

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 22 OCTOBER 2014
EXECUTIVE – 4 NOVEMBER 2014

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 presents the notes of the latest round of Member-level meetings with adjoining Local Planning Authorities
- It also sets out progress in setting up the 'Co-Operation for Sustainable Development Group' involving authorities in eastern Hertfordshire, western Essex, and north London.

RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:

(A)	the notes of Member-level meetings held with Stevenage and Welwyn Hatfield Councils, be noted; and

(B)	the Terms of Reference for the 'Co-Operation for Sustainable Development Group' of Authorities, be noted.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	the notes of Member-level meetings held with Stevenage and Welwyn Hatfield Councils, be agreed; and

(B)	the Terms of Reference for the 'Co-Operation for Sustainable Development Group' of Authorities, be noted.

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. 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.

- 1.2 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, which applies in the case of districts with little physical capacity to accommodate their housing and development needs.
- 1.3 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.
- 1.4 It was agreed that the notes of all Member-level meetings would be reported back to the District Planning Executive Panel. The agreed notes of all meetings to date have been presented to the District Planning Executive Panel and posted online at www.eastherts.gov.uk/DutytoCooperate
- 1.5 A previous report to this Panel (see Background Papers, 25 July 2013) sought the endorsement of Members to the Hertfordshire Infrastructure and Planning Partnership (HIPP) Memorandum of Understanding (MoU). The MoU seeks to establish a framework for co-operation between the eleven local authorities in Hertfordshire and for the partnership to engage with other relevant organisations, both within Hertfordshire and beyond the county boundary.
- 1.6 The Council agreed a Memorandum of Understanding with Uttlesford District Council in relation to its draft Local Plan (see Background Papers). It is anticipated that an MoU with Welwyn Hatfield Borough Council will be presented to Members through a Non-Key Report during 2014.

2.0 Report

- 2.1 Subsequent to the Duty to Co-Operate meetings detailed above, further meetings have taken place with Stevenage and Welwyn Hatfield Councils. The notes of these meetings are attached at

Essential Reference Paper ‘B’. Welwyn Hatfield Council has agreed the notes of the meeting as presented here. Stevenage Borough Council has not yet responded to requests for comment on the meeting notes, but is aware that they are being considered by the Panel and will therefore be public. A further round of meetings with adjacent authorities is currently underway. Notes of any further meetings undertaken will be added to the website as they become publicly available.

- 2.2 According to the Planning Advisory Service (PAS), strategic planning continues to be main stumbling block at the Examination of Local Plans. There is increasing acceptance that difficult issues need to be addressed to ensure that Local Authorities control development. However, PAS advises that there needs to be better understanding that emphasis must be on good strategic planning policies, not just on meeting the Duty to Cooperate. There also needs to be recognition that managing strategic planning effectively needs strong leadership (Member and officer) and robust governance and working arrangements.
- 2.3 With these principles in mind, the authorities in the Essex/London/Hertfordshire area have sought to establish a suitable mechanism to progress cross-boundary strategic planning. A flexible grouping known as the ‘Co-Operation for Sustainable Development Group’ (abbreviated as the ‘Co-Op Group’) has been identified. It includes the following authorities: East Herts, Broxbourne, Harlow, Epping Forest, Uttlesford, Chelmsford, Redbridge, Enfield, Waltham Forest, Hertfordshire, and Essex, plus the Greater London Authority.
- 2.4 The principles upon which the Co-Op Group has been founded are similar to those underlying the Memorandum of Understanding already endorsed by the Council in relation to the 11 Hertfordshire authorities working together through the Hertfordshire Infrastructure and Planning Partnership (HIPP).
- 2.5 As a first step towards establishing formalised arrangements for the Co-Op Group, an Officer group has been established. The Officer group Terms of Reference are presented at **Essential Reference Paper ‘C’**.

2.6 A PAS-facilitated workshop for Portfolio holders from the respective authorities in the Co-Op Group area was held on 15th September 2014, and was attended by the Executive Member for Strategic Planning and Transport. The objective of the workshop was “to establish a mechanism for elected members to co-operate across boundaries, including membership, scope, ways of working, key relationships and issues for early consideration”. Progress in relation to this objective will be reported to future Panel meetings.

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

- Non-Key Decision 14/08 – East Herts and Uttlesford Memorandum of Understanding – April 2014
- Duty to Co-Operate Update Report (District Planning Executive Panel, 16 January 2014)
- Duty to Co-Operate Update Report (District Planning Executive Panel, 3rd December 2013)
- Duty to Co-Operate Update Report (District Planning Executive Panel, 25th July 2013)
- ‘The Duty to Co-Operate’ and East Herts District Plan (District Planning Executive Panel, 28th November 2012)

All reports may be accessed at:

<http://online.eastherts.gov.uk/moderngov/mgCommitteeDetails.aspx?ID=151>

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