

# MEMORANDUM OF UNDERSTANDING

BETWEEN

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

AND

**CENTRAL BEDFORDSHIRE COUNCIL**

IN RESPECT OF

**THE NORTH HERTFORDSHIRE LOCAL PLAN, PROPOSED SUBMISSION VERSION,  
OCTOBER 2016**

## **1 Introduction**

- 1.1 This Memorandum of Understanding (MoU) has been prepared jointly by North Hertfordshire District Council (NHDC) and Central Bedfordshire Council (CBC).
- 1.2 The Memorandum sets out the confirmed points of agreement between NHDC and CBC with regard to the North Hertfordshire Local Plan and supporting evidence base, which will assist the Inspector during the Examination of the Local Plan.
- 1.3 Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area.
- 1.4 The National Planning Policy Framework (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 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.
- 1.5 The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that these strategic priorities are properly co-ordinated across local boundaries and clearly reflected in individual Local Plans.
- 1.6 Local Planning authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their Local Plans are submitted for examination.

## **2 Background**

- 2.1 This MoU relates to the representations made by CBC to NHDC's Proposed Submission Local Plan (October 2016).
- 2.2 CBC is at an earlier stage of plan preparation; and, at the time of writing, Regulation 18 consultation is anticipated to be undertaken in June 2017.

## **3 Duty to Cooperate**

- 3.1 NHDC and CBC have co-operated constructively, actively and on an on-going basis of the plan's production.
- 3.2 CBC has continuously responded to public consultations and liaised with Officers as the Local Plan process has developed. This has helped inform both the strategy and policy framework within the plan.
- 3.3 Comments received from CBC have been taken into account during the preparation of the plan so that it addresses the requirements of the Duty and the NPPF and supports sustainable development.

## **4 Summary**

- 4.1 CBC **agrees** that the draft North Hertfordshire Local Plan, November 2016 is sound insofar as it relates to matters covered by the Duty to Co-operate and that both NHDC and CBC will continue to work together to try to find solutions for any sites where there remains a disagreement over their allocation.
- 4.2 We, the undersigned, set out in this memorandum those matters of joint or strategic interest to both authorities as they are dealt with in the North Hertfordshire Local Plan in accordance with paragraph 181 of the NPPF.
- 4.3 All matters where the two authorities perceive that there is a joint strategic interest are detailed in this memorandum. Matters which are not considered to be of joint strategic interest are excluded.

## **5 Agreed Matters**

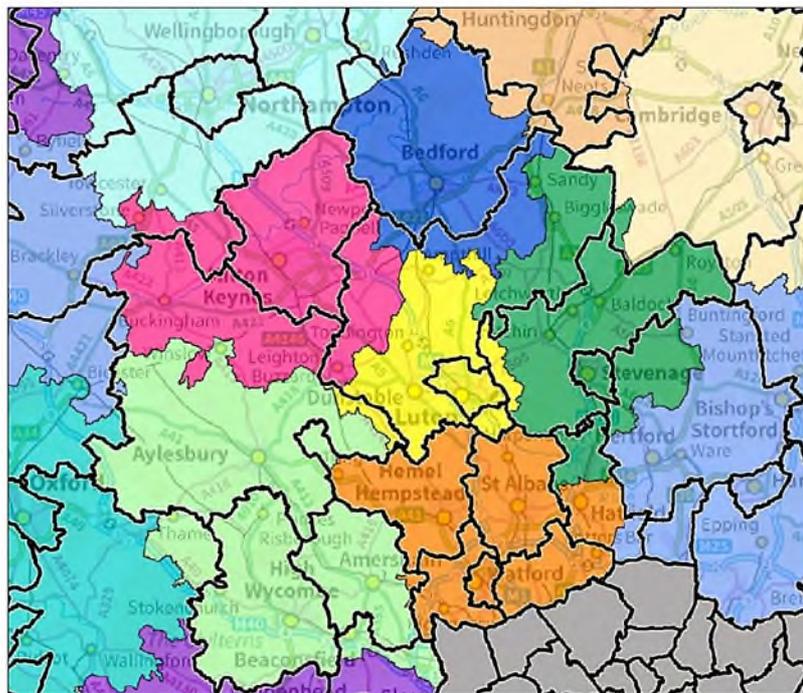
### **Housing market areas and housing need**

- 5.1 NHDC and CBC have worked in conjunction over a number of years to establish an agreed evidence base for the relevant housing market areas.
- 5.2 The Housing Market Areas in Bedfordshire and surrounding areas (ORS, December 2015) study was commissioned by North Hertfordshire District Council, Central

Bedfordshire Council, Bedford Borough Council, Luton Borough Council, Milton Keynes Council, Stevenage Borough Council and Aylesbury Vale District Council.

