

**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, with particular focus on land to the east of Welwyn Garden City.
- 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 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.

#### **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.

#### **Housing Market Areas**

- 5.3. The two Authorities agree that while the strongest housing market connections are with other neighbouring authorities, there is a shared functional housing market area (HMA) which relates to the A414 corridor between Hertford and Welwyn Garden City and the rural hinterland around Welwyn garden City within East Herts.
- 5.4. Recognising the relationship between Hertford and Welwyn Garden City and the resultant shared HMA, both local plans are seeking to accommodate dwellings within this shared housing market area 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.

- 5.5. There is no set figure assigned to the shared HMA in the WHBC SHMA report. 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 HMA from a wider area, and that by locating development in more suitable locations, the East Herts District Plan is seeking to plan positively in this respect.

### **Gypsy and Traveller Provision**

- 5.6. Both authorities have prepared local Plans which seek to meet respective identified needs for Gypsies and Travelling Showpeople. It is therefore agreed that neither authority requires assistance from the other to help meet objectively assessed needs.
- 5.7. 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**

- 5.8. 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.

### **Transport**

- 5.9. 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**

- 5.10. 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.

## **Infrastructure**

- 5.11. Both authorities agree to continue to work closely 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**

- 5.12. 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**

- 5.13. 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.
- 5.14. The two authorities have discussed and agreed the virtue of writing into each Plan the need for a review of the evidence base behind each local plan at the stage it is reviewed. This new evidence should focus on more strategic issues such as wider housing and economic development needs, infrastructure and Gypsies and Travellers and Travelling Showpeople.
- 5.15. Both authorities have made reference to the potential need to review their respective local plans (WHBC paragraph 27.29, EHC Policy DPS5). Following a Duty to Co-operate meeting in November 2016, East Herts Council agreed to suggest minor modifications to this policy to include reference to updating evidence bases as appropriate, which may include cross-boundary working, where relevant.