

**NORTH HERTFORDSHIRE DISTRICT COUNCIL LOCAL PLAN**

**Duty to Co-operate Compliance Statement**

**June 2017**

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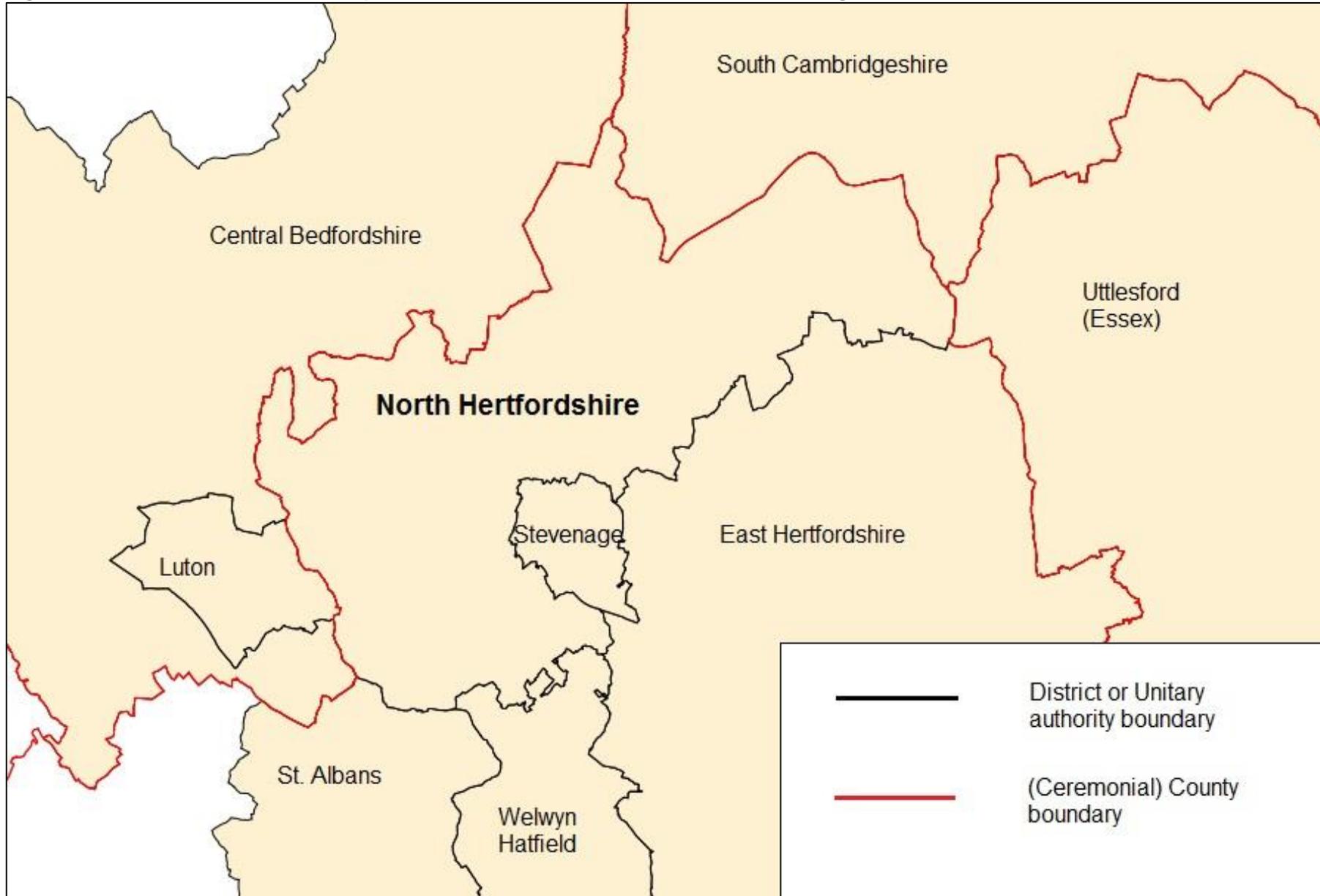
## 1. INTRODUCTION

- 1.1 The Duty to Co-operate (the Duty) was introduced by the Localism Act 2011. It places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis with their neighbouring authorities and other bodies with regards to cross boundary issues.
- 1.2 National policy makes it clear that the Duty is not a 'duty to agree', but every effort should be made to secure the necessary co-operation on strategic cross boundary matters before plans are submitted for examination.
- 1.3 The Local Plan examination will test whether a local planning authority has complied with the duty to co-operate. It is separate from but related to the Local Plan test of soundness. If the Inspector finds that the Duty has been complied with, the examination will also test whether the Local Plan is sound. The tests of soundness, which are set out within the National Planning Policy Framework (NPPF) (Paragraph 182) assess whether a Local Plan is:
- Positively prepared;
  - Justified;
  - Effective; and
  - Consistent with national policy.
- 1.4 In assessing whether the Plan is 'effective' the inspector will assess whether effective joint working has taken place in order to address cross boundary strategic issues.
- 1.5 The NPPF sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries and, at Paragraph 156, identifies a series of strategic priorities. The Government expects joint working on areas of common interest to be undertaken for the mutual benefit of neighbouring authorities. These strategic priorities are:
- 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.
- 1.6 The NPPF further advises that authorities will be expected to demonstrate evidence of having effectively co-operated when plans are submitted for examination.
- 1.7 This Duty to Co-operate Compliance Statement seeks to support the Submission version of the North Hertfordshire District Council (NHDC) Local Plan by reviewing the actions taken by NHDC in demonstrating that the requirements of the Duty have been met and that the Plan is effective.
- 1.8 The Council will continue to pro-actively co-operate with neighbouring authorities and relevant bodies over the coming months prior to and during the examination, and subsequently through the implementation phase of the Plan.

