

Duty to Cooperate
Memorandum of Understanding
East Hertfordshire District Council and North Hertfordshire District Council

- 1.1. This memorandum of understanding establishes the outcomes of co-operation between East Hertfordshire and North Hertfordshire District Councils with respect to strategic planning and development issues.
- 1.2. Local Authorities are required through the Duty to Co-operate to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area. The NPPF sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries particularly those which relate to the following strategic priorities:
 - The homes and jobs needed in the area.
 - The provision of retail, leisure, and other commercial development.
 - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
 - The provision of minerals and energy (including heat).
 - The provision of health, security, community and cultural infrastructure and other local facilities.
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape.
- 1.3. The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Local Planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their Local Plans are submitted for examination.
- 1.4. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

2. Parties to the Memorandum of Understanding ('the Memorandum')

- 2.1. The Memorandum is agreed by the following authorities:
 - East Hertfordshire District Council (EHDC / East Herts)
 - North Hertfordshire District Council (NHDC / North Herts)
- 2.2. The plans of EHDC and NHDC underwent Regulation 19 consultation and are being submitted to broadly similar timetables. It is **agreed** that the Memorandum covers relevant matters insofar as they relate to the preparation

of both authorities' local plans and will be submitted as part of the evidence base to the Local Plan examinations of both parties.

3. Limitations

- 3.1. The Local Authorities recognise that there might not always be full agreement with respect to all the issues on which they have agreed to cooperate. For the avoidance of doubt the Memorandum will not restrict the discretion of any of the Local Authorities in the determination of any planning application, or in the exercise of any its statutory powers and duties or in its response to consultations and is not intended to be legally binding.

4. Objectives

- 4.1. The Memorandum has the following broad objectives:
 - To help secure a consistent approach to strategic planning issues affecting EHDC and NHDC.
 - To identify and manage spatial planning issues that impact on both EHDC and NHDC.
 - To make sure that the local planning and development policies prepared by each local authority are, where appropriate, informed by the views of the other local authority. This will normally involve engagement in the preparation of Development Plans.
 - To ensure compliance with the Duty to Co-operate.

5. Matters Agreed

- 5.1. The matters identified below have been discussed and agreed through a combination of Member and Officer level meetings between the two local authorities.

Housing Market Areas

- 5.2 The two Authorities **agree** that the strongest housing market connections are with other neighbouring authorities. In particular, the respective Strategic Housing Market Assessment's identify that the 'best fit' Housing Market Areas are:

- East Herts, Uttlesford, Harlow and Epping Forest Councils
- North Herts and Stevenage Councils

- 5.3 Notwithstanding this, both authorities acknowledge that there are also strong connections with other neighbouring authorities. While the two SHMA documents follow similar methodologies, the supporting documentation behind the Stevenage/North Herts SHMA (Housing Market Areas in Bedfordshire in Surrounding Areas, December 2015) identifies wider Functional Housing Market Areas in addition to the 'best fit' Housing Market Areas. This work suggests that there is a functional housing market relationship between Stevenage and adjacent parts of North Herts and East Herts, with an

associated housing need figure of approximately 1,100 dwellings. The identification of this functional housing market area has since been included in further work undertaken to identify an updated objectively assessed housing need figure ahead of the East Herts Examination Hearings.

- 5.4 Through its District Plan, East Herts Council has proposed some development in the north western area of the District (notably land to the East of Stevenage for 600 homes) which would contribute towards the needs of the functional market area. Further development has also been proposed within the East Herts District Plan on the periphery of the functional housing market area to the East of Welwyn Garden City. In this particular instance, the functional HMA boundary is drawn tightly around the edge of the existing settlement and it is reasonable to presume that the proposed urban extension to the East of Welwyn Garden City will contribute (at least in part) to meeting the residual needs of the shared functional HMA within East Herts.
- 5.5 Both authorities **agree** that this approach would satisfactorily address the technical objection submitted by NHDC to EHDC's plan.

Housing Need

- 5.6 Both authorities **agree** they have determined their objectively assessed housing needs (OAHN) to a common methodology and that this appropriately addresses the requirements of the NPPF and planning practice guidance.
- 5.7 Both authorities have prepared Local Plans which seek to meet respective objectively assessed housing need figures in full. It is therefore **agreed** that neither authority requires assistance from the other to help meet objectively assessed housing needs.
- 5.8 Both authorities **agree** that well-planned extensions to existing settlements within and adjoining their respective districts form part of an appropriate strategy for development to meet future needs.

Rural issues

- 5.9 Both authorities **agree** that the approach to settlement hierarchy and rural areas beyond the Green Belt in each plan lead to a broadly consistent policy framework for rural northern Hertfordshire.

Transport

- 5.10 Both authorities **agree** to continue to work closely in order to identify and resolve any issues in relation to capacity of the A10, including the potential to upgrade the A10/London Road roundabout to the south of Buntingford which is likely to enhance traffic flows in that location.
- 5.11 Both authorities **agree** to continue to work closely in order to identify and resolve any issues in relation to the traffic implications of development in and surrounding Stevenage.

Education

- 5.12 It is recognised that existing and proposed development on the edge of Stevenage will contribute to the need for secondary education in the Stevenage school planning area, which covers parts of NHDC and EHDC.
- 5.13 Both Councils agree that the educational needs of the Gresley Park development will need to be met within the Education Planning Area.
- 5.14 HCC has already signed a bi-lateral MoU with Stevenage which commits the relevant authorities to continuing discussions to find a solution to this issue. HCC and NHDC remain in active discussions on this matter in advance of the examination into NHDC's own plan which will take place in November and December 2017. It is agreed that East Herts will also form part of relevant discussions to ensure that the long-term education needs of the Stevenage school planning area are met in the most appropriate way.

New Settlement

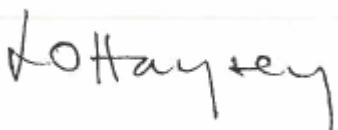
- 5.15 Both authorities agree that the proposed Gilston Area development, which forms part of the Harlow and Gilston Garden Town proposal, will meet a substantial proportion of East Herts' housing requirements in the current plan period but recognise that this scheme has been promoted for development by the landowners for a substantial number of years, before subsequently being identified with the East Herts Preferred Options District Plan in 2014. As such, a considerable amount of work had been undertaken in order to demonstrate that the scheme is deliverable.
- 5.16 In this context, both authorities agree that a new settlement in any additional or alternate location in either authority was not a 'reasonable alternative' for this round of plan-making.
- 5.17 Both authorities agree that providing for future housing needs beyond the current Plan periods will be challenging and that joint working (potentially also involving other neighbouring authorities) will be required in order to investigate the potential to deliver a new garden town or settlement(s) in a sustainable location that could meet a substantial proportion of the future housing needs of the respective authorities.

Rye Meads Wastewater Treatment Works (WwTW)

- 5.18 The Rye Meads WwTW is located within EHDC but serves a wide catchment including parts of NHDC. The WwTW is located within a nature conservation site of European importance. Both authorities **agree** that the policy approach set out in the East Herts plan, in concert with other relevant regulatory regimes and requirements, ensures that any future works at the Rye Meads WwTW to provide additional treatment capacity must occur in such a way as to ensure that there is no significant effect on the European site.



Councillor David Levett
Executive Member for Planning and Enterprise
Signed on behalf of
North Hertfordshire District Council
September 2017



Councillor Linda Haysey
Leader
Signed on behalf of
East Hertfordshire District Council
September 2017