

Maldon District Council

Draft Duty to Co-Operate Strategy

Statement of Consultation

September 2021

1. Introduction

1.1 Following the approval to consult on a Draft Duty to Co-Operate Strategy on 16 June 2021, a targeted 6-week consultation took place between 18 June and 28 July 2021 with the following bodies as prescribed by the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended):

- a) Essex County Council;
- b) Neighbouring and other Essex local planning authorities – Braintree, Chelmsford, Colchester, Rochford, Tendring, Uttlesford, Basildon, Castle Point, Harlow, Southend on Sea, Thurrock, Brentwood and Epping Forest;
- c) Civil Aviation Authority;
- d) Mid & South Essex Clinical Commissioning Group;
- e) Environment Agency;
- f) Essex County Highways Authority;
- g) Highways England;
- h) Historic England;
- i) Homes England;
- j) Local Nature Partnership (led by Essex Wildlife Trust);
- k) Natural England;
- l) NHS England;
- m) Marine Management Organisation;
- n) Mayor of London;
- o) Office of Road and Rail;
- p) South East Local Enterprise Partnership; and
- q) Transport for London.

1.2 Responses were received from the following seven prescribed bodies, making 25 comments in total:

- Transport for London
- Environment Agency
- Essex County Council;
- Natural England;
- Chelmsford City Council
- Marine Management Organisation; and
- Mid & South Essex NHS Clinical Commissioning Group.

2. Comments and Recommended Actions

2.1. Table 1 sets out the comments from each body that responded and the recommended final strategy action.

Table 1 - Comments and Recommended Actions

Ref No.	Prescribed Body	Comment Summary	Recommended Final Strategy Action
DTC/21/1	Transport for London	Thank you for consulting Transport for London (TfL). Although we are included in the list of prescribed bodies, it is unlikely that there would be any strategic issues arising from Maldon Local Plan that could justify our inclusion in a formal Statement of Common Ground	Noted.
DTC/21/2	Environment Agency	Thank you for the opportunity to consider the duty to cooperate strategy proposed by Maldon Council. We have reviewed this document and are in agreement with its contents. We look forward to working with the council to produce statement of common grounds in relation to our remit in the future.	Noted.
DTC/21/3	Essex County Council	Thank you for consulting Essex County Council (ECC) on the draft Duty to Co-operate Strategy (DtC). ECC is the upper tier authority for the Maldon District area and is the local highway and transportation authority, lead authority for education including early years and childcare, Special Education Needs and Disabilities, and Post 16 Education; Minerals and Waste Planning Authority; Lead Local Flood Authority; lead advisors on public health; and provider and commissioner of adult social care for the district.	Noted.

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		The impacts of growth and future development that will likely be set out within the emerging Local Plan will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.	
DTC/21/4	Essex County Council	ECC acknowledges the identification of ECC as a 'Duty to Cooperate' body as set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) in Appendix 1, paragraph 1.1.	Noted.
DTC/21/5	Essex County Council	For completeness, ECC recommend that paragraph 2.9 makes reference to ' <i>strategic cross boundary matters</i> ' to be consistent with PPG (Paragraph: 029 Reference ID: 61-029-20190315).	Amend Para. 2.9 as suggested.
DTC/21/6	Essex County Council	ECC notes reference in paragraph 4.2 to scoping out the strategic issues facing Maldon District as early as possible in the plan-making process and is welcomed.	Noted.
DTC/21/7	Essex County Council	In May 2021, ECC provided Maldon District Council with preliminary comments on current issues regarding our statutory responsibilities and reference to strategy documents and on-going work that may influence the local plan review.	Noted.
DTC/21/8	Essex County Council	A number of these current issues were previously raised as part of the current Local Plan process [2017], and remain relevant, or have arisen as a result of that planned growth on the provision of existing services and impact on infrastructure. The current strategy concentrates growth at	Noted.