- 5.3 The study identifies the Luton Housing Market Area to cover the whole of Luton and a significant proportion of Central Bedfordshire as well as smaller parts of Aylesbury Vale and North Hertfordshire Districts (see plan below).
- 5.4 The study identifies a Stevenage Housing Market covering the majority of North Hertfordshire and the south-east of Central Bedfordshire along with the whole of Stevenage Borough and parts of East Hertfordshire District and Welwyn Hatfield Borough.
- 5.5 Therefore the geography of functional housing market areas for NHDC is an **agreed** matter between NHDC and CBC.

Figure 38: Functional Housing Market Areas with Local Authority Boundaries



Source: Housing Market Areas in Bedfordshire and surrounding areas (ORS, December 2015) (HOU 003d)

- 5.6 It is **agreed** that both authorities have worked to the pragmatic, 'best fit' relationships identified in the study to determine their objectively assessed housing needs (OAHN) through Strategic Housing Market Assessments (SHMAs) and that both authorities have actively participated in the preparation of the other's evidence base.
- 5.7 Both authorities **agree** that objectively assessed housing needs (OAHN) have been determined to a common methodology and that this appropriately addresses the requirements of the NPPF and planning practice guidance.
- 5.8 It is **agreed** that NHDC's housing target of at least 14,000 new homes for North Hertfordshire's own needs is appropriate for the plan period 2011-2031.

- 5.9 CBC **agrees** that NHDC has planned to meet its housing needs in full and therefore does not require assistance from any other authority, including Central Bedfordshire, to help meet its objectively assessed needs.
- 5.10 The two authorities **agree** that, in light of a number of factors, it would not be appropriate for CBC to make provision for any portion of NHDC's OAHN over the period to 2031. These factors include (but are not necessarily limited to):
- CBC's own substantial OAHN and the need to try and identify sufficient sites and land within CBC to address this;
  - Perpetuating historic patterns of housing provision in the area, whereby constraints in housing delivery within Hertfordshire have been a factor in driving migration rates out of the county into CBC;
  - The significant unmet housing need from Luton and the requirement for both authorities to consider how they might positively and proactively address this under the Duty (see below);
  - That NHDC's evidence base identifies sufficient opportunities to meet the District's OAHN in full; and
  - The sustainability implications of making housing provision away from the location in which the need has been identified.

#### **Unmet Housing Need from Luton**

- 5.11 NHDC and CBC **agree** that there is a significant level of unmet housing need arising from the Luton Borough Council (LBC) authority area and that this has been quantified as approximately 9,300 dwellings following an update of the Luton SHLAA (2016).
- 5.12 The Luton Housing Market Area Growth Options Study was undertaken by Luton Borough Council, North Hertfordshire District Council, Central Bedfordshire Council and Aylesbury Vale District Council (March 2017). The conclusions of the study are **agreed** as unmet housing need arising from Luton within the Luton HMA could be accommodated on sites within the HMA area. However, the level of unmet need to be delivered in Central Bedfordshire is yet to be tested through the Central Bedfordshire Local Plan.
- 5.13 CBC **agrees** that NHDC can contribute 1,950 new homes towards the unmet housing needs of Luton during the NHDC plan period 2011-2031. It is additionally **agreed** that the allocations to the east of Luton (EL1, 2 and 3) are the appropriate scale and extent to ensure NHDC has maximised its contribution to the unmet need arising from Luton.

## Housing allocations

- 5.14 It is acknowledged that CBC has raised concerns regarding a particular proposed site at Lower Stondon, LS1 (see 'Infrastructure' below) but it is **agreed** that these are detailed matters of soundness and not a joint strategic issue under the Duty.

