

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 25 JULY 2013

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

DUTY TO CO-OPERATE - UPDATE REPORT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report summarises relevant information related to the Duty to Co-Operate involving each of the seven adjoining Local Planning Authorities
- It seeks endorsement of the Hertfordshire Infrastructure and Planning Partnership's Memorandum of Understanding

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:**

(A)	the current main issues relating to the Duty to Co-Operate involving adjoining authorities, be noted; and
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(B)	the Hertfordshire Infrastructure and Planning Partnership Memorandum of Understanding, be supported for use in planning policy and development management work.
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1.0 Background

1.1 A report to the District Planning Executive Panel on 28th November 2012 (see Background Papers) explained the

background to the Duty to Co-Operate and its implications for the East Herts District Plan.

- 1.2 The report explained that the duty required the Council as Local Planning Authority to engage constructively with a range of bodies at the formative stages of plan-making. The duty also applies to other public sector bodies such as the County Council. Some of the engagement conducted with these bodies, focusing on updates on infrastructure planning, is reported separately to this panel (see agenda item 6: District Plan Update Report).
- 1.3 The regulations also require co-operation with a number of other bodies, including the Environment Agency, English Heritage, Natural England, Primary Care Trusts, Office of the Rail Regulator, Transport and Highway Authorities, the Highways Agency, the Homes and Communities Agency, the Civil Aviation Authority, the Local Economic Partnership and the Local Nature Partnership. Officers are engaging with these bodies as appropriate. A statement of how the duty has been discharged will be prepared for submission to Examination in Public.
- 1.4 The report of 28th November 2012 explained that one of the most complex areas of the duty is around the issue of cross-boundary strategic priorities, in particular in relation to the issue of unmet housing need, particularly in the case of districts with little physical capacity to accommodate their housing and development needs.
- 1.5 The report sought agreement for the Executive Member for Strategic Planning and Transport to be authorised to represent East Herts Council in meetings with the relevant Member(s) from neighbouring local planning authorities, Hertfordshire and Essex County Councils, and other relevant bodies.
- 1.6 It was agreed that the notes of all Member-level meetings would be reported back to the District Planning Executive Panel. To date, Member-level meetings have taken place with Welwyn Hatfield Borough, Stevenage Borough, and North Herts District. The notes from these meetings have been agreed by the respective authorities and are attached at **Essential Reference Paper 'B'**.

2.0 Report

- 2.1 This report sets out the results of the latest position in respect of all East Herts District's neighbouring authorities, namely:

- Broxbourne Borough
 - Epping Forest District
 - Harlow District
 - North Herts District
 - Stevenage Borough
 - Uttlesford District
 - Welwyn Hatfield Borough
- 2.2 In the strategy selection process, East Herts Council has discounted options for development north of Hoddesdon (adjacent to Broxbourne) and east of Stevenage. Even in these areas, further co-operation on matters of cross-boundary strategic interest will be required, for example in relation to water, transport, and economic development.
- 2.3 Options agreed by East Herts Council for further testing include east of Welwyn Garden City (adjacent to Welwyn Hatfield Borough) and north of Harlow (adjacent to Harlow District). In these areas in particular the requirement for co-operation is likely to entail further detailed understanding of the cross-boundary issues in order to demonstrate soundness at examination, irrespective of whether or not development in these areas eventually forms part of the East Herts District Plan.
- 2.4 Other than the broad guidance in the NPPF, there is no prescribed list of issues for consideration as part of the duty. The issues requiring co-operation depend on local evidence, the aspirations of the authorities involved, the strategy, and the infrastructure needed to deliver the strategy. The particular set of issues for consideration will evolve over time as the strategy emerges. For this reason the report presented here provides only a 'snapshot' of current issues, and it is likely that this will change over time.
- 2.5 The summaries within this report are high-level and do not address the full range of planning issues, as can be seen from the meeting notes. However, they do provide a brief summary of the strategic development issues, including both meetings and other available information.

Broxbourne Borough

- 2.6 Broxbourne Borough is currently working towards a new Local Plan, following the withdrawal of its Core Strategy as a result of an unfavourable report from the Planning Inspector in December

2011. It is understood that at the time of writing, Broxbourne Council is not yet in a position to commence Member-level discussions in respect of a preferred option.