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		Maldon, then Burnham on Crouch and Southminster, and it is acknowledged that any future spatial strategy may not roll this forward. Consequently, any future spatial strategy is likely to generate new local and cross boundary issues and pressures on existing infrastructure and the requirement for new infrastructure to accommodate growth.	
DTC/21/9	Essex County Council	ECC would not support a 'pepper pot' approach to accommodating future development in the district as this would not deliver sustainable development and limits opportunities for securing significant infrastructure improvements. However, any spatial strategy should seek to provide a mix of sites at different scales in order to ensure that any future five-year housing supply can be managed, particularly if any large allocation is delayed and their general longer lead-in times. Clearly, the future options for growth will be determined by the scale of new homes required taking into account any backlog in delivery; demand arising from the Standard Methodology, which is 308 per annum; and the plan period and extant planning permission rolled over from the adopted Plan.	Noted, however the Draft Duty to Co-Operate Strategy did not consult on any spatial options for future development in the District, including whether or not to 'pepper pot' development. Should ECC retain this view in the future, it will need to be made as part of LDP Review consultations in the future.
DTC/21/10	Essex County Council	ECC will also work with MDC as it prepares its Infrastructure Delivery Plan (IDP) to ensure all new development is supported by the required infrastructure, where the IDP will reflect up to date costings, is aligned with development phasing	Noted.

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		and requirements are appropriately reflected in Local Plan policy and site allocations. However, it should be noted that any such costings will be subject to change as more detail becomes available through master-planning and planning applications, along with indexation.	
DTC/21/11	Essex County Council	Paragraph 4.5 outlines a number of co-operation arrangements including an iterative statement of common ground, which is supported. This will assist the identification of strategic matters outlining areas of agreement in principle and areas of disagreement highlighted courses of action to seek to remedy any differences.	Noted.
DTC/21/12	Essex County Council	ECC has a number of statutory roles and responsibilities which will need to be considered 'in balance' regarding any impact of a spatial strategy. ECC will use all endeavours to seek member endorsement of strategic matters during the preparation of the plan, as appropriate. However, it should be noted that the formal ECC position on any spatial strategy will be provided through the formal consultation processes of the Local Plan (Reg 18 and 19) following the necessary reporting and sign off procedures at both officer and member level.	Noted.
DTC/21/13	Essex County Council	ECC acknowledge and support reference to the two officer groups that have been established and are now operational to inform the local plan review. These two officer based groups are:	Noted.

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		<p>a) Strategic Liaison Group (SLiG) covering ECC statutory functions relating to highways, public transport, minerals and waste planning, flood risk, education, public health and adult social care); and</p> <p>b) Transport Coordination Group (TCG) covering transportation matters including transport project coordination and delivery</p>	
DTC/21/14	Essex County Council	<p>ECC acknowledges that MDC has adopted its own Green Infrastructure Strategy SPD (2019), which is to be used to inform how the Council secures planning obligations from development in relation to GI across the District. Whilst there are no statutory requirements for green infrastructure (GI), the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, its accessibility and will make providing biodiversity net gain mandatory. ECC would still welcome early engagement on GI matters in order to help provide well-connected, multi-purpose spaces that help to improve the health and well being of the community and contribute towards flood attenuation and water resource management. Multi-functional GI impacts upon most of the ECC statutory roles and responsibilities, which are to be discussed through the SLiG of the local plan review. ECC responses will largely be based on</p>	Noted.

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		<p>the Essex Green Infrastructure Strategy (2020), which has been prepared in partnership with local authorities, including MDC. The purpose of this strategy is to take a positive approach to enhance, protect and create an inclusive and integrated network of high-quality green infrastructure in Greater Essex, to create a county-wide understanding of green infrastructure – its functions and values, and to identify opportunities for delivering green infrastructure in emerging plans.</p>	
DTC/21/15	Essex County Council	<p>ECC would like to bring to the attention of MDC that a Local Nature Partnership (LNP) covering Greater Essex is in the early stages of being established and approved by Government, along with the outline for a Local Nature Recovery Strategy. The partnership will involve local authorities, business interests, statutory and other environment bodies and community interest groups. Specific themes to be covered include the natural environment, biodiversity net gain, green infrastructure, local nature recovery, climate change, and environmental links to economy and planning and health and wellbeing.</p> <p>Appendix 1 identifies a LNP and the South East Local Enterprise Partnership (SELEP) as ‘Duty to Cooperate’ bodies set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). It is acknowledged that Part</p>	<p>Noted that the Greater Essex Local Nature Partnership is being developed.</p> <p>Amend Appendix 1 to confirm that it includes how the council will also meet Paragraph 030 Reference ID: 61-030-20190315 of Planning</p>

