

e

**Duty to Co-operate
Compliance
Statement**

March 2017

1. Introduction

- 1.1 The Duty to Co-operate was introduced by the Localism Act 2011. It places a legal duty on local planning authorities to engage constructively with their neighbouring authorities and other bodies with regards to strategic cross boundary issues. National policy makes it clear that the Duty to Co-operate is not a 'duty to agree', but that every effort should be made to secure necessary co-operation before submission of a Local Plan to the Planning Inspectorate.
- 1.2 As part of a Local Plan examination, the Inspector will test whether a local planning authority has complied with the Duty to Co-operate. The Duty is separate from, but related to, the Local Plan tests of soundness. The tests of soundness, which are set out within the National Planning Policy Framework (paragraph 182), assess whether a Local Plan is:
- Positively prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.3 In identifying whether a Local Plan is 'effective', the Inspector will assess whether effective joint working has taken place in order to address cross boundary issues.
- 1.4 This Duty to Co-operate Compliance Statement seeks to support the Submission version of the East Herts District Plan by demonstrating that the requirements of the Duty have been met and that the Plan is 'effective'.

1.5 The Council will continue to pro-actively co-operate with relevant bodies over the coming months prior to the District Plan Examination, and subsequently through the implementation phase.

2. Co-operation with neighbouring local planning authorities and County Councils

2.1 This section identifies how the Council has engaged throughout the Plan making process with its neighbouring authorities. All minutes from Member level Duty to Co-operate meetings with neighbouring authorities are available on the Council's website:

www.eastherts.gov.uk/dutytooperate

Memoranda of Understanding (MoUs)

2.2 In order to support this Compliance Statement, a series of Memoranda of Understanding have been drafted with neighbouring authorities and other key organisations. These identify the matters where agreement has been reached, but also any outstanding matters where there is no agreement at present. The majority of the MoUs are currently in draft form and their content will be finalised following further discussions with the relevant parties prior to submission of the Plan at the end of March. The MoUs, which can be found within the appendices, are listed below:

- Co-operation for Sustainable Development Board – Highways and Transportation Infrastructure (**Appendix A**)
- Co-operation for Sustainable Development Board – Managing the impacts of growth within the West Essex/East Herts Housing Market Area on Epping Forest Special Area of Conservation (**Appendix B**)
- Co-operation for Sustainable Development Board – Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (**Appendix C**)
- Hertfordshire Infrastructure Planning Partnership (**Appendix D**)
- Broxbourne Borough Council (**Appendix E**)
- North Herts District Council (**Appendix F**)

- Stevenage Borough Council (**Appendix G**)
- Welwyn Hatfield Borough Council (**Appendix H**)
- Hertfordshire County Council – Education (**Appendix I**)
- Hertfordshire Country Council - Highways (**Appendix J**)
- Environment Agency (**Appendix K**)
- Historic England (**Appendix L**)
- Natural England (**Appendix M**)
- Local Nature Partnership (**Appendix N**)
- Lee Valley Regional Park Authority (**Appendix O**)
- Thames Water (**Appendix P**)

The Co-operation for Sustainable Development Board (the Co-op Board)

2.3 The Co-op Board was established in 2014 as a mechanism for discussing cross boundary issues with neighbouring authorities in the East Herts/West Essex housing market area and beyond. The constituent authorities of the Co-op Board are identified below:

- The East Herts/West Essex housing market area partners (East Herts, Harlow, Uttlesford and Epping Forest Councils);
- Hertfordshire and Essex County Councils;
- Broxbourne Borough Council;
- Chelmsford City Council;
- Brentwood Borough Council
- The London Borough of Redbridge;
- The London Borough of Enfield; and
- The London Borough of Waltham Forest;

2.4 The Greater London Authority (GLA) has ‘observer status’. Other organisations are also engaged through the Co-op Board, including the Corporation of London (Conservators of Epping Forest), the Lee Valley Regional Park Authority and the London Stansted Cambridge Consortium (LSCC).