## **2. DUTY TO CO-OPERATE – THE NORTH HERTFORDSHIRE CONTEXT**

- 2.1 The Localism Act and associated Regulations set out which organisations local authorities must co-operate with in the preparation of their local plans. This includes neighbouring local authorities and, in two-tier areas, the relevant County Council(s).
- 2.2 North Hertfordshire shares administrative boundaries with eight district or unitary local planning authorities. These are (clockwise from the north):
- Central Bedfordshire (CBC);
  - South Cambridgeshire (SCDC);
  - Uttlesford (UDC);
  - East Hertfordshire (EHDC);
  - Stevenage (SBC);
  - Welwyn Hatfield (WHBC);
  - St. Albans (SACDC); and
  - Luton (LBC).
- 2.3 The extent of the relationship between North Hertfordshire and each of these authorities varies. The strength and nature of the relationships is affected by, among other matters, the extent of the shared administrative boundary and the presence (or otherwise) of shared strategic infrastructure corridors, such as motorways, 'A' roads or railways. Where present, such connections facilitate movements between North Hertfordshire and these authorities increasing the likelihood of substantive relationships in terms of travel to work patterns or housing market areas.
- 2.4 The map on the following page (Figure 1) details the administrative relationship between North Hertfordshire and these surrounding areas.
- 2.5 Interaction under the Duty has not been limited to these authorities. Joint work and co-operation with other district planning authorities has also occurred on specific matters where necessary and / or expedient. These authorities are identified as appropriate in the following sections of this document.
- 2.6 Engagement between NHDC and its neighbouring authorities and other Duty to Co-operate bodies has mainly focussed on the scale and distribution of housing and employment provision and the need for supporting infrastructure across the Stevenage and Luton Housing Market Areas.
- 2.7 Hertfordshire is a two-tier authority area. Hertfordshire County Council (HCC) is the planning authority for the 'county matters' of highways, minerals & waste and education.
- 2.8 Central Bedfordshire and Luton operate a unitary authority system. County matters have been discussed with CBC and LBC as required in the course of Duty to Co-operate discussions on local planning matters.
- 2.9 North Hertfordshire shares county boundaries with Cambridgeshire and Essex. North Hertfordshire has not liaised directly with either Essex County Council or Cambridgeshire County Council and has largely been guided by the advice of HCC as to where any cross border considerations on county matters is required.

**Figure 1: Administrative relationship between North Hertfordshire and surrounding authorities**



- 2.10 As is set out elsewhere in this statement, the relationship with authorities in these areas (particularly Essex) are not considered to be significant. In the context of North Hertfordshire's plan, some liaison has occurred between HCC and Cambridgeshire County Council on highway matters.
- 2.11 It is established in case law that the Duty to Co-operate applies to the preparation of the plan and runs until the point of plan submission<sup>1</sup>. This statement is primarily concerned with the Duty insofar as it relates to North Hertfordshire's own plan.
- 2.12 However, the local plans of the adjoining authorities above have progressed to different timetables. As such, North Hertfordshire has previously signed Memoranda of Understanding (or equivalent) with a number of authorities in the context of their own local plans. Much of the content of these can be read as equally applicable to North Hertfordshire's own plan.
- 2.13 Equally, the Duty between North Hertfordshire and other authorities will remain 'live' in the context of the ongoing preparation of the plans of relevant authorities or 're-engaged' where authorities adopt plans and proceed to review.
- 2.14 The relationships with the eight surrounding authorities listed above can be grouped into three categories:
- Authorities who have proceeded to submission and examination in advance of North Hertfordshire: SCDC, SBC, SACDC, LBC
  - Authorities who are proceeding to submission and examination to broadly the same timetable as North Hertfordshire: EHDC, WHBC
  - Authorities who will proceed to submission and examination after North Hertfordshire: CBC, UDC
- 2.15 In addition to local and county authorities, a number of further bodies are prescribed under the Duty to Co-operate. The level of interaction with these bodies will depend on the nature of each individual authority and / or the issues at hand in the plan.
- 2.16 Of the prescribed bodies, the following have not made substantive representations (or any representations at all) to the plan and / or North Hertfordshire have not considered it necessary to conduct significant activity under the Duty having had regard to the extent of shared, cross-border planning issues:
- South Cambridgeshire District Council; Uttlesford District Council; Essex County Council (CC); Cambridgeshire CC; The Mayor of London; The Civil Aviation Authority<sup>2</sup>; The Office of Rail Regulation; Transport for London; and The Marine Management Organisation.
- 2.17 North Hertfordshire has engaged throughout the Plan making process with its neighbouring authorities, Hertfordshire County Council and other key organisations. Activities under the Duty have included responding to statutory consultations, meetings, preparing joint evidence to inform local plan making, exchanging written correspondence and the production of Memoranda of Understanding (MoU) and Statements of Common Ground (SoCG).

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<sup>1</sup> Samuel Smith Old Brewery (Tadcaster) v Selby District Council [2015] EWCA Civ 1107, <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1107.html>

<sup>2</sup> The operator of the nearest airport to North Hertfordshire, London Luton Airport Operations Limited, has been actively involved in the preparation of the Plan.

- 2.18 Satisfying the Duty requires more than a simple audit trail of meeting dates. This statement along with the submitted MoU and SoCG aim to reflect the outcomes achieved under the Duty, identify the matters where agreement has been reached, but also any outstanding matters where there is no agreement at present.
- 2.19 The table on the following page (Figure 2) summarises the status of these MoUs and SoCG that have been agreed and signed or are in draft form waiting to be finalised following further discussions with relevant parties prior to the start of the Examination. The individual agreements have been (and will continue to be) submitted separately as individual examination documents.
- 2.20 All responses from Duty to Co-operate bodies to the Proposed Submission consultation have been submitted to the examination.
- 2.21 The Council holds a wide range of further material including minutes from officer and Member level Duty to Co-operate meetings, consultation responses to neighbouring authority plans, responses from prescribed Duty to Co-operate bodies to earlier stages of this Plan and other relevant correspondence. These have informed the outcomes which are the main focus of this statement. The most relevant material is listed in Appendix 1. This information can be made available to the Inspector upon his or her request to aid understanding of particular issues.
- 2.22 The District Council also participates in a number of county-wide planning groups with the Hertfordshire planning authorities where planning policy issues and strategic, cross border matters are discussed at both officer and Member level. These groups including the Hertfordshire Infrastructure and Planning Partnership (HIPP) and the Hertfordshire Planning Group (HPG), including its Development Plans sub-group (HPG Dev Plans).
- 2.23 North Hertfordshire contains, or adjoins, a significant number of parish and town councils. Although these bodies are defined as statutory consultees in the preparation of the local plan, they are not covered by the Duty.