- 2.7 Broxbourne Council has previously opposed development in the strategic gap to the north of Hoddesdon. This view is aligned with that of East Herts Council, which has discounted the area north of Hoddesdon from further consideration as part of the District Plan.
- 2.8 The potential for traffic congestion along the A10 and M25 is one of the major concerns for Broxbourne Council, particularly in light of the Core Strategy Inspector's comments about the traffic impact of retail proposals at Brookfield Farm. Officers will work closely together on the technical aspects and cumulative impacts of development in both districts. It is anticipated that a Member-level meeting will be required later this year, as Broxbourne and East Herts Councils approach selection of a preferred development strategy.

Epping Forest District

- 2.9 Regular officer-level meetings of the 'Western Essex/Eastern Herts' authorities, including East Herts, Epping Forest, Harlow, Uttlesford, Essex County Council, Hertfordshire County Council, and the Highways Agency have discussed transport modelling technical work.
- 2.10 East Herts Council submitted a response to Epping Forest District Council's recent Issues and Options Consultation (see Background Papers). Consultation options included development to the south and west of Harlow, a new settlement at North Weald airfield, and urban extensions to the larger settlements. It is anticipated that a Member-level meeting will be required later this year, as Epping Forest and East Herts Councils approach selection of a preferred development strategy.

Harlow District

- 2.11 Harlow Council supports the development of a major urban extension in East Herts District North of Harlow, provided that the impact on the infrastructure of Harlow can accommodate the level of development planned. East Herts Council is still objectively assessing development options in this area, although major objections to the principle of development remain.

- 2.12 Harlow Council is also investigating options for development in the Green Belt to the east of the town within their District boundaries. The Secretary of State recently ruled in favour of an appeal by applicants on non-determination grounds for 1,200 homes at the reserve site at Gilden Way to the east of the town.
- 2.13 A Member-level meeting will be necessary before a strategy for either authority can be put forward, in order to review the evidence and if possible jointly agree whether or not there is a realistic or practical basis for growth to the north of Harlow. Such a discussion would also require the aspirations and concerns of both Local Planning Authorities to be jointly explored.

North Herts District

- 2.14 North Herts District's recent consultation on housing options included seven strategic sites proposed by developers for over 1,000 dwellings each, including south-west of Hitchin, north of Letchworth, east of Luton, Rush Green, north of Stevenage, north-east of Stevenage, and west of Stevenage. Although the consultation formed part of an options paper, North Herts Council has previously been clear that it does not support growth west of Stevenage, and this point was re-iterated in a recent meeting – notes at Essential Reference Paper 'B'.
- 2.15 East Herts Council submitted a response to North Herts Council's consultation, (see Background Papers) which states that

It is noted that four of the seven strategic sites presented are dependant upon development occurring alongside development in Stevenage. Stevenage is tightly constrained by its administrative boundaries, and may therefore need to look to other authorities to meet some of its development needs, as stated in Paragraph 182 of the NPPF. In such an event, development to the west and north of Stevenage should take advantage of long-established development plans based on proximity to the A1(M) transport corridor. To the east, East Herts Council's own assessments to date indicate that development is not appropriate, based on the high quality landscape and sense of remoteness of the Beane Valley, as demonstrated by the Landscape Character Assessment SPD 2007, and also because of the remoteness of the area from strategic transport links and other facilities and services.

From the meeting notes it appears that Central Bedfordshire Council may seek to accommodate some of its development needs within North Hertfordshire, to address unmet needs.

Stevenage Borough

- 2.16 East Herts District Council will be submitting a response to Stevenage Borough Council's six-week Local Plan 'First Consultation', June 2013 (see Background Papers).
- 2.17 The consultation documents state that if Stevenage is to reverse the current trend of out-migration from the town, 6,600 dwellings would be needed, although in this case *"the Borough Council would need to find a partner authority willing to take the surplus development which could not be met within our own administrative boundary. Our research to date has identified only a limited appetite amongst other Authorities for this type of co-operative action."*
- 2.18 Therefore Stevenage Borough Council has opted for a lower target of 5,300 new dwellings, based on self-containment within the Borough boundaries. This strategy will require roll-back of the Green Belt within Stevenage Borough. The Borough Council noted however, that there will be a need for on-going discussions with other authorities for the next version of the Local Plan.
- 2.19 Stevenage Borough Council appointed Amec Consultants to undertake a Green Belt Review around the town, including Green Belt in North Herts and East Herts.
- 2.20 Part 1 – Survey against Green Belt Purposes (February 2013) concluded that those areas forming a strategic gap, including those to the south with Welwyn Hatfield and to the north with Letchworth, make a 'significant contribution', those to the east and west make a 'contribution' based on their landscape character, and an area around Aston makes a 'limited contribution'. The report concluded that further discussions with North and East Herts could be needed in respect of long-term development needs.
- 2.21 East Herts Council will monitor the emerging situation and assess any further evidence in relation to development options in Stevenage Borough and North Herts District.