- 2.5 The Co-op Board is a Member level forum which is supported by a separate Officer group. The terms of reference for the Co-op Board are included within **Appendix Q**.
- 2.6 The strategic cross boundary issues that have been addressed through the Co-op Board are identified below. It should also be noted that Harlow, Epping Forest and Uttlesford Councils, in addition to Essex County Council, all responded to the Pre-Submission Consultation on the District Plan by confirming that, in their view, the Plan is 'sound'.

Housing and Economic Need

- 2.7 Joint working on planning issues in the East Herts/West Essex area has been ongoing for many years. In 2008, the Council joined with Brentwood, Broxbourne, Epping Forest, Harlow and Uttlesford Council's to form the London Commuter Belt East/M11 Sub Region partnership. The group commissioned consultants to prepare a Strategic Housing Market Assessment (SHMA) in order to assess housing needs in the local area. This study was published in January 2010, and was subsequently updated in March 2013.
- 2.8 Following the publication of national Planning Practice Guidance (PPG) in March 2014, East Herts, Epping Forest, Harlow and Uttlesford Councils commissioned the same consultants to prepare a revised SHMA. This study, which was published in September 2015, confirms that the most appropriate functional housing market area comprises the administrative areas of the four authorities. It also recommends that Broxbourne Borough is better aligned with Welwyn Hatfield.
- 2.9 In terms of housing need, the SHMA concludes that the combined level of housing need across the four local authority areas is 46,058 homes for the period 2011 - 2033. This figure has been disaggregated amongst the four authorities. For East Herts, the level of need is 745 new homes per year, or 16,390 by 2033. A Memorandum of Understanding (MoU) has been prepared which commits all four Councils to meeting their individual housing needs

within their own administrative boundaries, including those associated with Gypsies and Travellers and Travelling Showpeople.

- 2.10 The four authorities also commissioned consultants to prepare economic evidence in order to inform the content of the SHMA. The purpose of this work was to identify the Functional Economic Area (FEMA) and to ensure that the assessment of housing need within the SHMA adequately addressed the requirement to match homes and jobs. The study concluded that, for East Herts, between 435 and 505 new jobs will be created each year. The result of this work has been reflected both within the SHMA and the District Plan. Further work on the FEMA is currently being undertaken in order to gain an up to date understanding of employment needs across the wider area, and how those needs should be disaggregated amongst the respective local authorities. This also includes giving consideration to the most suitable locations for different employment uses. The outputs of this work will then be agreed through an MoU, signed by the four Housing Market Area authorities.
- 2.11 The Government released new household projections in July 2016. Further interim work on the SHMA has shown that, as a result of this new data, the level of housing need within the housing market area has increased to around 54,600 homes. The Council will continue to work with its partnering authorities in order to refine this work as necessary following adoption of the District Plan. Any future work on housing need will also need to consider how national planning policy might have changed in light of the proposals contained within the Government's Housing White Paper which was published in February 2017.
- 2.12 Both the SHMA and supporting Economic Evidence are available to view online here: <http://www.eastherts.gov.uk/shma>

Transport

- 2.13 Transport modelling has formed a key aspect of ongoing joint working through the Co-op Board. The modelling, known as VISUM, has been led by Essex County Council and considers the impacts of planned growth arising from the respective local plans of the four core authorities (East Herts, Harlow, Uttlesford and Epping Forest).
- 2.14 To date, the modelling has demonstrated a need to deliver a range of strategic highways measures in order to provide for 14,000 – 17,000 new homes in the Harlow area within the Plan period. A Transport Memorandum of Understanding has been signed by East Herts, Harlow, Epping Forest and Uttlesford District Councils, Hertfordshire and Essex County Councils and Highways England. The MoU identifies the required mitigation measures and commits the signatories to working together to deliver the schemes during the Plan period. It should be noted that some of the ‘future actions’ identified within the MoU have now been completed, particularly those that relate to M11 Junction 7a. The MoU will therefore need to be updated periodically to reflect further work undertaken.
- 2.15 Additional transport modelling will be required as work on respective local plans progresses.