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		<p>4 (2) does reference bodies prescribed for the purposes of section 33A(9) of the Act as being each local enterprise partnership and no reference is made to LNRs. However, Planning Practice Guidance (Paragraph: 030 Reference ID: 61-030-20190315) states:</p> <p><i>Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty, but local planning authorities and county councils in England, and prescribed public bodies must cooperate with them. Local planning authorities must have regard to their activities when they are preparing their local plans, so long as those activities are relevant to plan-making.</i></p> <p>MDC may wish to clarify this position.</p>	Practice Guidance.
DTC/21/16	Natural England	Natural England has no comments to make on the above document.	Noted.
DTC/21/17	Chelmsford City Council	Chelmsford City Council (CCC) welcomes the opportunity to comment on the Maldon District Council Draft Duty to Co-operate Strategy. 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. Officers at CCC have been working collaboratively with Maldon District Council (MDC) through the Duty to Co-operate	Noted.

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		during the preparation of the Maldon Local Plan (adopted July 2017), and Chelmsford City Council's Local Plan (adopted May 2020).	
DTC/21/18	Chelmsford City Council	It is clear from the draft Strategy who MDC will consult with, how this will be done, when co-operation will be invited, and the mechanisms that will be used. Although the areas for co-operation have not yet been identified, MDC will scope the strategic issues early in the plan-making process as it reviews its Local Plan by engaging with neighbouring planning authorities and prescribed bodies. CCC looks forward to working with MDC to identify strategic matters for future consideration, and understands that this may be both through direct engagement and existing joint working arrangements such as partnership boards and forums.	Noted.
DTC/21/19	Marine Management Organisation	Many thanks for giving us the opportunity to respond to the Draft Duty to Co-operate Strategy. We concur with the aims of the strategy, and welcome further engagement at the appropriate time. We also welcome an opportunity to fill in the current MMO blanks in Appendix 3 through further engagement.	Noted.
DTC/21/21	Marine Management Organisation	Further to this, the MMO is an additional signatory only (to the proposed multi-authority single SoCG). We can only comment on those matters which affect the cross-boundary strategic matters.	Noted and understood. Clarification wording to be inserted.
DTC/21/22	Marine Management Organisation	If you would like further information on the South East Marine Plans, the MMO would be happy to	Noted and arrangements will be made with the MMO to

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		provide a meeting covering general information on marine planning, monitoring and implementation of the South East Marine Plans, tools for implementation and an update on the development of Marine Plans in England.	seek engagement with appropriate officers and members.
DTC/21/23	Mid and South Essex NHS Clinical Commissioning Group	Thank you for consulting Mid Essex Clinical Commissioning Group (the CCG) on the Maldon District Council Duty to Co-operate Strategy Further to a review of the document the following comments are made on behalf of the CCG and the Mid and South Essex Health and Care Partnership (HCP)	Noted.
DTC/21/24	Mid and South Essex NHS Clinical Commissioning Group	The constructive working relationship between Maldon District Council and the CCG that is currently enjoyed is considered important in planning for and securing appropriate healthcare provision in the district. The CCG is supportive of the approach to achieving and documenting co-operation between the Council and the CCG set out in the Strategy. Particularly welcome are its recognition of the importance of early engagement, identifying the CCG as a party with which MDC needs to cooperate as well as NHS England, raising the possibility of jointly commissioned evidence, recognition of the iterative nature of discussions and the inclusion of a model statement of common ground.	Noted.
DTC/21/25	Mid and South Essex NHS Clinical Commissioning Group	The CCG is pleased to contribute to the development of the Council's Duty to Co-operate Strategy and looks forward to working with the	Noted.

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		Council on planning matters in future.	