

Duty to Cooperate
Memorandum of Understanding
East Herts Council and Welwyn Hatfield Borough Council

- 1.1. This memorandum of understanding establishes the outcome of co-operation between East Herts Council and Welwyn Hatfield Borough Council 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. 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. Co-operation 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 Herts Council (East Herts / EHC)
 - Welwyn Hatfield Borough Council (Welwyn Hatfield / WHBC)
- 2.2. The plans of EHDC and WHBC 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 co-operate. 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 of 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 issues affecting East Herts Council and Welwyn Hatfield Borough Council.
 - To identify and manage spatial planning issues that impact on both East Herts Council and Welwyn Hatfield Borough Council.
 - 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 and any relevant joint policies.
 - To make sure there is 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.

6. Strategic Priorities

- 6.1. It is agreed that the following matters comprise the strategic priorities with a cross boundary issue between the two authorities

Housing Market Areas

- 6.2. The two Authorities agree that whilst on a 'best fit' local authority basis, East Herts has stronger housing market connections with other neighbouring authorities, there is a cross boundary housing market relationship between both authorities. The WH SHMA identifies an area within East Herts (and within its defined HMA) which relates to the A414 corridor between (and including) Hertford and Welwyn Garden City as well as the rural hinterland around Welwyn Garden City within East Herts.
- 6.3. Recognising the housing market relationship between Hertford and Welwyn Garden City as set out in the WH SHMA, both local plans are seeking to accommodate dwellings within this location through the development of land to the east of Welwyn Garden City of 2,550 homes, of which 1,350 will be within East Herts.

- 6.4. The 2014 Welwyn Hatfield SHMA identified the proportion of households within East Herts which fall within the Welwyn Hatfield HMA at a ward level analysis and a figure for the shared HMA could therefore be calculated on the basis of household growth. However, there is a mutual acknowledgement of the physical constraints preventing further growth in this location beyond what is currently proposed. Therefore, the two Authorities agree that it is necessary to seek to meet the needs of this part of the HMA from a wider area in more suitable locations.

Housing Need

- 6.5. East Herts Council acknowledges that further work is required to identify an up-to-date OAHN figure, and is committed to undertaking this work prior to the Examination Hearing sessions. The East Herts District Plan proposes to deliver 18,142 homes between 2011 and 2033. This is in excess of the level of need identified by the SHMA (16,390 homes), the starting point presented by the 2014 Household Projections (17,243 homes), and the OAHN range identified by the application of the proposed methodological change to the calculation of household projections by ONS (16,895 – 17,211 dwellings). The only assessment of need that is in excess of this figure is that presented by the calculation of need using the 2014-based CLG household projections and a 10-year migration trend between 2005-2015 (19,427 dwellings). Should further work identify that the level of need is in excess of 18,142 dwellings, a partial review of the District Plan may be required in order to identify additional sites for development.
- 6.6. Welwyn Hatfield Borough Council has set a housing target just below its Objectively Assessed Need for Housing based on 2012 Household projections. Welwyn Hatfield Borough Council is aware that when the 2014 Household projections are taken into account the shortfall against the Objectively Assessed Need for Housing is larger. It has therefore committed to carry out an early review of the Plan to address the infrastructure issues which has resulted in the shortfall and to work with adjoining authorities to plan for longer term needs.
- 6.7. The two authorities have identified a strategic cross boundary site for which a shared policy has been developed and is covered by a separate MOU.
- 6.8. It is **agreed** that currently, no further growth could be sustainably accommodated to meet, or contribute towards meeting, the Welwyn Hatfield shortfall between its housing target and its OAN for housing in this round of the Local Plan.
- 6.9. Both authorities **agree** that providing for housing needs in addition to that identified in respective Local Plans will be challenging and that joint working (also involving other neighbouring authorities) will be required in order to investigate solutions to the future housing needs of the respective authorities. This includes the potential for a new garden town(s) or settlement(s) in sustainable locations.
- 6.10. Both authorities **agree** that, under the current planning regime, a future review of both authorities Local Plans will need to take account of the identified and

longer term unmet need for housing in the wider area towards the end of current plan periods and post 2032/33. This includes exploring whether a new settlement or settlements could help to meet the need.

Gypsy and Traveller Provision

- 6.11. Both authorities have prepared Local Plans which seek to meet respective identified needs for Gypsies and Travelling Showpeople and have a shared allocation at land to the east of Welwyn Garden City which is covered by a separate MOU. It is therefore agreed that neither authority requires assistance from the other to help meet objectively assessed needs.
- 6.12. Furthermore, the two authorities have agreed that a shared evidence base would be useful at the plan review stage to take into account the needs from a wider area, particularly to address transit requirements on a more strategic scale.

Employment

- 6.13. Related to the shared housing market area, there are clear relationships in terms of employment and travel to work, facilitated by the A414 corridor. As a key employment destination, Welwyn Hatfield has a wide reaching Functional Economic Market Area. In order to take advantage of the connections between Hertford and Welwyn Garden City and the key highway routes, both authorities agree that locating a new employment area along the B195, central to the proposed site allocation of land to the East of Welwyn Garden City will contribute towards creating a sustainable community. This is covered in a separate MOU.

Transport

- 6.14. Both authorities agree to continue to work closely in order to identify and address any issues in relation to capacity of the A414 and the wider strategic road network, in collaboration with Hertfordshire Highways and Highways England where appropriate. Both authorities also agree to work closely to identify opportunities to improve sustainable means of travel where possible.

Education

- 6.15. Both authorities agree to continue to work closely to identify and address any issues in relation to educational needs arising from development, in collaboration with Hertfordshire County Council. The cross boundary strategic site makes provision for both primary and secondary education and is covered by the separate MOU.

Infrastructure

- 6.16. Both authorities agree to continue to work closely (including as active members of the A414 group) to identify and address any issues relating to strategic infrastructure arising from development, in collaboration with infrastructure providers as necessary.

Community Facilities, Leisure, Sports and Recreation

6.17. Both authorities agree to continue to work closely to identify and address any issues relating to community facilities, leisure, sport and recreation needs arising from development, in collaboration with infrastructure providers as necessary.



Approach to Plan reviews

6.18. 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.

6.19. Both authorities have made reference to the potential need to review their respective local plans (WHBC paragraph 4.59 of its Cabinet Housing and Planning Panel Report 16 March 2017; EHC Policy DPS5).

7. Commitment to Future Co-operation

7.1 Both authorities are committed to working together and through wider forums on strategic matters where there is a cross boundary issue.

Name	Cllr Mandy Perkins	Cllr Linda Haysey
Position	Executive Member for Planning, Housing and Community	Leader
Signature		
Organisation	Welwyn Hatfield Borough Council	East Herts District Council
Date	25/5/17	17 May 2017