**Figure 2: List of existing and emerging agreements with relevant bodies**

Authority/Organisation	Status	Library ref	Plan status (where applicable)
Central Bedfordshire District Council	Complete	MOU8	Reg. 18 consultation due Summer 2017
South Cambridgeshire District Council	Complete*	MOU10	Submitted for examination March 2014 Examination ongoing
Uttlesford District Council	Complete	MOU4	Reg. 18 consultation due Summer 2017
East Hertfordshire District Council	Complete	MOU1	Submitted March 2017
Stevenage Borough Council	Complete*	MOU11	Examination ongoing. Main Modifications consultation due Summer 2017
Welwyn Hatfield Borough Council	Complete	MOU7	Submitted May 2017
St. Albans City & District Council	Under consideration		Judicial Review of Inspector's report ongoing
Luton Borough Council	In preparation*	To be added	Examination ongoing. Main Modifications consultations closed May 2017
Aylesbury Vale District Council	Under consideration		Reg. 19 consultation due Summer 2017
Hertfordshire County Council – Environment	In preparation	To be added	Waste Core Strategy adopted November 2012; Waste Site Allocations adopted July 2014; Consultation on draft Minerals Plan Review due summer 2017
Hertfordshire County Council – Highways	Complete	MOU3	<i>Not applicable to these bodies</i>
Hertfordshire County Council – Education	To be prepared		
Environment Agency	Complete	MOU5	
Thames Water <sup>3</sup>	Complete	MOU6	
Anglian Water <sup>3</sup>	Complete	MOU2	
Natural England	In preparation	To be added	
Historic England	To be prepared		
Highways England	To be prepared		
Hertfordshire Local Enterprise Partnership	Complete	MOU9	
Greater Cambridge, Greater Peterborough Local Enterprise Partnership	Under consideration		

\*Previous agreement (also) signed in relation to authority or organisation's own plan

In preparation = agreement between bodies to prepare with detailed wording currently being negotiated; under consideration = NHDC has asked body to enter into an agreement and awaiting response; to be prepared = NHDC intend to (seek to) prepare an agreement

<sup>3</sup> The water companies are not prescribed bodies under the Duty. They have been included in this table as the strategic issues raised in relation to water cross over with bodies which are covered by the Duty.

### **3. DUTY TO CO-OPERATE OUTCOMES**

- 3.1 This section of the statement sets out the key outcomes of activity under the Duty to Co-operate. The statement is organised by topic, broadly in line with the priorities in paragraph 156 of the NPPF (see Section 1) insofar as they are considered relevant and applicable to this Plan.
- 3.2 The NPPF also requires local planning authorities to engage with other bodies and organisations, not necessarily covered by the Duty to Co-operate regulations which are important for the preparation of the local plan, reference is made to these bodies and organisations where considered relevant to activities also involving bodies bound by the Duty.

## Housing

3.3 The NPPF requires local plans to address housing need across market areas. There is a broadly consistent and agreed understanding of both housing market geography and approach to housing need across a wide sub-region.

3.4 The evidence base prepared under the Duty to support the Local Plan includes:

- The jointly completed **Housing Market Areas in Bedfordshire and surrounding areas [HOU2]** provides a shared understanding of the ‘functional’ housing market areas (HMAs) affecting the study area. It also provided advice on ‘best fit’ local authority groupings for the purposes of developing evidence. The study was completed with six partner authorities. A steering group invited a wider audience of neighbouring authorities. The study method is also broadly consistent with that used by the neighbouring authorities of Uttlesford and East Hertfordshire resulting in a common understanding across a wide sub-region.

***Housing Market Areas in Bedfordshire and surrounding areas*** (Opinion Research Services (ORS))

*Date:* December 2015

*Partner authorities:* Luton Borough, Central Bedfordshire, Stevenage Borough, Bedford Borough, Milton Keynes and Aylesbury Vale District Councils

*Steering group authorities<sup>4</sup>:* East Hertfordshire, East Northamptonshire, Huntingdonshire, North Northamptonshire, South Cambridgeshire, Wellingborough and Welwyn Hatfield Councils

- NHDC have completed a joint **Strategic Housing Market Assessment (SHMA) [HOU4]** with Stevenage Borough Council. The two authorities form a ‘best fit’ HMA. This study included assessment of objectively assessed needs, drawing on the 2012-based population and household projections. A steering group invited neighbouring authorities to ensure wider ‘buy-in’ to the results and consistency with the studies of surrounding authorities. A ‘Part 2’ study **[HOU5]** looking at issues of affordable housing and housing mix requirements was subsequently undertaken. A short update **[HOU3]** was jointly completed in the summer of 2016 at the request of the Inspector examining Stevenage’s local plan to take account of the 2014-based population and household projections. NHDC have reciprocally participated in the steering group of the Central Bedfordshire and Luton SHMA. Further SHMAs in the wider sub-region have been completed on a consistent basis.

***Stevenage and North Hertfordshire Strategic Housing Market Assessment Update; Stevenage and North Hertfordshire SHMA Update Volume Two: Establishing the need for all types of housing; Updating the Overall Housing Need*** (all ORS)

*Dates:* July 2015 – August 2016

*Partner authority:* Stevenage Borough Council

*Steering Group authorities:* Aylesbury Vale, Central Bedfordshire, Dacorum, East Hertfordshire, Luton, St Albans, South Cambridgeshire and Uttlesford Councils

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<sup>4</sup> References to ‘steering group’ or ‘other’ authorities include all those authorities provided with the opportunity to comment, attend meetings etc. Not all authorities will have necessarily participated.

- In view of the identified unmet housing needs arising from Luton, the four authorities in the shared Luton housing market area have completed the **Luton HMA Growth Study [HOU7]** to explore spatial options for meeting objectively assessed housing needs in this area. The study concludes that it is theoretically possible to accommodate identified needs within the HMA albeit that this remains subject to testing through individual authorities' plans. The methodology and draft report were subject to consultation with neighbouring authorities through a reference group.

***Luton HMA Growth Study*** (Land Use Partnership)

*Date:* April 2017

*Partner authorities:* Central Bedfordshire, Luton Borough and Aylesbury Vale District Councils

*Reference Group authorities:* Bedford, Dacorum, Milton Keynes, St Albans and Stevenage Councils and Hertfordshire and Buckinghamshire County Councils

3.5 Other relevant studies, including the Strategic Housing Land Availability Assessment [HOU9] and the Housing and Green Belt Background Paper [HOU1] have been completed by NHDC and have been made available for comment and review as part of the Local Plan process. The reciprocal studies by other authorities have been completed and made available on a similar basis.

3.6 Representations during the preparation (Regulation 18) stages of the Plan from prescribed Duty to Co-operate bodies included:

- Central Bedfordshire Council noting that historic levels of under-provision and / or constrained provision within Hertfordshire had been a key influence upon migration flows out of the county into Bedfordshire, influencing their own housing requirement figures. CBC consistently encouraged NHDC to plan for appropriate levels of housing development;
- Luton Borough Council requesting that unmet needs arising from within their Borough be considered and proactively addressed;
- Welwyn Hatfield Borough Council identifying the housing market relationships between their authority and settlements at the south of the District and the potential requirement for WHBC to seek assistance in meeting housing needs<sup>5</sup>; and
- Stevenage Borough Council identifying that they may not be able to accommodate their housing needs in full and / or that most viable development options within the Borough were likely to be exhausted by 2031<sup>6</sup>.