Uttlesford District Council

- 2.22 East Herts District Council submitted a response to Uttlesford District Council's Local Plan, June 2012 (see Background Papers). The draft plan proposes 1,150 new dwellings at Great Dunmow, around 900 at Saffron Walden, and smaller amounts at the larger villages. A proposal for a new settlement at Elsenham which featured in previous iterations of the plan was dropped.
- 2.23 Fairview Homes has appealed to the Secretary of State on non-determination grounds in respect of an application for 850 dwellings at Elsenham north-west of Bishop's Stortford, in a location dropped by the draft Local Plan. Fairview has claimed that Uttlesford District Council cannot demonstrate a five-year housing land supply.
- 2.24 There has been on-going discussion at officer level, including at the Western Essex/Eastern Herts group (see under Epping Forest above), also including other stakeholders such as the Highways Agency and the two county councils.
- 2.25 In response to East Herts Council's submission, Uttlesford District Council commissioned consultants to undertake a study of the impact of a proposed 18ha employment allocation at Stansted Airport. This concluded that the development would be different in type and nature to employment within Bishop's Stortford and would therefore complement, rather than compete with the town (see background papers). This was also the broad conclusion of East Herts Council's Strategic Economic Development advice (see background papers).
- 2.26 Ongoing officer-level discussion will continue, particularly in relation to economic development and transport. A Member-level meeting will be programmed prior to publication of East Herts Council's Draft District Plan.

Welwyn Hatfield Borough

- 2.27 East Herts District Council submitted a response to Welwyn Hatfield Council's Emerging Core Strategy, November 2012 (see Background Papers), following a Member-level meeting between the two authorities, the notes from which are included within Essential Reference Paper 'B'. The draft Core Strategy identifies Broad Locations for 700 dwellings at the reserved site at Panshanger Aerodrome, and 2,000 in the Green Belt west of

Hatfield. In addition, it includes an area of Potential Expansion east of Welwyn Garden City, in the same area as East Herts Council's Area of Search 61, which was shortlisted for further assessment last summer.

- 2.28 East Herts Council objected to the inclusion of dwellings within East Herts District as part of the Welwyn Hatfield housing land supply within its Emerging Core Strategy. A further Member-level meeting will be needed to identify a way forward in respect of this and other issues in relation to land east of Welwyn Garden City, preferably before East Herts Council publishes its Draft District Plan.

Memorandum of Understanding

- 2.29 The Hertfordshire Infrastructure & Planning Partnership (HIPP) has established a Memorandum of Understanding to establish a framework for co-operation between the eleven local authorities and for the partnership to engage with other relevant organisations, both within Hertfordshire and beyond the county boundary. The memorandum is attached at **Essential Reference Paper 'C'**, as presented to a meeting of HIPP on 23rd May 2013.
- 2.30 It is considered that the memorandum takes a flexible and pragmatic approach to implementation of the Duty-to-Co-operate, and should form the basis for future engagement between East Herts Council and other bodies in relation to planning activities, including both policy work and development management. Members are therefore asked to endorse the use of this document.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- 'The Duty to Co-Operate' and East Herts District Plan (District Planning Executive Panel, 28th November 2012)
- Consultation on North Herts District Council's Housing Options Growth Levels and Locations 2011-2031 Consultation Paper, February 2013 (Executive Non-Key Decision 13/02)

- Consultation on Epping Forest District Council's Issues and Options for the Local Plan Consultation, July 2012 (Executive Non-Key Decision 12/19)
- Consultation On Welwyn Hatfield Borough Council's Emerging Core Strategy, November 2012 (Executive Non-Key Decision 12/23)
- Consultation on Uttlesford District Council's Draft Local Plan, June 2012 (Executive Non-Key Decision 12/15)
- Assessment of the draft Allocation at Stansted Mountfitchet – Land north east of Bury Lodge Lane and its potential impact on Bishops Stortford (Carter Jonas, November 2012)
http://www.uttlesford.gov.uk/uttlesford/file/Carter_Jonas_Assessment_of_Land_North_East_of_Bury_Lodge_Lane_%20Nov2012.pdf

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