

**Duty to Co-operate
Memorandum of Understanding
East Herts Council and Thames Water**

- 1.1. This memorandum of understanding establishes a framework for co-operation between East Herts District Council and Thames Water with respect to strategic planning and development issues.
- 1.2. 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 February 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 Herts Council
 - Thames Water
- 2.2. We the undersigned, set out in this memorandum those matters of joint strategic interest to both organisations as they are dealt with in the East Herts District Plan, in accordance with paragraph 181 of the National Planning Policy Framework, March 2012.

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 environmental issues that impact on wastewater infrastructure within East Herts District.
 - To make sure that the local planning and development policies prepared by the local authority are, where appropriate, informed by the views of the Thames Water and that there are agreed channels of communication

between both parties in relation to proposed amendments to the Pre-Submission District Plan.

5. Matters Agreed

- 5.1. While not formally covered by the Duty to Co-operate, as identified within the National Planning Policy Framework, discussions between East Herts and Thames Water with regards to waste water issues are considered to form an important part of the Plan making process. The matters that have been agreed are set out below.

Site Specific Comments

- 5.2 While not objecting to the sites contained in the District Plan, Thames Water has indicated that, for the following sites, the wastewater network capacity may not be sufficient to cope with the proposed level of development:

- Bishop's Stortford North (BISH3)
- Bishop's Stortford South (BISH5)
- Buntingford First School Site (BUNT2)
- Land West of Hertford (HERT3)
- Land North of Hertford (HERT4)
- Land South of West Rd, Sawbridgeworth (SAWB2)
- Land North of West Rd, Sawbridgeworth (SAWB3)
- Land North of Sawbridgeworth (SAWB4)
- Land North and East of Ware (WARE2)
- The Gilston Area (GA1)
- Land East of Stevenage (EOS1)
- Land East of Welwyn Garden City (EWEL1)

- 5.3 The comments provided are Thames Waters latest understanding of the position in relation to wastewater network infrastructure for these sites and are not an objection to the inclusion of the sites. The identification of areas of concern within the network is subject to change over time as more information becomes available regarding development, not only within East Herts, but also adjoining authorities.

- 5.4 It is agreed that East Herts and Thames Water will work together, with the relevant developers as necessary, in order to ensure that network infrastructure upgrades required to support development are identified and delivered ahead of the occupation of development. In order to inform this process, it is agreed that detailed drainage strategies will be required as part of masterplanning work or the planning application process.

- 5.5 Notwithstanding the above, it is noted that BISH3 now has planning permission. In addition, detailed drainage work has been undertaken for HERT3 in consultation with Thames Water.

Rye Meads Wastewater Treatment Works

- 5.6 With regards to sewage treatment, Rye Meads serves a large part of the District. Taking into account proposed growth within the catchment, including areas outside of East Herts, Thames Water has advised that Rye Meads currently has capacity up to 2024.
- 5.7 This presents a worst case scenario and is a high level assessment based on Thames Water's latest understanding of housing requirements. This is subject to change over time as more information becomes available regarding development within the Rye Meads catchment and is dependent on factors such as approved local plans, timing of planning permissions, phasing and final timing of development. This is reflected in the Position Statement which forms Appendix A to this MoU.
- 5.8 If there is a need for additional capacity at Rye Meads, then Thames Water will aim to provide it in a timely fashion to facilitate development. Thames Water is currently producing its business plan for the period 2020-2025 which will identify and prioritise needs for future investment. Wherever there is growth expected Thames Water may seek to find additional capacity and prioritise investment where appropriate.
- 5.9 It is therefore agreed that East Herts and Thames Water will work together, with other local authorities and the Environment Agency as appropriate, in order to identify and deliver any required increase in capacity at Rye Meads WwTW.

6. Outstanding Matters

- 6.1 Thames Water has indicated that Policy WAT6 is unsound in that it should say that any upgrades required the wastewater network should be delivered ahead of development rather than in tandem as currently stated.
- 6.2 This issue has not been resolved. However, the Council will continue to liaise with Thames Water in order to reach a suitable resolution.