3.7 The key outcomes reflected in the submitted Plan include:

- Identification of the housing market area geography and key issues relating to objectively assessed need (para 2.37 – 2.42 and Figure 3, pp16-17);

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<sup>5</sup> The Memorandum of Understanding with Welwyn Hatfield (MOU7) subsequently agrees that there is not capacity within those parts of North Hertfordshire most closely associated with Welwyn Hatfield to accommodate any additional development in the current plan but that the authorities will need to work together to consider future options.

<sup>6</sup> Stevenage subsequently resolved that they could accommodate their objectively assessed housing needs in full. This is reflected in their submitted Plan and the Memoranda of Understanding (MOU11) between the two authorities.

- Provision of sufficient land to meet North Hertfordshire's own needs in full, subdivided into targets for the two functional housing market areas affecting the District (Policy SP8(a) and para 4.86, pp47-48);
  - A positive contribution of 1,950 homes as a contribution towards the unmet needs for housing arising from Luton (Policy SP8(b) and para 4.87, pp47-48);
  - Identification of constraints to housing provision in some surrounding authorities with strong commitments to positively investigating longer-term housing options and future plan review (Policy SP8(e) and paras 4.101 to 4.106 and 14.33 to 14.37, p.48, 50 & 224); and
  - Discussion of how any further unmet need arising from within the Luton HMA might be considered in the future (para 14.38-14.40, p.224).
- 3.8 Outcomes on housing matters are additionally reflected in the MoU / SOCG agreed with East Hertfordshire **[MOU1]**, Uttlesford **[MOU4]**, Welwyn Hatfield **[MOU7]**, Central Bedfordshire **[MOU8]**, South Cambridgeshire **[MOU10]** and Stevenage **[MOU11]** Councils as well as the Hertfordshire Local Enterprise Partnership (LEP) **[MOU9]**.
- 3.9 This includes, where appropriate, recognition by those bodies that a new settlement within NHDC is not considered a reasonable alternative for the current Plan but that joint working will be required to address housing needs and / or explore spatial options for the next review of the Plan.
- 3.10 Further MoU / SOCG which are envisaged to address housing matters are currently in preparation with Luton Borough Council. St Albans and Aylesbury Vale Councils have been asked if they wish to enter into an agreement under the Duty.

## Employment

- 3.11 Similarly to housing, the NPPF and associated guidance requires shared consideration of economic planning issues.
- 3.12 The evidence base prepared under the Duty to support the Local Plan includes:
- Completion of a joint **Functional Economic Market Area (FEMA) study [E3]** to define an appropriate economic geography in line with government guidance and to identify the need and supply across the FEMA area.
- Functional Economic Market Area Study** (Nathaniel Lichfield & Partners (NLP))  
*Date:* July 2015  
*Partner authorities:* Central Bedfordshire Council, Stevenage Borough Council
- 3.13 Other relevant studies, including the North Hertfordshire Employment Land Review **[E4]** have been completed by NHDC and have been made available for comment and review as part of the Local Plan process. The Employment Background Paper **[E5]** was informally shared with Stevenage Borough Council in advance of its completion to ensure employment matters were being consistently addressed across the two authorities. The reciprocal studies by other authorities have been completed and made available on a similar basis.
- 3.14 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:
- Stevenage Borough Council confirming that they anticipated being unable to provide sufficient new employment land over the plan period and a request to allocate (rather than safeguard) additional employment land; and
  - Welwyn Hatfield Borough Council raising concerns that the employment strategy in the draft plan would have an adverse impact upon key transport corridors.
- 3.15 The key outcomes reflected in the submitted Plan include:
- Identification of the functional economic market area geography and recognition that additional employment land will be required in this area to meet Stevenage's growth (para 2.43-2.44 and Figure 4, pp17-18);
  - Provision of sufficient land to meet North Hertfordshire's own needs and address unmet needs arising from Stevenage (Policy SP3(a) to (c) [as amended by the Schedule of Proposed Additional Modifications [ref]] and para 4.29, pp35-37); and
  - Clarification that North Hertfordshire is a significant net exporter of commuters on a daily basis and that the Plan's approach seeks to redress this balance (para 4.25-4.26 and 4.32, pp36-37)
- 3.16 Outcomes on employment matters are additionally reflected in the MoU / SOCG agreed with Welwyn Hatfield **[MOU7]**, Central Bedfordshire **[MOU8]** and Stevenage **[MOU11]** councils and Hertfordshire LEP **[MOU9]**. Further agreements which are envisaged to address employment matters are currently in preparation with Luton Borough Council as well as the Greater Cambridge Greater Peterborough LEP.

### **Infrastructure (transport)**

3.17 As set out in Section 2 above, North Hertfordshire is in a two-tier authority area. Key road routes across the District include the A1(M), A505, A507 and A602.

3.18 The evidence base supporting the Local Plan relevant to the Duty includes:

- To allow North Hertfordshire to test the traffic implications of proposed development within the District, Luton and Central Bedfordshire Councils granted access to their Central Bedfordshire and Luton Transport Model and an existing 2031 forecast year scenario. This work was commissioned through, and developed in consultation with, Hertfordshire County Council [T17].

#### **East of Luton Urban Extension Stage 2 (AECOM)**

*Date:* February 2016

*Co-operating authorities:* Hertfordshire County Council, Luton Borough Council, Central Bedfordshire Council

- Completion of **North Hertfordshire Local Plan Model Testing [T14]** in consultation with Hertfordshire County Council (HCC) and utilising their 'WHaSH-BL' transport model and procurement framework. This approach is in line with the informal protocol issued by HCC to all districts setting out their preferred approach to transport modelling for emerging local plans. This is supplemented by the **Baldock Link Road Testing** paper [T15] which specifically tests the implications of new connections which are proposed as part of the Plan's housing allocations in the town.

#### **North Hertfordshire Local Plan Model Testing; Baldock Link Road Testing (AECOM)**

*Date:* September 2016

*Partner authorities:* Hertfordshire County Council

- The Plan is supported by a comprehensive **Infrastructure Delivery Plan [T11]**. Relevant sections of this document were completed in consultation with key infrastructure and service providers. This included testing the implications of a 'preferred development scenario' which closely aligns to the final strategy included within the submitted Plan.

#### **Infrastructure Delivery Plan (RS Regeneration)**

*Date:* September 2016

*Co-operating authorities:* Hertfordshire County Council

3.19 Following completion of the above work and preparation of the Proposed Submission consultation on the Local Plan, HCC consulted upon their Transport Vision 2050 [T18] (October 2016). This proposes a significant shift in strategic thinking by the County Council. The proposed adoption of a transport user hierarchy policy will change the priority of transport measures away from private car use and will afford much greater emphasis to more sustainable modes of travel.

