

Duty to Cooperate
Memorandum of Understanding
East Herts Council and Hertfordshire County Council (Education)

- 1.1. This memorandum of understanding establishes the outcomes of co-operation between East Herts Council and Hertfordshire County Council with respect to education 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
 - Hertfordshire County Council (HCC)

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 demonstrate that the District Plan has been informed by the views of the other local authority.
- To ensure compliance with the Duty to Co-operate.

5. Matters Agreed

5.1. The matters identified below have been discussed and agreed through Officer level meetings between the two local authorities.

5.2 The areas where there is agreement with regards to the proposed development strategy are identified on a settlement specific basis below.

Bishop's Stortford

5.3 As part of its representations to the Pre-Submission District Plan, HCC objected to the proposed strategy for Bishop's Stortford on the basis that Policy BISH6 does not identify that part of the site will be required to deliver a 1FE expansion to Thorley Hill Primary School.

5.4 It is agreed that a minor amendment to the policy is required in order to reflect the wording of Paragraph 5.3.15 which does confirm that land should be set aside for the expansion of Thorley Hill Primary School. It is therefore agreed that this objection has been resolved.

5.5 In addition, HCC also objected to the fact that Policy BISH3 requires that the new 6FE Secondary School in this location should have the potential to expand to 8FE. However, as planning permission has been given for a 6FE school, with no expansion potential, and that development has now commenced, this reference should be removed. It is agreed that reference to an expanded 8FE school can be removed as a minor amendment. It is therefore agreed that this objection has been resolved.

Hertford

5.6 It is agreed that the requirement for additional primary education provision in Hertford can be met through the expansion of existing schools.

5.7 It is agreed that preferred approach to secondary education is to provide a new school as part of development to the North and East of Ware.

Ware

- 5.8 As referred to in Paragraph 5.7, it is agreed that preferred approach to secondary education is to provide a new school as part of development to the North and East of Ware.

Sawbridgeworth

- 5.9 As part of its representations to the Pre-Submission District Plan, HCC objected to the proposed strategy for Sawbridgeworth on the basis that Land to the North of Sawbridgeworth (SAWB4) has been identified for development in the period 2022 - 2027, whereas the expansion of Mandeville Primary School has been identified for 2017 – 2022. In the view of HCC, all three proposed developments in the town would need to provide financial contributions towards the school expansion in order to it to be considered deliverable.
- 5.10 Following further discussions, it is agreed that the SAWB4 could be delivered earlier than anticipated, should a willing developer come forward in a timely manner. It is also agreed that, should SAWB4 be developed after 2022, there is potential for HCC to part fund the school expansion, before being reimbursed by the developers of SAWB4 at a later date. It is therefore agreed that this objection has been resolved.

East of Stevenage

- 5.11 It is agreed that provision should be made for a 2FE primary school in this location. In terms of secondary provision, it is agreed that East Herts will continue to work with HCC, as well as Stevenage and North Herts Councils, in order to identify the most suitable solution for meeting cumulative needs in the Stevenage area

East of Welwyn Garden City

- 5.12 As part of its representations to the Pre-Submission District Plan, HCC objected to the proposed strategy for East of Welwyn Garden City on the basis that Policy EWEL1 does not identify that the primary school located within the East Herts element of the site should be able to be expanded to 3FE.
- 5.13 It is agreed that a minor amendment to the policy is required in order to reflect the wording of Paragraph 13.2.4 which does confirm that provision should be made for the school to expand to 3FE should future needs arise. It is therefore agreed that this objection has been resolved.
- 5.14 It is agreed that the approach to secondary provision is sufficient, in that a 6FE school will be provided that can be expanded to 8FE.