Harlow Strategic Sites Assessment

- 2.16 The Harlow Strategic Sites Assessment is a study jointly commissioned by East Herts, Epping Forest and Harlow Councils in order to assess the potential suitability of sites on the periphery of Harlow. The study was undertaken in recognition that the area around Harlow provides an opportunity to meet a significant proportion of the housing needs within the housing market area.
- 2.17 Based on the results of ongoing VISUM transport modelling work, the study concludes that between 14,000 and 17,000 homes (including 3,000 homes in the Gilston Area, within East Herts) could be delivered within the wider Harlow area by 2033 subject to the successful delivery of the highways mitigation measures identified within the Transport Memorandum of Understanding. It

also indicates that further development is likely to be deliverable in that area following the identification of additional mitigation measures through transport modelling.

- 2.18 The Harlow Strategic Sites Assessment is available to view online here: <http://www.eastherts.gov.uk/harlowsites>

Harlow and Gilston Garden Town

- 2.19 In March 2016, the Government published a prospectus entitled 'Locally Led Garden Villages, Town and Cities'. It invited local planning authorities to submit bids for technical and financial support in order to help facilitate the delivery of strategic sized developments within their administrative areas.
- 2.20 In response to the prospectus, East Herts, Harlow and Epping Forest Councils, with support from the Advisory Team for Large Applications (ATLAS), submitted a joint expression of interest in relation to growth in and around Harlow. The Government announced in January 2017 that the Garden Town bid had been successful and awarded the joint working authorities £500,000 to carry out further technical work. This will be a key area of continued joint working over a number of years for the respective authorities. The expression of interest is located within **Appendix R** to this report.

Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area.

- 2.21 As part of the consideration of reasonable alternatives, consultants were commissioned by East Herts, Epping Forest, Harlow and Uttlesford District Councils in order to undertake a theoretical appraisal of how the identified need for homes could be distributed spatially regardless of local authority boundaries. The study provides a strategic level basis for the more localised options being explored through the Sustainability Appraisals of each authority's local plans. The study can be viewed here: <http://www.eastherts.gov.uk/technicalstudies>

Air Quality

2.22 Of particular importance within the housing market area, is the potential impact of growth on Epping Forest Special Area of Conservation (SAC). As such, a Memorandum of Understanding has been agreed by East Herts, Harlow, Epping Forest and Uttlesford District Councils, as well as Hertfordshire and Essex County Councils, Natural England and the Corporation of London. The MoU requires the authorities to monitor any impact on the environmental quality of the Forest, and to introduce mitigation measures where these are necessary.

Princess Alexandra Hospital

2.23 The Co-op Board has engaged with senior representatives from the Princess Alexandra Hospital in Harlow. The hospital, which is located on a highly constrained site near the town centre, faces a number of challenges in terms of ensuring that the buildings remain fit for purpose over the coming years.

2.24 In order to resolve these issues, the preferred option of the Hospital Trust is to re-locate to a new site on the edge of the town. As such, the Hospital Trust, with support from East Herts, Harlow and Epping Forest Councils, commissioned consultants to assess the suitability of sites on the periphery of Harlow. The study identifies that sites to the north and east of Harlow may be suitable in terms of accommodating a re-located hospital. The hospital is currently preparing a Strategic Outline Case in order to apply for the necessary funding from Government. Joint working on this issue will continue over the coming months, particularly in light of the successful Garden Town bid.

London Stansted Cambridge Consortium (LSCC)

2.25 The Councils of Broxbourne, East Herts, Epping Forest, Harlow and Uttlesford form the LSCC Core Area. This corridor has, over the past decade or more, been the engine of UK growth with its world class industries and businesses. In order to support the aims

of the LSCC, the four core Members of the Co-op Board have all resolved to include the LSCC's Strategic Vision within their respective Local Plans.

