

**Duty to Cooperate**  
**Memorandum of Understanding**  
**East Herts Council and Stevenage Borough Council**

- 1.1. This memorandum of understanding establishes the outcomes of co-operation between East Herts Council and Stevenage Borough Council with respect to strategic planning and development 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
  - Stevenage Borough 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 help secure a consistent approach to strategic planning issues affecting East Herts Council and Stevenage Borough Council.
- To identify and manage spatial planning issues that impact on both East Herts Council and Stevenage Borough Council.
- To make sure that the local planning and development policies prepared by each local authority are, where appropriate, informed by the views of the other local authority. This will normally involve engagement in the preparation of Development Plans.
- 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.

##### **Housing Market Areas**

5.2 The two Authorities agree that the strongest housing market connections are with other neighbouring authorities. In particular, the respective Strategic Housing Market Assessment's identify that the 'best fit' Housing Market Areas are:

- East Herts, Uttlesford, Harlow and Epping Forest Councils
- North Herts and Stevenage Councils

5.3 Notwithstanding this, both authorities acknowledge that there are also strong connections with other neighbouring authorities. While the two SHMA documents follow similar methodologies, the supporting documentation behind the Stevenage/North Herts SHMA (Housing Market Areas in Bedfordshire in Surrounding Areas, December 2015) identifies Functional Housing Market Areas in addition to the 'best fit' Housing Market Areas. This work demonstrates that the north western portion of East Herts lies within the same Functional Housing Market Area as Stevenage as well as the majority of North Herts District.

5.4 Through its District Plan, East Herts Council has proposed some development in the north western area of the District (notably land to the East of Stevenage for 600 homes). However, due to the constraints that exist, both authorities recognise that it would be unsustainable to direct a level of development to this location that would be commensurate to the percentage of East Herts District that lies within the shared Functional Housing Market Area.

- 5.5 Nevertheless, it is agreed that development proposed on the edge of the Functional Housing Market Area, within East Herts District, will contribute towards housing need in this location. This development includes approximately 1,000 homes in Buntingford and 1,350 homes to the east of Welwyn Garden City.

### **Housing Need**

- 5.6 Notwithstanding the issue identified above, both authorities have prepared Local Plans which seek to meet respective objectively assessed housing need figures in full. It is therefore agreed that neither authority requires assistance from the other to help meet objectively assessed housing needs.

### **Land East of Stevenage (Gresley Park)**

- 5.7 It is agreed by both authorities that the principle of a sustainable level of development to the east of Stevenage should be supported.

### **Transport**

- 5.8 The two authorities recognise that as a result of growth to the East of Stevenage, upgrades to the existing Gresley Way/A602 junction in Stevenage will be required. It is anticipated that this work will be funded by the developer of that site.
- 5.9 Development in the Stevenage area will also add additional pressure to the A602. A series of mitigation measures have been identified by Hertfordshire County Council (HCC), some of which have now received planning permission. When delivered this package of improvements will add extra capacity to the route and also improve journey times. The two authorities will continue to liaise closely with HCC on this issue.
- 5.10 It is also noted that AECOM undertook an analysis of the highways impacts of development to the East of Stevenage in June 2015. East Herts Council will be requesting an update to this work prior to Examination of its District Plan.

### **Education**

- 5.11 It is noted that that Hertfordshire County Council objected to the Pre-Submission version of the North Hertfordshire Local Plan on the basis that the Council had not made sufficient provision for secondary education on land to the north of Stevenage. While HCC has not objected to the proposed Gresley Park development through the Pre-Submission consultation on the East Herts District Plan, it is recognised that development in this location contributes to need for secondary education in the Stevenage school planning area. HCC has already signed bi-lateral MoU's with both Stevenage and North Herts Councils which commits the relevant authorities to continuing discussions to find a solution to this issue.

- 5.12 It is therefore agreed that East Herts will also form part of the discussions to ensure that the education needs of the Stevenage school planning area are met in the most appropriate way.

### **New Settlement**

- 5.13 Both authorities agree that providing for future housing needs beyond the Plan period will be challenging and that joint working (potentially also involving other neighbouring authorities) will be required in order to investigate the potential to deliver a new garden town in a sustainable location that could meet a substantial proportion of the future housing needs of the respective authorities.

## **6. Outstanding Matters**

### **Design**

- 6.1 In its representation to the East Herts Pre-Submission District Plan, Stevenage Borough Council raised concerns regarding a lack of reference to Stevenage Neighbourhood principles and design principles. In addition, concern was also raised in terms of outcomes from a meeting with the Hertfordshire Design Review Panel.
- 6.2 Notwithstanding these objections, it is agreed that these matters go beyond Plan-making, and as such, can be considered through the subsequent masterplanning process. It is agreed that Stevenage Borough Council will have the opportunity to contribute towards the masterplanning process.