3.20 To address this, and also the concerns raised in the representations of HCC as highway authority [12962] and Stevenage Borough Council (SBC) [7993], the following additional work has been / is being undertaken:

- Completion of an agreed **NHDC HCC Direction of Travel [MOU3]** between the District and County Council. This document identifies the scope for, and will lead to the production of, a **North Hertfordshire Transport Strategy (forthcoming)**. Stevenage Borough Council has recently, as part of their own Local Plan Examination, developed a transport strategy for the town. Given the nature of the relationship between the two authorities – with the urban area of Stevenage already extending into North Hertfordshire and with further development proposed on the edge of the town within the District – it is important to ensure that the strategies for Stevenage and North Hertfordshire deliver a consistent and co-ordinated approach to allow the aspirations of the County Council to be met whilst accommodating planned growth.

***NHDC HCC Direction of Travel; North Hertfordshire Transport Strategy***

(Markides Associates)

*Date:* March 2017 / ongoing

*Partner authority:* Hertfordshire County Council

*Co-operating organisations:* Stevenage Borough Council, Highways England

- 3.21 It is not presently anticipated that this work will have a material impact on either the policies or strategies of the Plan. The existing evidence base demonstrates that highways solutions exist to accommodate planned growth. A number of specific sustainable transport measures and policies are already incorporated. The policy framework is sufficiently flexible to accommodate a shift to a greater use of sustainable solutions if this is the County Council's preferred approach.
- 3.22 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:
- Hertfordshire County Council providing detailed comments on highway issues in relation to both proposed sites and the wider highway network and identifying a need for traffic modelling across a wider area of the District;
  - The Highways Agency (now Highways England) raising concerns of the potential cumulative impacts of local plans in the area on the strategic route network and also the potential for a 'SMART' motorway scheme on the A1(M); and
  - Welwyn Hatfield Borough Council raising concerns that the employment strategy in the draft Plan would have an adverse impact upon key transport corridors.
- 3.23 The key outcomes reflected in the submitted Plan include:
- Inclusion of a strategic policy on sustainable transport identifying a requirement for development to, inter alia, ensure the provision of a range of sustainable transport opportunities along with their early provision on the largest sites (Policy SP6, p.43);
  - Inclusion of a strategic policy on infrastructure provision, including cross-reference in the supporting text to the Infrastructure Delivery Plan [TI1] (Policy SP7 and para 4.78, pp.44-46); and
  - Identification of the proposed SMART motorway scheme for Junctions 6-8 of the A1(M) (para 14.12, p.219)
- 3.24 Outcomes on transport matters are additionally reflected in the MoU / SOCG agreed with East Hertfordshire [MOU1], Welwyn Hatfield [MOU7], Central Bedfordshire [MOU8], and Stevenage [MOU11] councils.

3.25 Further MoU / SOCG which are envisaged to address transport matters are currently in preparation with Luton Borough Council. NHDC will seek an agreement with Highways England. NHDC and HCC have signed an agreed Direction of Travel referenced above. The two authorities will determine the need for any additional MoU / SOCG once the proposed Transport Strategy has progressed.

### **Infrastructure (water supply, wastewater and flood risk)**

- 3.26 North Hertfordshire lies across two water company and river catchment areas. Settlements to the south of the District and the areas around Stevenage are largely within the Thames Water area with river systems converging on the River Lee at Hertford and on into the River Thames. The wastewater treatment works at Rye Meads adjoins a nature conservation site of European significance.
- 3.27 North Hertfordshire's main settlements of Hitchin, Letchworth Garden City, Royston and Baldock all fall, along with the rural north of the District within the Anglian Water area. River systems in this area ultimately feed into the River Ouse which discharges into The Wash.
- 3.28 The evidence base supporting the Local Plan relevant to the Duty includes:
- The **Rye Meads Water Cycle Strategy [TI10]**. This was initially completed to assess the likely impact of housing growth proposals in the then East of England Plan upon wastewater infrastructure in the catchment of the Rye Meads Wastewater Treatment Works<sup>7</sup>.

#### ***Rye Meads Water Cycle Strategy*** (Hyder Consulting)

*Date:* October 2009<sup>8</sup>

*Participating organisations:* Broxbourne, East Hertfordshire, Epping Forest, Harlow, North Hertfordshire, Stevenage and Welwyn Hatfield Councils, Hertfordshire County Council, Natural England, Environment Agency, Anglian Water, Thames Water and Three Valleys Water<sup>9</sup>.

- Following revocation of the East of England Plan, participation in a completed and agreed **Water Cycle Strategy Review [TI11]** led and produced by Stevenage Borough Council to ensure water infrastructure demands arising from development in and around Stevenage, and other areas of the District, have been properly understood.

#### ***Rye Meads Water Cycle Strategy Review*** (Stevenage Borough Council)

*Date:* September 2015

*Participating organisations:* Stevenage Borough Council, Environment Agency, Thames Water.

*Councils notified and / or consulted:* East Hertfordshire District Council, Welwyn Hatfield Borough Council, Broxbourne Borough Council, Harlow District Council, Epping Forest District Council

- Completion of the **Royston Sewage Treatment Works Water Cycle Study [TI9]** to examine the prospective impact of proposed growth in and around the town. This concludes that, although a new discharge consent is likely to be required as a consequence of growth, there will be technical solution to serve these proposals.

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<sup>7</sup> These works are within a nature conservation site of European importance. The implications of this, in terms of Duty to Co-operate are discussed under the Natural Environment section of this statement.

<sup>8</sup> Predates the introduction of the statutory Duty to Co-operate but included for completeness

<sup>9</sup> The water companies are statutory consultees in the preparation of local plans but are not prescribed bodies under the Duty to Cooperate. However, strategic issues in relation to water impact upon bodies which are prescribed under the Duty including the Environment Agency, Natural England and other local planning authorities.

**Royston Water Cycle Study** (North Hertfordshire District Council)

Date: August 2012

Partner organisations: Environment Agency, Anglian Water

- A **Strategic Flood Risk Assessment update [NHE12]** to ensure compliance with the requirements of national policy. The Environment Agency and Hertfordshire County Council (in their role as Lead Local Flood Authority) were consulted upon the contents of the SFRA as it was produced.

**Strategic Flood Risk Assessment Update** (North Hertfordshire District Council)

Date: September 2016

Co-operating authorities: Environment Agency, Hertfordshire County Council

- The **Habitat Regulation Assessment Screening Report [SOC4]** examines the potential impacts of the Local Plan upon sites of European significance. The key (potential) implications and mitigations relate to the treatment of wastewater from parts of the District at the Rye Meads works. Natural England were consulted upon the contents of the assessment as it was produced.

