

**Duty to Cooperate**  
**Memorandum of Understanding**  
**East Herts Council and Stevenage Borough Council**

- 1.1. This memorandum of understanding establishes the outcomes of co-operation on strategic planning and development issues between East Herts Council and Stevenage Borough Council in respect of the preparation of the East Herts District Plan.
- 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. 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**

- 2.1. The Memorandum is agreed by the following authorities:
  - East Herts Council
  - Stevenage Borough Council

## **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 East Herts Council and Stevenage Borough Council.
- To identify and manage spatial planning issues that impact on both East Herts Council and Stevenage Borough Council.
- To make sure that the local planning and development policies prepared 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. Both councils recognise that the 600 homes proposed east of Stevenage will not contribute towards meeting the OAN for Stevenage. 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.

### **Housing Need**

- 5.5 Both Councils have progressed local plans that seek to meet their respective objectively assessed housing needs for this plan period and place no reliance on the other in terms of housing provision.

### **Land East of Stevenage (Gresley Park)**

- 5.6 It is agreed by both authorities that the principle of a sustainable level of development to the east of Stevenage should be supported.

### **Transport**

- 5.7 AECOM undertook an analysis of the highways impacts of development to the East of Stevenage in June 2015. East Hertfordshire District Council will continue to work with both Stevenage Borough Council and Hertfordshire County Council in order to assess the potential implications of the East of Stevenage site and wider growth on the highway network, taking account of the Stevenage Mobility Strategy measures to deliver a modal shift away from car use. Both authorities agree that the site will be designed in accordance with the Stevenage Mobility Strategy.

In this location there is an identified need for a new high quality cycle route along Gresley Way between Six Hills Way and Fairlands Way, including links to Six Hills Way. Stevenage Borough Council and East Hertfordshire District Council agree the wording of criterion (i) is updated to specifically refer to provision of *"a high quality cycle route along Gresley Way, between Six Hills Way and Fairlands Way, including links to Six Hills Way"*.

### **Education**

- 5.8 It is recognised that 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.
- 5.9 It is acknowledged that no additional capacity exists in Secondary schools within Stevenage, and no new provision was made within the Stevenage Borough Local Plan (including the proposed reoccupation of the former Barnwell East school under Policy HC9 of the SBLP), to meet the needs of the Gresley Park development.
- 5.10 Both Councils agree that the educational needs of the Gresley Park development will be provided within the Education Planning Area, which may

be delivered outside the existing urban area of Stevenage, as part of new development adjacent to the town.

- 5.11 Hertfordshire County Council objected to the Pre-Submission version of the North Hertfordshire Local Plan on the basis that the Council had not made sufficient provision for secondary education on land to the north of Stevenage. While HCC has not objected to the proposed Gresley Park development through the Pre-Submission consultation on the East Herts District Plan, EHDC will continue to work with HCC, and Stevenage and North Herts Councils to ensure the educational needs of this development are met.
- 5.12 HCC has already signed bi-lateral MoU's with both Stevenage and North Herts Councils which commits the relevant authorities to continuing discussions to find a solution to this issue. It is agreed that East Herts will also form part of the discussions to ensure that the education needs of the Stevenage school planning area are met in the most appropriate way.
- 5.13 Both authorities agree that the wording of paragraph 12.2.3 should be amended to remove the specific reference to Barnwell East School.

#### **New Settlement**

- 5.13 Both authorities 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 Functional Housing Market Area within the current plan period. A new site would not start delivering homes in the timescales required, and a site has not been promoted, identified or tested. It would also require significant public intervention to get started.
- 5.14 Both authorities agree that providing for future housing needs beyond the respective plan periods will be challenging and that joint working (also involving other neighbouring authorities) will be required in order to investigate the potential for a new settlement that could meet a substantial proportion of the future housing needs of the respective authorities.

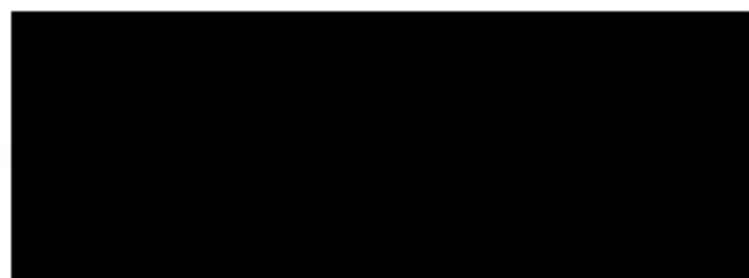
#### **Design**

- 5.15 In its representation to the East Herts Pre-Submission District Plan, Stevenage Borough Council raised concerns regarding a lack of reference to Stevenage Neighbourhood principles and design principles. In addition, concern was also raised in terms of outcomes from a meeting with the Hertfordshire Design Review Panel.
- 5.16 Both authorities agree that an additional criterion should be added to Policy E0S1 to address the retention (where appropriate) and enhancement of existing hedgerows within and around the site.

5.17 It is agreed that such matters will also form the basis for continuing masterplanning discussions held jointly with Stevenage Borough Council Officers and Members in relation to the proposed East of Stevenage development.

Signed by

**For Stevenage Borough Council:**



Cllr John Gardner, Deputy Leader, Portfolio Holder: Environment and Regeneration

Date: 3/10/2017

**For East Herts Council:**



Cllr Linda Haysey, Leader

Date: 29/9/2017