Hertfordshire County Council

- 2.26 The Council has engaged with HCC on a number of issues in relation to the District Plan including site specific transport issues as well as education and minerals and waste. Issues arising from these topic areas have been addressed through Settlement Appraisals, the Infrastructure Delivery Plan, and the District Plan itself.
- 2.27 As noted earlier in this report, the Duty to Co-operate requires local planning authorities to demonstrate how strategic cross boundary issues have been considered. One such issue is transport modelling. While the Co-op Board, led by Essex County Council, has progressed VISUM modelling to cover the eastern section of East Herts as well as west Essex, HCC is undertaking its own modelling known as COMET.
- 2.28 The purpose of COMET modelling is to consider the impacts of planned growth on the strategic highways network across the county. HCC has previously advised East Herts that the capacity of the A414 is constrained, particular as it passes through Hertford. This issue, which is explained fully within the Hertford Settlement Appraisal, has influenced the development strategy contained within the District Plan.
- 2.29 The outcomes of the initial COMET model run have informed the content of the representations made by Hertfordshire County Council on the Pre-Submission version of the District Plan in respect of potential impact for East Herts. In this respect, the County Council is generally satisfied with the approach taken by East Herts in relation to the proposed locations for growth, and in

transport terms considers the Plan to be ‘sound’ and, therefore, fit for purpose.

- 2.30 In addition to informing local plan making in Hertfordshire, the results of the COMET modelling will also inform the County Council’s 2050 Transport Vision and the subsequent Local Transport Plan 4 (LTP4). The final version of LTP4 will include strategic schemes which would be anticipated to be delivered within the lifespan of that Plan (e.g. a strategic solution to the A414 congestion issue in Hertford). Public consultation on a draft LTP4 is expected later this year.

Hertfordshire Infrastructure and Planning Partnership

- 2.31 Hertfordshire Infrastructure and Planning Partnership (HIPP) is a long established working group comprising HCC and all ten District Councils. The purpose of the Partnership is to consider county wide issues and to provide a forum for information sharing. An MoU was agreed and signed in May 2013, and subsequently updated in January 2015. The MoU identifies how the authorities will work collaboratively in order to deliver growth across the county. The Terms of Reference for the Partnership can be found in **Appendix S** to this study.

Broxbourne Borough Council

- 2.32 In 2015, Broxbourne Borough Council indicated that it would be unable to meet its identified housing needs, and as such, formally asked East Herts Council and other neighbouring authorities for assistance. East Herts responded by confirming that, due to the challenging level of housing need in this District, it would be unable to provide any additional housing to meet Broxbourne’s residual needs.
- 2.33 Since that time, Broxbourne has continued to give consideration to meet its full housing needs. In Summer 2016, Broxbourne Council published a revised Regulation 18 Local Plan for consultation which identified how the full housing needs of the borough could

be met. The position set out in 2015 has therefore been superseded.

2.34 In order to support its Local Plan, Broxbourne has undertaken transport modelling work in order to understand the impact of growth on the A10, and to identify potential mitigation measures. East Herts will continue to engage in this process as necessary over the coming months.

2.35 In its response to the Pre-Submission District Plan, Broxbourne noted that further transport work will be required in order to understand the impact of the full Gilston Area allocation of 10,000 homes on the highway network, with particular consideration given to the potential for additional traffic movements southbound on the A10.

