

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

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

**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 a combination of Member and Officer level meetings between the two local authorities.

#### **Development Strategy**

5.2 Overall, the County Council does not object to the quantum and location of development proposed within the District Plan. The two authorities have engaged pro-actively on transport matters through the Plan making process, both through bi-lateral meetings and through the Co-operation for Sustainable Development Board (the Co-op Board).

5.3 It is agreed that, where concerns have been raised by Hertfordshire County Council, East Herts Council has responded in a positive matter and has amended the development strategy in order to ensure that it is acceptable in transport terms.

5.4 For all proposed development sites, the County Council does not have any in principle objections with regards to access. However, further discussions will be required as part of more detailed design work and the planning application process.

#### **COMET Modelling**

5.5 In order to inform the plan making process, Hertfordshire County Council has developed a strategic county-wide transport model known as COMET. The model, which takes into account proposed growth across Hertfordshire, identifies areas that are likely to suffer from congestion, and therefore, where mitigation measures may be required. Outputs from the model have informed the development strategy as well as the mitigation proposals contained within the Infrastructure Delivery Plan.

#### **Hertford and Ware**

5.6 Advice from Hertfordshire County Council, initially received in July 2015 and supplemented by further information in January 2016, stated the capacity of the

A414 through Hertford to cater for future growth was limited. Based on the housing trajectory contained within the District Plan, the County Council consider that the A414 can support planned growth identified within the first seven years up to 2024. Beyond that date a strategic solution, potentially in the form of a Hertford bypass, will be required to deliver further growth in the Hertford and Ware area. The County Council is currently reviewing the Hertfordshire Local Transport Plan

- 5.7 In respect of development to the North and East of Ware, the two authorities have worked closely in order to identify a quantum and phasing of development that would be acceptable in highways terms. As a result of these discussions, a total of 1,000 dwellings are proposed within the Plan period, including 300 dwellings between 2022 and 2027. A further 500 dwellings are proposed beyond 2033 subject to suitable highways mitigation.

### **East of Welwyn Garden City**

- 5.8 It is agreed that, while a proportion of traffic movements emanating from the site will flow eastwards along the A414 towards Hertford where there are known capacity issues, any such impacts are considered to be acceptable in highway terms. It is also agreed that further mitigation may be required to address impacts on the B195 and A1(M). Further discussions are required between East Herts, Welwyn Hatfield Council and the County Council, with regards to site access and access to the existing household waste recycling centre at Cole Green.

### **East of Stevenage**

- 5.9 It is agreed that the existing road network will be able to cater for development in this location, subject to the necessary upgrade works to the Gresley Way/A602 junction. Further, more detailed modelling is currently being commissioned in order to assess the impact of having three points of access onto Gresley Way (with potential for a fourth in order to access the Travelling Showpeoples site).

### **Gilston Area**

- 5.10 Hertfordshire County Council has not objected to the provision of 10,000 dwellings in this location. The required strategic mitigation measures required to deliver approximately 3,000 homes within the Plan period have been identified as part of ongoing work with the Co-op Board partners. These measures are reflected in the separate Co-op Board Transport MoU.
- 5.11 Given current uncertainty with regards to development locations and timescales within neighbouring authorities in the wider Harlow area, it is agreed that at present, it is not clear when each of the key pieces of infrastructure will be required. Further modelling work, using the Essex County Council VISUM model, will resolve these uncertainties moving forward.

- 5.12 It is also agreed that further modelling work, using both the Hertfordshire County Council COMET model and the Essex County Council VISUM model, will be required in order to identify further mitigation measures which might be required to deliver a further 7,000 homes post 2033. Potential solutions may include a Harlow Northern Bypass. The County Council is commencing work in order to assess potential strategic highway solutions on the entire A414 corridor, including a Harlow Northern Bypass and a Hertford Bypass.
- 5.13 Both authorities will continue to work with their partners as part of the Co-op Board in order to deliver a Sustainable Transport Corridor running from the Gilston Area, through Harlow town centre, to potential new development to the south of the town with Epping Forest District.

### **Bishop's Stortford**

- 5.14 The County Council will continue to be involved in the preparation of the Bishop's Stortford Town Centre Framework. In part, this document will identify potential mitigation measures to help alleviate existing traffic concerns in the town centre.
- 5.15 The Co-op Board Transport MoU also refers to the need to deliver an upgraded Junction 8 and associated works on the A120.
- 5.16 The County Council does not object to the proposed location and quantum of development within Bishop's Stortford.

### **Sawbridgeworth**

- 5.17 In the earlier stages of plan making, Hertfordshire County Council indicated that the provision of more than approximately 500 homes in Sawbridgeworth would require a bypass of the town. It is agreed that this advice remains extant subject to further transport modelling, and as such, provides a suitable basis for shaping the development strategy for the town.
- 5.18 The County Council does not object to the proposed location and quantum of development within Sawbridgeworth, subject to the delivery of an upgraded West Road/Station Road/A1184 junction.

### **Buntingford and Rural Areas**

- 5.19 East Herts is not proposing any further development within Buntingford. The County Council does not object to the level of development proposed for the rural area.

## **6. Outstanding Matters**

- 6.1 The two authorities will continue to work together, both through the Co-op Board and bi-laterally on further transport modelling. Joint working will also

continue as part of more detailed design work encompassing issues such as site access.