**Habitat Regulation Assessment Screening Report** (North Hertfordshire District Council)

Date: September 2016

Co-operating authorities: Natural England

3.29 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:

- The Environment Agency identifying the need to update Water Cycle Study work, detailed comments upon a number of proposed policies and their supporting text as well as observations upon proposed site allocations;
- Hertfordshire County Council identifying changes in legislation (from April 2015) to secure the provision of Sustainable Urban Drainage systems in major development.
- Natural England advising that detailed consideration is given to the need to keep the sewage and wastewater treatment at Rye Meads in step to avoid adverse effect on site integrity.

3.30 The key outcomes reflected in the submitted Plan include:

- Revised policy wording on water, water infrastructure and flood risk matters (Policy SP11 and Policies NE7 to NE10, pp55-56 & 119-124 [as amended by the Schedule of Proposed Additional Modifications **[LP3]**, pp3 & 7-8])
- Inclusion of site-specific criteria where site allocations need to take specific actions in relation to flood risk or wastewater issues (including Policies SP14-SP19 and relevant allocations identified in Chapter 13, pp61-72 and 133-215)

3.31 Outcomes on water and flood risk matters are additionally reflected in the MoU / SOCG agreed with the Environment Agency **[MOU5]**, Anglian Water and Thames Water<sup>Error! Bookmark not defined.</sup>. Further MoU / SOCG which are envisaged to address wastewater matters are currently in preparation with Natural England.

3.32 NHDC has worked closely with other infrastructure and service providers such as Affinity Water and the National Grid. Infrastructure providers (along with Duty to Co-operate bodies) were given an opportunity to provide input into the preparation of the NHDC Infrastructure Delivery Plan (IDP) from its initial stages of preparation to publication of the IDP in September 2016. The Council will continue to engage with the infrastructure providers to ensure the IDP contains the latest information.

### **Infrastructure (waste management and the provision of minerals and energy)**

- 3.33 As a two-tier authority area, Hertfordshire County Council retains responsibility for waste and minerals planning.
- 3.34 No specific evidence studies have been completed on this matter.
- 3.35 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:
- Hertfordshire County Council as Minerals & Waste planning authority identifying those proposed housing sites and employment areas on the same land designated as having potential for mineral and waste uses.
- 3.36 The key outcomes reflected in the submitted Plan include:
- Recognition of the role of HCC as minerals planning authority and proposed text cross-referencing the Minerals Consultation Area SPD (Para 2.30, p.15 as amended by Schedule of Proposed Additional Modifications [**LP3**], p.1)
  - Policy criteria to allow consideration of non-B class uses ~ including, but not limited to, waste uses ~ within designated employment areas and new employment sites (Policy ETC1 and paras 5.7-5.8, pp75-76)
  - A proposed site specific requirement for housing allocation HT8 to ensure development does not prejudice use of the safeguarded rail aggregate depot (Schedule of Proposed Additional Modifications [**LP3**], p.10)
  - Proposed site specific requirements for housing allocations IC2, IC3 and SP2 to ensure that development does not unnecessarily sterilise minerals resources (Schedule of Proposed Additional Modifications [**LP3**], p.10)
- 3.37 Outcomes on minerals and waste issues will additionally be reflected in the MoU / SOCG currently in preparation with Hertfordshire County Council as Minerals and Waste Planning Authority.

## Local Facilities

- 3.38 As set out in Section 2 above, North Hertfordshire is in a two-tier authority area. Hertfordshire County Council is responsible for ensuring the provision of sufficient school places.
- 3.39 In terms of health, North Hertfordshire is covered by a number of bodies including the NHS England (under the Midlands and East (Central Midlands) and East (East) teams), East & North Hertfordshire Clinical Commissioning Group CCG, the Cambridgeshire and Peterborough CCG and relevant locality groups.
- 3.40 In addition to the above, public health functions have now transferred to Hertfordshire County Council providing them with a duty to take such steps as are appropriate to improve the health of people in its area.
- 3.41 The NPPF and associated guidance also refers to the shared provision of retail, commercial and leisure facilities.
- 3.42 The evidence base supporting the Local Plan relevant to the Duty includes:
- The Plan is supported by a comprehensive **Infrastructure Delivery Plan [TI1]**. Relevant sections of this document were completed in consultation with key infrastructure and service providers. This included testing the implications of a 'preferred development scenario' which closely aligns to the final strategy included within the submitted Plan.

### **Infrastructure Delivery Plan (RS Regeneration)**

*Date:* September 2016

*Co-operating authorities:* Hertfordshire County Council, NHS England, East and North Herts CCG

- 3.43 There are no major strategic cross boundary issues in relation to commercial and retail provision as it is generally accepted that each planning authority will retain their own market share; North Hertfordshire recognises its position in terms of surrounding centres in neighbouring authorities and does not seek to compete with higher order centres. Relevant studies, including the North Hertfordshire Retail study Update **[E1]** and Retail Background Paper **[E2]**, have been completed by NHDC and have been made available for comment and review as part of the Local Plan process. The reciprocal studies by other authorities have been completed and made available on a similar basis.
- 3.44 The provision of sport/leisure facilities must be considered within appropriate catchment areas, as users will travel to reach sport facilities. There are no strategic cross boundary issues identified in relation to sport provision. Although not a prescribed body under the Duty, Sport England has been consulted throughout the preparation of the Local Plan and was involved in both the North Hertfordshire Playing Pitch Strategy **[OSC1]** and Indoor Sports Facilities Study Assessment **[OSC2]** reports. These studies have been made available for comment and review as part of the Local Plan Process.
- 3.45 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:

- Hertfordshire County Council as education authority seeking a range of educational provision within development sites and the identification of a 'education zone' allocation to the north of Stevenage which should be held in reserve pending the future demand for school places; and
- NHS England identifying a need to better understand the location of new development to inform the future planning of GP provision.

3.46 The key outcomes reflected in the submitted Plan include:

- A strategic policy (Policy SP10, pp.53-54) outlining the Council's overall approach to the provision of community facilities. This is supported by Policy HC1 which includes a presumption in favour of the retention of existing facilities;
- The requirement for new on-site GP provision within the largest land allocation north of Baldock (Policy SP14, pp.61-62); and
- A range of specific and contingent policy requirements for new schools provision in development sites. This includes for all of the proposed strategic housing sites (Policies SP14-SP19, pp.60-72) as well as other locations specified in the site-specific requirements of the Communities section (Chapter 13, pp.133-215).

3.47 Hertfordshire County Council in their role as education authority [16452] has submitted a number of objections to the Plan. Having reviewed these, NHDC consider these to be issues of soundness rather than of legal compliance with the Duty.

