

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

- 1.1. This memorandum of understanding establishes the outcomes of co-operation between East Herts Council and Broxbourne 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. 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
  - Broxbourne 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 Broxbourne Borough Council.
- To identify and manage spatial planning issues that impact on both East Herts Council and Broxbourne 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.
- 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 Need**

5.2 Both authorities have prepared Local Plans which seek to meet respective objectively assessed housing need figures in full. It is therefore agreed that neither authority requires assistance from the other to help meet objectively assessed housing needs.

##### **Transport**

5.3 In its representation to the East Herts Pre-Submission District Plan, Broxbourne Borough Council raised concerns regarding the fact that the highways mitigation measures required to deliver the full 10,000 homes at the Gilston Area have not been identified and that there are no trigger points for the delivery of known mitigation measures within the Plan period.

5.4 It is agreed between the two authorities that the mitigation required to deliver the full 10,000 home development is subject to further transport modelling which will be undertaken by Essex County Council. It is also agreed that trigger points for the delivery of highways mitigation measures can only be identified following further work on the delivery of other strategic scale developments in the Harlow area through the respective local plans of Harlow, Uttlesford and Epping Forest Councils.

5.5 It is also agreed that the outcomes of Broxbourne Council's emerging Transport Strategy may identify a need for further mitigation on the route of the A10 as it

passes through Broxbourne Borough. Both authorities will work with Hertfordshire County Council to deliver required schemes, including upgrades to Junction 25 of the M25.

- 5.6 Both authorities support the proposal to provide a cycle path along the New River from where it rises on the River Lea between Hertford and Ware, through Broxbourne, to its lower reaches within London. It is agreed that the two authorities will work together, with Thames Water and the London Borough of Enfield, in order to deliver this scheme.

### **Retail**

- 5.6 It is agreed that East Herts Council will have an input into emerging proposals for an expanded Brookfield Centre which is located within Broxbourne Borough.

### **London Stansted Cambridge Corridor (LSCC) Core Area**

- 5.7 East Herts Council and Broxbourne Borough Council are both members of the LSCC Core Area. As set out in the agreed LSCC vision, both Councils support the development of the strategic opportunity sites at Broxbourne Park Plaza, Brookfield and Bishop's Stortford.