Welwyn Hatfield Borough Council

2.36 Both the emerging East Herts and Welwyn Hatfield Local Plans seek to allocate land to the east of Welwyn Garden City for strategic development. The two authorities have co-operated on this issue for a number of years at both an Officer and Member level. In order to support development in this location, joint policy wording and a strategy diagram have been developed for inclusion within the respective Local Plans. An MoU has been prepared which identifies the basis for continued joint working, including masterplanning, in order to deliver development in this location. The MoU also identifies that there is an agreement in place in order to deliver a Gypsy and Traveller site as part of development in this location, either within Welwyn Hatfield or East Herts. The site will provide 15 pitches, 11 of which will help meet Welwyn Hatfield's needs, while the remaining 4 pitches will assist in meeting East Herts' needs.

2.37 Specific cross boundary issues have also been addressed in relation to education and minerals, in collaboration with HCC. With regards to education, the development within East Herts will provide a site for a secondary school which will help to meet needs

arising from both authorities. The phasing of development, including the delivery of the school, is partly dependent on the timely extraction of minerals from the site. Discussions on this issue with Welwyn Hatfield, HCC and the developers are ongoing.

- 2.38 In addition, East Herts and Welwyn Hatfield Councils jointly commissioned consultants to undertake a Heritage Impact Assessment that considered the potential effects of development on Panshanger Park, along with suggested mitigation. This study can be viewed here: www.eastherts.gov.uk/panshangerhia

Stevenage Borough Council

- 2.39 The District Plan identifies a site to the east of Stevenage for the delivery of 600 homes which will help meet East Herts housing needs. The principle of development in this location has been discussed at both an Officer and Member level. As a result of these discussions, Stevenage Council has not objected to development to the east of the town.
- 2.40 Stevenage Council submitted its Local Plan to the Planning Inspectorate in Spring 2016 and the Examination is currently ongoing. The Plan seeks to meet the full housing needs arising from Stevenage Borough.

North Herts District Council

- 2.41 North Herts District Council has progressed a Local Plan in order to meet its full housing needs. As part of its emerging local plan, North Herts is proposing significant development on the edge of Stevenage, within North Herts District. HCC has advised that this development, in conjunction with planned development in Stevenage itself and, to a lesser extent, 600 homes on the eastern side of the town within East Herts, result in a requirement for a new secondary school. HCC's preferred location for this school is a site to the north of the town, within North Herts. East Herts will

continue to work with the other local authorities in order to resolve this issue.

Uttlesford District Council

- 2.42 While both East Herts and Uttlesford Councils are fully engaged with the Co-op Board, bi-lateral Member level discussions have also taken in order to discuss specific issues.
- 2.43 Firstly, East Herts has asked Uttlesford to consider whether land adjacent to the settlement boundary of Bishop's Stortford, to the south of Beldams Lane and within Uttlesford District, could be identified for sports pitch provision associated with Herts and Essex Secondary School. At this stage Uttlesford has suggested that, while it is unlikely that they would be seeking to allocate the land for such uses, they would not object to the provision of sports pitches in that location, provided that they were also accessible for public use.
- 2.44 Secondly, East Herts has also asked Uttlesford to consider allocating land within the route of the A120, and adjacent to Birchanger Wood, for employment use. Uttlesford has suggested that the Council will consider this issue as part of their plan making process. However, they have clear evidence within their Green Belt Review which indicates that the area of land does perform an important Green Belt function. It is likely that these issues will be subject to a specific MoU between East Herts and Uttlesford Councils following further discussions.

3 Other prescribed bodies

- 3.1 The National Planning Policy Framework identifies a number of other bodies that the Council should engage with through the Duty to Co-operate. These are identified below. Further discussions with these organisations will take place as necessary, both prior to the District Plan Examination and subsequently through more detailed design work for specific sites.

Environment Agency

- 3.2 The Environment Agency (EA) submitted a number of comments to the Pre-Submission draft of the District Plan which are generally positive in nature. The only objection was to the lack of reference to the Mill Site (BISH10) in the Flooding Sequential Test document – this objection has now been resolved.

Historic England

- 3.3 Historic England (previously English Heritage) submitted a number of comments to the Pre-Submission draft of the District Plan. HE has a number of concerns with regards to the potential impacts of certain developments on the historic environment. As the draft MoU demonstrates, most of these concerns are outstanding matters where there is currently no agreement. However, the MoU does identify a commitment from both parties to ongoing discussions.