## The Natural and Historic Environment

- 3.48 The natural environment of North Hertfordshire contributes to its character and distinctiveness. The District includes a wide range of green infrastructure and environmental assets including a number of nationally and locally important wildlife sites and habitats. It also includes part of the Chilterns AONB, which is designated for its nationally significant landscape.
- 3.49 All of the towns and many of the villages contain historic areas and buildings. There are 40 conservation areas and approximately 2750 listed buildings.
- 3.50 The evidence base supporting the Local Plan relevant to the Duty includes:
- Following concerns raised by Natural England at the Preferred Options stage of the Local Plan, two studies have been completed to assess the potential impact of allocations on designated sites. **RY1 Recreational Impact on Therfield Heath SSSI Study [NHE10]** and **PR1 Recreational Impact on Wain Wood SSSI Study [NHE11]** were produced in consultation with Natural England.
- RY1 Recreational Impact on Therfield Heath SSSI Study** (BSG Ecology)  
**PR1 Recreational Impact on Wain Wood SSSI Study** (BSG Ecology)  
Date: September 2016  
Partner organisations: Natural England*
- 3.51 Following comments from English Heritage (now Historic England) at the preferred options stage, the Council have produced a number of heritage assessments for specific settlements and sites to inform mitigation measures **[NHE1 to NHE9]**.
- 3.52 Representations during the preparation stages of the Plan from prescribed Duty to Co-operate bodies included:
- Natural England identifying potential impact and requirements for mitigation on sites and policies on designated assets in the District;
  - The Environment Agency providing commentary on the water environment, contamination and pollution and identification of additional requirements for sites and policies; and
  - Historic England identifying sites where sensitive design needed to be informed by historic assessments.
- 3.53 The key outcomes reflected in the submitted Plan include:
- Site-specific criteria added to all proposed housing sites including, where applicable, matters relating to the natural and historic environment. This includes all of the proposed strategic housing sites (Policies SP14-SP19, pp.60-72) as well as other locations specified in the site-specific requirements of the Communities section (Chapter 13, pp.133-215);
  - Additions to policies to ensure no harm will occur to designated sites and to elevate the biodiversity hierarchy into the strategic policy (Policies SP11-12 pp.55-56); [as amended by the Schedule of Proposed Additional Modifications **[LP3]**];
  - Proposed amendments to the Sustainability Appraisal to take account of issues raised at the consultation stage, particularly impacts in relation to Therfield Heath SSSI and reasonable alternatives to growth at Luton in close proximity to the Chilterns AONB **[LP8]**;

- Revised policy wording on water, water infrastructure and flood risk matters (Policy SP11 and Policies NE7 to NE10, pp55-56 & 119-124 [as amended by the Schedule of Proposed Additional Modifications **[LP4]**, pp7-8])

3.54 These outcomes are further reflected in the Statement of Common Group agreed with the Environment Agency **[MOU5]**. An agreement with Natural England is currently being prepared. The Council will seek to develop an agreement with Historic England.

## **APPENDIX 1: DETAILS OF ADDITIONAL INFORMATION HELD BY NHDC IN RELATION TO THE DUTY TO CO-OPERATE**

This Appendix sets out the key elements of additional written information held by NHDC in relation to key prescribed Duty to Co-operate bodies. This includes minutes of meetings and responses to consultation events.

This list is not exhaustive. Some meetings were not minuted: Where (e.g.) a draft memorandum of understanding was in development, the ongoing amendments to this document form the record and outcomes of the meeting.

The Council holds a substantial volume of additional 'ad-hoc' correspondence such as emails and informal queries and consultations. These have not been individually listed.

### **Central Bedfordshire Council (CBC)**

- Minutes of meetings held: 5 March 2012, 26 March 2012, 12 May 2012, 19 September 2012, 8 August 2013 (with Stevenage Borough Council (SBC)), 21 November 2013 (with SBC), 30 June 2016, 23 January 2017, 20 March 2017, 17 May 2017
- Joint SHMA minutes of meetings held: 22 August 2013, 8 Oct 2013, 11 November 2013 (Meeting with CLG), 21 Nov 2013, 4 December 2013, 7 January 2014, 13 March 2014, 3 April 2014, 17 April 2014, 8 May 2014, 21 May 2014 (Luton Member meeting)
- Luton HMA Growth Options Study minutes of meetings held: 8 February 2016, 17 February 2016, 26 May 2016, 10 August 2016, 26 October 2016, 7 November 2016, 2 February 2017
- Response by CBC to NHDC Regulation 18 consultations: 25 March 2013, 26 July 2013 & 5 February 2015
- Response by CBC to NHDC Regulation 19 consultation – 28 November 2016
- Response by NHDC to Central Bedfordshire Development Strategy, 3 August 2012
- Response by NHDC to Central Bedfordshire Development Strategy revised site assessment work, 21 November 2012
- Response by NHDC to Central Bedfordshire Development Strategy (Pre-submission version), February 2013
- Response by NHDC to Central Bedfordshire revised proposed submission Development Strategy, 20 August 2014
- Appearance by NHDC at Central Bedfordshire Council Development Strategy Examination, Matter 1 (statement submitted), 15 January 2014
- Response by NHDC to Shaping Central Bedfordshire consultation, 1 November 2016

### **South Cambridgeshire District Council (SCDC)**

- Minutes of meetings held: 4 June 2014, 3 May 2017
- Response by NHDC to SCDC Local Plan Issues & Options Consultation: 24 July 2012
- Response by NHDC to SCDC Local Plan Proposed Submission: 16 September 2013
- Response by NHDC to South Cambridgeshire /Cambridge City Council Local Plans Proposed Modifications: 22 January 2016

### **Uttlesford District Council (UDC)**

- Response by NHDC to UDC Regulation 18 consultation: 2 December 2015
- Response by UDC to NHDC Regulation 18 consultations: 14 March 2013 & 16 July 2013
- Response by UDC to NHDC Regulation 19 consultation: 29 November 2016

### **East Hertfordshire District Council (EHDC)**

- Minutes and notes of meetings held: 24 April 2013, 5 December 2016
- Response by EHDC to NHDC Regulation 18 consultation: 25 March 2013 & 2 February 2015
- Response by EHDC to NHDC Regulation 19 consultation: 30 November 2016
- Response by NHDC to EHDC Regulation 18 Local Plan consultations 22 May 2014
- Response by NHDC to EHDC Regulation 19 Local Plan consultations 12 December 2016