Villages

- 5.15 As part of its representations to the Pre-Submission District Plan, HCC objected to the proposed strategy for the villages on the basis that it was unclear how much development would be provided in each location, and therefore whether further education capacity would be required.
- 5.16 However, following further discussions, it is now agreed that the amount of development proposed within Group 1 villages located in the Rural Area Beyond the Belt (Braughing, Hunsdon, Much Hadham, Standon & Puckeridge and Walkern) is identified by Table 10.1 in the District Plan, and that this forms an adequate basis for education planning. It is also agreed that much of the development proposed has already received planning permission, and that it is unlikely that emerging Neighbourhood Plans for these areas would propose further development.
- 5.17 For those Group 1 villages within the Green Belt (Watton-at-Stone, Hertford Heath and Stanstead Abbots & St Margaret's), there is no identified growth figure in the District Plan. Any development that is proposed in these locations within Neighbourhood Plans is likely to be very limited in nature. It is agreed that Watton-at-Stone Primary School does have potential to expand. It is also agreed that Hertford Heath and St. Andrews (Stanstead Abbots) Primary Schools have no further capacity at present and are unable to expand, and that this should be considered as part of the Neighbourhood Plan process.
- 5.18 It is therefore agreed that this objection has been resolved.

6. Outstanding Matters

- 6.1 In addition to the Matters Agreed above, there are a number of outstanding matters that need to be resolved. Again, these are identified on a settlement specific basis below.

Bishop's Stortford

- 6.2 As part of its representations to the Pre-Submission District Plan, HCC objected to the proposed strategy for Bishop's Stortford on the basis that Policy BISH4 (Hadham Road) requires that part of the site should be retained as playing pitches. HCC would like the policy to be amended in order to allow the whole site to be made available for residential development. As part of the Bishop's Stortford North planning application, HCC applied for the development of the Hadham Road site through three contiguous applications covering three parts of the site (Part A, B and C). Part B was progressed and permission granted. Subsequent to the District Plan consultation HCC have appealed against the basis of non-determination of applications A and C. It is anticipated that these will be heard by the Planning Inspector at an appeal Inquiry in the summer of 2017.

- 6.3 In addition, HCC has also objected to Policy BISH6 (Bishop's Stortford High School Site) which requires that the existing playing pitches should be retained. HCC has indicated that new playing pitches would be provided as part of the re-location of the High School to BISH5, and as such, retention of the existing pitches should not be required.

Buntingford

- 6.4 Policy BUNT2 of the District Plan allocates a site for a new First School which is required as a result of the cumulative impact arising from a number of sites that have received planning permission on the periphery of the town. While HCC welcomes the positive approach that East Herts has taken with regards to the identification of a school site, the County Council is currently undertaking work in order to identify the most suitable site for a new First School and therefore cannot support BUNT2 at present until this work is complete.

Gilston Area

- 6.5 Policy GA1 requires the provision of 14FE of Secondary education and 15FE of Primary education in order to cater for the needs of the full 10,000 home development. This assessment was undertaken using HCC's child yield model and was based on assumptions with regards to housing type, tenure and phasing. However, given that the Plan is still emerging, and that definite information regarding these inputs will not be forthcoming until more detailed masterplanning has taken place, HCC is of the view that Policy GA1 should require up to 20FE of provision for both primary and secondary education based on their standard formula of 1FE per 500 dwellings.

Sawbridgeworth

- 6.6 While not objecting to the Plan, HCC has suggested that the site area of Policy SAWB5 should be amended to reflect the fact that Leventhorpe School own part of the site, and that it is intended that this land is used to allow for the expansion of the school.

Ware

- 6.7 HCC has objected to Policy WARE2 on the basis that it does not present a clear strategy for primary school provision in this location. In the view of HCC the policy should present two scenarios. The first scenario is for a new 2FE school is provided to meet the needs of 1,000 homes, which can be expanded to 3FE to meet the needs of the additional 500 homes should they be provided. The second scenario is for a new 2FE school, plus the expansion of Priors Wood Primary School by 1FE if required.
- 6.8 While all of the matters detailed above are not resolved, the two authorities will continue to work together over the coming months in order to identify the most appropriate solutions.