Natural England

- 3.4 Natural England is broadly supportive of the proposals contained in the District Plan, although there are some outstanding matters which are identified by the draft MoU.
- 3.5 Importantly, Natural England has been fully engaged with regards to the wording of the Co-op Board MoU concerning air quality and potential impacts on Epping Forest SAC, as well as a Habitats Regulation Assessment which has been prepared in support of the District Plan.

NHS England and Clinical Commissioning Groups

- 3.6 The Council has engaged with these bodies throughout the Plan making process, including through presenting the draft development strategy to the NHS Estates Forum.
- 3.7 Ongoing engagement with these bodies will be required through further work on the Infrastructure Delivery Plan (IDP) prior to Examination of the District Plan. In particular, the IDP will identify

where extensions to existing health facilities are required. The larger strategic sites, identified within the District Plan, will deliver new facilities to support the needs of residents in those locations.

- 3.8 As detailed previously, the Co-op Board has engaged with Princess Alexandra Hospital in order to consider its potential relocation to land on the periphery of the town.

Civil Aviation Authority

- 3.9 The Council has not engaged directly with the Civil Aviation Authority. However, Officers have liaised with Stansted Airport through the Stansted Airport Local Authority Forum in order to consider the potential impacts of increased passenger numbers.

Homes and Communities Agency (HCA)

- 3.10 The Council has received significant support from the Advisory Team for Large Applications (ATLAS) which forms part of the HCA. In particular, ATLAS has provided impartial advice from the earliest stages of plan making with regards to the delivery of strategic developments at the Gilston Area and East of Welwyn Garden City.
- 3.11 As identified in paragraph 2.19, ATLAS has also provided significant support in relation to the Harlow and Gilston Garden Town expression of interest.

Transport for London (TfL)

- 3.12 The Council continues to engage with both TfL and Network Rail with regards to the proposed Crossrail 2 scheme. While the Council is supportive of the proposal to run Crossrail 2 to Broxbourne and possibly beyond to Harlow, the Council has objected to the potential option of terminating the line at Hertford East. It is expected that the Council will continue to have a key input into ongoing discussions over the coming months.

Office of Rail Regulation, Mayor of London and the Marine Management Organisation

- 3.13 The Council has not considered it necessary to engage with these bodies at this stage. With regards to railways, it should be noted that the Council has engaged with the relevant Train Operating Companies and Network Rail throughout the plan making process in order to discuss the way in which the railways may cater for planned growth. The need for additional capacity on the Liverpool Street line has been highlighted through several mechanisms and the four-tracking of the line between the Tottenham Hale and Broxbourne areas has been included in Network Rail's recently published Anglia Route Study, March 2016.

4 Other organisations

- 4.1 The NPPF also requires local planning authorities to engage with two other bodies, not covered by the Duty to Co-operate regulations; namely, the Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP).
- 4.2 The Council has regularly liaised with the Hertfordshire LEP throughout the plan making process. In particular, a number of discussions have taken place with regards to facilitating development within the Gilston Area. The LEP has provided significant funding in order to help deliver the Little Hadham Bypass by 2019. Further discussions will be held over the coming months in order to consider how the LEP could help to deliver other critical infrastructure schemes identified in the Council's IDP. Following further discussions, it is intended that an MoU be signed by the two parties.
- 4.3 The Hertfordshire Local Nature Partnership is a body that comprises representatives of various organisations including local

authorities, the Hertfordshire and Middlesex Wildlife Trust, Hertfordshire Health and Wellbeing Board, Environment Agency and the National Farmers' Union. Engagement with the LNP has taken place through the Hertfordshire Infrastructure and Planning Partnership. Further discussions with this body will take place over the coming months with regards to the proposals contained within the District Plan.