## Infrastructure

- 5.15 Both NHDC and CBC **agree** that the potential further development of Lower Stondon – including NHDC site LS1 and any future sites identified by CBC - would have cross-boundary impacts on services and infrastructure provided within both authorities' administrative areas, particularly in terms of highways and community facilities. If site LS1 is allocated within the adopted North Hertfordshire local plan, both parties **agree** to work together and with other relevant organisations to deliver the services and infrastructure required to support the development. This may include the use of planning obligations or CIL, where relevant.

## Employment

- 5.16 CBC **agrees** that the balance between housing and jobs is appropriate for North Hertfordshire and that the NHDC plan offers sufficient flexibility to meet the objectively assessed need over the plan period.
- 5.17 NHDC and CBC are in **agreement** that, having regard to updated evidence produced by Stevenage Borough Council (SBC) and the outcomes of the Examination of the SBC plan to date, there is shortfall of employment land arising from Stevenage.
- 5.18 NHDC and CBC **agree** that future employment requirements for Stevenage are driven, in part, by current commuting patterns whereby there are significant commuting flows from both authorities to Stevenage.
- 5.19 NHDC, SBC and CBC have worked together to identify the geography of the Functional Economic Market Area (FEMA) (2015) and this is **agreed** between the two authorities. Both authorities **agree** that the shortfall from Stevenage should be addressed within this geographic area. Both NHDC and CBC have signed MoUs with Stevenage as part of their Examination, and have agreed in principle to make some provision towards their unmet employment need.
- 5.20 It is **agreed** that NHDC site BA10 at Royston Road, Baldock is capable of making a substantial contribution towards the unmet employment need of Stevenage and is an appropriate location to do so. It is **agreed** that the MOU between CBC and SBC, which identifies the potential for a further contribution along the A1 Corridor, provides further flexibility in this regard and ensures that the unmet needs from Stevenage can be addressed.

- 5.21 It is **agreed** that further DtC discussions between NHDC, CBC and SBC will be required to address the Stevenage unmet need. NHDC and CBC **agree** to monitor their employment requirements on an on-going basis as their respective plans progress.

### **Green Belt**

- 5.22 CBC **agrees** with the NHDC approach to meeting its housing need in terms of the Green Belt assessment.
- 5.23 CBC **agrees** that the extent, release and creation of Green Belt in the North Hertfordshire Local Plan are appropriate and that exceptional circumstances have been demonstrated in the plan and associated evidence base.

### **New settlement**

- 5.24 Both NHDC and CBC **agree** that a new settlement is not a reasonable alternative (in the meaning of the term) to meet any substantial proportion of OAHN for the period to 2031. A new settlement in northern Hertfordshire would not start delivering new homes until at least the end of the respective local plan periods. A site for a new settlement has not been promoted, identified or tested, and would require very significant public intervention to commence. Both authorities **agree** that new settlement options should, however, be explored for the following plan period.
- 5.25 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.

### **Transport**

- 5.26 Both authorities **agree** to continue to work closely in order to identify and resolve any transport issues. These include, but are not necessarily limited to, the capacity of the A1 corridor, potential implications relating to the proposed Baldock site allocations and associated roads, the A507 / A600 and the cumulative impacts of development across the two authorities on the highway network.
- 5.27 NHDC **agrees** to work in close collaboration with CBC and Hertfordshire County Council (HCC) to share the transport modelling undertaken for the NHDC Local Plan.
- 5.28 NHDC and CBC **agree** to work with each other and HCC as required if further transport modelling is required.

Ian Fullstone

Head of Development and Building Control

Signed on behalf of

**Central Bedfordshire Council**

26<sup>th</sup> April 2017



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Andrew Davie

Development Infrastructure Group Manager

Signed on behalf of

**Central Bedfordshire Council**

26<sup>th</sup> April 2017



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Councillor David Levett

Executive Member for Planning and Enterprise

Signed on behalf of

**North Hertfordshire District Council**

26<sup>th</sup> April 2017



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Councillor Sue Clark

Deputy Executive Member for Regeneration

Signed on behalf of

**Central Bedfordshire Council**

26<sup>th</sup> April 2017



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