, and to agree appropriate courses of action on strategic cross border matters.