

MEMORANDUM OF UNDERSTANDING

BETWEEN

NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC)

AND

WELWYN HATFIELD BOROUGH COUNCIL (WHBC)

IN RESPECT OF

THE NORTH HERTFORDSHIRE LOCAL PLAN, PROPOSED SUBMISSION VERSION,
NOVEMBER 2016

WELWYN HATFIELD BOROUGH COUNCIL PROPOSED SUBMISSION VERSION, AUGUST
2016

1 Introduction

- 1.1 This Memorandum of Understanding (MoU) has been prepared jointly by North Hertfordshire District Council (NHDC) and Welwyn Hatfield Borough Council (WHBC).
- 1.2 The Statement sets out the cooperation between NHDC and WHBC with regard to the strategic planning and development issues between the two authorities, which will assist the Inspector during the Examination of the Local Plan.
- 1.3 Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area.
- 1.4 The National Planning Policy Framework (NPPF) sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries and sets out at Paragraph 157 a series of 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.
- 1.5 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.

2 Background

- 2.1 This MoU relates to the representations made by WHBC to NHDC's Proposed Submission Local Plan (2016) regarding a number of matters and to the representations made by NHDC to WHBC draft Local Plan Proposed Submission (August 2016).
- 2.2 The plans of WHBC and NHDC underwent Regulation 19 consultation and are being submitted to broadly similar timetables. It is **agreed** that the Memorandum covers relevant matters insofar as they relate to the preparation of both authorities' local plans and will be submitted as part of the evidence base to the Local Plan examinations of both parties.

3 Duty to Cooperate

- 3.1 As set out in the respective Council's Duty to Cooperate statements, NHDC and WHBC have co-operated constructively, actively and on an on-going basis of their respective plans' production.
- 3.2 Both parties have, as appropriate and required, continuously commented on each other's evidence, responded to public consultations and liaised as the Local Plan process has developed which has helped inform both the strategy and policy framework within the plans of each authority.
- 3.3 Comments received from both parties have been taken into account during the preparation of the plans so that they address the requirements of the Duty and the NPPF and support sustainable development.

4 Limitations

- 4.1. The Local Authorities recognise that there might not always be full agreement with respect to all the issues on which they have **agreed** to co-operate. 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.

5. Agreed Matters

- 5.1 The matters identified below have been discussed and agreed through liaison between the two authorities including a combination of Member and Officer level meetings, email correspondence and response to the respective Local Plan consultations.

6. Strategic priorities

- 6.1 It is **agreed** that the following matters comprise the strategic priorities with a cross boundary issue between the two authorities.

Housing Market Areas (HMA)

- 6.2 Although both authorities' Strategic Housing Market Assessments (SHMAs) include different and overlapping geographical HMAs, it is **agreed** that the starting points for deriving each HMA were appropriate and that account has been taken of the conclusions of surrounding HMA and SHMA studies (e.g. the South West Herts SHMA 2016 in relation to the Welwyn Hatfield HMA and Luton / Central Beds in relation to NHDC).
- 6.3 The various studies have been progressed on different timescales and with different constituent authorities, bringing about conclusions and varying housing market areas extents at different points in time. This has resulted in differing conclusions about the extent of the HMAs in this area, however, it is **agreed** that both the Stevenage and Welwyn Hatfield HMA geographies are valid based on origin and evidence.
- 6.4 It is **agreed** that, on a 'best fit' / whole local authority area basis, WHBC and NHDC do not share a common housing market area and that the working arrangements for the production of Strategic Housing Market Assessments has been appropriate in this regard. However, it is also **agreed** that a cross-boundary 'functional' relationship does exist between parts of the two authority areas. Although the precise boundaries differ in the respective authorities' evidence base, they commonly identify a shared relationship between the northern parts of WHBC and the Knebworth / Codicote areas of NHDC. In this regard it is **agreed** that it is appropriate for WHBC and NHDC to give joint consideration to issues of housing need.

Housing Need

- 6.5 Both WHBC and NHDC adopt different periods of migration rates for the calculation of housing need, however, both parties **agree** that the chosen periods are appropriate for the respective SHMAs and that both SHMAs follow best practice guidance.
- 6.6 It is **agreed** that NHDC's plan meets objectively assessed housing needs (OAHN) for the district in full.
- 6.7 WHBC has set a housing target just below its OAHN based on 2012 Household projections. WHBC is aware that when the 2014 Household projections are taken into account, the shortfall of housing supply against the OAHN is larger. It has therefore committed to carry out an early review of the Plan to address the infrastructure issues which have resulted in the shortfall and to work with adjoining authorities to plan for future needs.
- 6.8 The two authorities **agree** that, on a pro-rata basis, there would be an indicative OAHN in that part of WHBC lying within the functional Stevenage HMA (as defined by NHDC) of approximately 6,560 - 6,985 homes¹.