### **Stevenage Borough Council (SBC)**

- Minutes of meetings held: 18 February 2013, 25 April 2013, 21 June 2013, 19 July 2013, 8 August 2013 (with CBC), 9 October 2013, 21 November 2013 (with CBC), 12 December 2013, 16 May 2014, 18 July 2014, 23 January 2015, 8 February 2017
- Minutes of joint SHMA steering group: 20 April 2015
- Response by SBC to NHDC Local Plan Regulation 18 consultations: 25 March 2013 (as supplemented on 30 April 2013), 2 August 2013 & 6 February 2015
- Response by SBC to NHDC Local Plan Regulation 19 consultation: 30 November 2016
- Response by NHDC to SBC Local Plan Regulation 18 consultation: 27 July 2015
- Response by NHDC to SBC Local Plan Regulation 19 consultation: 16 February 2016
- Appearance by NHDC at SBC Local Plan examination: January – March 2017,
  - Stage 1 – Matters 1, 2 and 3 (statements submitted)
  - Stage 2 – Matter 11 (statement submitted)
  - Stage 3 – Matters 18 and 20 (statements submitted)

### **Welwyn Hatfield Borough Council (WHBC)**

- Minutes of meetings held: 11 November 2016, 15 September 2015, 26 January 2015, 20 October 2014,
- Response by WHBC to NHDC Regulation 18 Local Plan consultation: 28 March 2013, 31 July 2013 & 15 January 2015
- Response by WHBC to NHDC Regulation 19 Local Plan consultation: 30 November 2016
- Response by NHDC to WHBC Regulation 18 Local Plan consultation 13 March 2015
- Response by NHDC to WHBC Regulation 19 Local Plan consultation 24 October 2016

### **St Albans City & District Council (SACDC)**

- Minutes of meetings held: 19 April 2013, 27 February 2015, 5 February 2016
- Response by SACDC to NHDC Regulation 18 Local Plan consultation: 27 March 2013
- Response by SACDC to NHDC Regulation 19 Local Plan consultation: 29 November 2016
- Response by NHDC to SACDC Regulation 19 Strategic Local Plan consultation: 16 February 2016
- Appearance by NHDC at SACDC Strategic Local Plan examination: 26 October 2016 (Statement submitted)

### **Luton Borough Council (LBC)**

- Minutes of meetings held: 13 March 2014, 21 May 2014, 4 September 2014, 9 October 2014, 17 October 2014, 27 July 2015, 17 November 2015, 26 January 2016, 11 February 2016 and 23 February 2017
- Luton HMA Growth Study Meetings: *See entry under Central Bedfordshire*
- Joint SHMA meetings: 8 April 2014, 17 April 2014, 21 May 2014 and 16 June 2015
- Response by LBC to NHDC Regulation 18 Consultations: 27 March 2013, 31 July 2013 & 23 January 2015
- Response by LBC to NHDC Regulation 19 Consultation: 30 November 2017
- Response by NHDC to LBC Local Plan Regulation 18 Consultation: 21 August 2014
- Response by NHDC to LBC Local Plan Regulation 19 Consultation: 6 January 2016
- Appearance by NHDC at Luton Borough Council Local Plan examination: July 2016 – January 2017,
  - Stage 1 – Matter 1 (statement submitted)
  - Stage 2 – Matters 4, 6, 7 and 14 (statements submitted)
  - Stage 3 – Matter 26 (statement submitted)

### **Hertfordshire County Council (HCC) (Highways)**

- Notes and material from meetings held 16 July 2014, 19 September 2014, 8 June 2015, 5 October 2015, 25 February 2016, 9 January 2017, 9 February 2017, 14 February 2017 & 25 April 2017
- Responses by HCC (Highways) to NHDC Regulation 18 consultations dated 8 April 2013 & 3 February 2015
- Response by HCC (Highways) to NHDC Regulation 19 consultation dated 30 November 2016
- Responses by NHDC to HCC Local Transport Plan consultations dated 3 March 2016 & 12 December 2016

### **HCC (Education)**

- Notes and minutes from meetings held 28 November 2014, 12 February 2015, 4 April 2017 (draft) and 24 April 2017 (draft)
- Responses by HCC (Education) to NHDC Regulation 18 consultations dated 28 March 2013, 1 August 2013 & 6 February 2015
- Response by HCC (Highways) to NHDC Regulation 19 consultation dated 30 November 2016

### **HCC (Minerals and Waste):**

- Minutes of meetings held: 2 May 2014, 11 November 2014, 1 June 2015, 24 November 2015, 7 June 2016, 12 December 2016 and 11 May 2017
- Response by HCC (Minerals and Waste) to NHDC Regulation 18 consultation: 8 April 2013 & 3 February 2015
- Response by HCC (Minerals and Waste) to NHDC Regulation 19 consultation: 30 November 2016
- Response by NHDC to Hertfordshire County Council Waste Core Strategy Regulation 19 consultation: 13 December 2010
- Response by NHDC to Hertfordshire County Council Waste Site Allocations Regulation 19 consultation: 19 December 2012
- Appearance by NHDC at HCC Waste Core Strategy Examination, Stage 1: Matter 6, 16 and 19 (statements submitted): November 2011
- Appearance by NHDC at HCC Waste Site Allocations Examination, Stage 1: Matter 1 (statement submitted): September – November 2013
- Response by NHDC to Hertfordshire County Council Waste Site Allocations Regulation Main Modifications consultation: 17 February 2014

### **Hertfordshire Local Enterprise Partnership (LEP)**

- Minutes of minutes held: 10 March 2017
- Response by Hertfordshire LEP to NHDC Regulation 18 consultation: 6 February 2015
- Response by Hertfordshire LEP to NHDC Regulation 19 consultation: 27 November 2016
- Response by NHDC to Hertfordshire LEP Strategic Economic Plan: 11 July 2013
- Response by NHDC to Hertfordshire LEP Strategic Economic Plan Refresh: 23 January 2017

### **Environment Agency**

- Minutes of meetings held: 21 April 2015, 25 November 2014, 30 July 2013, 16 March 2012, 30 September 2011
- Response by the Environment Agency to NHDC Regulation 18 consultations: 10 April 2013, 5 September 2013 & 9 February 2015
- Response by the Environment Agency to NHDC Regulation 19 consultation: 30 November 2016

### **Historic England (formerly English Heritage)**

- Response by English Heritage to NHDC Regulation 18 consultations: 8 August 2013 & 6 February 2015
- Response by Historic England to NHDC Regulation 19 consultation (received late): 8 December 2016

### **Natural England**

- Minutes of meetings held: 14 March 2017,
- Response by the Natural England to NHDC Regulation 18 consultations: 25 March 2013, 2 August 2013 & 13 February 2015
- Response by the Natural England to NHDC Regulation 19 consultation: 30 November 2016