

Duty to Co-operate
Memorandum of Understanding
East Herts Council and the Lea Valley Regional Park Authority

- 1.1. This memorandum of understanding establishes a framework for co-operation between East Herts Council and the Lea Valley Regional Park Authority with respect to strategic planning and development issues, with particular focus on green infrastructure and the Lea Valley Regional Park within and adjacent to East Herts.
- 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 co-operate 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.
- 1.4. This Memorandum of Understanding (MoU) has been prepared in the context of the publication version of the East Herts District Plan (2011-2033) which was placed on public deposit for a six week period ending 15th December 2016 (hereafter “the Plan”). The MoU was prepared in January 2017 in the period leading up to the planned submission of the plan to the Secretary of State for independent examination.

2. Parties to the Memorandum

- 2.1. The Memorandum is agreed by the following authorities:
 - East Hertfordshire District Council (EHC)
 - The Lea Valley Regional Park Authority (LVRPA)
- 2.2. We, the undersigned, set out in this memorandum those matters of joint strategic interest to both authorities as they are dealt with in the East Herts District Plan, in accordance with paragraph 181 of the National Planning Policy Framework, March 2012.
- 2.3. It is important to place on record that discussions between the two Authorities have embraced the full range of strategic cross-boundary matters covered by the Duty to Co-operate. Both Authorities are content that the Duty to Co-operate has been met thus far and ongoing liaison will ensure that this continuing liaison will be effectively addressed.

3. Limitations

- 3.1. The Parties 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 Parties 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 and development issues.
 - To identify and manage spatial planning and development issues that impact on green infrastructure assets within East Herts District, in particular, on the Lea Valley Regional Park.
 - To make sure that the local planning and development policies prepared by the local authority are, where appropriate, informed by the views of the Regional Park Authority and that there are agreed channels of communication between both parties in relation to proposed amendments to the Pre-Submission District Plan.
 - To make sure that decisions on strategic planning applications are informed by the views of both authorities by setting up an agreed approach to continued early engagement in the masterplanning of strategic sites.
 - To identify and agree the need for and approach to undertaking further technical evidence to inform the submission of the District Plan and/or the examination of the District Plan.
 - To make sure there is compliance with the Duty to Co-operate.

5. Matters Agreed

- 5.1. Engagement between the two Authorities under the Duty to Co-operate has focussed on the location and quantum of development and the approach

towards green infrastructure and environment policies within the East Herts District Plan. A summary of the discussions which have taken place between the authorities so far are listed in Section 8 below, while minutes of Duty to Co-operate meetings are included in Appendix 1. These have highlighted the following matters upon which both authorities agree or have an agreed approach to resolving:

- **Vision and Strategic Objectives**

The LVRPA welcomes the addition of reference to green infrastructure within the vision and strategic objectives, which were made following their representations to the Preferred Options District Plan consultation.

- **Chapter 9: Ware**

The LVRPA has some concern about the scale of development and its associated infrastructure in the proposed allocation to the north and east of Ware in terms of its potential to impact on the Regional Park. However the LVRPA are satisfied that the strengthening of other policies in the District Plan on green infrastructure and design and landscape, will afford the Regional Park with sufficient protection from any potential impacts associated with development as well as potentially provide enhancements.

- **Chapter 15: Economic Development**

The LVRPA supports Policy ED5 which seeks to ensure that tourism related developments protect water quality and the water environment.

- **Chapter 17: Design and Landscape**

The LVRPA supports policies relating to design and landscape, and the role they will play in protecting the existing high quality landscape within and surrounding the Park.

- **Chapter 18: Transport**

While generally supportive of Policy TRA1 (Sustainable Transport), the LVRPA have highlighted the need to ensure that where improvements to public transport networks are made that they take account of services that provide access to the Regional Park at key 'gateways'.

- **Chapter 19: Community Facilities**

The LVRPA welcomes the inclusion of reference to the Regional Park within this section of the Plan as an important green infrastructure asset. Policy CFLR5 is endorsed as it provides support for the emerging Park Development Framework proposals and leisure-related developments.

- **Chapter 20 Natural Environment**

The LVRPA is pleased to see amendments made to the District Plan following their representations to the Preferred Options District Plan consultation. The LVRPA particularly supports Policy NE1 (International, National and Locally Significant Conservation Sites), NE2 (Sites of Nature Conservation Interest (Non-Designated), NE3 (Species and Habitats) and NE4 (Green Infrastructure). Following the Preferred Options District Plan consultation and discussions with the LVRPA, reference to the control of

lighting was added in order to assist the LVRPA ambition to create dark corridors along the edge of the Park.

- **Chapter 23 Water**

The LVRPA supports Policy WAT3, which seeks to preserve and enhance the water environment and the ecological value of watercourses and their margins. The LVRPA welcome amendments made to Policy WAT6 through the addition of bullet point II (b) following their representations made to the Preferred Options District Plan; that where upgrades and expansions to Rye Meads Waste Water Treatment Works are requires, that they do not have adverse impacts on the designated sites of conservation interest.

6. Commitment to Future Co-operation

- 6.1 Both Authorities remain committed to effective co-operation on all matters relating to the Duty to Co-operate. As such, both East Herts Council and the Lea Valley Regional Park Authority commit to review and update this agreement as appropriate, as key milestones are reached in the preparation of the District Plan, and any review, including if any amendments are proposed following the Pre-Submission District Plan consultation which may impact on the Regional Park.