¹ Based on a Welwyn Hatfield OAHN range of 12,616 – 13,433 and based on North Herts Borough Council's HMA estimate of around 52% of population

- 6.9 Welwyn Hatfield has reviewed this based on households within the HMA. It is **agreed** that WHBC analysis demonstrates their plan would provide approximately 7,365 dwellings during the 2013-2032 plan period in the Stevenage functional HMA.
- 6.10 In NHDC's representations to the WHBC Local Plan concerns were identified with regards to a shortfall of housing to meet the OAHN. Following further discussion and clarification under the Duty, it is **agreed** that
- The overall shortfall is lower than identified by NHDC's representations, with the actual figure being 612 - 1,429² homes overall;
 - It is not presently possible to accommodate any of the shortfall elsewhere within Welwyn Hatfield within the plan period, mainly due to existing infrastructure constraints; and
 - The supply of housing in Welwyn Hatfield and within the Stevenage HMA would result in a surplus of circa 380 to 805 dwellings (against proportionate share of the Welwyn Hatfield OAHN); but that
 - The larger OAHN emerging from the 2017 update to the WHBC SHMA would result in a deficit of housing supply within the Stevenage HMA.
- 6.11 It is **agreed** that no further growth within those parts of NHDC identified by WHBC as forming part of a shared HMA (particularly at Codicote or Knebworth) could be sustainably accommodated to meet or contribute towards this shortfall for geographical, site-specific and cumulative reasons for the current round of plans.
- 6.12 Both authorities **agree** that providing for housing needs in addition to that identified in respective Local Plans will be challenging and that joint working (also involving other neighbouring authorities) will be required in order to investigate solutions to the future housing needs of the respective authorities. This includes the potential for a new garden town(s) or settlement(s) in sustainable locations. In representations to the NHDC's Local Plan, WHBC has asked that the next review of the Local Plan in North Herts, which is timetabled for the mid-2020s at the latest, considers the identified and longer-term needs of the wider sub-regional area, including Welwyn Hatfield.
- 6.13 Both authorities **agree** that, under the current planning regime, a future review of the NHDC Local Plan will need to take account of the identified and longer term unmet housing needs in the wider area towards the end of the current plan period and post 2031 and explore whether a new settlement or settlements could help to meet them.

Gypsy and Travellers

- 6.14 WHBC's previous concerns about meeting the needs of Gypsy and Travellers in North Herts have been addressed. Both authorities have prepared Local Plans that meet respective identified needs for Gypsy and Travellers. It is therefore **agreed** that there are no cross-boundary issues related to helping the other to meet need.

² WHBC response to NHDC Local Plan (November 2016)- refer to Table 2 Welwyn Hatfield DLPPS 2016 (total capacity 12,004)

Employment and Jobs

- 6.15 Like housing market areas, there are links in relation to the functional economic market areas (FEMA) identified by the two authorities. The North Hertfordshire / Stevenage / Central Beds FEMA and the Welwyn FEMA recognise the extent of each other, but don't necessarily correlate in terms of geographical outline based on the criteria / methodology used for their identification. It is **agreed** that both economic geographies are considered to be appropriate for the purpose they serve.
- 6.16 The situation with regards to jobs growth and employment land is difficult to monitor because of the constant changing situation and evolving policy framework. It is **agreed** that the balance between housing and jobs is appropriate for both authorities and that both plans offer sufficient flexibility to meet the objective assessment of need over the plan period. As confirmed at the Stevenage Local Plan Examination, Welwyn Hatfield, North Herts and Stevenage are satisfied that the new employment projections for the A1(M) corridor can be met by provision in the respective Local Plans.
- 6.17 NHDC raised some concerns with regards to the protection of employment land in their representations to the WHBC Local Plan, however these have been discussed and it is **agreed** that the balance between employment land and housing provision is appropriate once adjoining housing development in East Hertfordshire District next to Welwyn Garden City is taken into account.
- 6.18 NHDC are proposing to meet some of Stevenage's "unmet" employment need within their plan. This has increased the overall employment provision in the plan and also provides the opportunity for more sustainable patterns of movement reducing the net out-commuting that occurs between North Herts and Stevenage. This approach is **agreed** and supported.
- 6.19 It is **agreed** that in the future, should opportunities arise, that the authorities will work together in relation to updates to employment forecasts and the subsequent implications.

Education

- 6.20 It is **agreed** that the potential provision of secondary school places in Knebworth identified in the NHDC Local Plan could, if pursued, meet needs across the wider local area including needs arising in Welwyn and Woolmer Green/Oaklands respectively given their proximity. It is **agreed** that making education provision in these areas provides the possibility of more sustainable patterns of movement.
- 6.21 It is **agreed** that WHBC and NHDC will continue discussions with Hertfordshire County Council to ensure that education needs are met in the most appropriate way. It is **agreed** that requirements for school provision must be supported by robust, up-to-date and objective evidence.

Transport

- 6.22 The Welwyn Hatfield and Stevenage and Hitchin (WHaSH) transport model provides the basis for transport modelling in both the WHBC and NHDC Local Plans. It is **agreed** that the process and outcomes of the modelling process are robust and that the impacts identified can be mitigated.

6.23 Both authorities agree to continue to work closely in order to identify and resolve any issues in relation to the cumulative traffic implications of their respective plans.

Green Belt

6.24 It is **agreed** that the extent and release of Green Belt in the respective plans is appropriate and that exceptional circumstances have been identified through the plan and associated evidence base.



6.25 It is **agreed** that concerns NHDC identified in their representations relating to an additional purpose in WHBC's Green Belt Review have been overcome as it was used only in combination with other reasons where sites were ruled out.

Retail

6.26 Both authorities support the strategy taken in the respective Local Plans to maintain local market share. As such the vitality and viability of existing retail centres in Welwyn Hatfield and North Herts will not be undermined.

7. Commitment to Future Co-operation

7.1 Both authorities are committed to working together and through wider forums on strategic matters where there is a cross boundary issue.

Name	Cllr Mandy Perkins	Cllr David Levett
Position	Executive Member for Planning, Housing and Community	Executive Member for Planning Housing and Enterprise
Signature		
Organisation	Welwyn Hatfield Borough Council	North Hertfordshire District Council
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